^{110TH CONGRESS} 2D SESSION H.R.4986

To provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgements against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2008

Mr. SKELTON (for himself and Mr. HUNTER) introduced the following bill; which was referred to the Committee on Armed Services

JANUARY 16, 2008

The Committee on Armed Services discharged; considered and passed

A BILL

To provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgements against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes. Be it enacted by the Senate and House of Representa tives of the United States of America in Congress assembled,
 SECTION 1. SHORT TITLE; TREATMENT OF EXPLANATORY
 STATEMENT.

5 (a) SHORT TITLE.—This Act may be cited as the
6 "National Defense Authorization Act for Fiscal Year
7 2008".

8 (b) EXPLANATORY STATEMENT.—The Joint Explan-9 atory Statement submitted by the Committee of Con-10 ference for the conference report to accompany H.R. 1585 of the 110th Congress (Report 110–477) shall be deemed 11 12 to be part of the legislative history of this Act and shall have the same effect with respect to the implementation 13 of this Act as it would have had with respect to the imple-14 15 mentation of H.R. 1585, if such bill had been enacted. SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF 16 17 CONTENTS.

18 (a) DIVISIONS.—This Act is organized into three divi-19 sions as follows:

20 (1) Division A—Department of Defense Au21 thorizations.

22 (2) Division B—Military Construction Author-23 izations.

(3) Division C—Department of Energy Na tional Security Authorizations and Other Authoriza tions.

4 (b) TABLE OF CONTENTS.—The table of contents for

- 5 this Act is as follows:
 - Sec. 1. Short title; treatment of explanatory statement.
 - Sec. 2. Organization of Act into divisions; table of contents.
 - Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. National Guard and Reserve equipment.

Subtitle B—Army Programs

- Sec. 111. Multiyear procurement authority for M1A2 Abrams System Enhancement Package upgrades.
- Sec. 112. Multiyear procurement authority for M2A3/M3A3 Bradley fighting vehicle upgrades.
- Sec. 113. Multiyear procurement authority for conversion of CH-47D helicopters to CH-47F configuration.
- Sec. 114. Multiyear procurement authority for CH-47F helicopters.
- Sec. 115. Limitation on use of funds for Increment 1 of the Warfighter Information Network-Tactical program pending certification to Congress.
- Sec. 116. Prohibition on closure of Army Tactical Missile System production line pending report.
- Sec. 117. Stryker Mobile Gun System.

Subtitle C—Navy Programs

- Sec. 121. Multiyear procurement authority for Virginia-class submarine program.
- Sec. 122. Report on shipbuilding investment strategy.
- Sec. 123. Sense of Congress on the preservation of a skilled United States shipyard workforce.
- Sec. 124. Assessments required prior to start of construction on first ship of a shipbuilding program.
- Sec. 125. Littoral Combat Ship (LCS) program.

Subtitle D—Air Force Programs

- Sec. 131. Limitation on Joint Cargo Aircraft.
- Sec. 132. Clarification of limitation on retirement of U-2 aircraft.

- Sec. 133. Repeal of requirement to maintain retired C-130E tactical aircraft.
- Sec. 134. Limitation on retirement of C-130E/H tactical airlift aircraft.
- Sec. 135. Limitation on retirement of KC-135E aerial refueling aircraft.
- Sec. 136. Transfer to Government of Iraq of three C-130E tactical airlift aircraft.
- Sec. 137. Modification of limitations on retirement of B-52 bomber aircraft.

TITLE II-RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

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

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Operational test and evaluation of Future Combat Systems network.
- Sec. 212. Limitation on use of funds for systems development and demonstration of Joint Light Tactical Vehicle program.
- Sec. 213. Requirement to obligate and expend funds for development and procurement of a competitive propulsion system for the Joint Strike Fighter.
- Sec. 214. Limitation on use of funds for defense-wide manufacturing science and technology program.
- Sec. 215. Advanced Sensor Applications Program.
- Sec. 216. Active protection systems.

Subtitle C—Ballistic Missile Defense

- Sec. 221. Participation of Director, Operational Test and Evaluation, in missile defense test and evaluation activities.
- Sec. 222. Study on future roles and missions of the Missile Defense Agency.
- Sec. 223. Budget and acquisition requirements for Missile Defense Agency activities.
- Sec. 224. Limitation on use of funds for replacing warhead on SM-3 Block IIA missile.
- Sec. 225. Extension of Comptroller General assessments of ballistic missile defense programs.
- Sec. 226. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.
- Sec. 227. Sense of Congress on missile defense cooperation with Israel.
- Sec. 228. Limitation on availability of funds for deployment of missile defense interceptors in Alaska.
- Sec. 229. Policy of the United States on protection of the United States and its allies against Iranian ballistic missiles.

Subtitle D—Other Matters

- Sec. 231. Coordination of human systems integration activities related to acquisition programs.
- Sec. 232. Expansion of authority for provision of laboratory facilities, services, and equipment.
- Sec. 233. Modification of cost-sharing requirement for Technology Transition Initiative.
- Sec. 234. Report on implementation of Manufacturing Technology Program.
- Sec. 235. Assessment of sufficiency of test and evaluation personnel.

- Sec. 237. Modification of notice and wait requirement for obligation of funds for foreign comparative test program.
- Sec. 238. Strategic Plan for the Manufacturing Technology Program.
- Sec. 239. Modification of authorities on coordination of Defense Experimental Program to Stimulate Competitive Research with similar Federal programs.
- Sec. 240. Enhancement of defense nanotechnology research and development program.
- Sec. 241. Federally funded research and development center assessment of the Defense Experimental Program to Stimulate Competitive Research.
- Sec. 242. Cost-benefit analysis of proposed funding reduction for High Energy Laser Systems Test Facility.
- Sec. 243. Prompt global strike.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

- Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
- Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with the Arctic Surplus Superfund Site, Fairbanks, Alaska.
- Sec. 313. Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington.
- Sec. 314. Report on control of the brown tree snake.
- Sec. 315. Notification of certain residents and civilian employees at Camp Lejeune, North Carolina, of exposure to drinking water contamination.

Subtitle C—Workplace and Depot Issues

- Sec. 321. Availability of funds in Defense Information Systems Agency Working Capital Fund for technology upgrades to Defense Information Systems Network.
- Sec. 322. Modification to public-private competition requirements before conversion to contractor performance.
- Sec. 323. Public-private competition at end of period specified in performance agreement not required.
- Sec. 324. Guidelines on insourcing new and contracted out functions.
- Sec. 325. Restriction on Office of Management and Budget influence over Department of Defense public-private competitions.
- Sec. 326. Bid protests by Federal employees in actions under Office of Management and Budget Circular A–76.
- Sec. 327. Public-private competition required before conversion to contractor performance.
- Sec. 328. Extension of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.

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Sec. 330. Pilot program for availability of working-capital funds to Army for certain product improvements.

Subtitle D—Extension of Program Authorities

- Sec. 341. Extension of Arsenal Support Program Initiative.
- Sec. 342. Extension of period for reimbursement for helmet pads purchased by members of the Armed Forces deployed in contingency operations.
- Sec. 343. Extension of temporary authority for contract performance of security guard functions.

Subtitle E—Reports

- Sec. 351. Reports on National Guard readiness for emergencies and major disasters.
- Sec. 352. Annual report on prepositioned materiel and equipment.
- Sec. 353. Report on incremental cost of early 2007 enhanced deployment.
- Sec. 354. Modification of requirements of Comptroller General report on the readiness of Army and Marine Corps ground forces.
- Sec. 355. Plan to improve readiness of ground forces of active and reserve components.
- Sec. 356. Independent assessment of Civil Reserve Air Fleet viability.
- Sec. 357. Department of Defense Inspector General report on physical security of Department of Defense installations.
- Sec. 358. Review of high-altitude aviation training.
- Sec. 359. Reports on safety measures and encroachment issues and master plan for Warren Grove Gunnery Range, New Jersey.
- Sec. 360. Report on search and rescue capabilities of the Air Force in the northwestern United States.
- Sec. 361. Report and master infrastructure recapitalization plan for Cheyenne Mountain Air Station, Colorado.

Subtitle F—Other Matters

- Sec. 371. Enhancement of corrosion control and prevention functions within Department of Defense.
- Sec. 372. Authority for Department of Defense to provide support for certain sporting events.
- Sec. 373. Authority to impose reasonable restrictions on payment of full replacement value for lost or damaged personal property transported at Government expense.
- Sec. 374. Priority transportation on Department of Defense aircraft of retired members residing in Commonwealths and possessions of the United States for certain health care services.
- Sec. 375. Recovery of missing military property.
- Sec. 376. Retention of combat uniforms by members of the Armed Forces deployed in support of contingency operations.
- Sec. 377. Issue of serviceable material of the Navy other than to Armed Forces.
- Sec. 378. Reauthorization of Aviation Insurance Program.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Revision in permanent active duty end strength minimum levels.
- Sec. 403. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2009 and 2010.
- Sec. 404. Increase in authorized strengths for Army officers on active duty in the grade of major.
- Sec. 405. Increase in authorized strengths for Navy officers on active duty in the grades of lieutenant commander, commander, and captain.
- Sec. 406. Increase in authorized daily average of number of members in pay grade E–9.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2008 limitation on number of non-dual status technicians.
- Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
- Sec. 416. Future authorizations and accounting for certain reserve component personnel authorized to be on active duty or full-time National Guard duty to provide operational support.
- Sec. 417. Revision of variances authorized for Selected Reserve end strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Assignment of officers to designated positions of importance and responsibility.
- Sec. 502. Enhanced authority for Reserve general and flag officers to serve on active duty.
- Sec. 503. Increase in years of commissioned service threshold for discharge of probationary officers and for use of force shaping authority.
- Sec. 504. Mandatory retirement age for active-duty general and flag officers continued on active duty.
- Sec. 505. Authority for reduced mandatory service obligation for initial appointments of officers in critically short health professional specialties.
- Sec. 506. Expansion of authority for reenlistment of officers in their former enlisted grade.
- Sec. 507. Increase in authorized number of permanent professors at the United States Military Academy.
- Sec. 508. Promotion of career military professors of the Navy.

Subtitle B—Reserve Component Management

- Sec. 511. Retention of military technicians who lose dual status in the Selected Reserve due to combat-related disability.
- Sec. 512. Constructive service credit upon original appointment of Reserve officers in certain health care professions.

- Sec. 514. Maximum period of temporary Federal recognition of person as Army National Guard officer or Air National Guard officer.
- Sec. 515. Advance notice to members of reserve components of deployment in support of contingency operations.
- Sec. 516. Report on relief from professional licensure and certification requirements for reserve component members on long-term active duty.

Subtitle C—Education and Training

- Sec. 521. Revisions to authority to pay tuition for off-duty training or education.
- Sec. 522. Reduction or elimination of service obligation in an Army Reserve or Army National Guard troop program unit for certain persons selected as medical students at Uniformed Services University of the Health Sciences.
- Sec. 523. Repeal of annual limit on number of ROTC scholarships under Army Reserve and Army National Guard financial assistance program.
- Sec. 524. Treatment of prior active service of members in uniformed medical accession programs.
- Sec. 525. Repeal of post-2007–2008 academic year prohibition on phased increase in cadet strength limit at the United States Military Academy.
- Sec. 526. National Defense University master's degree programs.
- Sec. 527. Authority of the Air University to confer degree of master of science in flight test engineering.
- Sec. 528. Enhancement of education benefits for certain members of reserve components.
- Sec. 529. Extension of period of entitlement to educational assistance for certain members of the Selected Reserve affected by force shaping initiatives.
- Sec. 530. Time limit for use of educational assistance benefit for certain members of reserve components and resumption of benefit.
- Sec. 531. Secretary of Defense evaluation of the adequacy of the degree-granting authorities of certain military universities and educational institutions.
- Sec. 532. Report on success of Army National Guard and Reserve Senior Reserve Officers' Training Corps financial assistance program.
- Sec. 533. Report on utilization of tuition assistance by members of the Armed Forces.
- Sec. 534. Navy Junior Reserve Officers' Training Corps unit for Southold, Mattituck, and Greenport High Schools.
- Sec. 535. Report on transfer of administration of certain educational assistance programs for members of the reserve components.

Subtitle D—Military Justice and Legal Assistance Matters

- Sec. 541. Authority to designate civilian employees of the Federal Government and dependents of deceased members as eligible for legal assistance from Department of Defense legal staff resources.
- Sec. 542. Authority of judges of the United States Court of Appeals for the Armed Forces to administer oaths.

- Sec. 543. Modification of authorities on senior members of the Judge Advocate Generals' Corps.
- Sec. 544. Prohibition against members of the Armed Forces participating in criminal street gangs.

Subtitle E—Military Leave

- Sec. 551. Temporary enhancement of carryover of accumulated leave for members of the Armed Forces.
- Sec. 552. Enhancement of rest and recuperation leave.

Subtitle F—Decorations and Awards

- Sec. 561. Authorization and request for award of Medal of Honor to Leslie H. Sabo, Jr., for acts of valor during the Vietnam War.
- Sec. 562. Authorization and request for award of Medal of Honor to Henry Svehla for acts of valor during the Korean War.
- Sec. 563. Authorization and request for award of Medal of Honor to Woodrow W. Keeble for acts of valor during the Korean War.
- Sec. 564. Authorization and request for award of Medal of Honor to Private Philip G. Shadrach for acts of valor as one of Andrews' Raiders during the Civil War.
- Sec. 565. Authorization and request for award of Medal of Honor to Private George D. Wilson for acts of valor as one of Andrews' Raiders during the Civil War.

Subtitle G-Impact Aid and Defense Dependents Education System

- Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 572. Impact aid for children with severe disabilities.
- Sec. 573. Inclusion of dependents of non-Department of Defense employees employed on Federal property in plan relating to force structure changes, relocation of military units, or base closures and realignments.
- Sec. 574. Payment of private boarding school tuition for military dependents in overseas areas not served by defense dependents' education system schools.

Subtitle H—Military Families

- Sec. 581. Department of Defense Military Family Readiness Council and policy and plans for military family readiness.
- Sec. 582. Yellow Ribbon Reintegration Program.
- Sec. 583. Study to enhance and improve support services and programs for families of members of regular and reserve components undergoing deployment.
- Sec. 584. Protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.
- Sec. 585. Family leave in connection with injured members of the Armed Forces.
- Sec. 586. Family care plans and deferment of deployment of single parent or dual military couples with minor dependents.
- Sec. 587. Education and treatment services for military dependent children with autism.

Sec. 588. Commendation of efforts of Project Compassion in paying tribute to members of the Armed Forces who have fallen in the service of the United States.

Subtitle I—Other Matters

- Sec. 590. Uniform performance policies for military bands and other musical units.
- Sec. 591. Transportation of remains of deceased members of the Armed Forces and certain other persons.
- Sec. 592. Expansion of number of academies supportable in any State under STARBASE program.
- Sec. 593. Gift acceptance authority.
- Sec. 594. Conduct by members of the Armed Forces and veterans out of uniform during hoisting, lowering, or passing of United States flag.
- Sec. 595. Annual report on cases reviewed by National Committee for Employer Support of the Guard and Reserve.
- Sec. 596. Modification of Certificate of Release or Discharge from Active Duty (DD Form 214).
- Sec. 597. Reports on administrative separations of members of the Armed Forces for personality disorder.
- Sec. 598. Program to commemorate 50th anniversary of the Vietnam War.
- Sec. 599. Recognition of members of the Monuments, Fine Arts, and Archives program of the Civil Affairs and Military Government Sections of the Armed Forces during and following World War II.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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- Sec. 601. Fiscal year 2008 increase in military basic pay.
- Sec. 602. Basic allowance for housing for reserve component members without dependents who attend accession training while maintaining a primary residence.
- Sec. 603. Extension and enhancement of authority for temporary lodging expenses for members of the Armed Forces in areas subject to major disaster declaration or for installations experiencing sudden increase in personnel levels.
- Sec. 604. Income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
- Sec. 605. Midmonth payment of basic pay for contributions of members of the uniformed services participating in Thrift Savings Plan.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 610. Correction of lapsed authorities for payment of bonuses, special pays, and similar benefits for members of the uniformed services.
- Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
- Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.

- Sec. 615. Increase in incentive special pay and multiyear retention bonus for medical officers.
- Sec. 616. Increase in dental officer additional special pay.
- Sec. 617. Increase in maximum monthly rate of hardship duty pay and authority to provide hardship duty pay in a lump sum.
- Sec. 618. Definition of sea duty for career sea pay to include service as offcycle crewmembers of multi-crew ships.
- Sec. 619. Reenlistment bonus for members of the Selected Reserve.
- Sec. 620. Availability of Selected Reserve accession bonus for persons who previously served in the Armed Forces for a short period.
- Sec. 621. Availability of nuclear officer continuation pay for officers with more than 26 years of commissioned service.
- Sec. 622. Waiver of years-of-service limitation on receipt of critical skills retention bonus.
- Sec. 623. Accession bonus for participants in the Armed Forces Health Professions Scholarship and Financial Assistance Program.
- Sec. 624. Payment of assignment incentive pay for Reserve members serving in combat zone for more than 22 months.

Subtitle C—Travel and Transportation Allowances

- Sec. 631. Payment of inactive duty training travel costs for certain Selected Reserve members.
- Sec. 632. Survivors of deceased members eligible for transportation to attend burial ceremonies.
- Sec. 633. Allowance for participation of Reserves in electronic screening.
- Sec. 634. Allowance for civilian clothing for members of the Armed Forces traveling in connection with medical evacuation.
- Sec. 635. Payment of moving expenses for Junior Reserve Officers' Training Corps instructors in hard-to-fill positions.

Subtitle D—Retired Pay and Survivor Benefits

- Sec. 641. Expansion of combat-related special compensation eligibility.
- Sec. 642. Inclusion of veterans with service-connected disabilities rated as total by reason of unemployability under termination of phase-in of concurrent receipt of retired pay and veterans' disability compensation.
- Sec. 643. Recoupment of annuity amounts previously paid, but subject to offset for dependency and indemnity compensation.
- Sec. 644. Special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
- Sec. 645. Modification of authority of members of the Armed Forces to designate recipients for payment of death gratuity.
- Sec. 646. Clarification of application of retired pay multiplier percentage to members of the uniformed services with over 30 years of service.
- Sec. 647. Commencement of receipt of non-regular service retired pay by members of the Ready Reserve on active Federal status or active duty for significant periods.
- Sec. 648. Computation of years of service for purposes of retired pay for nonregular service.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

- Sec. 651. Authority to continue commissary and exchange benefits for certain involuntarily separated members of the Armed Forces.
- Sec. 652. Authorization of installment deductions from pay of employees of nonappropriated fund instrumentalities to collect indebtedness to the United States.

Subtitle F—Consolidation of Special Pay, Incentive Pay, and Bonus Authorities

- Sec. 661. Consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
- Sec. 662. Transitional provisions.

Subtitle G—Other Matters

- Sec. 671. Referral bonus authorities.
- Sec. 672. Expansion of education loan repayment program for members of the Selected Reserve.
- Sec. 673. Ensuring entry into United States after time abroad for permanent resident alien military spouses and children.
- Sec. 674. Overseas naturalization for military spouses and children.
- Sec. 675. Modification of amount of back pay for members of Navy and Marine Corps selected for promotion while interned as prisoners of war during World War II to take into account changes in Consumer Price Index.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Military Health Benefits

- Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.
- Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
- Sec. 703. Inclusion of TRICARE retail pharmacy program in Federal procurement of pharmaceuticals.
- Sec. 704. Stipend for members of reserve components for health care for certain dependents.
- Sec. 705. Authority for expansion of persons eligible for continued health benefits coverage.
- Sec. 706. Continuation of eligibility for TRICARE Standard coverage for certain members of the Selected Reserve.
- Sec. 707. Extension of pilot program for health care delivery.
- Sec. 708. Inclusion of mental health care in definition of health care and report on mental health care services.

Subtitle B—Studies and Reports

- Sec. 711. Surveys on continued viability of TRICARE Standard and TRICARE Extra.
- Sec. 712. Report on training in preservation of remains under combat or combat-related conditions.
- Sec. 713. Report on patient satisfaction surveys.
- Sec. 714. Report on medical physical examinations of members of the Armed Forces before their deployment.
- Sec. 715. Report and study on multiple vaccinations of members of the Armed Forces.

- Sec. 717. Licensed mental health counselors and the TRICARE program.
- Sec. 718. Report on funding of the Department of Defense for health care.

Subtitle C—Other Matters

- Sec. 721. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
- Sec. 722. Establishment of Joint Pathology Center.

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

Sec. 800. Short title.

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- Sec. 801. Internal controls for procurements on behalf of the Department of Defense by certain non-Defense agencies.
- Sec. 802. Lead systems integrators.
- Sec. 803. Reinvestment in domestic sources of strategic materials.
- Sec. 804. Clarification of the protection of strategic materials critical to national security.
- Sec. 805. Procurement of commercial services.
- Sec. 806. Specification of amounts requested for procurement of contract services.
- Sec. 807. Inventories and reviews of contracts for services.
- Sec. 808. Independent management reviews of contracts for services.
- Sec. 809. Implementation and enforcement of requirements applicable to undefinitized contractual actions.
- Sec. 810. Clarification of limited acquisition authority for Special Operations Command.

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- Sec. 811. Requirements applicable to multiyear contracts for the procurement of major systems of the Department of Defense.
- Sec. 812. Changes to Milestone B certifications.
- Sec. 813. Comptroller General report on Department of Defense organization and structure for major defense acquisition programs.
- Sec. 814. Clarification of submission of cost or pricing data on noncommercial modifications of commercial items.
- Sec. 815. Clarification of rules regarding the procurement of commercial items.
- Sec. 816. Review of systemic deficiencies on major defense acquisition programs.
- Sec. 817. Investment strategy for major defense acquisition programs.
- Sec. 818. Report on implementation of recommendations on total ownership cost for major weapon systems.

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

- Sec. 821. Plan for restricting Government-unique contract clauses on commercial contracts.
- Sec. 822. Extension of authority for use of simplified acquisition procedures for certain commercial items.

- Sec. 823. Five-year extension of authority to carry out certain prototype projects.
- Sec. 824. Exemption of Special Operations Command from certain requirements for certain contracts relating to vessels, aircraft, and combat vehicles.
- Sec. 825. Provision of authority to maintain equipment to unified combatant command for joint warfighting.
- Sec. 826. Market research.
- Sec. 827. Modification of competition requirements for purchases from Federal Prison Industries.
- Sec. 828. Multiyear contract authority for electricity from renewable energy sources.
- Sec. 829. Procurement of fire resistant rayon fiber for the production of uniforms from foreign sources.
- Sec. 830. Comptroller General review of noncompetitive awards of congressional and executive branch interest items.

Subtitle D—Accountability in Contracting

- Sec. 841. Commission on Wartime Contracting in Iraq and Afghanistan.
- Sec. 842. Investigation of waste, fraud, and abuse in wartime contracts and contracting processes in Iraq and Afghanistan.
- Sec. 843. Enhanced competition requirements for task and delivery order contracts.
- Sec. 844. Public disclosure of justification and approval documents for noncompetitive contracts.
- Sec. 845. Disclosure of Government contractor audit findings.
- Sec. 846. Protection for contractor employees from reprisal for disclosure of certain information.
- Sec. 847. Requirements for senior Department of Defense officials seeking employment with defense contractors.
- Sec. 848. Report on contractor ethics programs of Major Defense contractors.
- Sec. 849. Contingency contracting training for personnel outside the acquisition workforce and evaluations of Army Commission recommendations.

Subtitle E—Acquisition Workforce Provisions

- Sec. 851. Requirement for section on defense acquisition workforce in strategic human capital plan.
- Sec. 852. Department of Defense Acquisition Workforce Development Fund.
- Sec. 853. Extension of authority to fill shortage category positions for certain Federal acquisition positions.
- Sec. 854. Repeal of sunset of acquisition workforce training fund.
- Sec. 855. Federal acquisition workforce improvements.

Subtitle F—Contracts in Iraq and Afghanistan

- Sec. 861. Memorandum of understanding on matters relating to contracting.
- Sec. 862. Contractors performing private security functions in areas of combat operations.
- Sec. 863. Comptroller General reviews and reports on contracting in Iraq and Afghanistan.
- Sec. 864. Definitions and other general provisions.

Subtitle G—Defense Materiel Readiness Board

Sec. 871. Establishment of Defense Materiel Readiness Board.

Sec. 872. Critical materiel readiness shortfalls.

Subtitle H—Other Matters

- Sec. 881. Clearinghouse for rapid identification and dissemination of commercial information technologies.
- Sec. 882. Authority to license certain military designations and likenesses of weapons systems to toy and hobby manufacturers.
- Sec. 883. Modifications to limitation on contracts to acquire military flight simulator.
- Sec. 884. Requirements relating to waivers of certain domestic source limitations relating to specialty metals.
- Sec. 885. Telephone services for military personnel serving in combat zones.
- Sec. 886. Enhanced authority to acquire products and services produced in Iraq and Afghanistan.
- Sec. 887. Defense Science Board review of Department of Defense policies and procedures for the acquisition of information technology.
- Sec. 888. Green procurement policy.
- Sec. 889. Comptroller General review of use of authority under the Defense Production Act of 1950.
- Sec. 890. Prevention of export control violations.
- Sec. 891. Procurement goal for Native Hawaiian-serving institutions and Alaska Native-serving institutions.
- Sec. 892. Competition for procurement of small arms supplied to Iraq and Afghanistan.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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- Sec. 901. Repeal of limitation on major Department of Defense headquarters activities personnel and related report.
- Sec. 902. Flexibility to adjust the number of deputy chiefs and assistant chiefs.
- Sec. 903. Change in eligibility requirements for appointment to Department of Defense leadership positions.
- Sec. 904. Management of the Department of Defense.
- Sec. 905. Revision in guidance relating to combatant command acquisition authority.
- Sec. 906. Department of Defense Board of Actuaries.
- Sec. 907. Modification of background requirement of individuals appointed as Under Secretary of Defense for Acquisition, Technology, and Logistics.
- Sec. 908. Assistant Secretaries of the military departments for acquisition matters; principal military deputies.
- Sec. 909. Sense of Congress on term of Office of the Director of Operational Test and Evaluation.

Subtitle B—Space Activities

- Sec. 911. Space protection strategy.
- Sec. 912. Biennial report on management of space cadre within the Department of Defense.
- Sec. 913. Additional report on oversight of acquisition for defense space programs.

Subtitle C—Chemical Demilitarization Program

- Sec. 921. Chemical demilitarization citizens advisory commissions.
- Sec. 922. Sense of Congress on completion of destruction of United States chemical weapons stockpile.
- Sec. 923. Repeal of certain qualifications requirement for director of chemical demilitarization management organization.
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- Sec. 2901. Authorized Army construction and land acquisition projects.
- Sec. 2902. Authorized Navy construction and land acquisition projects.
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DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A-National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
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- Sec. 3115. Modification of limitations on availability of funds for Waste Treatment and Immobilization Plant.
- Sec. 3116. Modification of sunset date of the Office of the Ombudsman of the Energy Employees Occupational Illness Compensation Program.
- Sec. 3117. Technical amendments.

Subtitle C—Other Matters

- Sec. 3121. Study on using existing pits for the Reliable Replacement Warhead program.
- Sec. 3122. Report on retirement and dismantlement of nuclear warheads.
- Sec. 3123. Plan for addressing security risks posed to nuclear weapons complex.
- Sec. 3124. Department of Energy protective forces.
- Sec. 3125. Evaluation of National Nuclear Security Administration strategic plan for advanced computing.
- Sec. 3126. Sense of Congress on the nuclear nonproliferation policy of the United States and the Reliable Replacement Warhead program.
- Sec. 3127. Department of Energy report on plan to strengthen and expand International Radiological Threat Reduction program.
- Sec. 3128. Department of Energy report on plan to strengthen and expand Materials Protection, Control, and Accounting program.
- Sec. 3129. Agreements and reports on nuclear forensics capabilities.
- Sec. 3130. Report on status of environmental management initiatives to accelerate the reduction of environmental risks and challenges posed by the legacy of the Cold War.

Subtitle D—Nuclear Terrorism Prevention

- Sec. 3131. Definitions.
- Sec. 3132. Sense of Congress on the prevention of nuclear terrorism.
- Sec. 3133. Minimum security standard for nuclear weapons and formula quantities of strategic special nuclear material.
- Sec. 3134. Annual report.

TITLE XXXII—WAR-RELATED NATIONAL NUCLEAR SECURITY ADMINISTRATION AUTHORIZATIONS

Sec. 3201. Additional war-related authorization of appropriations for National Nuclear Security Administration.

TITLE XXXIII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3301. Authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.
- Sec. 3402. Remedial action at Moab uranium milling site.

TITLE XXXV—MARITIME ADMINISTRATION

Subtitle A—Maritime Administration Reauthorization

- Sec. 3501. Authorization of appropriations for fiscal year 2008.
- Sec. 3502. Temporary authority to transfer obsolete combatant vessels to Navy for disposal.
- Sec. 3503. Vessel disposal program.

Subtitle B—Programs

- Sec. 3511. Commercial vessel chartering authority.
- Sec. 3512. Maritime Administration vessel chartering authority.
- Sec. 3513. Chartering to State and local governmental instrumentalities.

- Sec. 3514. Disposal of obsolete Government vessels.
- Sec. 3515. Vessel transfer authority.
- Sec. 3516. Sea trials for Ready Reserve Force.
- Sec. 3517. Review of applications for loans and guarantees.

Subtitle C—Technical Corrections

- Sec. 3521. Personal injury to or death of seamen.
- Sec. 3522. Amendments to Chapter 537 based on Public Law 109–163.
- Sec. 3523. Additional amendments based on Public Law 109-163.
- Sec. 3524. Amendments based on Public Law 109-171.
- Sec. 3525. Amendments based on Public Law 109-241.
- Sec. 3526. Amendments based on Public Law 109-364.
- Sec. 3527. Miscellaneous amendments.
- Sec. 3528. Application of sunset provision to codified provision.
- Sec. 3529. Additional technical corrections.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

- 2 For purposes of this Act, the term "congressional de-
- 3 fense committees" has the meaning given that term in sec-
- 4 tion 101(a)(16) of title 10, United States Code.

5 **DIVISION A—DEPARTMENT OF**

6 **DEFENSE AUTHORIZATIONS**

7 **TITLE I—PROCUREMENT**

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. National Guard and Reserve equipment.

Subtitle B—Army Programs

- Sec. 111. Multiyear procurement authority for M1A2 Abrams System Enhancement Package upgrades.
- Sec. 112. Multiyear procurement authority for M2A3/M3A3 Bradley fighting vehicle upgrades.
- Sec. 113. Multiyear procurement authority for conversion of CH-47D helicopters to CH-47F configuration.
- Sec. 114. Multiyear procurement authority for CH-47F helicopters.
- Sec. 115. Limitation on use of funds for Increment 1 of the Warfighter Information Network-Tactical program pending certification to Congress.
- Sec. 116. Prohibition on closure of Army Tactical Missile System production line pending report.
- Sec. 117. Stryker Mobile Gun System.

Subtitle C—Navy Programs

- Sec. 121. Multiyear procurement authority for Virginia-class submarine program.
- Sec. 122. Report on shipbuilding investment strategy.
- Sec. 123. Sense of Congress on the preservation of a skilled United States shipyard workforce.
- Sec. 124. Assessments required prior to start of construction on first ship of a shipbuilding program.
- Sec. 125. Littoral Combat Ship (LCS) program.

Subtitle D—Air Force Programs

- Sec. 131. Limitation on Joint Cargo Aircraft.
- Sec. 132. Clarification of limitation on retirement of U-2 aircraft.
- Sec. 133. Repeal of requirement to maintain retired C-130E tactical aircraft.
- Sec. 134. Limitation on retirement of C–130E/H tactical airlift aircraft.
- Sec. 135. Limitation on retirement of KC-135E aerial refueling aircraft.
- Sec. 136. Transfer to Government of Iraq of three C–130E tactical airlift aircraft.

Sec. 137. Modification of limitations on retirement of B-52 bomber aircraft.

Subtitle A—Authorization of Appropriations

3 SEC. 101. ARMY.

4 Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Army as follows: 5 6 (1) For aircraft, \$4,168,798,000. 7 (2) For missiles, \$1,911,979,000. 8 (3) For weapons and tracked combat vehicles, 9 \$3,007,489,000. 10 (4) For ammunition, \$2,214,576,000. 11 (5) For other procurement, \$12,451,312,000. 12 (6) For the Joint Improvised Explosive Device 13 Defeat Fund, \$228,000,000.

33

1 SEC. 102. NAVY AND MARINE CORPS.

2 (a) NAVY.—Funds are hereby authorized to be appro3 priated for fiscal year 2008 for procurement for the Navy
4 as follows:

5 (1) For aircraft, \$12,432,644,000.

6 (2) For weapons, including missiles and tor7 pedoes, \$3,068,187,000.

8 (3) For shipbuilding and conversion,9 \$13,596,120,000.

10 (4) For other procurement, \$5,209,330,000.

(b) MARINE CORPS.—Funds are hereby authorized to
be appropriated for fiscal year 2008 for procurement for
the Marine Corps in the amount of \$2,299,419,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds
are hereby authorized to be appropriated for fiscal year
2008 for procurement of ammunition for the Navy and
the Marine Corps in the amount of \$1,058,832,000.

18 **SEC. 103. AIR FORCE.**

19 Funds are hereby authorized to be appropriated for20 fiscal year 2008 for procurement for the Air Force as fol-21 lows:

- (1) For aircraft, \$12,117,800,000.
- 23 (2) For ammunition, \$854,167,000.
- (3) For missiles, \$4,984,102,000.
- 25 (4) For other procurement, \$15,405,832,000.

1 SEC. 104. DEFENSE-WIDE ACTIVITIES.

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2008 for Defense-wide procurement in the
4 amount of \$3,280,435,000.

5 SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for
fiscal year 2008 for the procurement of aircraft, missiles,
wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement
for the reserve components of the Armed Forces in the
amount of \$980,000,000.

12 Subtitle B—Army Programs

13 SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR
14 M1A2 ABRAMS SYSTEM ENHANCEMENT PACK15 AGE UPGRADES.

16 The Secretary of the Army, in accordance with sec-17 tion 2306b of title 10, United States Code, may enter into 18 a multiyear contract, beginning with the fiscal year 2008 19 program year, for procurement of M1A2 Abrams System 20 Enhancement Package upgrades.

21 SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR
22 M2A3/M3A3 BRADLEY FIGHTING VEHICLE UP23 GRADES.

The Secretary of the Army, in accordance with section 2306b of title 10, United States Code, may enter into
a multiyear contract, beginning with the fiscal year 2008
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program year, for procurement of M2A3/M3A3 Bradley
 fighting vehicle upgrades.

3 SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR 4 CONVERSION OF CH-47D HELICOPTERS TO 5 CH-47F CONFIGURATION.

6 The Secretary of the Army may, in accordance with 7 section 2306b of title 10, United States Code, enter into 8 a multiyear contract, beginning with the fiscal year 2008 9 program year, for conversion of CH-47D helicopters to the 10 CH-47F configuration.

SEC. 114. MULTIYEAR PROCUREMENT AUTHORITY FOR CH 47F HELICOPTERS.

The Secretary of the Army may, in accordance with
section 2306b of title 10, United States Code, enter into
a multiyear contract, beginning with the fiscal year 2008
program year, for procurement of CH-47F helicopters.

17 SEC. 115. LIMITATION ON USE OF FUNDS FOR INCREMENT

18 1 OF THE WARFIGHTER INFORMATION NET19 WORK-TACTICAL PROGRAM PENDING CER20 TIFICATION TO CONGRESS.

(a) FUNDING RESTRICTED.—Of the amounts appropriated pursuant to an authorization of appropriations for
fiscal year 2008 or otherwise made available for Other
Procurement, Army, that are available for Increment 1 of
the Warfighter Information Network-Tactical program,

not more than 50 percent may be obligated or expended 1 2 until the Director of Operational Test and Evaluation sub-3 mits to the congressional defense committees a certifi-4 cation, in writing, that the Director of Operational Test 5 and Evaluation has approved a Test and Evaluation Mas-6 ter Plan and Initial Operational Test Plan for Increment 7 1 of the Warfighter Information Network-Tactical pro-8 gram.

9 (b) INCREMENT 1 DEFINED.—For the purposes of 10 this section, Increment 1 of the Warfighter Information Network-Tactical program includes all program elements 11 described as constituting "Increment 1" in the memo-12 randum titled "Warfighter Information Network-Tactical 13 14 (WIN-T) Program Acquisition Decision Memorandum", 15 dated June 5, 2007, and signed by the Under Secretary of Defense for Acquisition, Technology, and Logistics. 16

17 SEC. 116. PROHIBITION ON CLOSURE OF ARMY TACTICAL

18 MISSILE SYSTEM PRODUCTION LINE PEND19 ING REPORT.

(a) PROHIBITION.—Amounts appropriated pursuant
to the authorization of appropriations in section 101(2)
for missiles, Army, and in section 1502(4) for missile procurement, Army, and any other appropriated funds available to the Secretary of the Army may not be used to close
the production line for the Army Tactical Missile System

program until after the date on which the Secretary of
 the Army submits to the congressional defense committees
 a report that contains—

- 4 (1) the certification of the Secretary that the
 5 long range surface-to-surface strike and counter bat6 tery mission of the Army can be adequately per7 formed by other Army weapons systems or by other
 8 elements of the Armed Forces; and
- 9 (2) a plan to mitigate any shortfalls in the in10 dustrial base that would be created by the closure of
 11 the production line.

(b) SUBMISSION OF REPORT.—The report referred to
in subsection (a) is required not later than April 1, 2008.
SEC. 117. STRYKER MOBILE GUN SYSTEM.

15 (a) LIMITATION ON AVAILABILITY OF FUNDS.—None of the amounts authorized to be appropriated by sections 16 101(3) and 1501(3) for procurement of weapons and 17 tracked combat vehicles for the Army may be obligated 18 19 or expended for purposes of the procurement of the 20 Stryker Mobile Gun System until 30 days after the date 21 on which the Secretary of the Army certifies to Congress 22 that the Stryker Mobile Gun System is operationally effec-23 tive, suitable, and survivable for its anticipated deploy-24 ment missions.

1	(b) WAIVER.—The Secretary of Defense may waive
2	the limitation in subsection (a) if the Secretary—
3	(1) determines that further procurement of the
4	Stryker Mobile Gun System utilizing amounts re-
5	ferred to in subsection (a) is in the national security
6	interest of the United States notwithstanding the in-
7	ability of the Secretary of the Army to make the cer-
8	tification required by that subsection; and
9	(2) submits to the Congress, in writing, a noti-
10	fication of the waiver together with a discussion of—
11	(A) the reasons for the determination de-
12	scribed in paragraph (1); and
13	(B) the actions that will be taken to miti-
14	gate any deficiencies that cause the Stryker
15	Mobile Gun System not to be operationally ef-
16	fective, suitable, or survivable, as that case may
17	be, as described in subsection (a).
18	Subtitle C—Navy Programs
19	SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-
20	GINIA-CLASS SUBMARINE PROGRAM.
21	(a) AUTHORITY.—The Secretary of the Navy may, in
22	accordance with section 2306b of title 10, United States
23	Code, enter into multiyear contracts, beginning with the
24	fiscal year 2009 program year, for the procurement of Vir-
25	ginia-class submarines and Government-furnished equip-

ment associated with the Virginia-class submarine pro gram.

3 (b) LIMITATION.—The Secretary may not enter into
4 a contract authorized by subsection (a) until—

5 (1) the Secretary submits to the congressional
6 defense committees a certification that the Secretary
7 has made, with respect to that contract, each of the
8 findings required by subsection (a) of section 2306b
9 of title 10, United States Code; and

10 (2) a period of 30 days has elapsed after the11 date of the transmission of such certification.

12 SEC. 122. REPORT ON SHIPBUILDING INVESTMENT STRAT-13 EGY.

(a) STUDY REQUIRED.—The Secretary of the Navy
shall provide for a study to determine the effectiveness of
current financing mechanisms for providing incentives for
contractors to make shipbuilding capital expenditures, and
to assess potential capital expenditure incentives that
would lead to ship construction or life-cycle cost savings
to the Federal Government. The study shall examine—

(1) potential improvements in design tools and
techniques, material management, technology insertion, systems integration and testing, and other key
processes and functions that would lead to reduced
construction costs;

1 (2) construction process improvements that 2 would reduce procurement and life-cycle costs of the 3 vessels under construction at the contractor's facili-4 ties; and

5 (3) incentives for investment in shipyard infra6 structure that support construction process improve7 ments.

8 (b) REPORT.—Not later than October 1, 2008, the 9 Secretary of the Navy shall submit to the congressional 10 defense committees a report providing the results of the 11 study under subsection (a). The report shall include each 12 of the following:

(1) An assessment of the shipbuilding industrial
base, as measured by a 10-year history for major
shipbuilders with respect to—

16 (A) estimated value of shipbuilding facili-17 ties;

18 (B) critical shipbuilding capabilities;

19 (C) capital expenditures;

20 (D) major investments in process improve21 ments; and

(E) costs for related Navy shipbuildingprojects.

1	(2) A description of mechanisms available to
2	the Government and industry to finance facilities
3	and process improvements, including—
4	(A) contract incentive and award fees;
5	(B) facilities capital cost of money;
6	(C) facilities depreciation;
7	(D) progress payment provisions;
8	(E) other contract terms and conditions;
9	(F) State and Federal tax provisions and
10	tax incentives;
11	(G) the National Shipbuilding Research
12	Program; and
13	(H) any other mechanisms available.
14	(3) A summary of potential shipbuilding invest-
15	ments that offer greatest reduction to shipbuilding
16	costs, including, for each such investment—
17	(A) a project description;
18	(B) an estimate of required investment;
19	(C) the estimated return on investment;
20	and
21	(D) alternatives for financing the invest-
22	ment.
23	(4) The Navy's strategy for providing incentives
24	for contractors' capital expenditures that would lead
25	to ship construction or life-cycle savings to the Fed-

1 eral Government, including identification of any spe-2 cific changes in legislative authority that would be 3 required for the Secretary to execute this strategy. 4 (c) UTILIZATION OF OTHER STUDIES AND OUTSIDE 5 EXPERTS.—The study shall build upon the results of the 2005 and 2006 Global Shipbuilding Industrial Base 6 7 Benchmarking studies. Financial analysis associated with 8 the report shall be conducted in consultation with financial 9 experts independent of the Department of Defense.

10SEC. 123. SENSE OF CONGRESS ON THE PRESERVATION OF11A SKILLED UNITED STATES SHIPYARD WORK-12FORCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the preservation of a robust domestic skilled
workforce is required for the national shipbuilding infrastructure and particularly essential to the construction of
ships for the United States Navy.

18 (b) Study Required.—

(1) IN GENERAL.—The Secretary of the Navy
shall determine, on a one-time, non-recurring basis,
and in consultation with the Department of Labor,
the average number of H2B visa workers employed
by the major shipbuilders in the construction of
United States Navy ships during the calendar year
ending December 31, 2007. The study shall also

1	identify the number of workers petitioned by the
2	major shipbuilders for use in calendar year 2008, as
3	of the first quarter of calendar year 2008.
4	(2) REPORT.—Not later than April 1, 2008, the
5	Secretary of the Navy shall submit to the congres-
6	sional defense committees a report containing the re-
7	sults of the study required by subsection (b).
8	(3) Definitions.—In this paragraph—
9	(A) the term "major shipbuilder" means a
10	prime contractor or a first-tier subcontractor
11	responsible for delivery of combatant and sup-
12	port vessels required for the naval vessel force,
13	as reported within the annual naval vessel con-
14	struction plan required by section 231 of title
15	10, United States Code; and
16	(B) the term "H2B visa" means a non-im-
17	migrant visa program that permits employers to
18	hire foreign workers to come temporarily to the
19	United States and perform temporary non-agri-
20	cultural services or labor on a one-time, sea-
21	sonal, peakload, or intermittent basis.

1	SEC. 124. ASSESSMENTS REQUIRED PRIOR TO START OF
2	CONSTRUCTION ON FIRST SHIP OF A SHIP-
3	BUILDING PROGRAM.
4	(a) IN GENERAL.—Concurrent with approving the
5	start of construction of the first ship for any major ship-
6	building program, the Secretary of the Navy shall—
7	(1) submit a report to the congressional defense
8	committees on the results of any production readi-
9	ness review; and
10	(2) certify to the congressional defense commit-
11	tees that the findings of any such review support
12	commencement of construction.
13	(b) REPORT.—The report required by subsection
14	(a)(1) shall include, at a minimum, an assessment of each
15	of the following:
16	(1) The maturity of the ship's design, as meas-
17	ured by stability of the ship contract specifications
18	and the degree of completion of detail design and
19	production design drawings.
20	(2) The maturity of developmental command
21	and control systems, weapon and sensor systems,
22	and hull, mechanical and electrical systems.
23	(3) The readiness of the shipyard facilities and
24	workforce to begin construction.

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(4) The Navy's estimated cost at completion

and the adequacy of the budget to support the esti-

3	mate.
4	(5) The Navy's estimated delivery date and de-
5	scription of any variance to the contract delivery
6	date.
7	(6) The extent to which adequate processes and
8	metrics are in place to measure and manage pro-
9	gram risks.
10	(c) APPLICABILITY.—This section applies to each
11	major shipbuilding program beginning after the date of
12	the enactment of this Act.
13	(d) DEFINITIONS.—For the purposes of subsection
14	(a):
15	(1) START OF CONSTRUCTION.—The term
16	"start of construction" means the beginning of fab-
17	rication of the hull and superstructure of the ship.
18	(2) FIRST SHIP.—The term "first ship" applies
19	to a ship if—
20	(A) the ship is the first ship to be con-
21	structed under that shipbuilding program; or
22	(B) the shipyard at which the ship is to be
23	constructed has not previously started construc-
24	tion on a ship under that shipbuilding program.

1 (3)MAJOR SHIPBUILDING PROGRAM.—The 2 term "major shipbuilding program" means a program for the construction of combatant and support 3 4 vessels required for the naval vessel force, as re-5 ported within the annual naval vessel construction 6 plan required by section 231 of title 10, United 7 States Code.

8 (4) PRODUCTION READINESS REVIEW.—The 9 term "production readiness review" means a formal 10 examination of a program prior to the start of con-11 struction to determine if the design is ready for pro-12 duction, production engineering problems have been 13 resolved, and the producer has accomplished ade-14 quate planning for the production phase.

15 SEC. 125. LITTORAL COMBAT SHIP (LCS) PROGRAM.

Section 124 of the National Defense Authorization
Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
3157) is amended by striking subsections (a), (b), (c), and
(d) and inserting the following:

20 "(a) Limitation of Costs.—

21 "(1) IN GENERAL.—The total amount obligated
22 or expended for the procurement costs of post-2007
23 LCS vessels shall not exceed \$460,000,000 per ves24 sel.

"(2) PROCUREMENT COSTS.—For purposes of 1 2 this section, procurement costs shall include all costs for plans, basic construction, change orders, elec-3 4 tronics, ordnance, contractor support, and other 5 costs associated with completion of production draw-6 ings, ship construction, test, and delivery, including 7 work performed post-delivery that is required to 8 meet original contract requirements.

9 "(3) POST-2007 LCS VESSELS.—For purposes 10 of this section, the term 'post-2007 LCS vessel' 11 means a vessel in the Littoral Combat Ship (LCS) 12 class of vessels, the procurement of which is funded 13 from amounts appropriated pursuant to an author-14 ization of appropriations or otherwise made available 15 for fiscal year 2008 or any fiscal year thereafter.

16 "(b) CONTRACT TYPE.—The Secretary of the Navy
17 shall employ a fixed-price type contract for construction
18 of post-2007 LCS vessels.

"(c) LIMITATION OF GOVERNMENT LIABILITY.—The
Secretary of the Navy shall not enter into a contract, or
modify a contract, for construction or final delivery of
post-2007 LCS vessels if the limitation of the Government's cost liability, when added to the sum of other budgeted procurement costs, would exceed \$460,000,000 per
vessel.

"(d) ADJUSTMENT OF LIMITATION AMOUNT.—The
 Secretary of the Navy may adjust the amount set forth
 in subsections (a)(1) and (c) for vessels referred to in such
 subsections by the following:

5 "(1) The amounts of increases or decreases in
6 costs attributable to compliance with changes in
7 Federal, State, or local laws enacted after September 30, 2007.

9 "(2) The amounts of outfitting costs and costs
10 required to complete post-delivery test and trials.".

11 Subtitle D—Air Force Programs

12 SEC. 131. LIMITATION ON JOINT CARGO AIRCRAFT.

No funds appropriated pursuant to an authorization of appropriations or otherwise made available for procurement, or for research, development, test, and evaluation, may be obligated or expended for the Joint Cargo Aircraft until 30 days after the Secretary of Defense submits to the congressional defense committees each of the following:

20 (1) The Air Force Air Mobility Command's Air-21 lift Mobility Roadmap.

22 (2) The Department of Defense Intra-Theater23 Airlift Capabilities Study.

24 (3) The Department of Defense Joint Intra-25 Theater Distribution Assessment.

1	(4) The Joint Cargo Aircraft Functional Area
2	Series Analysis.
3	(5) The Joint Cargo Aircraft Analysis of Alter-
4	natives.
5	(6) The Joint Intra-Theater Airlift Fleet Mix
6	Analysis.
7	(7) The Secretary's certification that—
8	(A) there is, within the Department of the
9	Army, Department of the Air Force, Army Na-
10	tional Guard, or Air National Guard, a capa-
11	bility gap or shortfall with respect to intra-the-
12	ater airlift; and
13	(B) validated requirements exist to fill that
14	gap or shortfall through procurement of the
15	Joint Cargo Aircraft.
16	SEC. 132. CLARIFICATION OF LIMITATION ON RETIREMENT
17	OF U-2 AIRCRAFT.
18	Section 133(b) of the John Warner National Defense
19	Authorization Act for Fiscal Year 2007 (Public Law 109–
20	364; 120 Stat. 2112) is amended—
21	(1) in paragraph (1)—
22	(A) by striking "After fiscal year 2007"
23	and inserting "For each fiscal year after fiscal
24	year 2007"; and

1	(B) by inserting after "Secretary of De-
2	fense" the following: ", in that fiscal year,";
3	and
4	(2) in paragraph (2) —
5	(A) by inserting after "Department of De-
6	fense" the following: "in a fiscal year"; and
7	(B) by inserting after "Congress" the fol-
8	lowing: "in that fiscal year".
9	SEC. 133. REPEAL OF REQUIREMENT TO MAINTAIN RE-
10	TIRED C-130E TACTICAL AIRCRAFT.
11	(a) IN GENERAL.—Effective as of the date specified
12	in subsection (b), section 137(b) of the John Warner Na-
13	tional Defense Authorization Act for Fiscal Year 2007
14	(Public Law 109–364; 120 Stat. 2114) is repealed.
15	(b) Specified Date.—The date specified in this
16	subsection is the date that is 30 days after the date on
17	which the Secretary of the Air Force submits to the con-
18	gressional defense committees the Fleet Mix Analysis
19	Study.
20	SEC. 134. LIMITATION ON RETIREMENT OF C-130E/H TAC-
21	TICAL AIRLIFT AIRCRAFT.
22	(a) GENERAL PROHIBITION.—The Secretary of the
23	Air Force may not retire C–130E/H tactical airlift aircraft
24	during fiscal year 2008, except as provided in subsection
25	(b).

(b) CONTINGENT AUTHORITY TO RETIRE CERTAIN
 C-130E AIRCRAFT.—Effective as of the date specified in
 subsection (d), subsection (a) shall not apply to C-130E
 tactical airlift aircraft, and the number of such aircraft
 retired by the Secretary of the Air Force during fiscal year
 2008 may not exceed 24.

7 (c) TREATMENT OF RETIRED AIRCRAFT.—The Sec8 retary of the Air Force shall maintain each C-130E tac9 tical airlift aircraft that is retired during fiscal year 2008
10 in a condition that would allow recall of that aircraft to
11 future service.

(d) SPECIFIED DATE.—The date specified in this
subsection is the date that is 30 days after the date on
which the Secretary of the Air Force submits to the congressional defense committees the Fleet Mix Analysis
Study.

17 SEC. 135. LIMITATION ON RETIREMENT OF KC-135E AERIAL 18 REFUELING AIRCRAFT.

(a) LIMITATION ON RETIREMENT OF MORE THAN 48
AIRCRAFT.—The Secretary of the Air Force may not retire more than 48 KC–135E aerial refueling aircraft of
the Air Force during fiscal year 2008, except as provided
in subsection (b).

24 (b) CONTINGENT AUTHORITY TO RETIRE 37 ADDI25 TIONAL AIRCRAFT.—Effective as of the date specified in

subsection (c), the number of such aircraft retired by the

Secretary of the Air Force during fiscal year 2008 may

3	not exceed 85.
4	(c) Specified Date.—The date specified in this
5	subsection is the date that is 15 days after the date on
6	which the Secretary of the Air Force submits to the con-
7	gressional defense committees the Secretary's certification
8	that—
9	(1) the system design and development contract
10	for the KC-X program has been awarded; and
11	(2) if a protest is submitted pursuant to sub-
12	chapter 5 of title 31, United States Code—
13	(A) the protest has been resolved in favor
14	of the Federal agency; or
15	(B) the Secretary has authorized perform-
16	

ance of the contract (notwithstanding the pro-test).

18 SEC. 136. TRANSFER TO GOVERNMENT OF IRAQ OF THREE

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C-130E TACTICAL AIRLIFT AIRCRAFT.

The Secretary of the Air Force may transfer not more than 3 C-130E tactical airlift aircraft, allowed to be retired under the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109– 364), to the Government of Iraq.

1	SEC. 137. MODIFICATION OF LIMITATIONS ON RETIREMENT
2	OF B-52 BOMBER AIRCRAFT.
3	(a) MAINTENANCE OF PRIMARY, BACKUP, AND AT-
4	TRITION RESERVE INVENTORY OF AIRCRAFT.—Sub-
5	section (a) of section 131 of the John Warner National
6	Defense Authorization Act for Fiscal Year 2007 (Public
7	Law 109–364; 120 Stat. 2111) is amended—
8	(1) in paragraph (1) —
9	(A) in subparagraph (A), by striking
10	"and" at the end;
11	(B) in subparagraph (B), by striking the
12	period at the end and inserting a semicolon;
13	and
14	(C) by adding at the end the following:
15	"(C) shall maintain in a common capability
16	configuration a primary aircraft inventory of
17	not less than 63 such aircraft, a backup aircraft
18	inventory of not less than 11 such aircraft, and
19	an attrition reserve aircraft inventory of not
20	less than 2 such aircraft; and
21	"(D) shall not keep any such aircraft re-
22	ferred to in subparagraph (C) in a status con-
23	sidered excess to the requirements of the pos-
24	sessing command and awaiting disposition in-
25	structions."; and
26	(2) by adding at the end the following:

1	"(3) DEFINITIONS.—For purposes of paragraph
2	(1):
3	"(A) The term 'primary aircraft inventory'
4	means aircraft assigned to meet the primary
5	aircraft authorization to—
6	"(i) a unit for the performance of its
7	wartime mission;
8	"(ii) a training unit primarily for
9	technical and specialized training for crew
10	personnel or leading to aircrew qualifica-
11	tion;
12	"(iii) a test unit for testing of the air-
13	craft or its components for purposes of re-
14	search, development, test and evaluation,
15	operational test and evaluation, or to sup-
16	port testing programs; or
17	"(iv) meet requirements for special
18	missions not elsewhere classified.
19	"(B) The term 'backup aircraft inventory'
20	means aircraft above the primary aircraft in-
21	ventory to permit scheduled and unscheduled
22	depot level maintenance, modifications, inspec-
23	tions, and repairs, and certain other mitigating
24	circumstances without reduction of aircraft
25	available for the assigned mission.

1	"(C) The term 'attrition reserve aircraft
2	inventory' means aircraft required to replace
3	anticipated losses of primary aircraft inventory
4	due to peacetime accidents or wartime attrition.
5	"(4) TREATMENT OF RETIRED AIRCRAFT.—Of
6	the aircraft retired in accordance with paragraph
7	(1)(A), the Secretary of the Air Force may use not
8	more than 2 such aircraft for maintenance ground
9	training.".
10	(b) Notice of Retirement.—Subsection (b)(1) of
11	such section is amended by striking "45 days" and insert-
12	ing "60 days".
13	TITLE II—RESEARCH, DEVELOP-
14	MENT, TEST, AND EVALUA-
	MION

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TION

Subtitle A—Authorization of Appropriations

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

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Operational test and evaluation of Future Combat Systems network.
- Sec. 212. Limitation on use of funds for systems development and demonstration of Joint Light Tactical Vehicle Program.
- Sec. 213. Requirement to obligate and expend funds for development and procurement of a competitive propulsion system for the Joint Strike Fighter.
- Sec. 214. Limitation on use of funds for defense-wide manufacturing science and technology program.
- Sec. 215. Advanced Sensor Applications Program.
- Sec. 216. Active protection systems.

Subtitle C—Ballistic Missile Defense

- Sec. 221. Participation of Director, Operational Test and Evaluation, in missile defense test and evaluation activities.
- Sec. 222. Study on future roles and missions of the Missile Defense Agency.

- Sec. 223. Budget and acquisition requirements for Missile Defense Agency activities.
- Sec. 224. Limitation on use of funds for replacing warhead on SM-3 Block IIA missile.
- Sec. 225. Extension of Comptroller General assessments of ballistic missile defense programs.
- Sec. 226. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.
- Sec. 227. Sense of Congress on missile defense cooperation with Israel.
- Sec. 228. Limitation on availability of funds for deployment of missile defense interceptors in Alaska.
- Sec. 229. Policy of the United States on protection of the United States and its allies against Iranian ballistic missiles.

Subtitle D—Other Matters

- Sec. 231. Coordination of human systems integration activities related to acquisition programs.
- Sec. 232. Expansion of authority for provision of laboratory facilities, services, and equipment.
- Sec. 233. Modification of cost sharing requirement for Technology Transition Initiative.
- Sec. 234. Report on implementation of Manufacturing Technology Program.
- Sec. 235. Assessment of sufficiency of test and evaluation personnel.
- Sec. 236. Repeal of requirement for separate reports on technology area review and assessment summaries.
- Sec. 237. Modification of notice and wait requirement for obligation of funds for foreign comparative test program.
- Sec. 238. Strategic Plan for the Manufacturing Technology Program.
- Sec. 239. Modification of authorities on coordination of Defense Experimental Program to Stimulate Competitive Research with similar Federal programs.
- Sec. 240. Enhancement of defense nanotechnology research and development program.
- Sec. 241. Federally funded research and development center assessment of the Defense Experimental Program to Stimulate Competitive Research.
- Sec. 242. Cost-benefit analysis of proposed funding reduction for High Energy Laser Systems Test Facility.
- Sec. 243. Prompt global strike.

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Subtitle A—Authorization of Appropriations

3 SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

4 Funds are hereby authorized to be appropriated for

5 fiscal year 2008 for the use of the Department of Defense

- 6 for research, development, test, and evaluation as follows:
 - (1) For the Army, \$10,840,392,000.

1	(2) For the Navy, \$16,980,732,000.
2	(3) For the Air Force, \$25,692,521,000.
3	(4) For Defense-wide activities,
4	\$20,213,900,000, of which \$180,264,000 is author-
5	ized for the Director of Operational Test and Eval-
6	uation.
7	SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECH-
8	NOLOGY.
9	(a) FISCAL YEAR 2008.—Of the amounts authorized
10	to be appropriated by section 201, \$10,913,944,000 shall
11	be available for the Defense Science and Technology Pro-
12	gram, including basic research, applied research, and ad-
13	vanced technology development projects.
14	(b) BASIC RESEARCH, APPLIED RESEARCH, AND AD-
15	VANCED TECHNOLOGY DEVELOPMENT DEFINED.—For
16	purposes of this section, the term "basic research, applied
17	research, and advanced technology development" means
18	work funded in program elements for defense research and
19	development under Department of Defense budget activity
20	1, 2, or 3.

Subtitle B—Program Require ments, Restrictions, and Limita tions

4 SEC. 211. OPERATIONAL TEST AND EVALUATION OF FU-5 TURE COMBAT SYSTEMS NETWORK.

6 (a) OPERATIONAL TEST AND EVALUATION RE-QUIRED.—The Secretary of the Army, in cooperation with 7 8 the Director, Operational Test and Evaluation, shall com-9 plete an operational test and evaluation (as defined in sec-10 tion 139(a)(2)(A) of title 10, United States Code), of the 11 FCS network in a realistic environment simulating oper-12 ational conditions. The operational test and evaluation shall— 13

(1) be conducted in accordance with a Future
Combat Systems Test and Evaluation Master Plan
approved by the Director, Operational Test and
Evaluation;

18 (2) be conducted using prototype equipment,19 sensors, and software for the FCS network;

20 (3) be conducted in a manner that simulates a21 full Future Combat Systems brigade;

(4) be conducted, to the maximum extent possible, using actual communications equipment instead of computer simulations;

(5) be conducted in a realistic operational elec tronic warfare environment, including enemy elec tronic warfare and network attacks; and

4 (6) include, to the maximum extent possible, all
5 sensor information feeds the FCS network is de6 signed to incorporate.

7 (b) FCS NETWORK DEFINED.—In this section, the
8 term "FCS network" includes all sensors, information sys9 tems, computers, and communications systems necessary
10 to support Future Combat Systems brigade operations.

11 (c) REPORT.—Not later than 120 days after com-12 pleting the operational test and evaluation required by 13 subsection (a), the Director, Operational Test and Evalua-14 tion shall submit to the congressional defense committees 15 a report on the outcome of the operational test and evalua-16 tion. The report shall include, at a minimum—

- 17 (1) an evaluation of the overall operational ef18 fectiveness of the FCS network, including—
- (A) an evaluation of the FCS network's capability to transmit the volume and classes of
 data required by Future Combat Systems approved requirements; and

(B) an evaluation of the FCS network's
performance in a degraded condition due to
enemy network attack, sophisticated enemy

1	electronic warfare, adverse weather conditions,
2	and terrain variability;
3	(2) an evaluation of the FCS network's ability
4	to improve friendly force knowledge of the location
5	and capability of enemy forces and combat systems;
6	and
7	(3) an evaluation of the overall operational suit-
8	ability of the FCS network.
9	(d) Limitation Pending Submission of Re-
10	PORT.—
11	(1) IN GENERAL.—No funds, with the exception
12	of funds for advanced procurement, appropriated
13	pursuant to an authorization of appropriations or
14	otherwise made available to the Department of the
15	Army for any fiscal year may be obligated for low-
16	rate initial production or full-rate production of Fu-
17	ture Combat Systems manned ground vehicles until
18	60 days after the date on which the report is sub-
19	mitted under subsection (c).
20	(2) WAIVER AUTHORITY.—The Secretary of De-
21	fense may waive the limitation in paragraph (1) if

fense may waive the limitation in paragraph (1) if
the Secretary determines that such a waiver is critical for national security. Such a waiver shall not become effective until 45 days after the date on which

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1	the Secretary submits to the congressional defense
2	committees a written notice of the waiver.
3	(3) INAPPLICABILITY TO THE NON LINE OF
4	SIGHT CANNON VEHICLE.—The limitation in para-
5	graph (1) does not apply to the Non Line of Sight
6	Cannon vehicle.
7	SEC. 212. LIMITATION ON USE OF FUNDS FOR SYSTEMS DE-
8	VELOPMENT AND DEMONSTRATION OF JOINT
9	LIGHT TACTICAL VEHICLE PROGRAM.
10	Of the amounts appropriated pursuant to an author-
11	instion of annumistions on athemise mode available for
11	ization of appropriations or otherwise made available for

13 tion program phase of systems development and dem14 onstration for fiscal year 2008 or any fiscal year there15 after, no more than 50 percent of those amounts may be
16 obligated or expended until after—

the Joint Light Tactical Vehicle Program for the acquisi-

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics, or the appropriate
milestone decision authority, makes the certification
required by section 2366a of title 10, United States
Code, with respect to the Joint Light Tactical Vehicle Program; and

23 (2) the certification has been received by the24 congressional defense committees.

12

1SEC. 213. REQUIREMENT TO OBLIGATE AND EXPEND2FUNDS FOR DEVELOPMENT AND PROCURE-3MENT OF A COMPETITIVE PROPULSION SYS-4TEM FOR THE JOINT STRIKE FIGHTER.

5 Of the funds appropriated pursuant to an authorization of appropriations or otherwise made available for fis-6 7 cal year 2008 or any year thereafter, for research, develop-8 ment, test, and evaluation and procurement for the Joint 9 Strike Fighter Program, the Secretary of Defense shall 10 ensure the obligation and expenditure in each such fiscal 11 year of sufficient annual amounts for the continued development and procurement of 2 options for the propulsion 12 13 system for the Joint Strike Fighter in order to ensure the 14 development and competitive production for the propulsion system for the Joint Strike Fighter. 15

16 SEC. 214. LIMITATION ON USE OF FUNDS FOR DEFENSE17 WIDE MANUFACTURING SCIENCE AND TECH18 NOLOGY PROGRAM.

No funds available to the Office of the Secretary of
Defense for any fiscal year may be obligated or expended
for the defense-wide manufacturing science and technology
program unless the Director, Defense Research and Engineering, ensures each of the following:

24 (1) A component of the Department of Defense25 has requested and evaluated—

1	(A) competitive proposals, for each project
2	under the program that is not a project covered
3	by subparagraph (B); and
4	(B) proposals from as many sources as is
5	practicable under the circumstances, for a
6	project under the program if the disclosure of
7	the needs of the Department of Defense with
8	respect to that project would compromise the
9	national security.
10	(2) Each project under the program is carried
11	out—
12	(A) in accordance with the statutory re-
13	quirements of the Manufacturing Technology
14	Program established by section 2521 of title 10,
15	United States Code; and
16	(B) in compliance with all requirements of
17	any directive that applies to manufacturing
18	technology.
19	(3) An implementation plan has been developed.
20	SEC. 215. ADVANCED SENSOR APPLICATIONS PROGRAM.
21	(a) TRANSFER OF FUNDS.—(1) Of the amount au-
22	thorized to be appropriated by section $201(3)$ for research,
23	development, test, and evaluation, Air Force activities, and
24	made available for the activities of the Intelligence Sys-
25	tems Support Office, an aggregate of \$13,000,000 shall

be transferred to the Advanced Sensor Applications Pro gram not later than 60 days after the date of the enact ment of this Act.

4 (2) Of the amount authorized to be appropriated by 5 section 301(2) for operation and maintenance, Navy ac-6 tivities, and made available for the activities of the Office 7 of Naval Intelligence, an aggregate of \$5,000,000 shall be 8 transferred to the Advanced Sensor Applications Program 9 not later than 60 days after the date of the enactment 10 of this Act.

11 (b) ASSIGNMENT OF PROGRAM.—Management of the 12 program shall reside within the office of the Under Sec-13 retary of Defense for Intelligence until certain conditions specified in the classified annex to the statement of man-14 15 agers accompanying this Act are met. The program shall be executed by the Commander, Naval Air Systems Com-16 17 mand in consultation with the Program Executive Officer for Aviation for the Navy. 18

19 SEC. 216. ACTIVE PROTECTION SYSTEMS.

20 (a) LIVE-FIRE TESTS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense
shall undertake live-fire tests, of appropriate foreign
and domestic active protection systems with size,
weight, and power characteristics suitable for pro-

1	tecting wheeled tactical vehicles, especially light
2	wheeled tactical vehicles, in order—
3	(A) to determine the effectiveness of such
4	systems for protecting wheeled tactical vehicles;
5	and
6	(B) to develop information useful in the
7	consideration of the adoption of such systems in
8	defense acquisition programs.
9	(2) Reports.—Not later than March 1 of each
10	of 2008 and 2009, the Secretary shall submit to the
11	congressional defense committees a report on the re-
12	sults of the tests undertaken under paragraph (1) as
13	of the date of such report.
14	(3) FUNDING.—The live-fire tests required by
15	paragraph (1) shall be conducted using funds au-
16	thorized and appropriated for the Joint Improvised
17	Explosive Device Defeat Fund.
18	(b) Comprehensive Assessment Required.—
19	(1) IN GENERAL.—The Secretary shall under-
20	take a comprehensive assessment of active protection
21	systems in order to develop information useful in the
22	development of joint active protection systems and
23	other defense programs.
24	(2) ELEMENTS.—The assessment under para-
25	graph (1) shall include—

1	(A) an identification of the potential merits
2	and operational costs of the use of active pro-
3	tection systems by United States military
4	forces;
5	(B) a characterization of the threats that
6	use of active protection systems by potential ad-
7	versaries would pose to United States military
8	forces and weapons;
9	(C) an identification and assessment of
10	countermeasures to active protection systems;
11	(D) an analysis of collateral damage poten-
12	tial of active protection systems;
13	(E) an identification and assessment of
14	emerging direct-fire and top-attack threats to
15	defense systems that could potentially deploy
16	active protection systems; and
17	(F) an identification and assessment of
18	critical technology elements of active protection
19	systems.
20	(3) REPORT.—Not later than December 31,
21	2008, the Secretary shall submit to the congres-
22	sional defense committees a report on the assess-
23	ment under paragraph (1).

Subtitle C—Ballistic Missile Defense

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3 SEC. 221. PARTICIPATION OF DIRECTOR, OPERATIONAL
4 TEST AND EVALUATION, IN MISSILE DEFENSE
5 TEST AND EVALUATION ACTIVITIES.

6 Section 139 of title 10, United States Code, is7 amended—

8 (1) by redesignating subsections (f) through (j)
9 as subsections (g) through (k), respectively; and

10 (2) by inserting after subsection (e) the fol-11 lowing new subsection (f):

(f)(1) The Director of the Missile Defense Agency 12 13 shall make available to the Director of Operational Test 14 and Evaluation the results of all tests and evaluations con-15 ducted by the Missile Defense Agency and of all studies conducted by the Missile Defense Agency in connection 16 with tests and evaluations in the Missile Defense Agency. 17 18 "(2) The Director of Operational Test and Evalua-19 tion may require that such observers as the Director des-20ignates be present during the preparation for and the con-21ducting of any test and evaluation conducted by the Mis-22 sile Defense Agency.

"(3) The Director of Operational Test and Evaluation shall have access to all records and data in the Department of Defense (including the records and data of

the Missile Defense Agency) that the Director considers
 necessary to review in order to carry out his duties under
 this subsection.".

4 SEC. 222. STUDY ON FUTURE ROLES AND MISSIONS OF THE 5 MISSILE DEFENSE AGENCY.

6 (a) IN GENERAL.—The Secretary of Defense shall 7 enter into an agreement with 1 of the Federally Funded 8 Research and Development Centers under which the Cen-9 ter shall carry out an independent study to examine, and 10 make recommendations with respect to, the long-term 11 structure, roles, and missions of the Missile Defense Agen-12 cy.

13 (b) MATTERS INCLUDED.—

14 (1) REVIEW.—The study shall include a full re15 view of the structure, roles, and missions of the Mis16 sile Defense Agency.

17 (2) ASSESSMENTS.—The study shall include an
18 examination and assessment of the current and fu19 ture—

20 (A) structure, roles, and missions of the
21 Missile Defense Agency;

(B) relationship of the Missile DefenseAgency with—

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1	(i) the Office of the Under Secretary
2	of Defense for Acquisition, Technology,
3	and Logistics;
4	(ii) the Office of the Under Secretary
5	of Defense for Policy;
6	(iii) the Director of Operational Test
7	and Evaluation;
8	(iv) the Commander of the United
9	States Strategic Command and other com-
10	batant commanders;
11	(v) the Joint Requirements Oversight
12	Council; and
13	(vi) the military departments;
14	(C) operations and sustainment of missile
15	defenses;
16	(D) acquisition process for missile defense;
17	(E) requirements process for missile de-
18	fense; and
19	(F) transition and transfer of missile de-
20	fense capabilities to the military departments.
21	(3) Recommendations.—The study shall in-
22	clude recommendations as to how the Missile De-
23	fense Agency can be made more effective to support
24	the needs of the warfighter, especially with regard to
25	near-term missile defense capabilities. The study

1	shall also examine the full range of options for the
2	future of the Missile Defense Agency and shall in-
3	clude, but not be limited to, specific recommenda-
4	tions as to whether—
5	(A) the Missile Defense Agency should be
6	maintained in its current configuration;
7	(B) the scope and nature of the Missile
8	Defense Agency should be changed from an or-
9	ganization focused on research and development
10	to an organization focused on combat support;
11	(C) any functions and responsibilities
12	should be added to the Missile Defense Agency,
13	in part or in whole, from other entities such as
14	the United States Strategic Command and the
15	military departments; and
16	(D) any functions and responsibilities of
17	the Missile Defense Agency should be trans-
18	ferred, in part or in whole, to other entities
19	such as the United States Strategic Command
20	and the military departments.
21	(c) Cooperation From Government.—In carrying
22	out the study, the Federally Funded Research and Devel-
23	opment Center shall receive the full and timely cooperation
24	of the Secretary of Defense and any other United States
25	Government official in providing the Center with analyses,

briefings, and other information necessary for the fulfill ment of its responsibilities.

3 (d) REPORT.—Not later than September 1, 2008, the
4 Federally Funded Research and Development Center shall
5 submit to the Committee on Armed Services of the Senate
6 and the Committee on Armed Services of the House of
7 Representatives a report on its findings, conclusions, and
8 recommendations.

9 (e) FUNDING.—Funds for the study shall be provided
10 from amounts appropriated for the Department of De11 fense.

12 SEC. 223. BUDGET AND ACQUISITION REQUIREMENTS FOR 13 MISSILE DEFENSE AGENCY ACTIVITIES.

(a) REVISED BUDGET STRUCTURE.—The budget justification materials submitted to Congress in support of
the Department of Defense budget for any fiscal year after
fiscal year 2009 (as submitted with the budget of the
President under section 1105(a) of title 31, United States
Code) shall set forth separately amounts requested for the
Missile Defense Agency for each of the following:

- 21 (1) Research, development, test, and evaluation.
- 22 (2) Procurement.
- 23 (3) Operation and maintenance.
- 24 (4) Military construction.

1	(b) Revised Budget Structure for Fiscal
2	YEAR 2009.—The budget justification materials sub-
3	mitted to Congress in support of the Department of De-
4	fense budget for fiscal year 2009 (as submitted with the
5	budget of the President under section 1105(a) of title 31,
6	United States Code) shall—
7	(1) identify all known and estimated operation
8	and support costs; and
9	(2) set forth separately amounts requested for
10	the Missile Defense Agency for each of the following:
11	(A) Research, development, test, and eval-
12	uation.
13	(B) Procurement or advance procurement
14	of long lead items, including for Terminal High
15	Altitude Area Defense firing units 3 and 4, and
16	for Standard Missile-3 Block 1A interceptors.
17	(C) Military construction.
18	(c) Availability of RDT&E Funds for Fiscal
19	YEAR 2009.—Upon approval by the Secretary of Defense,
20	and consistent with the plan submitted under subsection
21	(f), funds appropriated pursuant to an authorization of
22	appropriations or otherwise made available for fiscal year
23	2009 for research, development, test, and evaluation for
24	the Missile Defense Agency—

1	(1) may be used for the fielding of ballistic mis-
2	sile defense capabilities approved previously by Con-
3	gress; and
4	(2) may not be used for—
5	(A) military construction activities; or
6	(B) procurement or advance procurement
7	of long lead items, including for Terminal High
8	Altitude Area Defense firing units 3 and 4, and
9	for Standard Missile-3 Block 1A interceptors.
10	(d) Full Funding Requirement Not Applica-
11	BLE TO USE OF PROCUREMENT FUNDS FOR FISCAL
12	YEARS 2009 AND 2010.—In any case in which funds ap-
13	propriated pursuant to an authorization of appropriations
14	or otherwise made available for procurement for the Mis-
15	sile Defense Agency for fiscal years 2009 and 2010 are
16	used for the fielding of ballistic missile defense capabili-
17	ties, the funds may be used for the fielding of those capa-
18	bilities on an "incremental" basis, notwithstanding any
19	law or policy of the Department of Defense that would
20	otherwise require a "full funding" basis.
21	(e) Relationship to Other Law.—Nothing in this
22	provision shall be construed to alter or otherwise affect
23	in any way the applicability of the requirements and other

24 provisions of section 234(a) through (d) of the Ronald W.25 Reagan National Defense Authorization Act for Fiscal

Year 2005 (Public Law 108–375; 118 Stat. 1837; 10
 U.S.C. 2431 note).

3 (f) PLAN REQUIRED.—Not later than March 1, 2008, 4 the Director of the Missile Defense Agency shall submit to the Committee on Armed Services of the Senate and 5 the Committee on Armed Services of the House of Rep-6 7 resentatives a plan for transitioning the Missile Defense 8 Agency from using exclusively research, development, test, 9 and evaluation funds to using procurement, military con-10 struction, operations and maintenance, and research, development, test, and evaluation funds for the appropriate 11 budget activities, and for transitioning from incremental 12 13 funding to full funding for fiscal years after fiscal year 2010.14

15 (g) Objectives for Acquisition Activities.—

- 16 (1) IN GENERAL.—Commencing as soon as
 17 practicable, but not later than the submittal to Con18 gress of the budget for the President for fiscal year
 19 2009 under section 1105(a) of title 31, United
 20 States Code, the Missile Defense Agency shall take
 21 appropriate actions to achieve the following objec22 tives in its acquisition activities:
- 23 (A) Improved transparency.
- 24 (B) Improved accountability.
- 25 (C) Enhanced oversight.

1	(2) REQUIRED ACTIONS.—In order to achieve
2	the objectives specified in paragraph (1), the Missile
3	Defense Agency shall, at a minimum, take actions as
4	follows:
5	(A) Establish acquisition cost, schedule,
6	and performance baselines for each ballistic
7	missile defense system element that—
8	(i) has entered the equivalent of the
9	systems development and demonstration
10	phase of acquisition; or
11	(ii) is being produced and acquired for
12	operational fielding.
13	(B) Provide unit cost reporting data for
14	each ballistic missile defense system element
15	covered by subparagraph (A), and secure inde-
16	pendent estimation and verification of such cost
17	reporting data.
18	(C) Include, in the budget justification ma-
19	terials described in subsection (a), a description
20	of actions being taken in the fiscal year in
21	which such materials are submitted, and the ac-
22	tions to be taken in the fiscal year covered by
23	such materials, to achieve such objectives.
24	(3) Specification of ballistic missile de-
25	FENSE SYSTEM ELEMENTS.—The ballistic missile

1	defense system elements that, as of October 2007,
2	are ballistic missile defense system elements covered
3	by paragraph (2)(A) are the following elements:
4	(A) Ground-based Midcourse Defense.
5	(B) Aegis Ballistic Missile Defense.
6	(C) Terminal High Altitude Area Defense.
7	(D) Forward-Based X-band radar-Trans-
8	portable (AN/TPY-2).
9	(E) Command, Control, Battle Manage-
10	ment, and Communications.
11	(F) Sea-Based X-band radar.
12	(G) Upgraded Early Warning radars.
13	SEC. 224. LIMITATION ON USE OF FUNDS FOR REPLACING
14	WARHEAD ON SM-3 BLOCK IIA MISSILE.
15	None of the funds appropriated or otherwise made
16	available pursuant to an authorization of appropriations
17	in this Act may be obligated or expended to replace the
18	unitary warhead on the SM–3 Block IIA missile with the
19	Multiple Kill Vehicle until after the Secretary of Defense
20	certifies to Congress that—
21	(1) the United States and Japan have reached
	(1) the entred states and supar nave reached
22	an agreement to replace the unitary warhead on the
22 23	
	an agreement to replace the unitary warhead on the

1	will not delay the expected deployment date of
2	2014–2015 for that missile.
3	SEC. 225. EXTENSION OF COMPTROLLER GENERAL ASSESS-
4	MENTS OF BALLISTIC MISSILE DEFENSE PRO-
5	GRAMS.
6	Section 232(g) of the National Defense Authorization
7	Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amend-
8	ed—
9	(1) in paragraph (1) , by striking "through
10	2008" and inserting "through 2013"; and
11	(2) in paragraph (2), by striking "through
12	2009" and inserting "through 2014".
13	SEC. 226. LIMITATION ON AVAILABILITY OF FUNDS FOR
13 14	SEC. 226. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DE-
14	PROCUREMENT, CONSTRUCTION, AND DE-
14 15	PROCUREMENT, CONSTRUCTION, AND DE- PLOYMENT OF MISSILE DEFENSES IN EU-
14 15 16	PROCUREMENT, CONSTRUCTION, AND DE- PLOYMENT OF MISSILE DEFENSES IN EU- ROPE. (a) GENERAL LIMITATION.—No funds authorized to
14 15 16 17	PROCUREMENT, CONSTRUCTION, AND DE- PLOYMENT OF MISSILE DEFENSES IN EU- ROPE. (a) GENERAL LIMITATION.—No funds authorized to
14 15 16 17 18	PROCUREMENT, CONSTRUCTION, AND DE- PLOYMENT OF MISSILE DEFENSES IN EU- ROPE. (a) GENERAL LIMITATION.—No funds authorized to be appropriated by this Act may be obligated or expended
14 15 16 17 18 19	PROCUREMENT, CONSTRUCTION, AND DE- PLOYMENT OF MISSILE DEFENSES IN EU- ROPE. (a) GENERAL LIMITATION.—No funds authorized to be appropriated by this Act may be obligated or expended for procurement, site activation, construction, preparation
 14 15 16 17 18 19 20 	PROCUREMENT, CONSTRUCTION, AND DE- PLOYMENT OF MISSILE DEFENSES IN EU- ROPE. (a) GENERAL LIMITATION.—No funds authorized to be appropriated by this Act may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of a long-range missile
 14 15 16 17 18 19 20 21 	PROCUREMENT, CONSTRUCTION, AND DE- PLOYMENT OF MISSILE DEFENSES IN EU- ROPE. (a) GENERAL LIMITATION.—No funds authorized to be appropriated by this Act may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of a long-range missile defense system in Europe until the following conditions

25 (including interceptors and associated radars) are

proposed to be deployed have each given final ap proval to any missile defense agreements negotiated
 between such governments and the United States
 Government concerning the proposed deployment of
 such components in their countries.

6 (2) Forty five days have elapsed following the
7 receipt by Congress of the report required under
8 subsection (c)(6).

9 (b) ADDITIONAL LIMITATION.—In addition to the 10 limitation in subsection (a), no funds authorized to be appropriated by this Act may be obligated or expended for 11 the acquisition or deployment of operational missiles of a 12 13 long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director 14 15 of Operational Test and Evaluation, submits to Congress a report certifying that the proposed interceptor to be de-16 17 ployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight 18 testing, a high probability of working in an operationally 19 20 effective manner.

21 (c) REPORT ON INDEPENDENT ASSESSMENT FOR
22 BALLISTIC MISSILE DEFENSE IN EUROPE.—

(1) INDEPENDENT ASSESSMENT.—Not later
than 30 days after the date of the enactment of this
Act, the Secretary of Defense shall select a federally

funded research and development center to conduct
 an independent assessment of options for ballistic
 missile defense for forward deployed forces of the
 United States and its allies in Europe and for the
 United States homeland.

6 (2)ANALYSIS OF ADMINISTRATION PRO-7 POSAL.—The study shall provide a full analysis of 8 the Administration's proposal to protect forward-de-9 ployed forces of the United States and its allies in 10 Europe, forward-deployed radars in Europe, and the 11 United States by deploying, in Europe, interceptors 12 and radars of the Ground-Based Midcourse Defense 13 (GMD) system. In providing the analysis, the study 14 shall examine each of the following matters:

(A) The threat to Europe and the United
States of ballistic missiles (including shortrange, medium-range, intermediate-range, and
long-range ballistic missiles) from Iran, including the likelihood and timing of such threats.

20 (B) The technical capabilities of the sys21 tem, as so deployed, to effectively protect for22 ward-deployed forces of the United States and
23 its allies in Europe, forward-deployed radars in
24 Europe, and the United States against the
25 threat specified in subparagraph (A).

1	(C) The degree of coverage of the Euro-
2	pean territory of members of the North Atlantic
3	Treaty Organization.
4	(D) The political implications of such a de-
5	ployment on the United States, the North At-
6	lantic Treaty Organization, and other interested
7	parties.
8	(E) Integration and interoperability with
9	North Atlantic Treaty Organization missile de-
10	fenses.
11	(F) The operational issues associated with
12	such a deployment, including operational effec-
13	tiveness.
14	(G) The force structure implications of
15	such a deployment, including a comparative
16	analysis of alternative deployment options.
17	(H) The budgetary implications of such a
18	deployment, including possible allied cost shar-
19	ing, and the cost-effectiveness of such a deploy-
20	ment.
21	(I) Command and control arrangements,
22	including any command and control roles for
23	the United States European Command and the
24	North Atlantic Treaty Organization.

1	(J) Potential opportunities for participa-
2	tion by the Government of Russia.
3	(3) ANALYSIS OF ALTERNATIVES.—The study
4	shall also provide a full analysis of alternative sys-
5	tems that could be deployed to fulfill, in whole or in
6	part, the protective purposes of the Administration's
7	proposal. The alternative systems shall include a
8	range of feasible combinations of other missile de-
9	fense systems that are available or are expected to
10	be available as of 2015 and 2020. These should in-
11	clude, but not be limited to, the following:
12	(A) The Patriot PAC–3 system.
13	(B) The Medium Extended Air Defense
14	System.
15	(C) The Aegis Ballistic Missile Defense
16	system, with all variants of the Standard Mis-
17	sile–3 interceptor.
18	(D) The Terminal High Altitude Area De-
19	fense (THAAD) system.
20	(E) Forward-Based X-band Transportable
21	(FBX-T) radars.
22	(F) The Kinetic Energy Interceptor (KEI).
23	(G) Other non-United States, North Atlan-
24	tic Treaty Organization missile defense systems
25	or components.

(4) MATTERS EXAMINED.—In providing the
 analysis, the study shall examine, for each alter native system included, each of the matters specified
 in paragraph (2).

5 (5) COOPERATION OF OTHER AGENCIES.—The 6 Secretary of Defense shall provide the federally funded research and development center selected 7 8 under paragraph (1) data, analyses, briefings, and 9 other information as the center considers necessary 10 to carry out the assessment described in that para-11 graph. Furthermore, the Director of National Intel-12 ligence and the heads of other departments and 13 agencies of the United States Government shall also 14 provide the center the appropriate data, analyses, 15 briefings, and other information necessary for the 16 purpose of carrying out the assessment described in 17 that paragraph.

(6) REPORT.—Not later than 180 days after
the date of the enactment of this Act, the federally
funded research and development center shall submit
to the congressional defense committees and the Secretary of Defense a report on the results of the
study. The report shall be in unclassified form, but
may include a classified annex.

(7) FUNDING.—Of the amounts appropriated or
 otherwise made available pursuant to the authoriza tion of appropriations in section 201(4), \$1,000,000
 is available to carry out the study required by this
 subsection.

6 (d) CONSTRUCTION.—Nothing in this section shall be 7 construed to limit continuing obligation and expenditure 8 of funds for missile defense, including for research and 9 development and for other activities not otherwise limited 10 by subsection (a) or (b), including, but not limited to, site 11 surveys, studies, analysis, and planning and design for the 12 proposed missile defense deployment in Europe.

13 SEC. 227. SENSE OF CONGRESS ON MISSILE DEFENSE CO14 OPERATION WITH ISRAEL.

15 (a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should have an active pro-16 17 gram of ballistic missile defense cooperation with Israel, 18 and should take steps to improve the coordination, inter-19 operability, and integration of United States and Israeli 20 missile defense capabilities, and to enhance the capability 21 of both nations to defend against ballistic missile threats 22 present in the Middle East region.

23 (b) Report.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of the enactment of this Act, the Sec-

1	retary of Defense shall submit to the congressional
2	defense committees a report on the status of missile
3	defense cooperation between the United States and
4	Israel.
5	(2) CONTENT.—The report submitted under
6	this subsection shall include each of the following:
7	(A) A description of the current program
8	of ballistic missile defense cooperation between
9	the United States and Israel, including its ob-
10	jectives and results to date.
11	(B) A description of steps taken within the
12	previous five years to improve the interoper-
13	ability and coordination of the missile defense
14	capabilities of the United States and Israel.
15	(C) A description of steps planned to be
16	taken by the governments of the United States
17	and Israel in the future to improve the coordi-
18	nation, interoperability, and integration of their
19	missile defense capabilities.
20	(D) A description of joint efforts of the
21	United States and Israel to develop ballistic
22	missile defense technologies.
23	(E) A description of joint missile defense
24	exercises and training that have been conducted

1	by the United States and Israel, and the lessons
2	learned from those exercises.
3	(F) A description of the joint missile de-
4	fense testing activities of the United States and
5	Israel, past and planned, and the benefits of
6	such joint testing activities.
7	(G) A description of how the United States
8	and Israel share threat assessments regarding
9	the ballistic missile threat.
10	(H) Any other matters that the Secretary
11	considers appropriate.
12	SEC. 228. LIMITATION ON AVAILABILITY OF FUNDS FOR DE-
13	PLOYMENT OF MISSILE DEFENSE INTERCEP-
13 14	PLOYMENT OF MISSILE DEFENSE INTERCEP- TORS IN ALASKA.
14	TORS IN ALASKA.
14 15	TORS IN ALASKA. None of the funds authorized to be appropriated by this Act may be obligated or expended to deploy more than
14 15 16 17	TORS IN ALASKA. None of the funds authorized to be appropriated by this Act may be obligated or expended to deploy more than
14 15 16 17	TORS IN ALASKA. None of the funds authorized to be appropriated by this Act may be obligated or expended to deploy more than 40 Ground-Based Interceptors at Fort Greely, Alaska,
14 15 16 17 18	TORS IN ALASKA. None of the funds authorized to be appropriated by this Act may be obligated or expended to deploy more than 40 Ground-Based Interceptors at Fort Greely, Alaska, until the Secretary of Defense, after receiving the views
 14 15 16 17 18 19 	TORS IN ALASKA. None of the funds authorized to be appropriated by this Act may be obligated or expended to deploy more than 40 Ground-Based Interceptors at Fort Greely, Alaska, until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, sub-
 14 15 16 17 18 19 20 	TORS IN ALASKA. None of the funds authorized to be appropriated by this Act may be obligated or expended to deploy more than 40 Ground-Based Interceptors at Fort Greely, Alaska, until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, sub- mits to Congress a certification that the Block 2006
 14 15 16 17 18 19 20 21 	TORS IN ALASKA. None of the funds authorized to be appropriated by this Act may be obligated or expended to deploy more than 40 Ground-Based Interceptors at Fort Greely, Alaska, until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, sub- mits to Congress a certification that the Block 2006 Ground-based Midcourse Defense element of the Ballistic
 14 15 16 17 18 19 20 21 22 	TORS IN ALASKA. None of the funds authorized to be appropriated by this Act may be obligated or expended to deploy more than 40 Ground-Based Interceptors at Fort Greely, Alaska, until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, sub- mits to Congress a certification that the Block 2006 Ground-based Midcourse Defense element of the Ballistic Missile Defense System has demonstrated, through oper-

1	SEC. 229. POLICY OF THE UNITED STATES ON PROTECTION
2	OF THE UNITED STATES AND ITS ALLIES
3	AGAINST IRANIAN BALLISTIC MISSILES.
4	(a) FINDING.—Congress finds that Iran maintains a
5	nuclear program in continued defiance of the international
6	community while developing ballistic missiles of increasing
7	sophistication and range that—
8	(1) pose a threat to—
9	(A) the forward-deployed forces of the
10	United States;
11	(B) North Atlantic Treaty Organization
12	(NATO) allies in Europe; and
13	(C) other allies and friendly foreign coun-
14	tries in the region; and
15	(2) eventually could pose a threat to the United
16	States homeland.
17	(b) Policy of the United States.—It is the pol-
18	icy of the United States—
19	(1) to develop, test, and deploy, as soon as tech-
20	nologically feasible, in conjunction with allies and
21	friendly foreign countries whenever possible, an ef-
22	fective defense against the threat from Iran de-
23	scribed in subsection (a) that will provide protec-
24	tion—

1	(A) for the forward-deployed forces of the
2	United States, NATO allies, and other allies
3	and friendly foreign countries in the region; and
4	(B) for the United States homeland;
5	(2) to encourage the NATO alliance to accel-
6	erate its efforts to—
7	(A) protect NATO territory in Europe
8	against the existing threat of Iranian short- and
9	medium-range ballistic missiles; and
10	(B) facilitate the ability of NATO allies to
11	acquire the missile defense systems needed to
12	provide a wide-area defense capability against
13	short- and medium-range ballistic missiles; and
14	(3) to proceed with the activities specified in
15	paragraphs (1) and (2) in a manner such that any
16	missile defense systems fielded by the United States
17	in Europe are integrated with or complementary to
18	missile defense systems fielded by NATO in Europe.
19	Subtitle D—Other Matters
20	SEC. 231. COORDINATION OF HUMAN SYSTEMS INTEGRA-
21	TION ACTIVITIES RELATED TO ACQUISITION
22	PROGRAMS.
23	(a) IN GENERAL.—The Secretary of Defense, acting
24	through the Under Secretary of Defense for Acquisition,
25	Technology, and Logistics, shall coordinate and manage

human systems integration activities throughout the ac-1 2 quisition programs of the Department of Defense. 3 (b) ADMINISTRATION.—In carrying out subsection 4 (a), the Secretary shall designate a senior official to be 5 responsible for the effort. 6 (c) RESPONSIBILITIES.—In carrying out this section, 7 the senior official designated in subsection (b) shall— 8 (1) coordinate the planning, management, and 9 execution of such activities; and 10 (2) identify and recommend, as appropriate, re-11 source requirements for human systems integration 12 activities. 13 (d) DESIGNATION.—The designation required by sub-14 section (b) shall be made not later than 60 days after the 15 date of the enactment of this Act. 16 SEC. 232. EXPANSION OF AUTHORITY FOR PROVISION OF 17 LABORATORY FACILITIES, SERVICES, AND 18 EQUIPMENT. 19 Section 2539b of title 10, United States Code, is 20 amended-21 (1) in subsection (a)— (A) in paragraph (2) by striking "and" at 22 23 the end; 24 (B) in paragraph (3) by striking the period at the end and inserting "; and"; and 25

1	(C) by adding at the end the following:
2	"(4) make available to any person or entity,
3	through leases, contracts, or other appropriate ar-
4	rangements, facilities, services, and equipment of
5	any government laboratory, research center, or
6	range, if the facilities, services, and equipment pro-
7	vided will not be in direct competition with the do-
8	mestic private sector.";
9	(2) in subsection (c)—
10	(A) by striking "for services"; and
11	(B) by striking "subsection (a)(3)" and in-
12	serting "subsections $(a)(3)$ and $(a)(4)$ "; and
13	(3) in subsection (d)—
14	(A) by striking "for services made avail-
15	able"; and
16	(B) by striking "subsection (a)(3)" and in-
17	serting "subsections $(a)(3)$ and $(a)(4)$ ".
18	SEC. 233. MODIFICATION OF COST SHARING REQUIREMENT
19	FOR TECHNOLOGY TRANSITION INITIATIVE.
20	Paragraph (2) of section 2359a(f) of title 10, United
21	States Code, is amended to read as follows:
22	((2) The amount of funds provided to a project under
23	paragraph (1) by the military department or Defense
~ '	
24	Agency concerned shall be the appropriate share of the

1 be, of the cost of the project, as determined by the Man-2 ager.".

3 SEC. 234. REPORT ON IMPLEMENTATION OF MANUFAC-4 TURING TECHNOLOGY PROGRAM.

5 (a) REPORT REQUIRED.—Not later than September 6 1, 2008, the Secretary of Defense shall submit to the 7 Committee on Armed Services of the Senate and the Com-8 mittee on Armed Services of the House of Representatives 9 a report on the implementation of the technologies and 10 processes developed under the Manufacturing Technology Program required by section 2521 of title 10, United 11 States Code. 12

(b) ELEMENTS.—The report shall identify each technology or process implemented and, for each such technology or process, shall identify—

16 (1) the project of the Manufacturing Tech17 nology Program through which the technology or
18 process was developed, the Federal and non-Federal
19 participants in that project, and the duration of the
20 project;

(2) the organization or program implementing
the technology or process, and a description of the
implementation;

24 (3) the funding required to implement the tech-25 nology or process, including—

1	(A) funds provided by military depart-
2	ments and Defense Agencies under the Manu-
3	facturing Technology Program;
4	(B) funds provided by the Department of
5	Defense, or any element of the Department, to
6	co-develop the technology or process;
7	(C) to the maximum extent practicable,
8	funds provided by the Department of Defense,
9	or any element of the Department, to—
10	(i) mature the technology or process
11	prior to transition to the Manufacturing
12	Technology Program; and
13	(ii) provide for the implementation of
14	the technology or process;
15	(4) the total value of industry cost share, if ap-
16	plicable;
17	(5) if applicable, the total value of cost avoid-
18	ance or cost savings directly attributable to the im-
19	plementation of the technology or process; and
20	(6) a description of any system performance en-
21	hancements, technology performance enhancements,
22	or improvements in a manufacturing readiness level
23	of a system or a technology.
24	(c) DEFINITION.—For purposes of this section, the
25	term "implementation" refers to—

1 (1) the use of a technology or process in the 2 manufacture of defense materiel; 3 (2) the inclusion of a technology or process in 4 the systems engineering plan for a program of record; or 5 6 (3) the use of a technology or process for the 7 manufacture of commercial items. 8 (d) SCOPE.—The report shall include technologies or 9 processes developed with funds appropriated or otherwise 10 made available for the Manufacturing Technology programs of the military departments and Defense Agencies 11 for fiscal years 2003 through 2005. 12

13 SEC. 235. ASSESSMENT OF SUFFICIENCY OF TEST AND14EVALUATION PERSONNEL.

(a) ASSESSMENT REQUIRED.—The Director of Operational Test and Evaluation shall assess whether the Director's professional staff meets the requirement of section
139(j) of title 10, United States Code, that the staff be
sufficient to carry out the Director's duties and responsibilities.

(b) INCLUSION IN REPORT.—The Director shall include the results of the assessment in the report, required
by section 139(g) of title 10, United States Code, summarizing the operational test and evaluation activities during
fiscal year 2007.

1	SEC. 236. REPEAL OF REQUIREMENT FOR SEPARATE RE-
2	PORTS ON TECHNOLOGY AREA REVIEW AND
3	ASSESSMENT SUMMARIES.
4	Subsection (c) of section 253 of the National Defense
5	Authorization Act for Fiscal Year 2006 (Public Law 109–
6	163; 119 Stat. 3179; 10 U.S.C. 2501 note) is repealed.
7	SEC. 237. MODIFICATION OF NOTICE AND WAIT REQUIRE-
8	MENT FOR OBLIGATION OF FUNDS FOR FOR-

9

EIGN COMPARATIVE TEST PROGRAM.

10 Paragraph (3) of section 2350a(g) of title 10, United States Code, is amended to read as follows: 11

12 "(3) The Director of Defense Research and Engineering shall notify the congressional defense committees 13 14 of the intent to obligate funds made available to carry out this subsection not less than 7 days before such funds are 15 obligated.". 16

17 SEC. 238. STRATEGIC PLAN FOR THE MANUFACTURING 18 **TECHNOLOGY PROGRAM.**

19 (a) IN GENERAL.—Section 2521 of title 10, United 20 States Code, is amended by adding at the end the fol-21 lowing new subsection:

22 "(e) FIVE-YEAR STRATEGIC PLAN.—(1) The Secretary shall develop a plan for the program that includes 23 24 the following:

"(A) The overall manufacturing technology
 goals, milestones, priorities, and investment strategy
 for the program.

4 "(B) The objectives of, and funding for, the
5 program for each military department and each De6 fense Agency that shall participate in the program
7 during the period of the plan.

8 "(2) The Secretary shall include in the plan mecha9 nisms for assessing the effectiveness of the program under
10 the plan.

11 "(3) The Secretary shall update the plan on a bien-12 nial basis.

13 "(4) Each plan, and each update to the plan, shall14 cover a period of five fiscal years.".

15 (b) INITIAL DEVELOPMENT AND SUBMISSION OF16 PLAN.—

(1) DEVELOPMENT.—The Secretary of Defense
shall develop the strategic plan required by subsection (e) of section 2521 of title 10, United States
Code (as added by subsection (a) of this section), so
that the plan goes into effect at the beginning of fiscal year 2009.

(2) SUBMISSION.—Not later than the date on
which the budget of the President for fiscal year
2010 is submitted to Congress under section 1105

1 of title 31, United States Code, the Secretary shall 2 submit to the Committee on Armed Services of the 3 Senate and the Committee on Armed Services of the 4 House of Representatives the plan specified in para-5 graph (1). 6 SEC. 239. MODIFICATION OF AUTHORITIES ON COORDINA-7 TION OF DEFENSE EXPERIMENTAL PROGRAM 8 STIMULATE COMPETITIVE то RESEARCH 9 WITH SIMILAR FEDERAL PROGRAMS. 10 Section 257(e)(2) of the National Defense Authoriza-11 tion Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by striking "shall" each place it appears and in-12 serting "may". 13 14 SEC. 240. ENHANCEMENT OF DEFENSE NANOTECHNOLOGY 15 **RESEARCH AND DEVELOPMENT PROGRAM.** 16 (a) PROGRAM PURPOSES.—Subsection (b) of section 17 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 18 2500; 10 U.S.C. 2358 note) is amended— 19 (1) in paragraph (2), by striking "in nanoscale 20 21 research and development" and inserting "in the 22 National Nanotechnology Initiative and with the Na-23 tional Nanotechnology Coordination Office under 24 section 3 of the 21st Century Nanotechnology Re-25 search and Development Act (15 U.S.C. 7502)"; and

1	(2) in paragraph (3), by striking "portfolio of
2	fundamental and applied nanoscience and engineer-
3	ing research initiatives" and inserting "portfolio of
4	nanotechnology research and development initia-
5	tives".
6	(b) Program Administration.—
7	(1) Administration through under sec-
8	RETARY OF DEFENSE FOR ACQUISITION, TECH-
9	NOLOGY, AND LOGISTICS.—Subsection (c) of such
10	section is amended—
11	(A) by striking "the Director of Defense
12	Research and Engineering" and inserting "the
13	Under Secretary of Defense for Acquisition,
14	Technology, and Logistics''; and
15	(B) by striking "The Director" and insert-
16	ing "The Under Secretary".
17	(2) OTHER ADMINISTRATIVE MATTERS.—Such
18	subsection is further amended—
19	(A) in paragraph (2), by striking "the De-
20	partment's increased investment in
21	nanotechnology research and development and
22	the National Nanotechnology Initiative; and"
23	and inserting "investments by the Department
24	and other departments and agencies partici-
25	pating in the National Nanotechnology Initia-

1	tive in nanotechnology research and develop-
2	ment;'';
3	(B) in paragraph (3), by striking the pe-
4	riod at the end and inserting "; and"; and
5	(C) by adding at the end the following new
6	paragraph:
7	"(4) oversee Department of Defense participa-
8	tion in interagency coordination of the program with
9	other departments and agencies participating in the
10	National Nanotechnology Initiative.".
11	(c) Program Activities.—Such section is further
12	amended—
13	(1) by striking subsection (d); and
14	(2) by adding at the end the following new sub-
15	section (d):
16	"(d) Strategic Plan.—The Under Secretary shall
17	develop and maintain a strategic plan for defense
18	nanotechnology research and development that—
19	((1) is integrated with the strategic plan for
20	the National Nanotechnology Initiative and the stra-
21	tegic plans of the Director of Defense Research and
22	Engineering, the military departments, and the De-

1	((2)) includes a clear strategy for transitioning
2	the research into products needed by the Depart-
3	ment.".
4	(d) REPORTS.—Such section is further amended by
5	adding at the end the following new subsection:
6	"(e) Reports.—
7	"(1) IN GENERAL.—Not later than March 1 of
8	each of 2009, 2011, and 2013, the Under Secretary
9	of Defense for Acquisition, Technology, and Logis-
10	tics shall submit to the congressional defense com-
11	mittees a report on the program.
12	"(2) MATTERS INCLUDED.—Each report under
13	paragraph (1) shall include the following:
14	"(A) A review of—
15	"(i) the long-term challenges and spe-
16	cific technical goals of the program; and
17	"(ii) the progress made toward meet-
18	ing such challenges and achieving such
19	goals.
20	"(B) An assessment of current and pro-
21	posed funding levels for the program, including
22	an assessment of the adequacy of such funding
23	levels to support program activities.
24	"(C) A review of the coordination of activi-
25	ties under the program within the Department

of Defense, with other departments and agencies of the United States, and with the National Nanotechnology Initiative.

"(D) A review and analysis of the findings 4 5 and recommendations relating to the Depart-6 ment of Defense of the most recent triennial ex-7 ternal review of the National Nanotechnology 8 Program under section 5 of the 21st Century 9 Nanotechnology Research and Development Act 10 (15 U.S.C. 1704), and a description of initia-11 tives of the Department to implement such rec-12 ommendations.

13 "(E) An assessment of technology transi-14 tion from nanotechnology research and develop-15 ment to enhanced warfighting capabilities, in-16 cluding contributions from the Department of 17 Defense Small Business Innovative Research 18 and Small Business Technology Transfer Re-19 search programs, and the Department of De-20 fense Manufacturing Technology program, and 21 an identification of acquisition programs and 22 deployed defense systems that are incorporating 23 nanotechnologies.

24 "(F) An assessment of global25 nanotechnology research and development in

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1	areas of interest to the Department, including
2	an identification of the use of nanotechnologies
3	in any foreign defense systems.
4	"(G) An assessment of the defense
5	nanotechnology manufacturing and industrial
6	base and its capability to meet the near and far
7	term requirements of the Department.
8	"(H) Such recommendations for additional
9	activities under the program to meet emerging
10	national security requirements as the Under
11	Secretary considers appropriate.
12	"(3) CLASSIFICATION.—Each report under
13	paragraph (1) shall be submitted in unclassified
14	form, but may include a classified annex.".
15	SEC. 241. FEDERALLY FUNDED RESEARCH AND DEVELOP-
16	MENT CENTER ASSESSMENT OF THE DE-
17	FENSE EXPERIMENTAL PROGRAM TO STIMU-
18	LATE COMPETITIVE RESEARCH.
19	(a) Assessment Required.—The Secretary of De-
20	fense shall—
21	(1) utilize a defense federally funded research
22	and development center to carry out an assessment
23	of the effectiveness of the Defense Experimental
24	Program to Stimulate Competitive Research; and

1	(2) not later than nine months after the date
2	of the enactment of this Act, submit to the Commit-
3	tees on Armed Services of the Senate and the House
4	of Representatives a report on that assessment.
5	(b) MATTERS ASSESSED.—The report under sub-
6	section (a) shall include the following:
7	(1) A description and assessment of the tan-
8	gible results and progress toward the objectives of
9	the program, including—
10	(A) an identification of any past program
11	activities that led to, or were fundamental to,
12	applications used by, or supportive of, oper-
13	ational users; and
14	(B) an assessment of whether the program
15	has expanded the national research infrastruc-
16	ture.
17	(2) An assessment whether the activities under-
18	taken under the program are consistent with the
19	statute authorizing the program.
20	(3) An assessment whether the various elements
21	of the program, such as structure, funding, staffing,
22	project solicitation and selection, and administration,
23	are working effectively and efficiently to support the
24	effective execution of the program.

(4) A description and assessment of past and
 ongoing activities of State planning committees
 under the program in supporting the achievement of
 the objectives of the program.

(5) An analysis of the advantages and disadvan-5 6 tages of having an institution-based formula for 7 qualification to participate in the program when 8 compared with the advantages and disadvantages of 9 having a State-based formula for qualification to 10 participate in supporting defense missions and the 11 objective of expanding the Nation's defense research 12 infrastructure.

(6) An identification of mechanisms for improving the management and implementation of the program, including modification of the statute authorizing the program, Department regulations, program
structure, funding levels, funding strategy, or the activities of the State committees.

19 (7) Any other matters the Secretary considers20 appropriate.

21 SEC. 242. COST-BENEFIT ANALYSIS OF PROPOSED FUNDING
22 REDUCTION FOR HIGH ENERGY LASER SYS23 TEMS TEST FACILITY.

(a) REPORT REQUIRED.—Not later than 90 daysafter the date of the enactment of this Act, the Secretary

of Defense shall submit to the congressional defense com mittees a report containing a cost-benefit analysis of the
 proposed reduction in Army research, development, test,
 and evaluation funding for the High Energy Laser Sys tems Test Facility.

6 (b) EVALUATION OF IMPACT ON OTHER MILITARY 7 DEPARTMENTS.—The report required under subsection 8 (a) shall include an evaluation of the impact of the pro-9 posed reduction in funding on each Department of De-10 fense organization or activity that utilizes the High En-11 ergy Laser Systems Test Facility.

12 SEC. 243. PROMPT GLOBAL STRIKE.

(a) RESEARCH, DEVELOPMENT, AND TESTING
PLAN.—The Secretary of Defense shall submit to the congressional defense committees a research, development,
and testing plan for prompt global strike program objectives for fiscal years 2008 through 2013.

18 (b) PLAN FOR OBLIGATION AND EXPENDITURE OF19 FUNDS.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics
shall submit to the congressional defense committees
a plan for obligation and expenditure of funds available for prompt global strike for fiscal year 2008.
The plan shall include correlations between each

technology application being developed in fiscal year
 2008 and the prompt global strike alternative or al ternatives toward which the technology application
 applies.

5 (2) LIMITATION.—The Under Secretary shall
6 not implement the plan required by paragraph (1)
7 until at least 10 days after the plan is submitted as
8 required by that paragraph.

9 TITLE III—OPERATION AND 10 MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

- Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
- Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with the Arctic Surplus Superfund Site, Fairbanks, Alaska.
- Sec. 313. Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington.
- Sec. 314. Report on control of the brown tree snake.
- Sec. 315. Notification of certain residents and civilian employees at Camp Lejeune, North Carolina, of exposure to drinking water contamination.

Subtitle C—Workplace and Depot Issues

- Sec. 321. Availability of funds in Defense Information Systems Agency Working Capital Fund for technology upgrades to Defense Information Systems Network.
- Sec. 322. Modification to public-private competition requirements before conversion to contractor performance.
- Sec. 323. Public-private competition at end of period specified in performance agreement not required.
- Sec. 324. Guidelines on insourcing new and contracted out functions.
- Sec. 325. Restriction on Office of Management and Budget influence over Department of Defense public-private competitions.
- Sec. 326. Bid protests by Federal employees in actions under Office of Management and Budget Circular A–76.

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- Sec. 328. Extension of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
- Sec. 329. Reauthorization and modification of multi-trades demonstration project.
- Sec. 330. Pilot program for availability of working-capital funds to Army for certain product improvements.

Subtitle D—Extension of Program Authorities

- Sec. 341. Extension of Arsenal Support Program Initiative.
- Sec. 342. Extension of period for reimbursement for helmet pads purchased by members of the Armed Forces deployed in contingency operations.
- Sec. 343. Extension of temporary authority for contract performance of security guard functions.

Subtitle E—Reports

- Sec. 351. Reports on National Guard readiness for emergencies and major disasters.
- Sec. 352. Annual report on prepositioned materiel and equipment.
- Sec. 353. Report on incremental cost of early 2007 enhanced deployment.
- Sec. 354. Modification of requirements of Comptroller General report on the readiness of Army and Marine Corps ground forces.
- Sec. 355. Plan to improve readiness of ground forces of active and reserve components.
- Sec. 356. Independent assessment of Civil Reserve Air Fleet viability.
- Sec. 357. Department of Defense Inspector General report on physical security of Department of Defense installations.
- Sec. 358. Review of high-altitude aviation training.
- Sec. 359. Reports on safety measures and encroachment issues and master plan for Warren Grove Gunnery Range, New Jersey.
- Sec. 360. Report on search and rescue capabilities of the Air Force in the northwestern United States.
- Sec. 361. Report and master infrastructure recapitalization plan for Chevenne Mountain Air Station, Colorado.

Subtitle F—Other Matters

- Sec. 371. Enhancement of corrosion control and prevention functions within Department of Defense.
- Sec. 372. Authority for Department of Defense to provide support for certain sporting events.
- Sec. 373. Authority to impose reasonable restrictions on payment of full replacement value for lost or damaged personal property transported at Government expense.
- Sec. 374. Priority transportation on Department of Defense aircraft of retired members residing in Commonwealths and possessions of the United States for certain health care services.
- Sec. 375. Recovery of missing military property.
- Sec. 376. Retention of combat uniforms by members of the Armed Forces deployed in support of contingency operations.
- Sec. 377. Issue of serviceable material of the Navy other than to Armed Forces.
- Sec. 378. Reauthorization of Aviation Insurance Program.

1Subtitle A—Authorization of2Appropriations

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Funds are hereby authorized to be appropriated for
fiscal year 2008 for the use of the Armed Forces and other
activities and agencies of the Department of Defense for
expenses, not otherwise provided for, for operation and
maintenance, in amounts as follows:

- 9 (1) For the Army, \$28,787,219,000.
- 10 (2) For the Navy, \$33,355,683,000.

11 (3) For the Marine Corps, \$4,967,193,000.

12 (4) For the Air Force, \$33,118,462,000.

 13
 (5)
 For
 Defense-wide
 activities,

 14
 \$22,500,253,000.

15 (6) For the Army Reserve, \$2,509,862,000.

16 (7) For the Navy Reserve, \$1,186,883,000.

17 (8) For the Marine Corps Reserve,
18 \$208,637,000.

19 (9) For the Air Force Reserve, \$2,821,817,000.

20 (10) For the Army National Guard,
21 \$5,857,409,000.

22 (11) For the Air National Guard,
23 \$5,456,668,000.

24 (12) For the United States Court of Appeals
25 for the Armed Forces, \$11,971,000.

1	(13) For Environmental Restoration, Army,
2	\$434,879,000.
3	(14) For Environmental Restoration, Navy,
4	\$300,591,000.
5	(15) For Environmental Restoration, Air Force,
6	\$458,428,000.
7	(16) For Environmental Restoration, Defense-
8	wide, \$12,751,000.
9	(17) For Environmental Restoration, Formerly
10	Used Defense Sites, \$270,249,000.
11	(18) For Overseas Humanitarian, Disaster, and
12	Civic Aid programs, \$103,300,000.
13	(19) For Former Soviet Union Threat Reduc-
14	tion programs, \$428,048,000.
15	(20) For the Overseas Contingency Operations
16	Transfer Fund, \$5,000,000.
17	Subtitle B—Environmental
18	Provisions
19	SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-
20	TION AGENCY FOR CERTAIN COSTS IN CON-
21	NECTION WITH MOSES LAKE WELLFIELD
22	SUPERFUND SITE, MOSES LAKE, WASH-
23	INGTON.
24	(a) Authority To Reimburse.—

(1) TRANSFER AMOUNT.—Using funds de scribed in subsection (b), the Secretary of Defense
 may, notwithstanding section 2215 of title 10,
 United States Code, transfer not more than
 \$91,588.51 to the Moses Lake Wellfield Superfund
 Site 10-6J Special Account.

7 (2) PURPOSE OF REIMBURSEMENT.—The pay-8 ment under paragraph (1) is to reimburse the Envi-9 ronmental Protection Agency for its costs incurred 10 in overseeing a remedial investigation/feasibility 11 study performed by the Department of the Army 12 under the Defense Environmental Restoration Pro-13 gram at the former Larson Air Force Base, Moses 14 Lake Superfund Site, Moses Lake, Washington.

15 (3) INTERAGENCY AGREEMENT.—The reim16 bursement described in paragraph (2) is provided for
17 in the interagency agreement entered into by the
18 Department of the Army and the Environmental
19 Protection Agency for the Moses Lake Wellfield
20 Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(16) for operation and maintenance for Environmental Restoration, Defense-wide.

1 (c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection 2 (a) to pay costs incurred by the Agency at the Moses Lake 3 4 Wellfield Superfund Site. 5 SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-6 TION AGENCY FOR CERTAIN COSTS IN CON-7 NECTION WITH THE ARCTIC SURPLUS SUPER-8 FUND SITE, FAIRBANKS, ALASKA. 9 (a) AUTHORITY TO REIMBURSE.— 10 (1)TRANSFER AMOUNT.—Using funds de-11 scribed in subsection (b), the Secretary of Defense 12 may, notwithstanding section 2215 of title 10, 13 United States Code. transfer not more than 14 \$186,625.38 to the Hazardous Substance Super-15 fund. 16 (2) PURPOSE OF REIMBURSEMENT.—The pay-17 ment under paragraph (1) is to reimburse the Envi-18 ronmental Protection Agency for costs incurred pur-19 suant to the agreement known as "In the Matter of 20 Arctic Surplus Superfund Site, U.S. EPA Docket 21 Number CERCLA-10-2003-0114: Administrative 22 Order on Consent for Remedial Design and Reme-23 dial Action", entered into by the Department of De-24 fense and the Environmental Protection Agency on 25 December 11, 2003.

(b) SOURCE OF FUNDS.—Any payment under sub section (a) shall be made using funds authorized to be ap propriated by section 301(16) for operation and mainte nance for Environmental Restoration, Defense-wide.

5 (c) USE OF FUNDS.—The Environmental Protection
6 Agency shall use the amount transferred under subsection
7 (a) to pay costs incurred by the Agency pursuant to the
8 agreement described in paragraph (2) of such subsection.
9 SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION

10AGENCY OF STIPULATED PENALTIES IN CON-11NECTION WITH JACKSON PARK HOUSING12COMPLEX, WASHINGTON.

13 (a) Authority To Transfer Funds.—

14 (1) TRANSFER AMOUNT.—Using funds de15 scribed in subsection (b), the Secretary of the Navy
16 may, notwithstanding section 2215 of title 10,
17 United States Code, transfer not more than
18 \$40,000.00 to the Hazardous Substance Superfund.

(2) PURPOSE OF TRANSFER.—The payment
under paragraph (1) is to pay a stipulated penalty
assessed by the Environmental Protection Agency on
October 25, 2005, against the Jackson Park Housing Complex, Washington, for the failure by the
Navy to timely submit a draft final Phase II Remedial Investigation Work Plan for the Jackson Park

Housing Complex Operable Unit (OU-3T-JPHC)
 pursuant to a schedule included in an Interagency
 Agreement (Administrative Docket No. CERCLA 10-2005-0023).

5 (b) SOURCE OF FUNDS.—Any payment under sub6 section (a) shall be made using funds authorized to be ap7 propriated by section 301(14) for operation and mainte8 nance for Environmental Restoration, Navy.

9 (c) USE OF FUNDS.—The amount transferred under
10 subsection (a) shall be used by the Environmental Protec11 tion Agency to pay the penalty described under paragraph
12 (2) of such subsection.

13 SEC. 314. REPORT ON CONTROL OF THE BROWN TREE14SNAKE.

15 (a) FINDINGS.—Congress finds the following:

16 (1) The brown tree snake (*Boiga irregularis*),
17 an invasive species, is found in significant numbers
18 on military installations and in other areas on
19 Guam, and constitutes a serious threat to the ecol20 ogy of Guam.

(2) If introduced into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States, the brown tree snake would
pose an immediate and serious economic and ecological threat.

1 (3) The most probable vector for the introduc-2 tion of the brown tree snake into Hawaii, the Com-3 monwealth of the Northern Mariana Islands, or the 4 continental United States is the movement from 5 Guam of military aircraft, personnel, and cargo, in-6 cluding the household goods of military personnel 7 and other military assets.

8 (4) It is probable that the movement of military 9 aircraft, personnel, and cargo, including the house-10 hold goods of military personnel, from Guam to Ha-11 waii, the Commonwealth of the Northern Mariana 12 Islands, or the continental United States will in-13 crease significantly coincident with the increase in 14 the number of military units and personnel stationed 15 on Guam.

16 (5) Current policies, programs, procedures, and 17 dedicated resources of the Department of Defense 18 and of other departments and agencies of the United 19 States may not be sufficient to adequately address 20 the management, control, and eradication of the 21 brown tree snake on Guam and the increasing threat 22 of the introduction of the brown tree snake from 23 Guam into Hawaii, the Commonwealth of the North-24 ern Mariana Islands, the continental United States, 25 or other non-native environments.

(b) REPORT.—Not later than 180 days after the date
 of the enactment of this Act, the Secretary of Defense
 shall submit to the congressional defense committees a re port on the following:

5 (1) The actions currently being taken (including 6 the resources being made available) by the Depart-7 ment of Defense to control, and to develop new or 8 existing techniques to control, the brown tree snake 9 on Guam and to prevent the introduction of the 10 brown tree snake into Hawaii, the Commonwealth of 11 the Northern Mariana Island, the continental United 12 States, or any other non-native environment as a re-13 sult of the movement from Guam of military air-14 craft, personnel, and cargo, including the household 15 goods of military personnel and other military as-16 sets. Such actions shall include any actions taken by 17 the Department of Defense to implement the rec-18 ommendations of the Brown Tree Snake Review 19 Panel commissioned by the Department of the Inte-20 rior, as contained in the Review Panel's final report 21 entitled "Review of Brown Tree Snake Problems and 22 Control Programs" published in March 2005.

(2) Current plans for enhanced future actions,
policies, and procedures and increased levels of resources in order to ensure that the projected in-

crease of military personnel stationed on Guam does
 not increase the threat of introduction of the brown
 tree snake from Guam into Hawaii, the Common wealth of the Northern Mariana Islands, the conti nental United States, or other non-native environ ments.

7 (3) The results of management, control, and 8 eradication carried out by the Secretary of Defense, 9 in consultation with the Secretary of the Interior, 10 before the date on which the report is submitted 11 with respect to brown tree snakes through the inte-12 grated natural resource management plans prepared 13 for military installations in Guam under the pilot 14 program authorized by section 101(g) of the Sikes 15 Act (16 U.S.C. 670a(g)).

16 SEC. 315. NOTIFICATION OF CERTAIN RESIDENTS AND CI-

17 VILIAN EMPLOYEES AT CAMP LEJEUNE,
18 NORTH CAROLINA, OF EXPOSURE TO DRINK19 ING WATER CONTAMINATION.

(a) NOTIFICATION OF INDIVIDUALS SERVED BY
TARAWA TERRACE WATER DISTRIBUTION SYSTEM, INCLUDING KNOX TRAILER PARK.—Not later than 1 year
after the date of the enactment of this Act, the Secretary
of the Navy shall make reasonable efforts to identify and
notify directly individuals who were served by the Tarawa

Terrace Water Distribution System, including Knox Trail er Park, at Camp Lejeune, North Carolina, during the
 years 1958 through 1987 that they may have been ex posed to drinking water contaminated with
 tetrachloroethylene (PCE).

6 (b) NOTIFICATION OF INDIVIDUALS SERVED BY 7 HADNOT POINT WATER DISTRIBUTION SYSTEM.—Not later than 1 year after the Agency for Toxic Substances 8 9 and Disease Registry (ATSDR) completes its water mod-10 eling study of the Hadnot Point water distribution system, the Secretary of the Navy shall make reasonable efforts 11 to identify and notify directly individuals who were served 12 by the system during the period identified in the study 13 of the drinking water contamination to which they may 14 15 have been exposed.

16 (c) NOTIFICATION OF FORMER CIVILIAN EMPLOYEES AT CAMP LEJEUNE.—Not later than 1 year after the date 17 of the enactment of this Act, the Secretary of the Navy 18 shall make reasonable efforts to identify and notify di-19 20 rectly civilian employees who worked at Camp Lejeune 21 during the period identified in the ATSDR drinking water 22 study of the drinking water contamination to which they 23 may have been exposed.

24 (d) CIRCULATION OF HEALTH SURVEY.—

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findings:

(1) FINDINGS.—Congress makes the following

(A) Notification and survey efforts related

4	to the drinking water contamination described
5	in this section are necessary due to the poten-
6	tial negative health impacts of these contami-
7	nants.
8	(B) The Secretary of the Navy will not be
9	able to identify or contact all former residents
10	and former employees due to the condition,
11	non-existence, or accessibility of records.
12	(C) It is the intent of Congress that the
13	Secretary of the Navy contact as many former
14	residents and former employees as quickly as
15	possible.
16	(2) ATSDR HEALTH SURVEY.—
17	(A) DEVELOPMENT.—
18	(i) IN GENERAL.—Not later than 120
19	days after the date of the enactment of
20	this Act, the ATSDR, in consultation with
21	a well-qualified contractor selected by the
22	ATSDR, shall develop a health survey that
23	would voluntarily request of individuals de-
24	scribed in subsections (a), (b), and (c) per-
25	sonal health information that may lead to
	•HR 4986 CPH

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1	scientifically useful health information as-
2	sociated with exposure to trichloroethylene
3	(TCE), PCE, vinyl chloride, and the other
4	contaminants identified in the ATSDR
5	studies that may provide a basis for fur-
6	ther reliable scientific studies of potentially
7	adverse health impacts of exposure to con-
8	taminated water at Camp Lejeune.
9	(ii) FUNDING.—The Secretary of the
10	Navy is authorized to provide from avail-
11	able funds the necessary funding for the
12	ATSDR to develop the health survey.
13	(B) INCLUSION WITH NOTIFICATION.—The
14	survey developed under subparagraph (A) shall
15	be distributed by the Secretary of the Navy
16	concurrently with the direct notification re-
17	quired under subsections (a), (b), and (c).
18	(e) USE OF MEDIA TO SUPPLEMENT NOTIFICA-
19	TION.—The Secretary of the Navy may use media notifica-
20	tion as a supplement to direct notification of individuals
21	described under subsections (a), (b), and (c). Media notifi-
22	cation may reach those individuals not identifiable via re-
23	maining records. Once individuals respond to media notifi-
24	cations, the Secretary will add them to the contact list
25	to be included in future information updates.

Subtitle C—Workplace and Depot Issues

3 SEC. 321. AVAILABILITY OF FUNDS IN DEFENSE INFORMA4 TION SYSTEMS AGENCY WORKING CAPITAL
5 FUND FOR TECHNOLOGY UPGRADES TO DE6 FENSE INFORMATION SYSTEMS NETWORK.

7 (a) IN GENERAL.—Notwithstanding section 2208 of
8 title 10, United States Code, funds in the Defense Infor9 mation Systems Agency Working Capital Fund may be
10 used for expenses directly related to technology upgrades
11 to the Defense Information Systems Network.

12 (b) LIMITATION ON CERTAIN PROJECTS.—Funds13 may not be used under subsection (a) for—

(1) any technology insertion to the Defense Information Systems Network that significantly
changes the performance envelope of an end item; or
(2) any component with an estimated total cost
in excess of \$500,000.

(c) LIMITATION IN FISCAL YEAR PENDING TIMELY
REPORT.—If in any fiscal year the report required by
paragraph (1) of subsection (d) is not submitted by the
date specified in paragraph (2) of subsection (d), funds
may not be used under subsection (a) in such fiscal year
during the period—

1	(1) beginning on the date specified in para-
2	graph (2) of subsection (d); and
3	(2) ending on the date of the submittal of the
4	report under paragraph (1) of subsection (d).
5	(d) ANNUAL REPORT.—
6	(1) IN GENERAL.—The Director of the Defense
7	Information Systems Agency shall submit to the
8	congressional defense committees each fiscal year a
9	report on the use of the authority in subsection (a)
10	during the preceding fiscal year.
11	(2) DEADLINE FOR SUBMITTAL.—The report
12	required by paragraph (1) in a fiscal year shall be
13	submitted not later than 60 days after the date of
13 14	submitted not later than 60 days after the date of the submittal to Congress of the budget of the Presi-
14	the submittal to Congress of the budget of the Presi-
14 15	the submittal to Congress of the budget of the Presi- dent for the succeeding fiscal year pursuant to sec-
14 15 16 17	the submittal to Congress of the budget of the Presi- dent for the succeeding fiscal year pursuant to sec- tion 1105 of title 31, United States Code.
14 15 16 17	the submittal to Congress of the budget of the President for the succeeding fiscal year pursuant to section 1105 of title 31, United States Code.(e) SUNSET.—The authority in subsection (a) shall
14 15 16 17 18	the submittal to Congress of the budget of the Presi- dent for the succeeding fiscal year pursuant to sec- tion 1105 of title 31, United States Code. (e) SUNSET.—The authority in subsection (a) shall expire on October 1, 2011.
14 15 16 17 18 19	 the submittal to Congress of the budget of the President for the succeeding fiscal year pursuant to section 1105 of title 31, United States Code. (e) SUNSET.—The authority in subsection (a) shall expire on October 1, 2011. SEC. 322. MODIFICATION TO PUBLIC-PRIVATE COMPETI-
 14 15 16 17 18 19 20 	 the submittal to Congress of the budget of the President for the succeeding fiscal year pursuant to section 1105 of title 31, United States Code. (e) SUNSET.—The authority in subsection (a) shall expire on October 1, 2011. SEC. 322. MODIFICATION TO PUBLIC-PRIVATE COMPETI- TION REQUIREMENTS BEFORE CONVERSION
 14 15 16 17 18 19 20 21 	the submittal to Congress of the budget of the Presi- dent for the succeeding fiscal year pursuant to sec- tion 1105 of title 31, United States Code. (e) SUNSET.—The authority in subsection (a) shall expire on October 1, 2011. SEC. 322. MODIFICATION TO PUBLIC-PRIVATE COMPETI- TION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

1	(1) in subparagraph (F), by striking "and" at
2	the end;
3	(2) by redesignating subparagraph (G) as sub-
4	paragraph (H); and
5	(3) by inserting after subparagraph (F) the fol-
6	lowing new subparagraph (G):
7	"(G) requires that the contractor shall not re-
8	ceive an advantage for a proposal that would reduce
9	costs for the Department of Defense by—
10	"(i) not making an employer-sponsored
11	health insurance plan (or payment that could be
12	used in lieu of such a plan), health savings ac-
13	count, or medical savings account available to
14	the workers who are to be employed to perform
15	the function under the contract;
16	"(ii) offering to such workers an employer-
17	sponsored health benefits plan that requires the
18	employer to contribute less towards the pre-
19	mium or subscription share than the amount
20	that is paid by the Department of Defense for
21	health benefits for civilian employees of the De-
22	partment under chapter 89 of title 5; or
23	"(iii) offering to such workers a retirement
24	benefit that, in any year, costs less than the an-
25	nual retirement cost factor applicable to civilian

employees of the Department of Defense under
chapter 84 of title 5; and".
(b) Conforming Amendments.—Such title is fur-
ther amended—
(1) by striking section 2467; and
(2) in section 2461—
(A) by redesignating subsections (b)
through (d) as subsections (c) through (e), re-
spectively; and
(B) by inserting after subsection (a) the
following new subsection (b):
"(b) Requirement to Consult DOD Employ-
EES.—(1) Each officer or employee of the Department of
Defense responsible for determining under Office of Man-
agement and Budget Circular A–76 whether to convert to
contractor performance any function of the Department
of Defense—
"(A) shall, at least monthly during the develop-
ment and preparation of the performance work
statement and the management efficiency study used
in making that determination, consult with civilian
employees who will be affected by that determination
and consider the views of such employees on the de-
velopment and preparation of that statement and
that study; and

"(B) may consult with such employees on other
 matters relating to that determination.

3 "(2)(A) In the case of employees represented by a
4 labor organization accorded exclusive recognition under
5 section 7111 of title 5, consultation with representatives
6 of that labor organization shall satisfy the consultation re7 quirement in paragraph (1).

8 "(B) In the case of employees other than employees 9 referred to in subparagraph (A), consultation with appro-10 priate representatives of those employees shall satisfy the 11 consultation requirement in paragraph (1).

12 "(C) The Secretary of Defense shall prescribe regula-13 tions to carry out this subsection. The regulations shall 14 include provisions for the selection or designation of ap-15 propriate representatives of employees referred to in sub-16 paragraph (B) for purposes of the consultation required 17 by paragraph (1).".

18 (c) TECHNICAL AMENDMENTS.—Section 2461 of
19 such title, as amended by this section, is further amend20 ed—

21 (1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after
"2003" the following: ", or any successor circular"; and

1	(B) in subparagraph (D), by striking "and
2	reliability" and inserting ", reliability, and
3	timeliness"; and
4	(2) in subsection $(c)(2)$, as redesignated by sub-
5	section (b)(2), by inserting "of" after "examina-
6	tion".
7	(d) Clerical Amendment.—The table of sections

8 at the beginning of chapter 146 of such title is amended9 by striking the item relating to section 2467.

10SEC. 323. PUBLIC-PRIVATE COMPETITION AT END OF PE-11RIOD SPECIFIED IN PERFORMANCE AGREE-12MENT NOT REQUIRED.

13 Section 2461(a) of title 10, United States Code, is
14 amended by adding at the end the following new para15 graph:

"(4) A military department or Defense Agency may 16 not be required to conduct a public-private competition 17 18 under Office of Management and Budget Circular A-76 19 or any other provision of law at the end of the perform-20 ance period specified in a letter of obligation or other agreement entered into with Department of Defense civil-21 22 ian employees pursuant to a public-private competition for 23 any function of the Department of Defense performed by Department of Defense civilian employees.". 24

1 SEC. 324. GUIDELINES ON INSOURCING NEW AND CON-2 TRACTED OUT FUNCTIONS. 3 (a) Codification and Revision of Requirement FOR GUIDELINES.— 4 5 (1) IN GENERAL.—Chapter 146 of title 10, 6 United States Code, is amended by inserting after 7 section 2462 the following new section: 8 "§ 2463. Guidelines and procedures for use of civilian 9 employees to perform Department of De-10 fense functions 11 "(a) GUIDELINES REQUIRED.—(1) The Under Secretary of Defense for Personnel and Readiness shall devise 12

13 and implement guidelines and procedures to ensure that 14 consideration is given to using, on a regular basis, Department of Defense civilian employees to perform new func-15 16 tions and functions that are performed by contractors and 17 could be performed by Department of Defense civilian em-18 ployees. The Secretary of a military department may pre-19 scribe supplemental regulations, if the Secretary determines such regulations are necessary for implementing 20 21 such guidelines within that military department.

"(2) The guidelines and procedures required under paragraph (1) may not include any specific limitation or restriction on the number of functions or activities that may be converted to performance by Department of Defense civilian employees.

1	"(b) Special Consideration for Certain Func-
2	TIONS.—The guidelines and procedures required under
3	subsection (a) shall provide for special consideration to be
4	given to using Department of Defense civilian employees
5	to perform any function that—
6	"(1) is performed by a contractor and—
7	"(A) has been performed by Department of
8	Defense civilian employees at any time during
9	the previous 10 years;
10	"(B) is a function closely associated with
11	the performance of an inherently governmental
12	function;
13	"(C) has been performed pursuant to a
14	contract awarded on a non-competitive basis; or
15	"(D) has been performed poorly, as deter-
16	mined by a contracting officer during the 5-
17	year period preceding the date of such deter-
18	mination, because of excessive costs or inferior
19	quality; or
20	((2) is a new requirement, with particular em-
21	phasis given to a new requirement that is similar to
22	a function previously performed by Department of
23	Defense civilian employees or is a function closely
24	associated with the performance of an inherently
25	governmental function.

"(c) EXCLUSION OF CERTAIN FUNCTIONS FROM
 COMPETITIONS.—The Secretary of Defense may not con duct a public-private competition under this chapter, Of fice of Management and Budget Circular A-76, or any
 other provision of law or regulation before—

6 "(1) in the case of a new Department of De-7 fense function, assigning the performance of the 8 function to Department of Defense civilian employ-9 ees;

"(2) in the case of any Department of Defense
function described in subsection (b), converting the
function to performance by Department of Defense
civilian employees; or

14 "(3) in the case of a Department of Defense 15 function performed by Department of Defense civil-16 ian employees, expanding the scope of the function. 17 "(d) Use of Flexible Hiring Authority.—(1) The Secretary of Defense may use the flexible hiring au-18 19 thority available to the Secretary under the National Secu-20 rity Personnel System, as established pursuant to section 21 9902 of title 5, to facilitate the performance by Depart-22 ment of Defense civilian employees of functions described 23 in subsection (b).

24 "(2) The Secretary shall make use of the inventory
25 required by section 2330a(c) of this title for the purpose

of identifying functions that should be considered for per formance by Department of Defense civilian employees
 pursuant to subsection (b).

4 "(e) DEFINITIONS.—In this section the term 'func5 tions closely associated with inherently governmental func6 tions' has the meaning given that term in section
7 2383(b)(3) of this title.".

8 (2) CLERICAL AMENDMENT.—The table of sec-9 tions at the beginning of such chapter is amended 10 by inserting after the item relating to section 2462 11 the following new item:

"2463. Guidelines and procedures for use of civilian employees to perform Department of Defense functions.".

(3) DEADLINE FOR ISSUANCE OF GUIDELINES
AND PROCEDURES.—The Secretary of Defense shall
implement the guidelines and procedures required
under section 2463 of title 10, United States Code,
as added by paragraph (1), by not later than 60
days after the date of the enactment of this Act.

(b) INSPECTOR GENERAL REPORT.—Not later than
19 180 days after the date of the enactment of this Act, the
20 Inspector General of the Department of Defense shall sub21 mit to the congressional defense committees a report on
22 the implementation of this section and the amendments
23 made by this section.

(c) CONFORMING REPEAL.—The National Defense
 Authorization Act for Fiscal Year 2006 (Public Law 109–
 163) is amended by striking section 343.

4 SEC. 325. RESTRICTION ON OFFICE OF MANAGEMENT AND 5 BUDGET INFLUENCE OVER DEPARTMENT OF 6 DEFENSE PUBLIC-PRIVATE COMPETITIONS.

7 (a) RESTRICTION ON OFFICE OF MANAGEMENT AND 8 BUDGET.—The Office of Management and Budget may 9 not direct or require the Secretary of Defense or the Sec-10 retary of a military department to prepare for, undertake, continue, or complete a public-private competition or di-11 rect conversion of a Department of Defense function to 12 13 performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regula-14 15 tion, directive, or policy.

16 (b) RESTRICTION ON SECRETARY OF DEFENSE. 17 The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or 18 19 complete a public-private competition or direct conversion 20 of a Department of Defense function to performance by 21 a contractor under Office of Management and Budget Cir-22 cular A-76, or any other successor regulation, directive, or policy by reason of any direction or requirement pro-23 24 vided by the Office of Management and Budget.

25 (c) INSPECTOR GENERAL REVIEW.—

1	(1) Comprehensive review required.—The
2	Inspector General of the Department of Defense
3	shall conduct a comprehensive review of the compli-
4	ance of the Secretary of Defense and the Secretaries
5	of the military departments with the requirements of
6	this section during calendar year 2008. The Inspec-
7	tor General shall submit to the congressional defense
8	committees the following reports on the comprehen-
9	sive review:
10	(A) An interim report, to be submitted by
11	not later than 90 days after the date of the en-
12	actment of this Act.
13	(B) A final report, to be submitted by not
14	later than December 31, 2008.
15	(2) INSPECTOR GENERAL ACCESS.—For the
16	purpose of determining compliance with the require-
17	ments of this section, the Secretary of Defense shall
18	ensure that the Inspector General has access to all
19	Department records of relevant communications be-
20	tween Department officials and officials of other de-
21	partments and agencies of the Federal Government,
22	whether such communications occurred inside or
23	outside of the Department.

1	SEC. 326. BID PROTESTS BY FEDERAL EMPLOYEES IN AC-
2	TIONS UNDER OFFICE OF MANAGEMENT AND
3	BUDGET CIRCULAR A-76.
4	(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COM-
5	PETITIONS.—Section 3551(2) of title 31, United States
6	Code, is amended to read as follows:
7	"(2) The term 'interested party'—
8	"(A) with respect to a contract or a solici-
9	tation or other request for offers described in
10	paragraph (1), means an actual or prospective
11	bidder or offeror whose direct economic interest
12	would be affected by the award of the contract
13	or by failure to award the contract; and
14	"(B) with respect to a public-private com-
15	petition conducted under Office of Management
16	and Budget Circular A–76 with respect to the
17	performance of an activity or function of a Fed-
18	eral agency, or a decision to convert a function
19	performed by Federal employees to private sec-
20	tor performance without a competition under
21	Office of Management and Budget Circular A–
22	76, includes—
23	"(i) any official who submitted the
24	agency tender in such competition; and
25	"(ii) any one individual who, for the
26	purpose of representing the Federal em-

1	ployees engaged in the performance of the
2	activity or function for which the public-
3	private competition is conducted in a pro-
4	test under this subchapter that relates to
5	such public-private competition, has been
6	designated as the agent of the Federal em-
7	ployees by a majority of such employees.".
8	(b) EXPEDITED ACTION.—
9	(1) IN GENERAL.—Subchapter V of chapter 35
10	of such title is amended by adding at the end the
11	following new section:
12	"§3557. Expedited action in protests of Public-Pri-
10	, ,•,•
13	vate competitions
13 14	vate competitions "For any protest of a public-private competition con-
	-
14 15	"For any protest of a public-private competition con-
14 15	"For any protest of a public-private competition con- ducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or
14 15 16	"For any protest of a public-private competition con- ducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or
14 15 16 17	"For any protest of a public-private competition con- ducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General
14 15 16 17 18	"For any protest of a public-private competition con- ducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the
14 15 16 17 18 19	"For any protest of a public-private competition con- ducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of
 14 15 16 17 18 19 20 	"For any protest of a public-private competition con- ducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private com-
 14 15 16 17 18 19 20 21 	"For any protest of a public-private competition con- ducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private com- petition.".
 14 15 16 17 18 19 20 21 22 	"For any protest of a public-private competition con- ducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private com- petition.". (2) CLERICAL AMENDMENT.—The chapter anal-

"3557. Expedited action in protests of public-private competitions.".

(c) RIGHT TO INTERVENE IN CIVIL ACTION.—Sec tion 1491(b) of title 28, United States Code, is amended
 by adding at the end the following new paragraph:

4 "(5) If an interested party who is a member of the 5 private sector commences an action described in paragraph (1) with respect to a public-private competition con-6 7 ducted under Office of Management and Budget Circular 8 A-76 regarding the performance of an activity or function 9 of a Federal agency, or a decision to convert a function 10 performed by Federal employees to private sector performance without a competition under Office of Management 11 12 and Budget Circular A-76, then an interested party de-13 scribed in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.". 14

(d) APPLICABILITY.—Subparagraph (B) of section
3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title
28, United States Code (as added by subsection (c)), shall
apply to—

(1) a protest or civil action that challenges final
selection of the source of performance of an activity
or function of a Federal agency that is made pursuant to a study initiated under Office of Management
and Budget Circular A-76 on or after January 1,
2004; and

	100
1	(2) any other protest or civil action that relates
2	to a public-private competition initiated under Office
3	of Management and Budget Circular A–76, or to a
4	decision to convert a function performed by Federal
5	employees to private sector performance without a
6	competition under Office of Management and Budg-
7	et Circular A–76, on or after the date of the enact-
8	ment of this Act.
9	SEC. 327. PUBLIC-PRIVATE COMPETITION REQUIRED BE-
10	FORE CONVERSION TO CONTRACTOR PER-
11	FORMANCE.
12	(a) IN GENERAL.—The Office of Federal Procure-
13	ment Policy Act (41 U.S.C. 403 et seq.) is amended by
14	adding at the end the following new section:
15	"SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BE-
16	FORE CONVERSION TO CONTRACTOR PER-
17	FORMANCE.
18	"(a) Public-Private Competition.—(1) A func-
19	tion of an executive agency performed by 10 or more agen-
20	cy civilian employees may not be converted, in whole or
21	in part, to performance by a contractor unless the conver-
22	sion is based on the results of a public-private competition
23	that—

	104
1	"(A) formally compares the cost of performance
2	of the function by agency civilian employees with the
3	cost of performance by a contractor;
4	"(B) creates an agency tender, including a most
5	efficient organization plan, in accordance with Office
6	of Management and Budget Circular A-76, as im-
7	plemented on May 29, 2003, or any successor cir-
8	cular;
9	"(C) includes the issuance of a solicitation;
10	"(D) determines whether the submitted offers
11	meet the needs of the executive agency with respect
12	to factors other than cost, including quality, reli-
13	ability, and timeliness;
14	((E) examines the cost of performance of the
15	function by agency civilian employees and the cost of
16	performance of the function by one or more contrac-
17	tors to demonstrate whether converting to perform-
18	ance by a contractor will result in savings to the
19	Government over the life of the contract, including—
20	"(i) the estimated cost to the Government
21	(based on offers received) for performance of
22	the function by a contractor;
23	"(ii) the estimated cost to the Government
24	for performance of the function by agency civil-
25	ian employees; and

1	"(iii) an estimate of all other costs and ex-
2	penditures that the Government would incur be-
3	cause of the award of such a contract;
4	"(F) requires continued performance of the
5	function by agency civilian employees unless the dif-
6	ference in the cost of performance of the function by
7	a contractor compared to the cost of performance of
8	the function by agency civilian employees would,
9	over all performance periods required by the solicita-
10	tion, be equal to or exceed the lesser of—
11	"(i) 10 percent of the personnel-related
12	costs for performance of that function in the
13	agency tender; or
14	"(ii) \$10,000,000; and
15	"(G) examines the effect of performance of the
16	function by a contractor on the agency mission asso-
17	ciated with the performance of the function.
18	((2) A function that is performed by the executive
19	agency and is reengineered, reorganized, modernized, up-
20	graded, expanded, or changed to become more efficient,
21	but still essentially provides the same service, shall not be
22	considered a new requirement.
23	"(3) In no case may a function being performed by
24	executive agency personnel be—

"(A) modified, reorganized, divided, or in any
 way changed for the purpose of exempting the con version of the function from the requirements of this
 section; or

5 "(B) converted to performance by a contractor6 to circumvent a civilian personnel ceiling.

7 "(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1)
8 Each civilian employee of an executive agency responsible
9 for determining under Office of Management and Budget
10 Circular A-76 whether to convert to contractor perform11 ance any function of the executive agency—

"(A) shall, at least monthly during the develop-12 13 ment and preparation of the performance work 14 statement and the management efficiency study used 15 in making that determination, consult with civilian 16 employees who will be affected by that determination 17 and consider the views of such employees on the de-18 velopment and preparation of that statement and 19 that study; and

20 "(B) may consult with such employees on other21 matters relating to that determination.

"(2)(A) In the case of employees represented by a
labor organization accorded exclusive recognition under
section 7111 of title 5, United States Code, consultation

with representatives of that labor organization shall sat isfy the consultation requirement in paragraph (1).

3 "(B) In the case of employees other than employees
4 referred to in subparagraph (A), consultation with appro5 priate representatives of those employees shall satisfy the
6 consultation requirement in paragraph (1).

7 "(C) The head of each executive agency shall pre8 scribe regulations to carry out this subsection. The regula9 tions shall include provisions for the selection or designa10 tion of appropriate representatives of employees referred
11 to in paragraph (2)(B) for purposes of consultation re12 quired by paragraph (1).

"(c) CONGRESSIONAL NOTIFICATION.—(1) Before
commencing a public-private competition under subsection
(a), the head of an executive agency shall submit to Congress a report containing the following:

17 "(A) The function for which such public-private18 competition is to be conducted.

19 "(B) The location at which the function is per-20 formed by agency civilian employees.

21 "(C) The number of agency civilian employee22 positions potentially affected.

23 "(D) The anticipated length and cost of the
24 public-private competition, and a specific identifica25 tion of the budgetary line item from which funds will

be used to cover the cost of the public-private com petition.

3 "(E) A certification that a proposed perform4 ance of the function by a contractor is not a result
5 of a decision by an official of an executive agency to
6 impose predetermined constraints or limitations on
7 such employees in terms of man years, end
8 strengths, full-time equivalent positions, or max9 imum number of employees.

10 "(2) The report required under paragraph (1) shall
11 include an examination of the potential economic effect of
12 performance of the function by a contractor on—

13 "(A) agency civilian employees who would be af-14 fected by such a conversion in performance; and

15 "(B) the local community and the Government,
16 if more than 50 agency civilian employees perform
17 the function.

18 ((3)(A) A representative individual or entity at a fa-19 cility where a public-private competition is conducted may 20 submit to the head of the executive agency an objection 21 to the public-private competition on the grounds that the 22 report required by paragraph (1) has not been submitted 23 or that the certification required by paragraph (1)(E) is 24 not included in the report submitted as a condition for the public-private competition. The objection shall be in 25

writing and shall be submitted within 90 days after the
 following date:

3 "(i) In the case of a failure to submit the report
4 when required, the date on which the representative
5 individual or an official of the representative entity
6 authorized to pose the objection first knew or should
7 have known of that failure.

8 "(ii) In the case of a failure to include the cer9 tification in a submitted report, the date on which
10 the report was submitted to Congress.

11 "(B) If the head of the executive agency determines 12 that the report required by paragraph (1) was not sub-13 mitted or that the required certification was not included in the submitted report, the function for which the public-14 15 private competition was conducted for which the objection was submitted may not be the subject of a solicitation of 16 17 offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification 18 in full compliance with the certification requirement is 19 20 submitted.

21 "(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS
22 AND SERVICES OF THE BLIND AND OTHER SEVERELY
23 HANDICAPPED PERSONS.—This section shall not apply to
24 a commercial or industrial type function of an executive
25 agency that—

1	"(1) is included on the procurement list estab-	
2	lished pursuant to section 2 of the Javits-Wagner-	
3	O'Day Act (41 U.S.C. 47); or	
4	"(2) is planned to be changed to performance	
5	by a qualified nonprofit agency for the blind or by	
6	a qualified nonprofit agency for other severely handi-	
7	capped persons in accordance with that Act.	
8	"(e) INAPPLICABILITY DURING WAR OR EMER-	
9	GENCY.—The provisions of this section shall not apply	
10	during war or during a period of national emergency de-	
11	clared by the President or Congress.".	
12	(b) Clerical Amendment.—The table of sections	
13	in section 1(b) of such Act is amended by adding at the	
14	end the following new item:	
	"Sec. 43. Public-private competition required before conversion to contractor performance.".	
15	SEC. 328. EXTENSION OF AUTHORITY FOR ARMY INDUS-	
16	TRIAL FACILITIES TO ENGAGE IN COOPERA-	
17	TIVE ACTIVITIES WITH NON-ARMY ENTITIES.	
18	(a) EXTENSION OF AUTHORITY.—Section 4544 of	
19	title 10, United States Code, is amended—	
20	(1) in subsection (a), by adding at the end the	
21	following: "This authority may be used to enter into	
22	not more than eight contracts or cooperative agree-	
22	monta", and	

23 ments."; and

(2) in subsection (k), by striking "2009" and
 inserting "2014".

3 (b) Reports.—

4 (1) ANNUAL REPORT ON USE OF AUTHORITY.—
5 The Secretary of the Army shall submit to Congress
6 at the same time the budget of the President is sub7 mitted to Congress for fiscal years 2009 through
2016 under section 1105 of title 31, United States
9 Code, a report on the use of the authority provided
10 under section 4544 of title 10, United States Code.

11 (2) Analysis of use of authority.—Not 12 later than September 30, 2012, the Secretary of the 13 Army shall submit to the congressional defense com-14 mittees a report assessing the advisability of making 15 such authority permanent and eliminating the limi-16 tation on the number of contracts or cooperative ar-17 rangements that may be entered into pursuant to 18 such authority.

19 SEC. 329. REAUTHORIZATION AND MODIFICATION OF20MULTI-TRADES DEMONSTRATION PROJECT.

(a) REAUTHORIZATION AND EXPANSION.—Section
338 of the National Defense Authorization Act for Fiscal
Year 2004 (Public Law 108–136; 10 U.S.C. 5013 note)
is amended—

(1) by striking subsection (a) and inserting the
 following new subsection (a):

3 "(a) DEMONSTRATION PROJECT AUTHORIZED.—In 4 accordance with section 4703 of title 5, United States 5 Code, the Secretary of a military department may carry out a demonstration project under which workers who are 6 7 certified at the journey level as able to perform multiple 8 trades may be promoted by one grade level. A demonstra-9 tion project under this subsection may be carried out as follows: 10 11 "(1) In the case of the Secretary of the Army, 12 at one Army depot.

13 "(2) In the case of the Secretary of the Navy,
14 at one Navy Fleet Readiness Center.

15 "(3) In the case of the Secretary of the Air
16 Force, at one Air Force Logistics Center.";

17 (2) in subsection (b)—

18 (A) by striking "a Naval Aviation Depot"
19 and inserting "an Air Force Air Logistics Cen20 ter, Navy Fleet Readiness Center, or Army
21 depot"; and

(B) by striking "Secretary" and inserting
"Secretary of the military department concerned";

1	(3) by striking subsection (d) and redesignating
2	subsections (e) through (g) as subsections (d)
3	through (f), respectively;
4	(4) in subsection (d), as so redesignated, by
5	striking "2004 through 2006" and inserting "2008
6	through 2013";
7	(5) in subsection (e), as so redesignated—
8	(A) by striking "2007" and inserting
9	<i>``2014'';</i>
10	(B) by inserting after "Secretary" the fol-
11	lowing "of each military department that car-
12	ried out a demonstration project under this sec-
13	tion"; and
14	(C) by adding at the end the following new
15	sentence: "Each such report shall include the
16	Secretary's recommendation on whether perma-
17	nent multi-trade authority should be author-
18	ized."; and
19	(6) in subsection (f), as so redesignated—
20	(A) in the first sentence, by striking "The
21	Secretary" and inserting "Each Secretary who
22	submits a report under subsection (e)"; and
23	(B) in the second sentence—
24	(i) by striking "receiving the report"
25	and inserting "receiving a report"; and

1	(ii) by striking "evaluation of the re-
2	port" and inserting "evaluation of that re-
3	port".

4 (b) CLERICAL AMENDMENT.—The heading for such5 section is amended to read as follows:

6 "SEC. 338. MULTI-TRADES DEMONSTRATION PROJECT.".
7 SEC. 330. PILOT PROGRAM FOR AVAILABILITY OF WORK-

8 ING-CAPITAL FUNDS TO ARMY FOR CERTAIN 9 PRODUCT IMPROVEMENTS.

10 (a) IN GENERAL.—Notwithstanding section 2208 of 11 title 10, United States Code, the Secretary of the Army 12 may use a working-capital fund established pursuant to 13 that section for expenses directly related to conducting a 14 pilot program for a product improvement described in sub-15 section (b).

16 (b) PRODUCT IMPROVEMENT.—A product improvement covered by the pilot program is the procurement and 17 installation of a component or subsystem of a weapon sys-18 tem platform or major end item that would improve the 19 20 reliability and maintainability, extend the useful life, en-21 hance safety, lower maintenance costs, or provide perform-22 ance enhancement of the weapon system platform or 23 major end item.

24 (c) LIMITATION ON CERTAIN PROJECTS.—Funds
25 may not be used under subsection (a) for—

(1) any product improvement that significantly changes the performance envelope of an end item; or
(2) any component with an estimated total cost in excess of \$1,000,000.
(d) LIMITATION IN FISCAL YEAR PENDING TIMELY REPORT.—If during any fiscal year the report required by paragraph (1) of subsection (e) is not submitted by the date specified in paragraph (3) of that subsection, funds may not be used under subsection (a) in such fiscal year during the period—

(1) beginning on the date specified in paragraph (3) of subsection (e); and
(2) ending on the date of the submittal of the

(2) ending on the date of the submittal of thereport under paragraph (1) of subsection (e).

15 (e) ANNUAL REPORT.—

(1) IN GENERAL.—Each fiscal year, the Assist-ant Secretary of the Army for Acquisition, Logistics, and Technology, in consultation with the Assistant Secretary of the Army for Financial Management and Comptroller, shall submit to the congressional defense committees a report on the use of the au-thority in subsection (a) during the preceding fiscal year.

24 (2) RECOMMENDATION.—In the case of the re25 port required to be submitted under paragraph (1)

1	during fiscal year 2012, the report shall include the
2	recommendation of the Assistant Secretary of the
3	Army for Acquisition, Logistics, and Technology re-
4	garding whether the authority under subsection (a)
5	should be made permanent.
6	(3) DEADLINE FOR SUBMITTAL.—The report
7	required by paragraph (1) in a fiscal year shall be
8	submitted not later than 60 days after the date of
9	the submittal to Congress of the budget of the Presi-
10	dent for the succeeding fiscal year pursuant to sec-
11	tion 1105 of title 31, United States Code.
12	(f) SUNSET.—The authority under subsection (a)
13	shall expire on October 1, 2013.
13 14	shall expire on October 1, 2013. Subtitle D—Extension of Program
	-
14	Subtitle D—Extension of Program
14 15	Subtitle D—Extension of Program Authorities
14 15 16	Subtitle D—Extension of Program Authorities SEC. 341. EXTENSION OF ARSENAL SUPPORT PROGRAM INI-
14 15 16 17	Subtitle D—Extension of Program Authorities SEC. 341. EXTENSION OF ARSENAL SUPPORT PROGRAM INI- TIATIVE.
14 15 16 17 18	Section 343 of the Floyd D. Spence National Defense
14 15 16 17 18 19	Subtitle D—Extension of Program Authorities SEC. 341. EXTENSION OF ARSENAL SUPPORT PROGRAM INI- TIATIVE. Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551
 14 15 16 17 18 19 20 	Subtitle D—Extension of Program Authorities SEC. 341. EXTENSION OF ARSENAL SUPPORT PROGRAM INI- TIATIVE. Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551 note) is amended—
 14 15 16 17 18 19 20 21 	Subtitle D—Extension of Program Authorities SEC. 341. EXTENSION OF ARSENAL SUPPORT PROGRAM INI- TLATIVE. Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551 note) is amended— (1) in subsection (a), by striking "2008" and

1	SEC. 342. EXTENSION OF PERIOD FOR REIMBURSEMENT
2	FOR HELMET PADS PURCHASED BY MEM-
3	BERS OF THE ARMED FORCES DEPLOYED IN
4	CONTINGENCY OPERATIONS.
5	(a) EXTENSION.—Section 351 of the Ronald W.
6	Reagan National Defense Authorization Act for Fiscal
7	Year 2005 (Public Law 108–375; 118 Stat. 1857) is
8	amended—
9	(1) in subsection $(a)(3)$, by inserting before the
10	period at the end the following: ", or in the case of
11	protective helmet pads purchased by a member from
12	a qualified vendor for that member's personal use,
13	ending on September 30, 2007";
14	(2) in subsection (c)—
15	(A) by inserting after "Armed Forces" the
16	following: "shall comply with regular Depart-
17	ment of Defense procedures for the submission
18	of claims and"; and
19	(B) by inserting before the period at the
20	end the following: "or one year after the date
21	on which the purchase of the protective, safety,
22	or health equipment was made, whichever oc-
23	curs last"; and
24	(3) in subsection (d), by adding at the end the
25	following new sentence: "Subsection $(a)(1)$ shall not

1	apply in the case of the purchase of protective hel-
2	met pads on behalf of a member.".

3 (b) FUNDING.—Amounts for reimbursements made 4 under section 351 of the Ronald W. Reagan National De-5 fense Authorization Act for Fiscal Year 2005 after the 6 date of the enactment of this Act shall be derived from 7 supplemental appropriations for the Department of De-8 fense for fiscal year 2008, contingent upon such appro-9 priations being enacted.

10sec. 343. Extension of temporary authority for11contract performance of security12guard functions.

(a) EXTENSION.—Subsection (c) of section 332 of
the Bob Stump National Defense Authorization Act for
Fiscal Year 2003 (Public Law 107–314) is amended by
striking "September 30, 2009" both places it appears and
inserting "September 30, 2012".

18 (b) LIMITATION FOR FISCAL YEARS 2010 THROUGH
19 2012.—Subsection (d) of such section is amended—

20 (1) in paragraph (2), by striking "and" at the21 end;

(2) in paragraph (3), by striking the period andinserting a semicolon; and

24 (3) by adding at the end the following new25 paragraphs:

1	((4) for fiscal year 2010, the number equal to
2	70 percent of the total number of such personnel
3	employed under such contracts on October 1, 2006;
4	"(5) for fiscal year 2011, the number equal to
5	60 percent of the total number of such personnel
6	employed under such contracts on October 1, 2006;
7	and
8	"(6) for fiscal year 2012, the number equal to
9	50 percent of the total number of such personnel
10	employed under such contracts on October 1,
11	2006.".
12	Subtitle E—Reports
	-
13	SEC. 351. REPORTS ON NATIONAL GUARD READINESS FOR
13 14	-
	SEC. 351. REPORTS ON NATIONAL GUARD READINESS FOR
14	SEC. 351. REPORTS ON NATIONAL GUARD READINESS FOR EMERGENCIES AND MAJOR DISASTERS.
14 15	SEC. 351. REPORTS ON NATIONAL GUARD READINESS FOR EMERGENCIES AND MAJOR DISASTERS. (a) ANNUAL REPORTS ON EQUIPMENT.—Section
14 15 16	 SEC. 351. REPORTS ON NATIONAL GUARD READINESS FOR EMERGENCIES AND MAJOR DISASTERS. (a) ANNUAL REPORTS ON EQUIPMENT.—Section 10541(b) of title 10, United States Code, is amended by
14 15 16 17	 SEC. 351. REPORTS ON NATIONAL GUARD READINESS FOR EMERGENCIES AND MAJOR DISASTERS. (a) ANNUAL REPORTS ON EQUIPMENT.—Section 10541(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:
14 15 16 17 18	 SEC. 351. REPORTS ON NATIONAL GUARD READINESS FOR EMERGENCIES AND MAJOR DISASTERS. (a) ANNUAL REPORTS ON EQUIPMENT.—Section 10541(b) of title 10, United States Code, is amended by adding at the end the following new paragraph: "(9) An assessment of the extent to which the
14 15 16 17 18 19	 SEC. 351. REPORTS ON NATIONAL GUARD READINESS FOR EMERGENCIES AND MAJOR DISASTERS. (a) ANNUAL REPORTS ON EQUIPMENT.—Section 10541(b) of title 10, United States Code, is amended by adding at the end the following new paragraph: "(9) An assessment of the extent to which the National Guard possesses the equipment required to
 14 15 16 17 18 19 20 	 SEC. 351. REPORTS ON NATIONAL GUARD READINESS FOR EMERGENCIES AND MAJOR DISASTERS. (a) ANNUAL REPORTS ON EQUIPMENT.—Section 10541(b) of title 10, United States Code, is amended by adding at the end the following new paragraph: "(9) An assessment of the extent to which the National Guard possesses the equipment required to perform the responsibilities of the National Guard
 14 15 16 17 18 19 20 21 	 SEC. 351. REPORTS ON NATIONAL GUARD READINESS FOR EMERGENCIES AND MAJOR DISASTERS. (a) ANNUAL REPORTS ON EQUIPMENT.—Section 10541(b) of title 10, United States Code, is amended by adding at the end the following new paragraph: "(9) An assessment of the extent to which the National Guard possesses the equipment required to perform the responsibilities of the National Guard pursuant to sections 331, 332, 333, 12304(b), and

Emergency Assistance Act (42 U.S.C. 5122)). Such
 assessment shall—

"(A) identify any shortfall in equipment
provided to the National Guard by the Department of Defense throughout the United States
and the territories and possessions of the
United States that is likely to affect the ability
of the National Guard to perform such responsibilities;

"(B) evaluate the effect of any such shortfall on the capacity of the National Guard to
perform such responsibilities in response to an
emergency or major disaster that occurs in the
United States or a territory or possession of the
United States; and

"(C) identify the requirements and investment strategies for equipment provided to the
National Guard by the Department of Defense
that are necessary to plan for a reduction or
elimination of any such shortfall.".

(b) INCLUSION OF ASSESSMENT OF NATIONAL
GUARD READINESS IN QUARTERLY PERSONNEL AND
UNIT READINESS REPORT.—Section 482 of such title is
amended—

(1) in subsection (a), by striking "and (e)" and
 inserting "(e), and (f)";

3 (2) by redesignating subsection (f) as sub4 section (g); and

5 (3) by inserting after subsection (e) the fol-6 lowing new subsection (f):

7 "(f) READINESS OF NATIONAL GUARD TO PERFORM
8 CIVIL SUPPORT MISSIONS.—(1) Each report shall also in9 clude an assessment of the readiness of the National
10 Guard to perform tasks required to support the National
11 Response Plan for support to civil authorities.

"(2) Any information in an assessment under this
subsection that is relevant to the National Guard of a particular State shall also be made available to the Governor
of that State.

"(3) The Secretary shall ensure that each State Governor has an opportunity to provide to the Secretary an
independent evaluation of that State's National Guard,
which the Secretary shall include with each assessment
submitted under this subsection.".

21 (c) EFFECTIVE DATE.—

(1) ANNUAL REPORT ON NATIONAL GUARD AND
RESERVE COMPONENT EQUIPMENT.—The amendment made by subsection (a) shall apply with respect

to reports submitted after the date of the enactment
 of this Act.

3 (2) QUARTERLY REPORTS ON PERSONNEL AND
4 UNIT READINESS.—The amendment made by sub5 section (b) shall apply with respect to the quarterly
6 report required under section 482 of title 10, United
7 States Code, for the second quarter of fiscal year
8 2009 and each subsequent report required under
9 that section.

10 (d) REPORT ON IMPLEMENTATION.—

11 (1) IN GENERAL.—As part of the budget jus-12 tification materials submitted to Congress in support 13 of the budget of the President for each of fiscal 14 vears 2009 and 2010 (as submitted under section 15 1105 of title 31, United States Code), the Secretary 16 of Defense shall submit to the congressional defense 17 committees a report on actions taken by the Sec-18 retary to implement the amendments made by this 19 section.

20 (2) ELEMENTS.—Each report required under
21 paragraph (1) shall include a description of the
22 mechanisms to be utilized by the Secretary for as23 sessing the personnel, equipment, and training readi24 ness of the National Guard, including the standards
25 and measures that will be applied and mechanisms

1	for sharing information on such matters with the
2	Governors of the States.

3 SEC. 352. ANNUAL REPORT ON PREPOSITIONED MATERIEL 4 AND EQUIPMENT.

5 (a) ANNUAL REPORT REQUIRED.—Chapter 131 of
6 title 10, United States Code, is amended by adding at the
7 end the following new section:

8 "§ 2229a. Annual report on prepositioned materiel 9 and equipment

10 "(a) ANNUAL REPORT REQUIRED.—Not later than the date of the submission of the President's budget re-11 12 quest for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the congressional de-13 fense committees a report on the status of the materiel 14 15 in the prepositioned stocks as of the end of the fiscal year preceding the fiscal year during which the report is sub-16 17 mitted. Each report shall be unclassified and may contain 18 a classified annex. Each report shall include the following 19 information:

"(1) The level of fill for major end items of
equipment and spare parts in each prepositioned set
as of the end of the fiscal year covered by the report.
"(2) The material condition of equipment in the
prepositioned stocks as of the end of such fiscal
year, grouped by category or major end item.

1	"(3) A list of major end items of equipment
2	drawn from the prepositioned stocks during such fis-
3	cal year and a description of how that equipment
4	was used and whether it was returned to the stocks
5	after being used.
6	"(4) A timeline for completely reconstituting
7	any shortfall in the prepositioned stocks.
8	"(5) An estimate of the amount of funds re-
9	quired to completely reconstitute any shortfall in the
10	prepositioned stocks and a description of the Sec-
11	retary's plan for carrying out such complete recon-
12	stitution.
13	"(6) A list of any operations plan affected by
14	any shortfall in the prepositioned stocks and a de-
15	scription of any action taken to mitigate any risk
16	that such a shortfall may create.
17	"(b) Comptroller General Review.—(1) By not
18	later than 120 days after the date on which a report is
19	submitted under subsection (a), the Comptroller General
20	shall review the report and, as the Comptroller General
21	determines appropriate, submit to the congressional de-
22	fense committees any additional information that the
23	Comptroller General determines will further inform such
24	committees on issues relating to the status of the materiel
25	in the prepositioned stocks.

1 "(2) The Secretary of Defense shall ensure the full 2 cooperation of the Department of Defense with the Comp-3 troller General for purposes of the conduct of the review 4 required by this subsection, both before and after each re-5 port is submitted under subsection (a). The Secretary 6 shall conduct periodic briefings for the Comptroller Gen-7 eral on the information covered by each report required 8 under subsection (a) and provide to the Comptroller General access to the data and preliminary results to be used 9 10 by the Secretary in preparing each such report before the Secretary submits the report to enable the Comptroller 11 General to conduct each review required under paragraph 12 13 (1) in a timely manner.

14 "(3) The requirement to conduct a review under this15 subsection shall terminate on September 30, 2015.".

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of such chapter is amended by adding
18 at the end the following new item: "2229a. Annual report on prepositioned materiel and equipment.".

19 SEC. 353. REPORT ON INCREMENTAL COST OF EARLY 2007
20 ENHANCED DEPLOYMENT.

Section 323(b)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law
109–364; 120 Stat. 2146; 10 U.S.C. 229 note) is amended—

1	(1) in subparagraph (A), by striking "; and"
2	and inserting a semicolon;
3	(2) in subparagraph (B), by striking the period
4	at the end and inserting "; and"; and
5	(3) by adding at the end the following new sub-
6	paragraph:
7	"(C) each of the military departments for
8	the incremental changes in reset costs resulting
9	from the deployment and redeployment of
10	forces to Iraq and Afghanistan above the levels
11	deployed to such countries on January 1,
12	2007.''.
13	SEC. 354. MODIFICATION OF REQUIREMENTS OF COMP-
14	TROLLER GENERAL REPORT ON THE READI-
15	NESS OF ARMY AND MARINE CORPS GROUND
16	FORCES.
17	
	(a) SUBMITTAL DATE.—Subsection $(a)(1)$ of section
18	(a) SUBMITTAL DATE.—Subsection (a)(1) of section345 of the John Warner National Defense Authorization
18 19	
	345 of the John Warner National Defense Authorization
19	345 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
19 20	345 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2156) is amended by striking "June 1, 2007" and insert-
19 20 21	345 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2156) is amended by striking "June 1, 2007" and insert- ing "June 1, 2008".

1	(2) by redesignating paragraphs (3) through
2	(7) as paragraphs (4) through (8) , respectively; and
3	(3) by inserting after paragraph (1) the fol-
4	lowing new paragraphs:
5	"(2) An assessment of the ability of the Army
6	and Marine Corps to provide trained and ready
7	forces to meet the requirements of increased force
8	levels in support of Operation Iraqi Freedom and
9	Operation Enduring Freedom above such force levels
10	in effect on January 1, 2007, and to meet the re-
11	quirements of other ongoing operations simulta-
12	neously with such increased force levels.
13	"(3) An assessment of the strategic depth of
14	the Army and Marine Corps and their ability to pro-
15	vide trained and ready forces to meet the require-
16	ments of the high-priority contingency war plans of
17	the regional combatant commands, including an
18	identification and evaluation for each such plan of—
19	"(A) the strategic and operational risks as-
20	sociated with current and projected forces of
21	current and projected readiness;
22	"(B) the time required to make forces
23	available and prepare them for deployment; and
24	"(C) likely strategic tradeoffs necessary to
25	meet the requirements of each such plan.".

(c) DEPARTMENT OF DEFENSE COOPERATION.—
 2 Such section is further amended—

3 (1) by redesignating subsection (c) as sub4 section (d); and

5 (2) by inserting after subsection (b) the fol6 lowing new subsection (c):

7 "(c) DEPARTMENT OF DEFENSE COOPERATION.—
8 The Secretary of Defense shall ensure the full cooperation
9 of the Department of Defense with the Comptroller Gen10 eral for purposes of the preparation of the report required
11 by this section.".

 12 SEC. 355. PLAN TO IMPROVE READINESS OF GROUND

 13
 FORCES OF ACTIVE AND RESERVE COMPO

 14
 NENTS.

(a) REPORT REQUIRED.—At the same time that the
budget is submitted under section 1105(a) of title 31,
United States Code, for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees
a report on improving the readiness of the ground forces
of active and reserve components of the Armed Forces.
Each such report shall include—

(1) a summary of the readiness of each reporting unit of the ground forces of the active and reserve components and a summary of the readiness of

each major combat unit of each Armed Force by
 readiness level;

3 (2) an identification of the extent to which the
4 actual readiness ratings of the active and reserve
5 components of the Armed Forces have been up6 graded based on the judgment of commanders and
7 any efforts of the Secretary of Defense to analyze
8 the trends and implications of such upgrades;

9 (3) the goals of the Secretary of Defense for 10 managing the readiness of the ground forces of the 11 active and reserve components, expressed in terms of 12 the number of units or percentage of the force that 13 the Secretary plans to maintain at each level of 14 readiness, and the Secretary's projected timeframe 15 for achieving each such goal;

16 (4) a prioritized list of items and actions to be 17 accomplished during the fiscal year during which the 18 report is submitted, and during the fiscal years cov-19 ered by the future-years defense program, that the 20 Secretary of Defense believes are necessary to sig-21 nificantly improve the readiness of the ground forces of the active and reserve components and achieve the 22 23 goals and timeframes described in paragraph (3); 24 and

1 (5) a detailed investment strategy and plan for 2 each fiscal year covered by the future-years defense 3 program under section 221 of title 10, United States 4 Code, that is submitted during the fiscal year in 5 which the report is submitted, that outlines the re-6 sources required to improve the readiness of the 7 ground forces of the active and reserve components, 8 including a description of how each resource identi-9 fied in such plan relates to funding requested by the 10 Secretary in the Secretary's annual budget, and how 11 each such resource will specifically enable the Sec-12 retary to achieve the readiness goals described in 13 paragraph (3) within the projected timeframes.

14 (b) COMPTROLLER GENERAL REVIEW.—By not later 15 than 60 days after the date on which a report is submitted under subsection (a), the Comptroller General shall review 16 the report and, as the Comptroller General determines ap-17 propriate, submit to the congressional defense committees 18 19 any additional information that the Comptroller General 20 determines will further inform the congressional defense 21 committees on issues relating to the readiness of the 22 ground forces of the active and reserve components of the 23 Armed Forces.

24 (c) TERMINATION.—The requirement to submit a re-25 port under subsection (a) shall terminate on the date the

Secretary of Defense submits the fifth report required
 under that subsection.

3 SEC. 356. INDEPENDENT ASSESSMENT OF CIVIL RESERVE 4 AIR FLEET VIABILITY.

5 (a) INDEPENDENT ASSESSMENT REQUIRED.—The
6 Secretary of Defense shall provide for an independent as7 sessment of the viability of the Civil Reserve Air Fleet to
8 be conducted by a federally-funded research and develop9 ment center selected by the Secretary.

10 (b) CONTENTS OF ASSESSMENT.—The assessment
11 required by subsection (a) shall include each of the fol12 lowing:

(1) An assessment of the Civil Reserve Air
Fleet as of the date of the enactment of this Act,
including an assessment of—

16 (A) the level of increased use of commer17 cial assets to fulfill Department of Defense
18 transportation requirements as a result of the
19 increased global mobility requirements in re20 sponse to the terrorist attacks of September 11,
21 2001;

(B) the extent of charter air carrier participation in fulfilling increased Department of
Defense transportation requirements as a result
of the increased global mobility requirements in

response to the terrorist attacks of September 11, 2001;

3 (C) any policy of the Secretary of Defense 4 to limit the percentage of income a single air 5 carrier participating in the Civil Reserve Air 6 Fleet may earn under contracts with the Sec-7 retary during any calendar year and the effects of such policy on the air carrier industry in 8 9 peacetime and during periods during which the 10 Armed Forces are deployed in support of a con-11 tingency operation for which the Civil Reserve 12 Air Fleet is not activated; and

(D) any risks to the charter air carrier industry as a result of the expansion of the industry in response to contingency operations resulting in increased demand by the Department of
Defense.

(2) A strategic assessment of the viability of the
Civil Reserve Air Fleet that compares such viability
as of the date of the enactment of this Act with the
projected viability of the Civil Reserve Air Fleet 5,
10, and 15 years after the date of the enactment of
this Act, including for activations at each of stages
1, 2, and 3—

1

2

1	(A) an examination of the requirements of
2	the Department of Defense for the Civil Re-
3	serve Air Fleet for the support of operational
4	and contingency plans, including any antici-
5	pated changes in the Department's organic air-
6	lift capacity, logistics concepts, and personnel
7	and training requirements;
8	(B) an assessment of air carrier participa-
9	tion in the Civil Reserve Air Fleet; and
10	(C) a comparison between the require-
11	ments of the Department described in subpara-
12	graph (A) and air carrier participation de-
13	scribed in subparagraph (B).
14	(3) An examination of any perceived barriers to
15	Civil Reserve Air Fleet viability, including—
16	(A) the operational planning system of the
17	Civil Reserve Air Fleet;
18	(B) the reward system of the Civil Reserve
19	Air Fleet;
20	(C) the long-term affordability of the Avia-
21	tion War Risk Insurance Program;
22	(D) the effect on United States air carriers
23	operating overseas routes during periods of
24	Civil Reserve Air Fleet activation;

1	(E) increased foreign ownership of United
2	States air carriers;
3	(F) increased operational costs during acti-
4	vation as a result of hazardous duty pay, rout-
5	ing delays, and inefficiencies in cargo handling
6	by the Department of Defense;
7	(G) the effect of policy initiatives by the
8	Secretary of Transportation to encourage inter-
9	national code sharing and alliances; and
10	(H) the effect of limitations imposed by
11	the Secretary of Defense to limit commercial
12	shipping options for certain routes and package
13	sizes.
14	(4) Recommendations for improving the Civil
15	Reserve Air Fleet program, including an assessment
16	of potential incentives for increasing participation in
17	the Civil Reserve Air Fleet program, including estab-
18	lishing a minimum annual purchase amount during
19	peacetime.
20	(c) Submission to Congress.—Upon the comple-
21	tion of the assessment required under subsection (a) and
22	by not later than April 1, 2008, the Secretary shall submit
23	to the congressional defense committees a report on the
24	assessment.

164

(d) COMPTROLLER GENERAL REPORT.—Not later
 than 90 days after the report is submitted under sub section (c), the Comptroller General shall conduct a review
 of the assessment required under subsection (a).

5 SEC. 357. DEPARTMENT OF DEFENSE INSPECTOR GENERAL 6 REPORT ON PHYSICAL SECURITY OF DE7 PARTMENT OF DEFENSE INSTALLATIONS.

8 (a) REPORT.—Not later than one year after the date 9 of the enactment of this Act, the Inspector General of the 10 Department of Defense shall submit to Congress a report 11 on the physical security of Department of Defense instal-12 lations and resources.

13 (b) ELEMENTS.—The report required by subsection14 (a) shall include the following:

15 (1) An analysis of the progress in implementing 16 requirements under the Physical Security Program 17 as set forth in the Department of Defense Instruc-18 tion 5200.08–R, Chapter 2 (C.2) and Chapter 3, 19 Section 3: Installation Access (C3.3), which man-20 dates the policies and minimum standards for the 21 physical security of Department of Defense installa-22 tions and resources.

(2) Recommendations based on the findings of
the Comptroller General of the United States in the
report required by section 344 of the John Warner

1 National Defense Authorization Act for Fiscal Year 2 2007 (Public Law 109–366; 120 Stat. 2155). 3 (3) Recommendations based on the lessons 4 learned from the thwarted plot to attack Fort Dix, 5 New Jersey, in 2007. 6 SEC. 358. REVIEW OF HIGH-ALTITUDE AVIATION TRAINING. 7 (a) REVIEW REQUIRED.—The Secretary of the De-8 fense shall conduct a review of the training requirements 9 of the Department of Defense for helicopter operations in 10 high-altitude or power-limited conditions. 11 (b) CONTENT.—The review required under sub-12 section (a) shall include an examination of— 13 (1) power-management and high-altitude train-14 ing requirements by military department, helicopter, 15 and crew position; 16 (2) training methods and locations currently 17 used by each of the military departments to fulfill 18 those training requirements; 19 (3) department or service regulations that pro-20 hibit or inhibit joint-service or inter-service high-alti-21 tude aviation training; 22 (4) costs for each of the previous 5 years asso-23 ciated with transporting aircraft to and from the 24 High-Altitude Aviation Training Site, Gypsum, Colo-25 rado, for training purposes;

1	(5) potential risk avoidance and reductions in
2	accident rates due to power management if training
3	of the type offered at the High-Altitude Aviation
4	Training Site was required training, rather than op-
5	tional training; and
6	(6) potential cost savings and operational bene-
7	fits, if any, of permanently stationing no less than
8	4 UH–60, 2 CH–47, and 2 LUH–72 aircraft at the
9	High-Altitude Aviation Training Site, Gypsum, Colo-
10	rado.

11 (c) REPORT.—Not later than 180 days after the date 12 of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the 13 14 conduct and findings of the review required under sub-15 section (a) along with a summary of changes to policy, regulation, or asset allocation necessary to ensure that De-16 17 partment of Defense helicopter aircrews are adequately trained in high-altitude or power-limited flying conditions 18 prior to being exposed to such conditions operationally. 19

20 SEC. 359. REPORTS ON SAFETY MEASURES AND ENCROACH-

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21

MENT ISSUES AND MASTER PLAN FOR WAR-

REN GROVE GUNNERY RANGE, NEW JERSEY.

23 (a) ANNUAL REPORT ON SAFETY MEASURES.—Not later than March 1, 2008, and annually thereafter for 2 24 additional years, the Secretary of the Air Force shall sub-25

mit to the congressional defense committees a report on
 efforts made by all of the military departments utilizing
 the Warren Grove Gunnery Range, New Jersey, to provide
 the highest level of safety.

5 (b) MASTER PLAN FOR WARREN GROVE GUNNERY6 RANGE.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the Sec9 retary of the Air Force shall submit to the congres10 sional defense committees a master plan for Warren
11 Grove Gunnery Range.

12 (2)CONTENT.—The master plan required 13 under paragraph (1) shall include measures to miti-14 gate encroachment of the Warren Grove Gunnery 15 Range, taking into consideration military mission re-16 quirements, land use plans, the surrounding commu-17 nity, the economy of the region, and protection of 18 the environment and public health, safety, and wel-19 fare.

20 (3) INPUT.—In establishing the master plan re21 quired under paragraph (1), the Secretary shall seek
22 input from relevant stakeholders at the Federal,
23 State, and local level.

SEC. 360. REPORT ON SEARCH AND RESCUE CAPABILITIES OF THE AIR FORCE IN THE NORTHWESTERN UNITED STATES.

4 (a) REPORT.—Not later than April 1, 2008, the Sec5 retary of the Air Force shall submit to the appropriate
6 congressional committees a report on the search and res7 cue capabilities of the Air Force in the northwestern
8 United States.

9 (b) CONTENT.—The report required under subsection10 (a) shall include the following:

(1) An assessment of the search and rescue capabilities required to support Air Force operations
and training.

14 (2) A description of the compliance of the Air
15 Force with the 1999 United States National Search
16 and Rescue Plan (referred to hereinafter in this sec17 tion as the "NSRP") for Washington, Oregon,
18 Idaho, and Montana.

(3) An inventory and description of the search
and rescue assets of the Air Force that are available
to meet the requirements of the NSRP.

(4) A description of the use of such search and
rescue assets during the 3-year period preceding the
date when the report is submitted.

25 (5) The plans of the Air Force to meet current
26 and future search and rescue requirements in the
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northwestern United States, including plans that
 take into consideration requirements related to sup port for both Air Force operations and training and
 compliance with the NSRP.

5 (6) An inventory of other search and rescue ca6 pabilities equivalent to such capabilities provided by
7 the Air Force that may be provided by other Fed8 eral, State, or local agencies in the northwestern
9 United States.

(c) USE OF REPORT FOR PURPOSES OF CERTIFI-10 11 CATION REGARDING SEARCH AND RESCUE CAPABILI-12 TIES.—Section 1085 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public 13 Law 108–375; 118 Stat. 2065; 10 U.S.C. 113 note) is 14 15 amended by striking "unless the Secretary first certifies" and inserting "unless the Secretary, after reviewing the 16 17 search and rescue capabilities report prepared by the Sec-18 retary of the Air Force under subsection (a), first cer-19 tifies".

20 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
21 DEFINED.—In this section, the term "appropriate con22 gressional committees" means—

(1) the Committee on Armed Services, the
Committee on Homeland Security and Governmental
Affairs, the Committee on Commerce, Science, and

1	Transportation, the Committee on Energy and Nat-
2	ural Resources, and the Committee on Appropria-
3	tions of the Senate; and
4	(2) the Committee on Armed Services, the
5	Committee on Homeland Security, the Committee on
6	Energy and Commerce, the Committee on Natural
7	Resources, and the Committee on Appropriations of
8	the House of Representatives.
9	SEC. 361. REPORT AND MASTER INFRASTRUCTURE RECAPI-
10	TALIZATION PLAN FOR CHEYENNE MOUN-
11	TAIN AIR STATION, COLORADO.
12	(a) Report on Relocation of North American
13	Aerospace Defense Command Center.—
14	(1) IN GENERAL.—Not later than March 1,
15	2008, the Secretary of Defense shall submit to Con-
16	gress a report on the relocation of the North Amer-
17	ican Aerospace Defense Command center and re-
18	lated functions from Cheyenne Mountain Air Sta-
19	tion, Colorado, to Peterson Air Force Base, Colo-
20	rado.
21	(2) CONTENT.—The report required under
22	paragraph (1) shall include—
23	(A) an analysis comparing the total costs
24	associated with the relocation, including costs
25	

1	studies of the relocation, to anticipated oper-
2	ational benefits from the relocation;
3	(B) a detailed explanation of the backup
4	functions that will remain located at Cheyenne
5	Mountain Air Station, and how such functions
6	planned to be transferred out of Cheyenne
7	Mountain Air Station, including the Space Op-
8	erations Center, will maintain operational
9	connectivity with their related commands and
10	relevant communications centers;
11	(C) the final plans for the relocation of the
12	North American Aerospace Defense Command
13	center and related functions; and
14	(D) the findings and recommendations of
15	an independent security and vulnerability as-
16	sessment of Peterson Air Force Base carried
17	out by Sandia National Laboratory for the
18	United States Air Force Space Command and
19	the Secretary's plans for mitigating any secu-
20	rity and vulnerability risks identified as part of
21	that assessment and associated cost and sched-
22	ule estimates.
23	(b) Limitation on Availability of Funds Pend-
24	ING RECEIPT OF REPORT.—Of the funds appropriated
25	pursuant to an authorization of appropriations or other-

wise made available for fiscal year 2008 for operation and
 maintenance for the Air Force that are available for the
 Cheyenne Mountain Transformation project, \$5,000,000
 may not be obligated or expended until Congress receives
 the report required under subsection (a).

6 (c) COMPTROLLER GENERAL REVIEW.—Not later 7 than 120 days after the date on which the Secretary of 8 Defense submits the report required under subsection (a), 9 the Comptroller General shall submit to Congress a review 10 of the report and the final plans of the Secretary for the 11 relocation of the North American Aerospace Defense Com-12 mand center and related functions.

13 (d) MASTER INFRASTRUCTURE RECAPITALIZATION14 PLAN.—

(1) IN GENERAL.—Not later than March 16,
2008, the Secretary of the Air Force shall submit to
Congress a master infrastructure recapitalization
plan for Cheyenne Mountain Air Station.

19 (2) CONTENT.—The plan required under para-20 graph (1) shall include—

(A) a description of the projects that are
needed to improve the infrastructure required
for supporting missions associated with Cheyenne Mountain Air Station; and

1 (B) a funding plan explaining the expected timetable for the Air Force to support such 2 3 projects. **Subtitle F—Other Matters** 4 5 SEC. 371. ENHANCEMENT OF CORROSION CONTROL AND 6 PREVENTION FUNCTIONS WITHIN DEPART-7 MENT OF DEFENSE. 8 (a) Office of Corrosion Policy and Over-9 SIGHT.— 10 (1) IN GENERAL.—Section 2228 of title 10, 11 United States Code, is amended by striking the sec-12 tion heading and subsection (a) and inserting the 13 following: 14 "§ 2228. Office of Corrosion Policy and Oversight 15 "(a) OFFICE AND DIRECTOR.—(1) There is an Office of Corrosion Policy and Oversight within the Office of the 16 Under Secretary of Defense for Acquisition, Technology, 17 18 and Logistics. 19 "(2) The Office shall be headed by a Director of Cor-20 rosion Policy and Oversight, who shall be assigned to such 21 position by the Under Secretary from among civilian em-22 ployees of the Department of Defense with the qualifica-23 tions described in paragraph (3). The Director is respon-24 sible in the Department of Defense to the Secretary of 25 Defense (after the Under Secretary of Defense for Acquisition, Technology, and Logistics) for the prevention and
 mitigation of corrosion of the military equipment and in frastructure of the Department of Defense. The Director
 shall report directly to the Under Secretary.

5 "(3) In order to qualify to be assigned to the position6 of Director, an individual shall—

"(A) have management expertise in, and professional experience with, corrosion project and policy
implementation, including an understanding of the
effects of corrosion policies on infrastructure; research, development, test, and evaluation; and maintenance; and

"(B) have an understanding of Department of
Defense budget formulation and execution, policy
formulation, and planning and program requirements.

17 "(4) The Secretary of Defense shall designate the po18 sition of Director as a critical acquisition position under
19 section 1733(b)(1)(C) of this title.".

20 (2) CONFORMING AMENDMENTS.—Section
21 2228(b) of such title is amended—

(A) in paragraph (1), by striking "official
or organization designated under subsection
(a)" and inserting "Director of Corrosion Policy

1	and Oversight (in this section referred to as the
2	'Director')''; and
3	(B) in paragraphs (2) , (3) , (4) , and (5) , by
4	striking "designated official or organization"
5	and inserting "Director".
6	(b) Additional Authority for Director of Of-
7	FICE.—Section 2228 of such title is further amended—
8	(1) by redesignating subsections (c) and (d) as
9	subsections (d) and (f), respectively; and
10	(2) by inserting after subsection (b) the fol-
11	lowing new subsection:
12	"(c) Additional Authorities for Director.—
13	The Director is authorized to—
14	"(1) develop, update, and coordinate corrosion
15	training with the Defense Acquisition University;
16	"(2) participate in the process within the De-
17	partment of Defense for the development of relevant
18	directives and instructions; and
19	"(3) interact directly with the corrosion preven-
20	tion industry, trade associations, other government
21	
<i>L</i> I	corrosion prevention agencies, academic research
21	corrosion prevention agencies, academic research and educational institutions, and scientific organiza-

(c) INCLUSION OF COOPERATIVE RESEARCH AGREE-1 2 MENTS AS PART OF CORROSION REDUCTION STRAT-3 EGY.—Subsection (d)(2)(D) of section 2228 of such title, 4 as redesignated by subsection (b), is amended by inserting after "operational strategies" the following: ", including 5 through the establishment of memoranda of agreement, 6 7 joint funding agreements, public-private partnerships, uni-8 versity research and education centers, and other cooperative research agreements". 9

(d) REPORT REQUIREMENT.—Section 2228 of such
title is further amended by inserting after subsection (d)
(as redesignated by subsection (b)) the following new subsection:

"(e) REPORT.—(1) For each budget for a fiscal year,
beginning with the budget for fiscal year 2009, the Secretary of Defense shall submit, with the defense budget
materials, a report on the following:

18 "(A) Funding requirements for the long-term19 strategy developed under subsection (d).

20 "(B) The return on investment that would be21 achieved by implementing the strategy.

22 "(C) The funds requested in the budget com-23 pared to the funding requirements.

24 "(D) An explanation if the funding require-25 ments are not fully funded in the budget.

1 "(2) Within 60 days after submission of the budget 2 for a fiscal year, the Comptroller General shall provide to 3 the congressional defense committees— "(A) an analysis of the budget submission for 4 5 corrosion control and prevention by the Department 6 of Defense; and "(B) an analysis of the report required under 7 8 paragraph (1).". 9 (e) DEFINITIONS.—Subsection (f) of section 2228 of 10 such title, as redesignated by subsection (b), is amended by adding at the end the following new paragraphs: 11 "(4) The term 'budget', with respect to a fiscal 12 13 year, means the budget for that fiscal year that is 14 submitted to Congress by the President under sec-15 tion 1105(a) of title 31. 16 "(5) The term 'defense budget materials', with 17 respect to a fiscal year, means the materials sub-18 mitted to Congress by the Secretary of Defense in 19 support of the budget for that fiscal year.". 20 (f) CLERICAL AMENDMENT.—The table of sections at 21 the beginning of chapter 131 of such title is amended by 22 striking the item relating to section 2228 and inserting 23 the following new item: "2228. Office of Corrosion Policy and Oversight.".

1	SEC. 372. AUTHORITY FOR DEPARTMENT OF DEFENSE TO
2	PROVIDE SUPPORT FOR CERTAIN SPORTING
3	EVENTS.
4	(a) Provision of Support.—Section 2564 of title
5	10, United States Code, is amended—
6	(1) in subsection (c), by adding at the end the
7	following new paragraphs:
8	"(4) A sporting event sanctioned by the United
9	States Olympic Committee through the Paralympic
10	Military Program.
11	"(5) Any national or international paralympic
12	sporting event (other than a sporting event described
13	in paragraphs (1) through $(4))$ —
14	"(A) that—
15	"(i) is held in the United States or
16	any of its territories or commonwealths;
17	"(ii) is governed by the International
18	Paralympic Committee; and
19	"(iii) is sanctioned by the United
20	States Olympic Committee;
21	"(B) for which participation exceeds 100
22	amateur athletes; and
23	"(C) in which at least 10 percent of the
24	athletes participating in the sporting event are
25	members or former members of the armed
26	forces who are participating in the sporting
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event based upon an injury or wound incurred
 in the line of duty in the armed force and vet erans who are participating in the sporting
 event based upon a service-connected dis ability."; and

6 (2) by adding at the end the following new sub-7 section:

8 (\mathbf{g}) FUNDING FOR SUPPORT OF CERTAIN 9 EVENTS.—(1) Amounts for the provision of support for 10 a sporting event described in paragraph (4) or (5) of sub-11 section (c) may be derived from the Support for Inter-12 national Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Ap-13 propriations Act, 1997 (Public Law 104–208; 10 U.S.C. 14 15 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account 16 for the provision of support for international sporting com-17 18 petitions.

19 "(2) The total amount expended for any fiscal year
20 to provide support for sporting events described in sub21 section (c)(5) may not exceed \$1,000,000.".

(b) SOURCE OF FUNDS.—Section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (Public Law
104–208; 10 U.S.C. 2564 note) is amended—

1	(1) by inserting after "international sporting
2	competitions" the following: "and for support of
3	sporting competitions authorized under section
4	2564(c)(4) and (5), of title 10, United States
5	Code,"; and
6	(2) by striking "45 days" and inserting "15
7	days".
8	SEC. 373. AUTHORITY TO IMPOSE REASONABLE RESTRIC-
9	TIONS ON PAYMENT OF FULL REPLACEMENT
10	WALLE FOR LOCE OF DAMAGED DEPGONAL
10	VALUE FOR LOST OR DAMAGED PERSONAL
10 11	VALUE FOR LOST OR DAMAGED PERSONAL PROPERTY TRANSPORTED AT GOVERNMENT
11	PROPERTY TRANSPORTED AT GOVERNMENT
11 12	PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE.
11 12 13	PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE. Section 2636a(d) of title 10, United States Code, is
11 12 13 14	PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE. Section 2636a(d) of title 10, United States Code, is amended by adding at the end the following new sentence:
 11 12 13 14 15 	PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE. Section 2636a(d) of title 10, United States Code, is amended by adding at the end the following new sentence: "The regulations may include a requirement that a mem-
 11 12 13 14 15 16 	PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE. Section 2636a(d) of title 10, United States Code, is amended by adding at the end the following new sentence: "The regulations may include a requirement that a mem- ber of the armed forces or civilian employee of the Depart-

1	SEC. 374. PRIORITY TRANSPORTATION ON DEPARTMENT
2	OF DEFENSE AIRCRAFT OF RETIRED MEM-
3	BERS RESIDING IN COMMONWEALTHS AND
4	POSSESSIONS OF THE UNITED STATES FOR
5	CERTAIN HEALTH CARE SERVICES.
6	(a) AVAILABILITY OF TRANSPORTATION.—Chapter
7	157 of title 10, United States Code, is amended by insert-
8	ing after section 2641a the following new section:
9	"§2641b. Space-available travel on Department of De-
10	fense aircraft: retired members residing
11	in Commonwealths and possessions of
12	the United States for certain health care
13	services
14	"(a) Priority Transportation.—The Secretary of
14 15	"(a) PRIORITY TRANSPORTATION.—The Secretary of Defense shall provide transportation on Department of
	Defense shall provide transportation on Department of
15 16	Defense shall provide transportation on Department of
15 16	Defense shall provide transportation on Department of Defense aircraft on a space-available basis for any member
15 16 17	Defense shall provide transportation on Department of Defense aircraft on a space-available basis for any member or former member of the uniformed services described in
15 16 17 18 19	Defense shall provide transportation on Department of Defense aircraft on a space-available basis for any member or former member of the uniformed services described in subsection (b), and a single dependent of the member if
15 16 17 18 19	Defense shall provide transportation on Department of Defense aircraft on a space-available basis for any member or former member of the uniformed services described in subsection (b), and a single dependent of the member if needed to accompany the member, at a priority level in
 15 16 17 18 19 20 	Defense shall provide transportation on Department of Defense aircraft on a space-available basis for any member or former member of the uniformed services described in subsection (b), and a single dependent of the member if needed to accompany the member, at a priority level in the same category as the priority level for an unaccom-
 15 16 17 18 19 20 21 	Defense shall provide transportation on Department of Defense aircraft on a space-available basis for any member or former member of the uniformed services described in subsection (b), and a single dependent of the member if needed to accompany the member, at a priority level in the same category as the priority level for an unaccom- panied dependent over the age of 18 traveling on environ-
 15 16 17 18 19 20 21 22 	Defense shall provide transportation on Department of Defense aircraft on a space-available basis for any member or former member of the uniformed services described in subsection (b), and a single dependent of the member if needed to accompany the member, at a priority level in the same category as the priority level for an unaccom- panied dependent over the age of 18 traveling on environ- mental and morale leave.

under chapter 55 of this title who—

1	"(1) is entitled to retired or retainer pay;
2	"(2) resides in or is located in a Commonwealth
3	or possession of the United States; and
4	"(3) is referred by a military or civilian primary
5	care provider located in that Commonwealth or pos-
6	session to a specialty care provider for services to be
7	provided outside of that Commonwealth or posses-
8	sion.
9	"(c) SCOPE OF PRIORITY.—The increased priority for
10	space-available transportation required by subsection (a)
11	applies with respect to both—
12	((1) the travel from the Commonwealth or pos-
13	session of the United States to receive the specialty
14	care services; and
15	"(2) the return travel.
16	"(d) DEFINITIONS.—In this section, the terms 'pri-
17	mary care provider' and 'specialty care provider' refer to
18	a medical or dental professional who provides health care
19	services under chapter 55 of this title.
20	"(e) Regulations.—The Secretary of Defense shall
21	prescribe regulations to implement this section.".
22	(b) Clerical Amendment.—The table of sections
23	at the beginning of such chapter is amended by inserting
24	after the item relating to section 2641a the following new
25	item:

"2641b. Space-available travel on Department of Defense aircraft: retired members residing in Commonwealths and possessions of the United States for certain health care services.".

1 SEC. 375. RECOVERY OF MISSING MILITARY PROPERTY.

2 (a) IN GENERAL.—Chapter 165 of title 10, United
3 States Code, is amended by adding at the end the fol4 lowing new sections:

5 "§ 2788. Property accountability: regulations

6 "The Secretary of a military department may pre-7 scribe regulations for the accounting for the property of 8 that department and the fixing of responsibility for that 9 property.

10 "§ 2789. Individual equipment: unauthorized disposi11 tion

12 "(a) PROHIBITION.—No member of the armed forces 13 may sell, lend, pledge, barter, or give any clothing, arms, 14 or equipment furnished to such member by the United 15 States to any person other than a member of the armed 16 forces or an officer of the United States who is authorized 17 to receive it.

18 "(b) SEIZURE OF IMPROPERLY DISPOSED PROP-19 ERTY.—If a member of the armed forces has disposed of 20 property in violation of subsection (a) and the property 21 is in the possession of a person who is neither a member 22 of the armed forces nor an officer of the United States 23 who is authorized to receive it, that person has no right 24 to or interest in the property, and any civil or military

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officer of the United States may seize the property, wher ever found, subject to applicable regulations. Possession
 of such property furnished by the United States to a mem ber of the armed forces by a person who is neither a mem ber of the armed forces, nor an officer of the United
 States, is prima facie evidence that the property has been
 disposed of in violation of subsection (a).

"(c) DELIVERY OF SEIZED PROPERTY.—If an officer 8 9 who seizes property under subsection (b) is not authorized 10 to retain it for the United States, the officer shall deliver 11 the property to a person who is authorized to retain it.". 12 (b) CLERICAL AMENDMENT.—The table of sections 13 at the beginning of such chapter is amended by adding 14 at the end the following new items: "2788. Property accountability: regulations. "2789. Individual equipment: unauthorized disposition.". 15 (c) CONFORMING AMENDMENTS.— 16 (1) IN GENERAL.—Such title is further amend-

- 17 ed by striking the following sections:
- 18 (A) Section 4832.
- (B) Section 4836.
- 20 (C) Section 9832.
- (D) Section 9836.
- 22 (2) CLERICAL AMENDMENTS.—
- 23 (A) CHAPTER 453.—The table of sections
 24 at the beginning of chapter 453 of such title is

1	amended by striking the items relating to sec-
2	tions 4832 and 4836.
3	(B) CHAPTER 953.—The table of sections
4	at the beginning of chapter 953 of such title is
5	amended by striking the items relating to sec-
6	tions 9832 and 9836.
7	SEC. 376. RETENTION OF COMBAT UNIFORMS BY MEMBERS
8	OF THE ARMED FORCES DEPLOYED IN SUP-
9	PORT OF CONTINGENCY OPERATIONS.
10	(a) Retention of Combat Uniforms.—Chapter
11	152 of title 10, United States Code, is amended by adding
12	at the end the following new section:
13	"§2568. Retention of combat uniforms by members
14	deployed in support of contingency oper-
15	ations
16	"The Secretary of a military department may author-
17	ize a member of the armed forces under the jurisdiction
18	of the Secretary who has been deployed in support of a
19	contingency operation for at least 30 days to retain, after
20	that member is no longer so deployed, the combat uniform
21	issued to that member as organizational clothing and indi-
22	vidual equipment.".
23	(b) Clerical Amendment.—The table of sections
24	at the beginning of such chapter is amended by adding
25	at the end the following new item:

"2568. Retention of combat uniforms by members deployed in support of contingency operations.".

1 SEC. 377. ISSUE OF SERVICEABLE MATERIAL OF THE NAVY

OTHER THAN TO ARMED FORCES.

3 (a) IN GENERAL.—Part IV of subtitle C of title 10,

4 United States Code, is amended by adding at the end the

5 following new chapter:

6 "CHAPTER 667—ISSUE OF SERVICEABLE 7 MATERIAL OTHER THAN TO ARMED 8 FORCES

"Sec.

2

"7911. Arms, tentage, and equipment: educational institutions not maintaining units of R.O.T.C.

"7912. Rifles and ammunition for target practice: educational institutions having corps of midshipmen.

institutions not maintaining units of

"7913. Supplies: military instruction camps.

9 "§7911. Arms, tentage, and equipment: educational

10

11

R.O.T.C.

12 "Under such conditions as he may prescribe, the Sec-13 retary of the Navy may issue arms, tentage, and equipment that the Secretary considers necessary for proper 14 military training, to any educational institution at which 15 16 no unit of the Reserve Officers' Training Corps is main-17 tained, but which has a course in military training prescribed by the Secretary and which has at least 50 phys-18 ically fit students over 14 years of age. 19

1 "§ 7912. Rifles and ammunition for target practice: 2 educational institutions having corps of 3 midshipmen

"(a) AUTHORITY TO LEND.—The Secretary of the 4 5 Navy may lend, without expense to the United States, magazine rifles and appendages that are not of the exist-6 7 ing service models in use at the time and that are not necessary for a proper reserve supply, to any educational 8 9 institution having a uniformed corps of midshipmen of 10 sufficient number for target practice. The Secretary may 11 also issue 40 rounds of ball cartridges for each midshipman for each range at which target practice is held, 12 13 but not more than 120 rounds each year for each midshipman participating in target practice. 14

15 "(b) RESPONSIBILITIES OF INSTITUTIONS.—The in16 stitutions to which property is lent under subsection (a)
17 shall—

- 18 "(1) use the property for target practice;
- 19 "(2) take proper care of the property; and

20 "(3) return the property when required.

"(c) REGULATIONS.—The Secretary of the Navy
shall prescribe regulations to carry out this section, containing such other requirements as he considers necessary
to safeguard the interests of the United States.

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1 "§ 7913. Supplies: military instruction camps

2 "Under such conditions as he may prescribe, the Secretary of the Navy may issue, to any educational institu-3 tion at which an officer of the naval service is detailed 4 5 as professor of naval science, such supplies as are necessary to establish and maintain a camp for the military 6 7 instruction of its students. The Secretary shall require a bond in the value of the property issued under this section, 8 9 for the care and safekeeping of that property and except 10 for property properly expended, for its return when re-11 quired.".

17 SEC. 378. REAUTHORIZATION OF AVIATION INSURANCE

18 **PROGRAM.**

Section 44310 of title 49, United States Code, is
amended by striking "March 30, 2008" and inserting
"December 31, 2013".

22 TITLE IV—MILITARY 23 PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

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

- Sec. 403. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2009 and 2010.
- Sec. 404. Increase in authorized strengths for Army officers on active duty in the grade of major.
- Sec. 405. Increase in authorized strengths for Navy officers on active duty in the grades of lieutenant commander, commander, and captain.
- Sec. 406. Increase in authorized daily average of number of members in pay grade E–9.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2008 limitation on number of non-dual status technicians.
- Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
- Sec. 416. Future authorizations and accounting for certain reserve component personnel authorized to be on active duty or full-time National Guard duty to provide operational support.
- Sec. 417. Revision of variances authorized for Selected Reserve end strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

1 Subtitle A—Active Forces

2 SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

3 (a) IN GENERAL.—The Armed Forces are authorized

4 strengths for active duty personnel as of September 30,

5 2008, as follows:

8

- 6 (1) The Army, 525,400.
- 7 (2) The Navy, 329,098.
 - (3) The Marine Corps, 189,000.
- 9 (4) The Air Force, 329,563.
- 10 (b) LIMITATION.—
- (1) ARMY.—The authorized strength for the
 Army provided in paragraph (1) of subsection (a)
 for active duty personnel for fiscal year 2008 is subject to the condition that costs of active duty per-

1	sonnel of the Army for that fiscal year in excess of
2	489,400 shall be paid out of funds authorized to be
3	appropriated for that fiscal year by section 1514.
4	(2) MARINE CORPS.—The authorized strength
5	for the Marine Corps provided in paragraph (3) of
6	subsection (a) for active duty personnel for fiscal
7	year 2008 is subject to the condition that costs of
8	active duty personnel of the Marine Corps for that
9	fiscal year in excess of 180,000 shall be paid out of
10	funds authorized to be appropriated for that fiscal
11	year by section 1514.
12	SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END
13	STRENGTH MINIMUM LEVELS.
14	Section 691(b) of title 10, United States Code, is
15	amended by striking paragraphs (1) through (4) and in-
16	serting the following new paragraphs:
17	
	"(1) For the Army, 525,400.
18	"(1) For the Army, 525,400."(2) For the Navy, 328,400.
18 19	

20 "(4) For the Air Force, 328,600.".

1SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF2ARMY AND MARINE CORPS ACTIVE DUTY END3STRENGTHS FOR FISCAL YEARS 2009 AND42010.

5 (a) AUTHORITY TO INCREASE ARMY ACTIVE DUTY END STRENGTHS.—For each of fiscal years 2009 and 6 7 2010, the Secretary of Defense may, as the Secretary de-8 termines necessary for the purposes described in sub-9 section (c), establish the active-duty end strength for the 10 Army at a number greater than the number otherwise au-11 thorized by law up to the number equal to the fiscal-year 12 2008 baseline plus 22,000.

(b) MARINE CORPS.—For each of fiscal years 2009
and 2010, the Secretary of Defense may, as the Secretary
determines necessary for the purposes described in subsection (c), establish the active-duty end strength for the
Marine Corps at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2008 baseline plus 13,000.

20 (c) PURPOSE OF INCREASES.—The purposes for
21 which increases may be made in Army and Marine Corps
22 active duty end strengths under this section are—

23 (1) to support operational missions; and

24 (2) to achieve transformational reorganization
25 objectives, including objectives for increased num26 bers of combat brigades and battalions, increased
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unit manning, force stabilization and shaping, and
 rebalancing of the active and reserve component
 forces.

4 (d) RELATIONSHIP TO PRESIDENTIAL WAIVER AU5 THORITY.—Nothing in this section shall be construed to
6 limit the President's authority under section 123a of title
7 10, United States Code, to waive any statutory end
8 strength in a time of war or national emergency.

9 (e) RELATIONSHIP TO OTHER VARIANCE AUTHOR-10 ITY.—The authority under this section is in addition to 11 the authority to vary authorized end strengths that is pro-12 vided in subsections (e) and (f) of section 115 of title 10, 13 United States Code.

14 (f) BUDGET TREATMENT.—

(1) FISCAL YEARS 2009 AND 2010 BUDGETS.—
The budget for the Department of Defense for fiscal
years 2009 and 2010 as submitted to Congress shall
comply, with respect to funding, with subsections (c)
and (d) of section 691 of title 10, United States
Code.

(2) OTHER INCREASES.—If the Secretary of
Defense plans to increase the Army or Marine Corps
active duty end strength for a fiscal year under this
section, then the budget for the Department of Defense for that fiscal year as submitted to Congress

shall include the amounts necessary for funding that
 active duty end strength in excess of the fiscal year
 2008 active duty end strength authorized for that
 service under section 401.
 (g) DEFINITIONS.—In this section:

6 (1) FISCAL-YEAR 2008 BASELINE.—The term 7 "fiscal-year 2008 baseline", with respect to the 8 Army and Marine Corps, means the active-duty end 9 strength authorized for those services in section 401. 10 (2) ACTIVE-DUTY END STRENGTH.—In this 11 subsection, the term "active-duty end strength" 12 means the strength for active-duty personnel of one 13 of the Armed Forces as of the last day of a fiscal 14 year.

15 (h) REPEAL OF OTHER DISCRETIONARY AUTHORITY TO TEMPORARILY INCREASE ARMY AND MARINE CORPS 16 ACTIVE DUTY END STRENGTHS.—Section 403 of the 17 18 Ronald W. Reagan National Defense Authorization Act 19 for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 20 115 note), as amended by section 403 of the John Warner 21 National Defense Authorization Act for Fiscal Year 2007 22 (Public Law 109–364; 120 Stat. 2169), is repealed.

4 The portion of the table in section 523(a)(1) of title
5 10, United States Code, relating to the Army is amended
6 to read as follows:

"Total number of commissioned officers (ex-	Number of officers who may be serving on active duty in grade of:		
cluding officers in categories specified in subsection (b)) on active duty:	Major	Lieutenant Colonel	Colonel
Army:			
20,000	7,768	$5,\!253$	1,613
25,000	8,689	5,642	1,796
30,000	9,611	6,030	1,980
35,000	10,532	6,419	2,163
40,000	11,454	6,807	2,347
45,000	12,375	7,196	2,530
50,000	13,297	7,584	2,713
55,000	14,218	7,973	2,897
60,000	15,140	8,361	3,080
65,000	16,061	8,750	3,264
70,000	16,983	9,138	3,447
75,000	17,903	9,527	3,631
80,000	18,825	9,915	3,814
85,000	19,746	10,304	3,997
90,000	20,668	10,692	4,181
95,000	21,589	11,081	4,364
100,000	22,511	11,469	4,548
110,000	24,354	12,246	4,915
120,000	26,197	13,023	$5,\!281$
130,000	28,040	13,800	5,648
170,000	35,412	16,908	7,116'

7 SEC. 405. INCREASE IN AUTHORIZED STRENGTHS FOR
8 NAVY OFFICERS ON ACTIVE DUTY IN THE
9 GRADES OF LIEUTENANT COMMANDER, COM10 MANDER, AND CAPTAIN.

11 The table in section 523(a)(2) of title 10, United12 States Code, is amended to read as follows:

"Total number of commissioned officers (ex-	Number of officers who may be serving on active duty in grade of:		
cluding officers in categories specified in subsection (b)) on active duty:	Lieutenant Commander	Commander	Captain
Navy:			
30,000	7,698	5,269	2,222
33,000	8,189	5,501	2,334
36,000	8,680	5,733	2,447
39,000	9,172	5,965	2,559
42,000	9,663	6,197	2,671
45,000	10,155	6,429	2,784
48,000	10,646	6,660	2,896
51,000	11,136	6,889	3,007
54,000	$11,\!628$	7,121	3,120
57,000	12,118	7,352	3,232
60,000	12,609	7,583	3,344
63,000	13,100	7,813	3,457
66,000	$13,\!591$	8,044	3,568
70,000	$14,\!245$	8,352	3,718
90,000	17,517	9,890	4,467"

1SEC. 406. INCREASE IN AUTHORIZED DAILY AVERAGE OF2NUMBER OF MEMBERS IN PAY GRADE E-9.

3 Section 517(a) of title 10, United States Code, is
4 amended by striking "1 percent" and inserting "1.25 per5 cent".

6 Subtitle B—Reserve Forces

7 SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

8 (a) IN GENERAL.—The Armed Forces are authorized
9 strengths for Selected Reserve personnel of the reserve
10 components as of September 30, 2008, as follows:

- (1) The Army National Guard of the UnitedStates, 351,300.
- 13 (2) The Army Reserve, 205,000.
- 14 (3) The Navy Reserve, 67,800.
- 15 (4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United
 States, 106,700.

- 3 (6) The Air Force Reserve, 67,500.
- 4 (7) The Coast Guard Reserve, 10,000.

5 (b) END STRENGTH REDUCTIONS.—The end
6 strengths prescribed by subsection (a) for the Selected Re7 serve of any reserve component shall be proportionately
8 reduced by—

9 (1) the total authorized strength of units orga-10 nized to serve as units of the Selected Reserve of 11 such component which are on active duty (other 12 than for training) at the end of the fiscal year; and 13 (2) the total number of individual members not 14 in units organized to serve as units of the Selected 15 Reserve of such component who are on active duty 16 (other than for training or for unsatisfactory partici-17 pation in training) without their consent at the end 18 of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or
individual members of the Selected Reserve of any reserve
component are released from active duty during any fiscal
year, the end strength prescribed for such fiscal year for
the Selected Reserve of such reserve component shall be
increased proportionately by the total authorized strengths

of such units and by the total number of such individual
 members.

3 SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE 4 DUTY IN SUPPORT OF THE RESERVES.

5 Within the end strengths prescribed in section 6 411(a), the reserve components of the Armed Forces are 7 authorized, as of September 30, 2008, the following num-8 ber of Reserves to be serving on full-time active duty or 9 full-time duty, in the case of members of the National 10 Guard, for the purpose of organizing, administering, re-11 cruiting, instructing, or training the reserve components:

- 12 (1) The Army National Guard of the United13 States, 29,204.
- 14 (2) The Army Reserve, 15,870.
- 15 (3) The Navy Reserve, 11,579.

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

17 (5) The Air National Guard of the United18 States, 13,936.

19 (6) The Air Force Reserve, 2,721.

20sec. 413. END STRENGTHS FOR MILITARY TECHNICIANS21(DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2008 for the reserve components of the Army and the Air Force (notwith-

standing section 129 of title 10, United States Code) shall 1 2 be the following: 3 (1) For the Army Reserve, 8,249. 4 (2) For the Army National Guard of the United 5 States, 26,502. 6 (3) For the Air Force Reserve, 9,909. 7 (4) For the Air National Guard of the United 8 States, 22,553. 9 SEC. 414. FISCAL YEAR 2008 LIMITATION ON NUMBER OF 10 NON-DUAL STATUS TECHNICIANS. 11 (a) LIMITATIONS.— 12 (1) NATIONAL GUARD.—Within the limitation 13 provided in section 10217(c)(2) of title 10, United 14 States Code, the number of non-dual status techni-15 cians employed by the National Guard as of Sep-16 tember 30, 2008, may not exceed the following: 17 (A) For the Army National Guard of the 18 United States, 1,600. 19 (B) For the Air National Guard of the 20 United States, 350. 21 (2) ARMY RESERVE.—The number of non-dual 22 status technicians employed by the Army Reserve as 23 of September 30, 2008, may not exceed 595. 24 (3) AIR FORCE RESERVE.—The number of non-25 dual status technicians employed by the Air Force

Reserve as of September 30, 2008, may not exceed
 90.

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

7 SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU8 THORIZED TO BE ON ACTIVE DUTY FOR 9 OPERATIONAL SUPPORT.

10 During fiscal year 2008, the maximum number of 11 members of the reserve components of the Armed Forces 12 who may be serving at any time on full-time operational 13 support duty under section 115(b) of title 10, United 14 States Code, is the following:

- 15 (1) The Army National Guard of the United16 States, 17,000.
- 17 (2) The Army Reserve, 13,000.
- 18 (3) The Navy Reserve, 6,200.
- 19 (4) The Marine Corps Reserve, 3,000.
- 20 (5) The Air National Guard of the United21 States, 16,000.
- (6) The Air Force Reserve, 14,000.

1SEC. 416. FUTURE AUTHORIZATIONS AND ACCOUNTING2FOR CERTAIN RESERVE COMPONENT PER-3SONNEL AUTHORIZED TO BE ON ACTIVE4DUTY OR FULL-TIME NATIONAL GUARD DUTY5TO PROVIDE OPERATIONAL SUPPORT.

6 (a) REVIEW OF OPERATIONAL SUPPORT MISSIONS
7 PERFORMED BY CERTAIN RESERVE COMPONENT PER8 SONNEL.—

9 (1) REVIEW REQUIRED.—The Secretary of De-10 fense shall conduct a review of the long-term oper-11 ational support missions performed by members of 12 the reserve components authorized under section 13 115(b) of title 10, United States Code, to be on ac-14 tive duty or full-time National Guard duty for the 15 purpose of providing operational support, with the 16 objectives of such review being-

17 (A) minimizing the number of reserve com18 ponent members who perform such service for
19 a period greater than 1,095 consecutive days,
20 or cumulatively for 1,095 days out of the pre21 vious 1,460 days; and

(B) determining which long-term operational support missions being performed by
such members would more appropriately be performed by members of the Armed Forces on active duty under other provisions of title 10,

1	United States Code, or by full-time support per-
2	sonnel of reserve components.
3	(2) SUBMISSION OF RESULTS.—Not later than
4	March 1, 2008, the Secretary shall submit to Con-
5	gress the results of the review, including a descrip-
6	tion of the adjustments in Department of Defense
7	policy to be implemented as a result of the review
8	and such recommendations for changes in statute, as
9	the Secretary considers to be appropriate.
10	(b) Improved Accounting for Reserve Compo-
11	NENT PERSONNEL PROVIDING OPERATIONAL SUP-
12	PORT.—Section 115(b) of title 10, United States Code, is
13	amended by adding at the end the following new para-
14	graph:

"(4) As part of the budget justification materials submitted by the Secretary of Defense to Congress in support
of the end strength authorizations required under subparagraphs (A) and (B) of subsection (a)(1) for fiscal year
2009 and each fiscal year thereafter, the Secretary shall
provide the following:

"(A) The number of members, specified by reserve component, authorized under subparagraphs
(A) and (B) of paragraph (1) who were serving on
active duty or full-time National Guard duty for
operational support beyond each of the limits speci-

fied under subparagraphs (A) and (B) of paragraph
 (2) at the end of the fiscal year preceding the fiscal
 year for which the budget justification materials are
 submitted.

5 "(B) The number of members, specified by re-6 serve component, on active duty for operational sup-7 port who, at the end of the fiscal year for which the 8 budget justification materials are submitted, are 9 projected to be serving on active duty or full-time 10 National Guard duty for operational support beyond 11 such limits.

"(C) The number of members, specified by reserve component, on active duty or full-time National Guard duty for operational support who are
included in, and counted against, the end strength
authorizations requested under subparagraphs (A)
and (B) of subsection (a)(1).

18 "(D) A summary of the missions being per19 formed by members identified under subparagraphs
20 (A) and (B).".

21 SEC. 417. REVISION OF VARIANCES AUTHORIZED FOR SE22 LECTED RESERVE END STRENGTHS.

23 Section 115(f)(3) of title 10, United States Code, is
24 amended by striking "2 percent" and inserting "3 per25 cent".

Subtitle C—Authorization of Appropriations

3 SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2008 a total of \$117,091,420,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2008. **TITLE V_MILITARY PERSONNEL**

10 TITLE V—MILITARY PERSONNEL 11 POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Assignment of officers to designated positions of importance and responsibility.
- Sec. 502. Enhanced authority for Reserve general and flag officers to serve on active duty.
- Sec. 503. Increase in years of commissioned service threshold for discharge of probationary officers and for use of force shaping authority.
- Sec. 504. Mandatory retirement age for active-duty general and flag officers continued on active duty.
- Sec. 505. Authority for reduced mandatory service obligation for initial appointments of officers in critically short health professional specialties.
- Sec. 506. Expansion of authority for reenlistment of officers in their former enlisted grade.
- Sec. 507. Increase in authorized number of permanent professors at the United States Military Academy.
- Sec. 508. Promotion of career military professors of the Navy.

Subtitle B—Reserve Component Management

- Sec. 511. Retention of military technicians who lose dual status in the Selected Reserve due to combat-related disability.
- Sec. 512. Constructive service credit upon original appointment of Reserve officers in certain health care professions.
- Sec. 513. Mandatory separation of Reserve officers in the grade of lieutenant general or vice admiral after completion of 38 years of commissioned service.
- Sec. 514. Maximum period of temporary Federal recognition of person as Army National Guard officer or Air National Guard officer.

- Sec. 515. Advance notice to members of reserve components of deployment in support of contingency operations.
- Sec. 516. Report on relief from professional licensure and certification requirements for reserve component members on long-term active duty.

Subtitle C—Education and Training

- Sec. 521. Revisions to authority to pay tuition for off-duty training or education.
- Sec. 522. Reduction or elimination of service obligation in an Army Reserve or Army National Guard troop program unit for certain persons selected as medical students at Uniformed Services University of the Health Sciences.
- Sec. 523. Repeal of annual limit on number of ROTC scholarships under Army Reserve and Army National Guard financial assistance program.
- Sec. 524. Treatment of prior active service of members in uniformed medical accession programs.
- Sec. 525. Repeal of post-2007–2008 academic year prohibition on phased increase in cadet strength limit at the United States Military Academy.
- Sec. 526. National Defense University master's degree programs.
- Sec. 527. Authority of the Air University to confer degree of master of science in flight test engineering.
- Sec. 528. Enhancement of education benefits for certain members of reserve components.
- Sec. 529. Extension of period of entitlement to educational assistance for certain members of the Selected Reserve affected by force shaping initiatives.
- Sec. 530. Time limit for use of educational assistance benefit for certain members of reserve components and resumption of benefit.
- Sec. 531. Secretary of Defense evaluation of the adequacy of the degree-granting authorities of certain military universities and educational institutions.
- Sec. 532. Report on success of Army National Guard and Reserve Senior Reserve Officers' Training Corps financial assistance program.
- Sec. 533. Report on utilization of tuition assistance by members of the Armed Forces.
- Sec. 534. Navy Junior Reserve Officers' Training Corps unit for Southold, Mattituck, and Greenport High Schools.
- Sec. 535. Report on transfer of administration of certain educational assistance programs for members of the reserve components.

Subtitle D—Military Justice and Legal Assistance Matters

- Sec. 541. Authority to designate civilian employees of the Federal Government and dependents of deceased members as eligible for legal assistance from Department of Defense legal staff resources.
- Sec. 542. Authority of judges of the United States Court of Appeals for the Armed Forces to administer oaths.
- Sec. 543. Modification of authorities on senior members of the Judge Advocate Generals' Corps.
- Sec. 544. Prohibition against members of the Armed Forces participating in criminal street gangs.

Subtitle E—Military Leave

- Sec. 551. Temporary enhancement of carryover of accumulated leave for members of the Armed Forces.
- Sec. 552. Enhancement of rest and recuperation leave.

Subtitle F—Decorations and Awards

- Sec. 561. Authorization and request for award of Medal of Honor to Leslie H. Sabo, Jr., for acts of valor during the Vietnam War.
- Sec. 562. Authorization and request for award of Medal of Honor to Henry Svehla for acts of valor during the Korean War.
- Sec. 563. Authorization and request for award of Medal of Honor to Woodrow W. Keeble for acts of valor during the Korean War.
- Sec. 564. Authorization and request for award of Medal of Honor to Private Philip G. Shadrach for acts of valor as one of Andrews' Raiders during the Civil War.
- Sec. 565. Authorization and request for award of Medal of Honor to Private George D. Wilson for acts of valor as one of Andrews' Raiders during the Civil War.

Subtitle G-Impact Aid and Defense Dependents Education System

- Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 572. Impact aid for children with severe disabilities.
- Sec. 573. Inclusion of dependents of non-department of Defense employees employed on Federal property in plan relating to force structure changes, relocation of military units, or base closures and realignments.
- Sec. 574. Payment of private boarding school tuition for military dependents in overseas areas not served by defense dependents' education system schools.

Subtitle H—Military Families

- Sec. 581. Department of Defense Military Family Readiness Council and policy and plans for military family readiness.
- Sec. 582. Yellow Ribbon Reintegration Program.
- Sec. 583. Study to enhance and improve support services and programs for families of members of regular and reserve components undergoing deployment.
- Sec. 584. Protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.
- Sec. 585. Family leave in connection with injured members of the Armed Forces.
- Sec. 586. Family care plans and deferment of deployment of single parent or dual military couples with minor dependents.
- Sec. 587. Education and treatment services for military dependent children with autism.
- Sec. 588. Commendation of efforts of Project Compassion in paying tribute to members of the Armed Forces who have fallen in the service of the United States.

Subtitle I—Other Matters

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	Sec. 590. Uniform performance policies for military bands and other musical units.
	Sec. 591. Transportation of remains of deceased members of the Armed Forces and certain other persons.
	Sec. 592. Expansion of number of academies supportable in any State under STARBASE program.
	Sec. 593. Gift acceptance authority.
	Sec. 594. Conduct by members of the Armed Forces and veterans out of uni- form during hoisting, lowering, or passing of United States flag.
	Sec. 595. Annual report on cases reviewed by National Committee for Employer Support of the Guard and Reserve.
	Sec. 596. Modification of Certificate of Release or Discharge from Active Duty (DD Form 214).
	Sec. 597. Reports on administrative separations of members of the Armed Forces for personality disorder.
	Sec. 598. Program to commemorate 50th anniversary of the Vietnam War.
	Sec. 599. Recognition of members of the Monuments, Fine Arts, and Archives
	program of the Civil Affairs and Military Government Sections of the Armed Forces during and following World War II.
1	
1	Subtitle A—Officer Personnel
2	Policy
3	SEC. 501. ASSIGNMENT OF OFFICERS TO DESIGNATED PO-
4	SITIONS OF IMPORTANCE AND RESPONSI-
4 5	SITIONS OF IMPORTANCE AND RESPONSI- BILITY.
5	BILITY.
5 6	BILITY. (a) Continuation in Grade While Awaiting Or-
5 6 7	BILITY. (a) CONTINUATION IN GRADE WHILE AWAITING OR- DERS.—Section 601(b) of title 10, United States Code,
5 6 7 8	BILITY. (a) CONTINUATION IN GRADE WHILE AWAITING OR- DERS.—Section 601(b) of title 10, United States Code, is amended—
5 6 7 8 9	BILITY. (a) CONTINUATION IN GRADE WHILE AWAITING OR- DERS.—Section 601(b) of title 10, United States Code, is amended— (1) by striking "and" at the end of paragraph
5 6 7 8 9 10	BILITY. (a) CONTINUATION IN GRADE WHILE AWAITING OR- DERS.—Section 601(b) of title 10, United States Code, is amended— (1) by striking "and" at the end of paragraph (3);
5 6 7 8 9 10 11	BILITY. (a) CONTINUATION IN GRADE WHILE AWAITING OR- DERS.—Section 601(b) of title 10, United States Code, is amended— (1) by striking "and" at the end of paragraph (3); (2) by redesignating paragraph (4) as para-
5 6 7 8 9 10 11 12	BILITY. (a) CONTINUATION IN GRADE WHILE AWAITING OR- DERS.—Section 601(b) of title 10, United States Code, is amended— (1) by striking "and" at the end of paragraph (3); (2) by redesignating paragraph (4) as para- graph (5); and
5 6 7 8 9 10 11 12 13	BILITY. (a) CONTINUATION IN GRADE WHILE AWAITING OR- DERS.—Section 601(b) of title 10, United States Code, is amended— (1) by striking "and" at the end of paragraph (3); (2) by redesignating paragraph (4) as para- graph (5); and (3) by inserting after paragraph (3) the fol-
5 6 7 8 9 10 11 12 13 14	BILITY. (a) CONTINUATION IN GRADE WHILE AWAITING OR- DERS.—Section 601(b) of title 10, United States Code, is amended— (1) by striking "and" at the end of paragraph (3); (2) by redesignating paragraph (4) as para- graph (5); and (3) by inserting after paragraph (3) the fol- lowing new paragraph (4):

1 relieved from the position designated under sub-2 section (a) or by law to carry one of those grades, 3 but not for more than 60 days beginning on the day 4 the officer is relieved from the position, unless, dur-5 ing such period, the officer is placed under orders to 6 another position designated under subsection (a) or 7 by law to carry one of those grades, in which case 8 paragraph (2) will also apply to the officer; and".

9 (b) CONFORMING AMENDMENT REGARDING GEN-10 ERAL AND FLAG OFFICER CEILINGS.—Section 525(e) of 11 such title is amended by striking paragraph (2) and insert-12 ing the following new paragraph:

13 "(2) At the discretion of the Secretary of De-14 fense, an officer of that armed force who has been 15 relieved from a position designated under section 16 601(a) of this title or by law to carry one of the 17 grades specified in such section, but only during the 18 60-day period beginning on the date on which the 19 assignment of the officer to the first position is ter-20 minated or until the officer is assigned to a second 21 such position, whichever occurs first.".

1 SEC. 502. ENHANCED AUTHORITY FOR RESERVE GENERAL

2 AND FLAG OFFICERS TO SERVE ON ACTIVE 3 DUTY.

4 Section 526(d) of title 10, United States Code, is
5 amended—

6 (1) by inserting "(1)" before "The limitations";7 and

8 (2) by adding at the end the following new9 paragraph:

10 "(2) The limitations of this section also do not apply 11 to a number, as specified by the Secretary of the military department concerned, of reserve component general or 12 13 flag officers authorized to serve on active duty for a period of not more than 365 days. The number so specified for 14 an armed force may not exceed the number equal to 10 15 percent of the authorized number of general or flag offi-16 17 cers, as the case may be, of that armed force under section 12004 of this title. In determining such number, any frac-18 19 tion shall be rounded down to the next whole number, ex-20 cept that such number shall be at least one.".

21 SEC. 503. INCREASE IN YEARS OF COMMISSIONED SERVICE 22 THRESHOLD FOR DISCHARGE OF PROBA23 TIONARY OFFICERS AND FOR USE OF FORCE 24 SHAPING AUTHORITY.

25 (a) ACTIVE-DUTY LIST OFFICERS.—

1	(1) EXTENDED PROBATIONARY PERIOD.—Para-
2	graph $(1)(A)$ of section 630 of title 10, United
3	States Code, is amended by striking "five years"
4	and inserting "six years".
5	(2) Section Heading.—The heading of such
6	section is amended by striking "five years" and
7	inserting " six years ".
8	(3) TABLE OF SECTIONS.—The item relating to
9	such section in the table of sections at the beginning
10	of subchapter III of chapter 36 of such title is
11	amended to read as follows: "630. Discharge of commissioned officers with less than six years of active com- missioned service or found not qualified for promotion for first lieutenant or lieutenant (junior grade).".
12	(b) Officer Force Shaping Authority.—Section
13	647(b)(1) of such title is amended by striking "5 years"
14	both places it appears and inserting "six years".
15	(c) RESERVE OFFICERS.—
16	(1) EXTENDED PROBATIONARY PERIOD.—Sub-
17	section $(a)(1)$ of section 14503 of such title is
18	amended by striking "five years" and inserting "six
19	years".
20	(2) Section heading.—The heading of such
21	section is amended by striking "five years" and
22	inserting " six years ".
23	(3) TABLE OF SECTIONS.—The item relating to
24	such section in the table of sections at the beginning

1 of chapter 1407 of such title is amended to read as 2 follows: "14503. Discharge of officers with less than six years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade).". 3 SEC. 504. MANDATORY RETIREMENT AGE FOR ACTIVE-4 DUTY GENERAL AND FLAG OFFICERS CON-5 TINUED ON ACTIVE DUTY. 6 Section 637(b)(3) of title 10, United States Code, is amended by striking "but such period may not (except as 7 8 provided under section 1251(b) of this title) extend beyond 9 the date of the officer's sixty-second birthday" and inserting "except as provided under section 1251 or 1253 of 10 11 this title". 12 SEC. 505. AUTHORITY FOR REDUCED MANDATORY SERVICE 13 **OBLIGATION FOR INITIAL APPOINTMENTS OF** 14 OFFICERS IN CRITICALLY SHORT HEALTH 15 **PROFESSIONAL SPECIALTIES.** 16 Section 651 of title 10, United States Code, is 17 amended by adding at the end the following new subsection: 18

19 "(c)(1) For the armed forces under the jurisdiction 20 of the Secretary of Defense, the Secretary may waive the 21 initial period of required service otherwise established pur-22 suant to subsection (a) in the case of the initial appoint-23 ment of a commissioned officer in a critically short health professional specialty specified by the Secretary for pur poses of this subsection.

3 "(2) The minimum period of obligated service for an
4 officer under a waiver under this subsection shall be the
5 greater of—

6 "(A) two years; or

"(B) in the case of an officer who has accepted
an accession bonus or executed a contract or agreement for the multiyear receipt of special pay for
service in the armed forces, the period of obligated
service specified in such contract or agreement.".

12 SEC. 506. EXPANSION OF AUTHORITY FOR REENLISTMENT

13 OF OFFICERS IN THEIR FORMER ENLISTED
14 GRADE.

15 (a) REGULAR ARMY.—Section 3258 of title 10,16 United States Code, is amended—

17 (1) in subsection (a)—

18 (A) by striking "a Reserve officer" and in-19 serting "an officer"; and

20 (B) by striking "a temporary appoint21 ment" and inserting "an appointment"; and
22 (2) in subsection (b)—

23 (A) in paragraph (1), by striking "a Re24 serve officer" and inserting "an officer"; and

1	(B) in paragraph (2), by striking "the Re-
2	serve commission" and inserting "the commis-
3	sion".
4	(b) REGULAR AIR FORCE.—Section 8258 of such
5	title is amended—
6	(1) in subsection (a)—
7	(A) by striking "a reserve officer" and in-
8	serting "an officer"; and
9	(B) by striking "a temporary appoint-
10	ment" and inserting "an appointment"; and
11	(2) in subsection (b) —
12	(A) in paragraph (1), by striking "a Re-
13	serve officer" and inserting "an officer"; and
14	(B) in paragraph (2), by striking "the Re-
15	serve commission" and inserting "the commis-
16	sion".
17	SEC. 507. INCREASE IN AUTHORIZED NUMBER OF PERMA-
18	NENT PROFESSORS AT THE UNITED STATES
19	MILITARY ACADEMY.
20	Paragraph (4) of section 4331(b) of title 10, United
21	States Code, is amended to read as follows:
22	"(4) Twenty-eight permanent professors.".
23	SEC. 508. PROMOTION OF CAREER MILITARY PROFESSORS
24	OF THE NAVY.
25	(a) Promotion.—

1	(1) IN GENERAL.—Chapter 603 of title 10,
2	United States Code, is amended—
3	(A) by redesignating section 6970 as sec-
4	tion 6970a; and
5	(B) by inserting after section 6969 the fol-
6	lowing new section 6970:

7 "§ 6970. Permanent professors: promotion

"(a) PROMOTION.—An officer serving as a perma-8 9 nent professor may be recommended for promotion to the 10 grade of captain or colonel, as the case may be, under regulations prescribed by the Secretary of the Navy. The reg-11 12 ulations shall include a competitive selection board process 13 to identify those permanent professors best qualified for promotion. An officer so recommended shall be promoted 14 15 by appointment to the higher grade by the President, by and with the advice and consent of the Senate. 16

17 "(b) EFFECTIVE DATE OF PROMOTION.—If made,
18 the promotion of an officer under subsection (a) shall be
19 effective not earlier than three years after the selection
20 of the officer as a permanent professor as described in
21 that subsection.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended
by striking the item relating to section 6970 and inserting the following new items:

"6970. Permanent professors: promotion.

"6970a. Permanent professors: retirement for years of service; authority for deferral.".

(b) CONFORMING AMENDMENTS.—Section 641(2) of
 such title is amended—

3 (1) by striking "and the registrar" and insert4 ing ", the registrar"; and

5 (2) by inserting before the period at the end the
6 following: ", and permanent professors of the Navy
7 (as defined in regulations prescribed by the Sec8 retary of the Navy)".

9 (c) COMPETITIVE SELECTION ASSESSMENT.—The 10 Secretary of Defense shall conduct an assessment of the 11 effectiveness of the promotion system established under section 6970 of title 10, United States Code, as added by 12 13 subsection (a), for permanent professors of the United 14 States Naval Academy, including an evaluation of the extent to which the implementation of the promotion system 15 has resulted in a competitive environment for the selection 16 17 of permanent professors and an evaluation of whether the goals of the permanent professor program have been 18 19 achieved, including adequate career progression and pro-20 motion opportunities for participating officers. Not later than December 31, 2009, the Secretary shall submit to 21 22 the congressional defense committees a report containing 23 the results of the assessment.

1 (d) Use of Exclusions From Authorized Offi-2 CER STRENGTHS.—Not later than March 31, 2008, the 3 Secretary of the Navy shall submit to the congressional 4 defense committees a report describing the plans of the 5 Secretary for utilization of authorized exemptions under section 523(b)(8) of title 10, United States Code, and a 6 7 discussion of the Navy's requirement, if any, and projec-8 tions for use of additional exemptions by grade. Subtitle B—Reserve Component 9

10Management11SEC. 511. RETENTION OF MILITARY TECHNICIANS WHO12LOSE DUAL STATUS IN THE SELECTED RE-13SERVE DUE TO COMBAT-RELATED DIS-14ABILITY.

15 Section 10216 of title 10, United States Code, is
16 amended by inserting after subsection (f) the following
17 new subsection:

18 "(g) RETENTION OF MILITARY TECHNICIANS WHO LOSE DUAL STATUS DUE TO COMBAT-RELATED DIS-19 ABILITY.—(1) Notwithstanding subsection (d) of this sec-20 21 tion or subsections (a)(3) and (b) of section 10218 of this 22 title, if a military technician (dual status) loses such dual 23 status as the result of a combat-related disability (as de-24 fined in section 1413a of this title), the person may be 25 retained as a non-dual status technician so long as—

1 "(A) the combat-related disability does not pre-2 vent the person from performing the non-dual status 3 functions or position; and "(B) the person, while a non-dual status techni-4 5 cian, is not disqualified from performing the non-6 dual status functions or position because of perform-7 ance, medical, or other reasons. 8 "(2) A person so retained shall be removed not later 9 than 30 days after becoming eligible for an unreduced an-10 nuity and becoming 60 years of age. 11 "(3) Persons retained under the authority of this sub-12 section do not count against the limitations of section 13 10217(c) of this title.". 14 SEC. 512. CONSTRUCTIVE SERVICE CREDIT UPON ORIGI-15 NAL APPOINTMENT OF RESERVE OFFICERS 16 IN CERTAIN HEALTH CARE PROFESSIONS. 17 (a) INCLUSION OF ADDITIONAL HEALTH CARE PRO-FESSIONS.—Paragraph (2) of section 12207(b) of title 10, 18 19 United States Code, is amended to read as follows: ((2)(A)) If the Secretary of Defense determines that 20 21 the number of officers in a health profession described in 22 subparagraph (B) who are serving in an active status in 23 a reserve component of the Army, Navy, or Air Force in 24 grades below major or lieutenant commander is critically 25 below the number needed in such health profession by

such reserve component in such grades, the Secretary of 1 2 Defense may authorize the Secretary of the military de-3 partment concerned to credit any person who is receiving 4 an original appointment as an officer for service in such health profession with a period of constructive credit in 5 such amount (in addition to any amount credited such 6 7 person under paragraph (1)) as will result in the grade 8 of such person being that of captain or, in the case of 9 the Navy Reserve, lieutenant.

10 "(B) The types of health professions referred to in11 subparagraph (A) include the following:

"(i) Any health profession performed by officers
in the Medical Corps of the Army or the Navy or by
officers of the Air Force designated as a medical officer.

"(ii) Any health profession performed by officers in the Dental Corps of the Army or the Navy
or by officers of the Air Force designated as a dental officer.

20 "(iii) Any health profession performed by offi21 cers in the Medical Service Corps of the Army or the
22 Navy or by officers of the Air Force designated as
23 a medical service officer or biomedical sciences offi24 cer.

1	"(iv) Any health profession performed by offi-
2	cers in the Army Medical Specialist Corps.
3	"(v) Any health profession performed by offi-
4	cers of the Nurse Corps of the Army or the Navy
5	or by officers of the Air Force designated as a
6	nurse.
7	"(vi) Any health profession performed by offi-
8	cers in the Veterinary Corps of the Army or by offi-
9	cers designated as a veterinary officer.".
10	(b) Conforming Amendment.—Paragraph (3) of
11	such section is amended by striking "a medical or dental
12	officer" and inserting "officers covered by paragraph (2) ".
13	SEC. 513. MANDATORY SEPARATION OF RESERVE OFFI-
14	CERS IN THE GRADE OF LIEUTENANT GEN-
15	ERAL OR VICE ADMIRAL AFTER COMPLETION
16	OF 38 YEARS OF COMMISSIONED SERVICE.
17	(a) Mandatory Separation.—Section 14508 of
18	title 10, United States Code, is amended—
19	(1) by redesignating subsections (c), (d), and
20	(e) as subsections (e), (f), and (g), respectively; and
21	(2) by inserting after subsection (b) the fol-
22	lowing new subsection (c):
23	"(c) THIRTY-EIGHT YEARS OF SERVICE FOR LIEU-
24	TENANT GENERALS AND VICE ADMIRALS.—Unless re-
25	tired, transferred to the Retired Reserve, or discharged
22 23	lowing new subsection (c): "(c) Thirty-Eight Years of Service for Lieu-

at an earlier date, each reserve officer of the Army, Air
 Force, or Marine Corps in the grade of lieutenant general
 and each reserve officer of the Navy in the grade of vice
 admiral shall be separated in accordance with section
 14514 of this title on the later of the following:

6 "(1) 30 days after completion of 38 years of
7 commissioned service.

8 "(2) The fifth anniversary of the date of the of9 ficer's appointment in the grade of lieutenant gen10 eral or vice admiral.".

11 (b) CLERICAL AMENDMENTS.—Such section is fur-12 ther amended—

(1) in subsection (a), by inserting "FOR BRIGADIER GENERALS AND REAR ADMIRALS (LOWER
HALF)" after "GRADE" in the subsection heading;
and

17 (2) in subsection (b), by inserting "FOR MAJOR
18 GENERALS AND REAR ADMIRALS" after "GRADE"
19 in the subsection heading.

1	SEC.	514.	MAXIMUM	PERIO	D O	F TEM	IPOI	RARY	FEDE	RAL
2			RECOGN	ITION	OF	PERS	ON	AS	ARMY	NA-
3			TIONAL	GUARD	OF:	FICER	OR	AIR	NATIO	NAL
4			GUARD	OFFICE	R.					

5 Section 308(a) of title 32, United States Code, is
6 amended in the last sentence by striking "six months" and
7 inserting "one year".

8 SEC. 515. ADVANCE NOTICE TO MEMBERS OF RESERVE 9 COMPONENTS OF DEPLOYMENT IN SUPPORT 10 OF CONTINGENCY OPERATIONS.

11 (a) ADVANCE NOTICE REQUIRED.—The Secretary of 12 a military department shall ensure that a member of a 13 reserve component under the jurisdiction of that Secretary who will be called or ordered to active duty for a period 14 of more than 30 days in support of a contingency oper-15 16 ation (as defined in section 101(a)(13) of title 10, United States Code) receives notice in advance of the mobilization 17 date. In so far as is practicable, the notice shall be pro-18 19 vided not less than 30 days before the mobilization date, but with a goal of 90 days before the mobilization date. 20 21 (b) REDUCTION OR WAIVER OF NOTICE REQUIRE-22 MENT.—The Secretary of Defense may waive the require-23 ment of subsection (a), or authorize shorter notice than 24 the minimum specified in such subsection, during a war 25 or national emergency declared by the President or Congress or to meet mission requirements. If the waiver or 26 •HR 4986 CPH

reduction is made on account of mission requirements, the
 Secretary shall submit to Congress a report detailing the
 reasons for the waiver or reduction and the mission re quirements at issue.

5 SEC. 516. REPORT ON RELIEF FROM PROFESSIONAL LICEN6 SURE AND CERTIFICATION REQUIREMENTS 7 FOR RESERVE COMPONENT MEMBERS ON 8 LONG-TERM ACTIVE DUTY.

9 (a) STUDY.—The Comptroller General of the United 10 States shall conduct a study of the requirements to main-11 tain licensure or certification by members of the National 12 Guard or other reserve components of the Armed Forces 13 while on active duty for an extended period of time.

14 (b) ELEMENTS OF STUDY.—In the study, the Comp-15 troller General shall—

16 (1) identify the number and type of professional
17 or other licensure or certification requirements that
18 may be adversely impacted by extended periods of
19 active duty; and

20 (2) determine mechanisms that would provide
21 relief from professional or other licensure or certifi22 cation requirements for members of the reserve com23 ponents while on active duty for an extended period
24 of time.

1 (c) REPORT.—Not later than 120 days after the date 2 of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Sen-3 4 ate and House of Representative a report containing the 5 results of the study and such recommendations as the Comptroller General considers appropriate to provide fur-6 7 ther relief for members of the reserve components from 8 professional or other licensure or certification requirements while on active duty for an extended period of time. 9 Subtitle C—Education and 10

11

13

Subtitle C—Education and Training

12 SEC. 521. REVISIONS TO AUTHORITY TO PAY TUITION FOR

OFF-DUTY TRAINING OR EDUCATION.

(a) INCLUSION OF COAST GUARD.—Subsection (a) of
section 2007 of title 10, United States Code, is amended
by striking "Subject to subsection (b), the Secretary of
a military department" and inserting "Subject to subsections (b) and (c), the Secretary concerned".

19 (b) COMMISSIONED OFFICERS ON ACTIVE DUTY.—20 Subsection (b) of such section is amended—

- 21 (1) in paragraph (1)—
- (A) by inserting after "commissioned officer on active duty" the following: "(other than
 a member of the Ready Reserve)";

1	(B) by striking "the Secretary of the mili-
2	tary department concerned" and inserting "the
3	Secretary concerned"; and
4	(C) by striking "or full-time National
5	Guard duty" both places it appears; and
6	(2) in paragraph (2)—
7	(A) in the matter preceding subparagraph
8	(A), by striking "the Secretary of the military
9	department" and inserting "the Secretary con-
10	cerned";
11	(B) in subparagraph (B), by inserting
12	after "active duty service" the following: "for
13	which the officer was ordered to active duty";
14	and
15	(C) in subparagraph (C), by striking "Sec-
16	retary" and inserting "Secretary concerned".
17	(c) Authority To Pay Tuition Assistance to
18	Members of the Ready Reserve.—
19	(1) AVAILABILITY OF ASSISTANCE.—Subsection
20	(c) of such section is amended to read as follows:
21	(c)(1) Subject to paragraphs (3) and (5), the Sec-
22	retary concerned may pay the charges of an educational
23	institution for the tuition or expenses described in sub-
24	section (a) of a member of the Selected Reserve.

"(2) Subject to paragraphs (4) and (5), the Secretary
 concerned may pay the charges of an educational institu tion for the tuition or expenses described in subsection (a)
 of a member of the Individual Ready Reserve who has a
 military occupational specialty designated by the Secretary
 concerned for purposes of this subsection.

7 "(3) The Secretary concerned may not pay charges
8 under paragraph (1) for tuition or expenses of an officer
9 of the Selected Reserve unless the officer enters into an
10 agreement to remain a member of the Selected Reserve
11 for at least 4 years after completion of the education or
12 training for which the charges are paid.

13 "(4) The Secretary concerned may not pay charges 14 under paragraph (2) for tuition or expenses of an officer 15 of the Individual Ready Reserve unless the officer enters 16 into an agreement to remain in the Selected Reserve or 17 Individual Ready Reserve for at least 4 years after comple-18 tion of the education or training for which the charges 19 are paid.

"(5) The Secretary of a military department may require an enlisted member of the Selected Reserve or Individual Ready Reserve to enter into an agreement to serve
for up to 4 years in the Selected Reserve or Individual
Ready Reserve, as the case may be, after completion of

1	the education or training for which tuition or expenses are
2	paid under paragraph (1) or (2), as applicable.".
3	(2) Repeal of superseded provision.—
4	Such section is further amended—
5	(A) by striking subsection (d); and
6	(B) by redesignating subsections (e) and
7	(f) as subsections (d) and (e), respectively.
8	(3) Repayment of unearned benefit.—
9	Subsection (e) of such section, as redesignated by
10	paragraph (2) of this subsection, is amended—
11	(A) by inserting "(1)" after "(e)"; and
12	(B) by adding at the end the following new
13	paragraph:
14	"(2) If a member of the Ready Reserve who enters
15	into an agreement under subsection (c) does not complete
16	the period of service specified in the agreement, the mem-
17	ber shall be subject to the repayment provisions of section
18	303a(e) of title 37.".
19	(d) REGULATIONS.—Such section is further amended
20	by adding at the end the following new subsection:
21	"(f) This section shall be administered under regula-
22	tions prescribed by the Secretary of Defense or, with re-
23	spect to the Coast Guard when it is not operating as a
24	service in the Navy, the Secretary of Homeland Security.".
25	(e) Study.—

1	(1) Study required.—The Secretary of De-
2	fense shall carry out a study on the tuition assist-
3	ance program carried out under section 2007 of title
4	10, United States Code. The study shall—
5	(A) identify the number of members of the
6	Armed Forces eligible for assistance under the
7	program, and the number who actually receive
8	the assistance;
9	(B) assess the extent to which the program
10	affects retention rates; and
11	(C) assess the extent to which State tuition
12	assistance programs affect retention rates in
13	those States.
14	(2) REPORT.—Not later than 9 months after
15	the date of the enactment of this Act, the Secretary
16	shall submit to the Committee on Armed Services of
17	the Senate and the Committee on Armed Services of
18	the House of Representatives a report containing the
19	results of the study.

1SEC. 522. REDUCTION OR ELIMINATION OF SERVICE OBLI-2GATION IN AN ARMY RESERVE OR ARMY NA-3TIONAL GUARD TROOP PROGRAM UNIT FOR4CERTAIN PERSONS SELECTED AS MEDICAL5STUDENTS AT UNIFORMED SERVICES UNI-6VERSITY OF THE HEALTH SCIENCES.

7 Paragraph (3) of section 2107a(b) of title 10, United8 States Code, is amended to read as follows:

9 ((3)(A) Subject to subparagraph (C), in the case of a person described in subparagraph (B), the Secretary 10 11 may, at any time and with the consent of the person, modify an agreement described in paragraph (1)(F) submitted 12 13 by the person for the purpose of reducing or eliminating the troop program unit service obligation specified in the 14 agreement and to establish, in lieu of that obligation, an 15 16 active duty service obligation.

17 "(B) Subparagraph (A) applies with respect to the18 following persons:

19 "(i) A cadet under this section at a military20 junior college.

"(ii) A cadet or former cadet under this section
who is selected under section 2114 of this title to be
a medical student at the Uniformed Services University of the Health Sciences.

25 "(iii) A cadet or former cadet under this section
26 who signs an agreement under section 2122 of this
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title for participation in the Armed Forces Health
 Professions Scholarship and Financial Assistance
 program.

4 "(C) The modification of an agreement described in
5 paragraph (1)(F) may be made only if the Secretary deter6 mines that it is in the best interests of the United States
7 to do so.".

8 SEC. 523. REPEAL OF ANNUAL LIMIT ON NUMBER OF ROTC
9 SCHOLARSHIPS UNDER ARMY RESERVE AND
10 ARMY NATIONAL GUARD FINANCIAL ASSIST11 ANCE PROGRAM.

12 Section 2107a(h) of title 10, United States Code, is 13 amended by striking "not more than 416 cadets each year 14 under this section, to include" and inserting "each year 15 under this section".

16 SEC. 524. TREATMENT OF PRIOR ACTIVE SERVICE OF MEM17 BERS IN UNIFORMED MEDICAL ACCESSION
18 PROGRAMS.

19 (a) MEDICAL STUDENTS OF USUHS.—

20 (1) TREATMENT OF STUDENTS WITH PRIOR AC21 TIVE SERVICE.—Section 2114 of title 10, United
22 States Code, is amended—

23 (A) by redesignating subsections (c)
24 through (h) as subsections (d) through (i), re25 spectively; and

1	(B) in subsection (b)—
2	(i) by inserting "(1)" after "(b)"; and
3	(ii) by inserting after the second sen-
4	tence the following new paragraph:
5	"(2) If a member of the uniformed services selected
6	to be a student has prior active service in a pay grade
7	and with years of service credited for pay that would enti-
8	tle the member, if the member remained in the former
9	grade, to a rate of basic pay in excess of the rate of basic
10	pay for regular officers in the grade of second lieutenant
11	or ensign, the member shall be paid basic pay based on
12	the former grade and years of service credited for pay.
13	The amount of such basic pay for the member shall be
14	increased on January 1 of each year by the percentage
15	by which basic pay is increased on average on that date
16	for that year, and the member shall continue to receive
17	basic pay based on the former grade and years of service
18	until the date, whether occurring before or after gradua-
19	tion, on which the basic pay for the member in the mem-
20	ber's actual grade and years of service credited for pay
21	exceeds the amount of basic pay to which the member is
22	entitled based on the member's former grade and years
23	of service.".

24 (2) CONFORMING AMENDMENTS.—Such section25 is further amended—

1	(A) in subsection (b), by striking "Upon
2	graduation they" and inserting the following:
3	"(c) Medical students who graduate"; and
4	(B) in subsection (i), as redesignated by
5	paragraph (1), by striking "subsection (b)" and
6	inserting "subsection (c)".
7	(b) Participants in Health Professions Schol-
8	ARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section
9	2121(c) of such title is amended—
10	(1) by inserting "(1)" after "(c)"; and
11	(2) by adding at the end the following new
12	paragraph:
13	"(2) If a member of the uniformed services selected
14	to participate in the program as a medical student has
15	prior active service in a pay grade and with years of serv-
16	ice credited for pay that would entitle the member, if the
17	member remained in the former grade, to a rate of basic
18	pay in excess of the rate of basic pay for regular officers
19	in the grade of second lieutenant or ensign, the member
20	shall be paid basic pay based on the former grade and
21	years of service credited for pay. The amount of such basic
22	pay for the member shall be increased on January 1 of
23	each year by the percentage by which basic pay is in-
24	creased on average on that date for that year, and the
25	member shall continue to receive basic pay based on the

1 former grade and years of service until the date, whether
2 occurring before or after the conclusion of such participa3 tion, on which the basic pay for the member in the mem4 ber's actual grade and years of service credited for pay
5 exceeds the amount of basic pay to which the member is
6 entitled based on the member's former grade and years
7 of service.".

8 (c) OFFICERS DETAILED AS STUDENTS AT MEDICAL
9 SCHOOLS.—

10 (1) APPOINTMENT AND TREATMENT OF PRIOR
11 ACTIVE SERVICE.—Section 2004a of such title is
12 amended—

13 (A) by redesignating subsections (e)
14 through (h) as subsections (f) through (i), re15 spectively; and

16 (B) by inserting after subsection (d) the17 following new subsection:

18 "(e) APPOINTMENT AND TREATMENT OF PRIOR AC-19 TIVE SERVICE.—(1) A commissioned officer detailed as a 20 student at a medical school under subsection (a) shall be 21 appointed as a regular officer in the grade of second lieu-22 tenant or ensign and shall serve on active duty in that 23 grade with full pay and allowances of that grade.

24 "(2) If an officer detailed to be a medical student25 has prior active service in a pay grade and with years of

service credited for pay that would entitle the officer, if 1 2 the officer remained in the former grade, to a rate of basic 3 pay in excess of the rate of basic pay for regular officers 4 in the grade of second lieutenant or ensign, the officer 5 shall be paid basic pay based on the former grade and years of service credited for pay. The amount of such basic 6 7 pay for the officer shall be increased on January 1 of each 8 year by the percentage by which basic pay is increased 9 on average on that date for that year, and the officer shall 10 continue to receive basic pay based on the former grade and years of service until the date, whether occurring be-11 12 fore or after graduation, on which the basic pay for the 13 officer in the officer's actual grade and years of service 14 credited for pay exceeds the amount of basic pay to which 15 the officer is entitled based on the officer's former grade and years of service.". 16

17 (2) TECHNICAL AMENDMENT.—Subsection (c)
18 of such section is amended by striking "subsection
19 (c)" and inserting "subsection (b)".

20SEC. 525. REPEAL OF POST-2007-2008 ACADEMIC YEAR PRO-21HIBITION ON PHASED INCREASE IN CADET22STRENGTH LIMIT AT THE UNITED STATES23MILITARY ACADEMY.

Section 4342(j)(1) of title 10, United States Code,
is amended by striking the last sentence.

1 SEC. 526. NATIONAL DEFENSE UNIVERSITY MASTER'S DE-2 GREE PROGRAMS. 3 (a) MASTER OF ARTS PROGRAM AUTHORIZED.—Section 2163 of title 10, United States Code, is amended— 4 5 (1) in subsection (a), by inserting "or master of 6 arts" after "master of science"; and 7 (2) in subsection (b), by adding at the end the 8 following new paragraph: 9 "(4) MASTER OF ARTS IN STRATEGIC SECURITY 10 STUDIES.—The degree of master of arts in strategic 11 security studies, to graduates of the University who 12 fulfill the requirements of the program at the School 13 for National Security Executive Education.". 14 (b) CLERICAL AMENDMENTS.— 15 (1) SECTION HEADING.—The heading of such 16 section is amended to read as follows: 17 "§ 2163. National Defense University: master's degree 18 programs". 19 (2) TABLE OF CONTENTS.—The table of sec-20 tions at the beginning of chapter 108 of such title 21 is amended by striking the item relating to section 22 2163 and inserting the following new item: "2163. National Defense University: master's degree programs.". 23 (c) Applicability to 2006–2007 Graduates.— Paragraph (4) of section 2163(b) of title 10, United 24 States Code, as added by subsection (a) of this section, 25

1	applies with respect to any person who becomes a graduate
2	of the National Defense University on or after September
3	6, 2006, and fulfills the requirements of the program re-
4	ferred to in such paragraph (4).
5	SEC. 527. AUTHORITY OF THE AIR UNIVERSITY TO CONFER
6	DEGREE OF MASTER OF SCIENCE IN FLIGHT
7	TEST ENGINEERING.
8	Section 9317(a) of title 10, United States Code, is
9	amended—
10	(1) by redesignating paragraph (4) as para-
11	graph (5); and
12	(2) by inserting after paragraph (3) the fol-
13	lowing new paragraph:
14	"(4) The degree of master of science in flight
15	test engineering upon graduates of the Air Force
16	Test Pilot School who fulfill the requirements for
17	that degree in a manner consistent with the rec-
18	ommendations of the Department of Education and
19	the principles of the regional accrediting body for
20	the Air University.".
21	SEC. 528. ENHANCEMENT OF EDUCATION BENEFITS FOR
22	CERTAIN MEMBERS OF RESERVE COMPO-
23	NENTS.
24	(a) Accelerated Payment of Educational As-
25	SISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—

(1) IN GENERAL.—Chapter 1606 of title 10,
 United States Code, is amended by inserting after
 section 16131 the following new section:

4 "§16131a. Accelerated payment of educational assist5 ance

6 "(a) The educational assistance allowance payable 7 under section 16131 of this title with respect to an eligible 8 person described in subsection (b) may, upon the election 9 of such eligible person, be paid on an accelerated basis 10 in accordance with this section.

"(b) An eligible person described in this subsection
is a person entitled to educational assistance under this
chapter who is—

"(1) enrolled in an approved program of education not exceeding two years in duration and not
leading to an associate, bachelors, masters, or other
degree, subject to subsection (g); and

18 "(2) charged tuition and fees for the program 19 of education that, when divided by the number of 20 months (and fractions thereof) in the enrollment pe-21 riod, exceeds the amount equal to 200 percent of the 22 monthly rate of educational assistance allowance 23 otherwise payable with respect to the person under 24 section 16131 of this title. "(c)(1) The amount of the accelerated payment of
 educational assistance payable with respect to an eligible
 person making an election under subsection (a) for a pro gram of education shall be the lesser of—

5 "(A) the amount equal to 60 percent of the es-6 tablished charges for the program of education; or

"(B) the aggregate amount of educational as-7 8 sistance allowance to which the person remains enti-9 tled under this chapter at the time of the payment. 10 ((2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case 11 12 of a program of education, means the actual charges (as 13 determined pursuant to regulations prescribed by the Secretary of Veterans Affairs) for tuition and fees which simi-14 15 larly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the 16 17 program of education would be required to pay. Estab-18 lished charges shall be determined on the following basis:

"(i) In the case of an individual enrolled in a
program of education offered on a term, quarter, or
semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

23 "(ii) In the case of an individual enrolled in a
24 program of education not offered on a term, quarter,

or semester basis, the tuition and fees charged the individual for the entire program of education.

3 "(B) In this subsection, the term 'established
4 charges' does not include any fees or payments attrib5 utable to the purchase of a vehicle.

6 "(3) The educational institution providing the pro-7 gram of education for which an accelerated payment of 8 educational assistance allowance is elected by an eligible 9 person under subsection (a) shall certify to the Secretary 10 of Veterans Affairs the amount of the established charges 11 for the program of education.

12 "(d) An accelerated payment of educational assist-13 ance allowance made with respect to an eligible person 14 under this section for a program of education shall be 15 made not later than the last day of the month immediately 16 following the month in which the Secretary of Veterans 17 Affairs receives a certification from the educational insti-18 tution regarding—

19 "(1) the person's enrollment in and pursuit of20 the program of education; and

21 "(2) the amount of the established charges for22 the program of education.

23 "(e)(1) Except as provided in paragraph (2), for each
24 accelerated payment of educational assistance allowance
25 made with respect to an eligible person under this section,

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the person's entitlement to educational assistance under 1 2 this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount 3 4 of the accelerated payment by the full-time monthly rate 5 of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title as 6 7 of the beginning date of the enrollment period for the pro-8 gram of education for which the accelerated payment is 9 made.

10 "(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible per-11 12 son under section 16131 of this title increases during the 13 enrollment period of a program of education for which an 14 accelerated payment of educational assistance allowance is 15 made under this section, the charge to the person's entitlement to educational assistance under this chapter shall be 16 17 determined by prorating the entitlement chargeable, in the 18 manner provided for under paragraph (1), for the periods 19 covered by the initial rate and increased rate, respectively, 20in accordance with regulations prescribed by the Secretary 21 of Veterans Affairs.

"(f) The Secretary of Veterans Affairs shall prescribe
regulations to carry out this section. The regulations shall
include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use,

and recovery of overpayment of an accelerated payment
 of educational assistance allowance under this section. The
 regulations may include such elements of the regulations
 prescribed under section 3014A of title 38 as the Sec retary of Veterans Affairs considers appropriate for pur poses of this section.

7 "(g) The aggregate amount of educational assistance
8 payable under this section in any fiscal year for enroll9 ments covered by subsection (b)(1) may not exceed
10 \$4,000,000.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title
is amended by inserting after the item relating to
section 16131 the following new item:
"16131a. Accelerated payment of educational assistance.".

(3) EFFECTIVE DATE.—The amendments made
by this subsection shall take effect on October 1,
2008, and shall only apply to initial enrollments in
approved programs of education after such date.

19 (b) ACCELERATED PAYMENT OF EDUCATIONAL AS20 SISTANCE FOR RESERVE COMPONENT MEMBERS SUP21 PORTING CONTINGENCY OPERATIONS AND OTHER OPER22 ATIONS.—

(1) IN GENERAL.—Chapter 1607 of title 10,
United States Code, is amended by inserting after
section 16162 the following new section:

1 "§ 16162a. Accelerated payment of educational assist 2 ance

3 "(a) PAYMENT ON ACCELERATED BASIS.—The edu-4 cational assistance allowance payable under section 16162 5 of this title with respect to an eligible member described 6 in subsection (b) may, upon the election of such eligible 7 member, be paid on an accelerated basis in accordance 8 with this section.

9 "(b) ELIGIBLE MEMBERS.—An eligible member de-10 scribed in this subsection is a member of a reserve compo-11 nent entitled to educational assistance under this chapter 12 who is—

"(1) enrolled in an approved program of education not exceeding two years in duration and not
leading to an associate, bachelors, masters, or other
degree, subject to subsection (g); and

17 "(2) charged tuition and fees for the program 18 of education that, when divided by the number of 19 months (and fractions thereof) in the enrollment pe-20 riod, exceeds the amount equal to 200 percent of the 21 monthly rate of educational assistance allowance 22 otherwise payable with respect to the member under 23 section 16162 of this title.

24 "(c) AMOUNT OF ACCELERATED PAYMENT.—(1) The
25 amount of the accelerated payment of educational assist26 ance payable with respect to an eligible member making
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an election under subsection (a) for a program of edu cation shall be the lesser of—

3 "(A) the amount equal to 60 percent of the es4 tablished charges for the program of education; or

5 "(B) the aggregate amount of educational as-6 sistance allowance to which the member remains en-7 titled under this chapter at the time of the payment. ((2)(A) In this subsection, except as provided in sub-8 9 paragraph (B), the term 'established charges', in the case 10 of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Sec-11 retary of Veterans Affairs) for tuition and fees which simi-12 13 larly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the 14 15 program of education would be required to pay. Established charges shall be determined on the following basis: 16

"(i) In the case of an individual enrolled in a
program of education offered on a term, quarter, or
semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(ii) In the case of an individual enrolled in a
program of education not offered on a term, quarter,
or semester basis, the tuition and fees charged the
individual for the entire program of education.

"(B) In this subsection, the term 'established
 charges' does not include any fees or payments attrib utable to the purchase of a vehicle.

4 "(3) The educational institution providing the pro5 gram of education for which an accelerated payment of
6 educational assistance allowance is elected by an eligible
7 member under subsection (a) shall certify to the Secretary
8 of Veterans Affairs the amount of the established charges
9 for the program of education.

10 "(d) TIME OF PAYMENT.—An accelerated payment 11 of educational assistance allowance made with respect to 12 an eligible member under this section for a program of 13 education shall be made not later than the last day of the 14 month immediately following the month in which the Sec-15 retary of Veterans Affairs receives a certification from the 16 educational institution regarding—

17 "(1) the member's enrollment in and pursuit of18 the program of education; and

19 "(2) the amount of the established charges for20 the program of education.

21 "(e) CHARGE AGAINST ENTITLEMENT.—(1) Except 22 as provided in paragraph (2), for each accelerated pay-23 ment of educational assistance allowance made with re-24 spect to an eligible member under this section, the mem-25 ber's entitlement to educational assistance under this

chapter shall be charged the number of months (and any 1 2 fraction thereof) determined by dividing the amount of the 3 accelerated payment by the full-time monthly rate of edu-4 cational assistance allowance otherwise payable with re-5 spect to the member under section 16162 of this title as of the beginning date of the enrollment period for the pro-6 7 gram of education for which the accelerated payment is 8 made.

9 "(2) If the monthly rate of educational assistance al-10 lowance otherwise payable with respect to an eligible member under section 16162 of this title increases during the 11 12 enrollment period of a program of education for which an 13 accelerated payment of educational assistance allowance is made under this section, the charge to the member's enti-14 15 tlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in 16 the manner provided for under paragraph (1), for the peri-17 ods covered by the initial rate and increased rate, respec-18 tively, in accordance with regulations prescribed by the 19 Secretary of Veterans Affairs. 20

"(f) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations to carry out this section.
The regulations shall include requirements, conditions,
and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of

an accelerated payment of educational assistance allow ance under this section. The regulations may include such
 elements of the regulations prescribed under section
 3014A of title 38 as the Secretary of Veterans Affairs con siders appropriate for purposes of this section.

6 "(g) LIMITATION.—The aggregate amount of edu7 cational assistance payable under this section in any fiscal
8 year for enrollments covered by subsection (b)(1) may not
9 exceed \$3,000,000.".

10 (2) CLERICAL AMENDMENT.—The table of sec11 tions at the beginning of chapter 1607 of such title
12 is amended by inserting after the item relating to
13 section 16162 the following new item:
"16162a. Accelerated payment of educational assistance.".

14 (3) EFFECTIVE DATE.—The amendments made
15 by this subsection shall take effect on October 1,
16 2008, and shall only apply to initial enrollments in
17 approved programs of education after such date.

18 (c) ENHANCEMENT OF EDUCATIONAL ASSISTANCE
19 FOR RESERVE COMPONENT MEMBERS SUPPORTING CON20 TINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) ASSISTANCE FOR THREE YEARS CUMULATIVE SERVICE.—Subsection (c)(4)(C) of section
16162 of title 10, United States Code, is amended
by striking "for two continuous years or more." and
inserting "for—

"(i) two continuous years or more; or
 "(ii) an aggregate of three years or
 more.".

4 (2) CONTRIBUTIONS FOR INCREASED AMOUNT
5 OF EDUCATIONAL ASSISTANCE.—Such section is fur6 ther amended by adding at the end the following
7 new subsection:

8 "(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF 9 EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligi-10 ble for educational assistance under this section may con-11 tribute amounts for purposes of receiving an increased 12 amount of educational assistance as provided for in para-13 graph (2).

"(B) An individual covered by subparagraph (A) may
make the contributions authorized by that subparagraph
at any time while a member of a reserve component, but
not more frequently than monthly.

"(C) The total amount of the contributions made by
an individual under subparagraph (A) may not exceed
\$600. Such contributions shall be made in multiples of
\$20.

"(D) Contributions under this subsection shall be
made to the Secretary concerned. Such Secretary shall deposit any amounts received as contributions under this
subsection into the Treasury as miscellaneous receipts.

1 "(2) Effective as of the first day of the enrollment 2 period following the enrollment period in which an indi-3 vidual makes contributions under paragraph (1), the 4 monthly amount of educational assistance allowance appli-5 cable to such individual under this section shall be the 6 monthly rate otherwise provided for under subsection (c) 7 increased by—

8 "(A) an amount equal to \$5 for each \$20 con-9 tributed by such individual under paragraph (1) for 10 an approved program of education pursued on a full-11 time basis; or

"(B) an appropriately reduced amount based on
the amount so contributed as determined under regulations that the Secretary of Veterans Affairs shall
prescribe, for an approved program of education
pursued on less than a full-time basis.".

17 SEC. 529. EXTENSION OF PERIOD OF ENTITLEMENT TO
18 EDUCATIONAL ASSISTANCE FOR CERTAIN
19 MEMBERS OF THE SELECTED RESERVE AF-

20 FECTED BY FORCE SHAPING INITIATIVES.

Section 16133(b)(1)(B) of title 10, United States
Code, is amended by inserting "or the period beginning
on October 1, 2007, and ending on September 30, 2014,"
after "December 31, 2001,".

1	SEC. 530. TIME LIMIT FOR USE OF EDUCATIONAL ASSIST-
2	ANCE BENEFIT FOR CERTAIN MEMBERS OF
3	RESERVE COMPONENTS AND RESUMPTION
4	OF BENEFIT.
5	(a) Modification of Time Limit for Use of Ben-
6	EFIT.—
7	(1) Modification.—Section 16164(a) of title
8	10, United States Code, is amended by striking
9	"this chapter while serving—" and all that follows
10	and inserting "this chapter—
11	"(1) while the member is serving—
12	"(A) in the Selected Reserve of the Ready
13	Reserve, in the case of a member called or or-
14	dered to active service while serving in the Se-
15	lected Reserve; or
16	"(B) in the Ready Reserve, in the case of
17	a member ordered to active duty while serving
18	in the Ready Reserve (other than the Selected
19	Reserve); and
20	((2)) in the case of a person who separates from
21	the Selected Reserve of the Ready Reserve after
22	completion of a period of active service described in
23	section 16163 of this title and completion of a serv-
24	ice contract under other than dishonorable condi-
25	tions, during the 10-year period beginning on the

date on which the person separates from the Se lected Reserve.".

3 (2) CONFORMING AMENDMENT.—Paragraph (2)
4 of section 16165(a) of such title is amended to read
5 as follows:

6 "(2) when the member separates from the 7 Ready Reserve as provided in section 16164(a)(1) of 8 this title, or upon completion of the period provided 9 for in section 16164(a)(2) of this title, as applica-10 ble.".

11 (b) Reclaiming Benefit for Members Reen-12 TERING SERVICE.—Section 16165(b) of such title is amended by striking "of not more than 90 days" after 13 14 "who incurs a break in service in the Selected Reserve". 15 (c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 28, 2004, as 16 if included in the enactment of the Ronald W. Reagan Na-17 tional Defense Authorization Act for Fiscal Year 2005 18 19 (Public Law 108–375), to which such amendments relate. 20 SEC. 531. SECRETARY OF DEFENSE EVALUATION OF THE 21 ADEQUACY OF THE DEGREE-GRANTING AU-22 THORITIES OF CERTAIN MILITARY UNIVER-23 SITIES AND EDUCATIONAL INSTITUTIONS. 24 (a) EVALUATION REQUIRED.—The Secretary of De-

25 fense shall carry out an evaluation of the degree-granting

authorities provided by title 10, United States Code, to 1 2 the academic institutions specified in subsection (b). The 3 evaluation shall assess whether the current process, under 4 which each degree conferred by each institution must have 5 a statutory authorization, remains adequate, appropriate, 6 and responsive enough to meet emerging military service 7 education requirements. (b) SPECIFIED INSTITUTIONS.—The academic insti-8 9 tutions covered by subsection (a) are the following: 10 (1) The National Defense University. 11 (2) The Army War College and the United 12 States Army Command and General Staff College. 13 (3) The United States Naval War College. 14 The United States Naval Postgraduate (4)15 School. 16 (5) Air University and the United States Air 17 Force Institute of Technology. 18 (6) The Marine Corps University. 19 (c) REPORT.—Not later than April 1, 2008, the Sec-20 retary shall submit to the Committee on Armed Services 21 of the Senate and the Committee on Armed Services of 22 the House of Representatives a report on the evaluation. 23 The report shall include the results of the evaluation and 24 any recommendations for changes to policy or law that 25 the Secretary considers appropriate.

5 (a) REPORT REQUIRED.—Not later than 150 days after the date of the enactment of this Act, the Secretary 6 7 of the Army shall submit to the Committees on Armed 8 Services of the Senate and the House of Representatives 9 a report on the success of the financial assistance program of the Senior Reserve Officers' Training Corps under sec-10 tion 2107a of title 10, United States Code, in securing 11 the appointment of second lieutenants in the Army Re-12 13 serve and Army National Guard. The report shall include detailed information on the appointment of cadets under 14 the financial assistance program who are enrolled in an 15 educational institution described in subsection (b) and ad-16 dress the efforts of the Secretary to increase awareness 17 18 of the availability and advantages of appointment in the 19 Senior Reserve Officers' Training Corps at these institu-20tions and to increase the number of cadets at these institu-21 tions.

(b) COVERED EDUCATIONAL INSTITUTIONS.—The
educational institutions referred to in subsection (a) are
the following:

25 (1) An historically Black college or university
26 that is a part B institution, as defined in section
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322(2) of the Higher Education Act of 1965 (20
 U.S.C. 1061(2)).

3 (2) A minority institution, as defined in section
4 365(3) of that Act (20 U.S.C. 1067k(3)).

5 (3) An Hispanic-serving institution, as defined
6 in section 502(a)(5) of that Act (20 U.S.C.
7 1101a(a)(5)).

8 SEC. 533. REPORT ON UTILIZATION OF TUITION ASSIST-9 ANCE BY MEMBERS OF THE ARMED FORCES.

10 (a) REPORTS REQUIRED.—Not later than April 1, 2008, the Secretary of each military department shall sub-11 12 mit to the congressional defense committees a report on 13 the utilization of tuition assistance by members of the Armed Forces, whether in the regular components of the 14 15 Armed Forces or the reserve components of the Armed Forces, under the jurisdiction of such military department 16 during fiscal year 2007. 17

18 (b) ELEMENTS.—The report with respect to a mili-19 tary department under subsection (a) shall include the fol-20 lowing:

(1) Information on the policies of such military
department for fiscal year 2007 regarding utilization
of, and limits on, tuition assistance by members of
the Armed Forces under the jurisdiction of such
military department, including an estimate of the

1	number of members of the reserve components of
2	the Armed Forces under the jurisdiction of such
3	military department whose requests for tuition as-
4	sistance during that fiscal year were unfunded.
5	(2) Information on the policies of such military
6	department for fiscal year 2007 regarding funding
7	of tuition assistance for each of the regular compo-
8	nents of the Armed Forces and each of the reserve
9	components of the Armed Forces under the jurisdic-
10	tion of such military department.
11	SEC. 534. NAVY JUNIOR RESERVE OFFICERS' TRAINING
11	SEC. 334. NAVI SOMOR RESERVE OFFICERS TRAINING
11 12	CORPS UNIT FOR SOUTHOLD, MATTITUCK,
12	CORPS UNIT FOR SOUTHOLD, MATTITUCK,
12 13	CORPS UNIT FOR SOUTHOLD, MATTITUCK, AND GREENPORT HIGH SCHOOLS.
12 13 14 15	CORPS UNIT FOR SOUTHOLD, MATTITUCK, AND GREENPORT HIGH SCHOOLS. For purposes of meeting the requirements of section
12 13 14 15	CORPS UNIT FOR SOUTHOLD, MATTITUCK, AND GREENPORT HIGH SCHOOLS. For purposes of meeting the requirements of section 2031(b) of title 10, United States Code, the Secretary of
12 13 14 15 16	CORPS UNIT FOR SOUTHOLD, MATTITUCK, AND GREENPORT HIGH SCHOOLS. For purposes of meeting the requirements of section 2031(b) of title 10, United States Code, the Secretary of the Navy may and, to the extent the schools request, shall
 12 13 14 15 16 17 	CORPS UNIT FOR SOUTHOLD, MATTITUCK, AND GREENPORT HIGH SCHOOLS. For purposes of meeting the requirements of section 2031(b) of title 10, United States Code, the Secretary of the Navy may and, to the extent the schools request, shall treat any two or more of the following schools (all in
12 13 14 15 16 17 18	CORPS UNIT FOR SOUTHOLD, MATTITUCK, AND GREENPORT HIGH SCHOOLS. For purposes of meeting the requirements of section 2031(b) of title 10, United States Code, the Secretary of the Navy may and, to the extent the schools request, shall treat any two or more of the following schools (all in Southold, Suffolk County, New York) as a single institu-
 12 13 14 15 16 17 18 19 	CORPS UNIT FOR SOUTHOLD, MATTITUCK, AND GREENPORT HIGH SCHOOLS. For purposes of meeting the requirements of section 2031(b) of title 10, United States Code, the Secretary of the Navy may and, to the extent the schools request, shall treat any two or more of the following schools (all in Southold, Suffolk County, New York) as a single institu- tion:

22 (3) Greenport High School.

1SEC. 535. REPORT ON TRANSFER OF ADMINISTRATION OF2CERTAIN EDUCATIONAL ASSISTANCE PRO-3GRAMS FOR MEMBERS OF THE RESERVE4COMPONENTS.

5 (a) REPORT REQUIRED.—Not later than September 1, 2008, the Secretary of Defense, in cooperation with the 6 7 Secretary of Veterans Affairs, shall submit to the congressional defense committees and the Committees on Vet-8 9 erans Affairs of the Senate and House of Representatives a report on the feasibility and merits of transferring the 10 11 administration of the educational assistance programs for members of the reserve components contained in chapters 12 13 1606 and 1607 of title 10, United States Code, from the Department of Defense to the Department of Veterans Af-14 fairs. 15

16 (b) ELEMENTS OF REPORT.—The report shall spe-17 cifically address the following:

18 (1) A discussion of the history and purpose of 19 the educational assistance benefits under chapters 20 1606 and 1607 of title 10, United States Code, and 21 the data most recently available, as of the date of 22 the enactment of this Act, relating to the cost of 23 providing such benefits and the projected costs of 24 providing such benefits over the ten-year period be-25 ginning on the such date.

(2) The effect of a transfer of administrative
 jurisdiction on the delivery of educational assistance
 benefits to members of the reserve components.

4 (3) The effect of a transfer of administrative
5 jurisdiction on Department of Defense efforts relat6 ing to recruiting, retention, and compensation, in7 cluding bonuses, special pays, and incentive pays.

8 (4) The extent to which educational assistance
9 benefits influence the decision of a person to join a
10 reserve component.

(5) The extent to which the educational assistance benefits available under chapter 1606 of title
10, United States Code, affect retention rates, including statistics showing how many members remain in the reserve components in order to continue
to receive education benefits under such chapter.

17 (6) The extent to which the educational assist18 ance benefits available under chapter 1607 of title
19 10, United States Code, affect retention rates, in20 cluding statistics showing how many members re21 main in the reserve components in order to continue
22 to receive education benefits under such chapter.

23 (7) The practical and budgetary issues involved
24 in a transfer of administrative jurisdiction, including
25 a discussion of the cost of equating the educational

assistance benefits for members of the active and re serve components.

3 (8) Any recommendations of the Secretary for
4 legislation to enhance or improve the delivery of edu5 cational assistance benefits for members of the re6 serve components.

7 (9) The feasibility and likely effects of transferring the administration of the educational assistance 8 9 programs for members of the reserve components 10 contained in chapters 1606 and 1607 of title 10, 11 United States Code, from the Department of De-12 fense to the Department of Veterans Affairs through 13 the recodification of such chapters in title 38, 14 United States Code, as proposed in section 525 of 15 H.R. 1585 of the 110th Congress, as passed by the 16 House of Representatives, together with any rec-17 ommendations of the Secretary for improving that 18 section.

(10) A discussion of the effects and impact of
the amendments to chapter 1607 of title 10, United
States Code, made by section 530 of this Act, relating to the extension of the time limit for the use of
educational assistance benefits under that chapter.

24 (c) REVIEWS OF REPORT.—Before submission of the25 report to Congress, the Secretary of Defense shall secure

the review of the report by the Defense Business Board,
 in cooperation with the Reserve Forces Policy Board. The
 Secretary of Veterans Affairs shall secure the review of
 the report by the Veterans Affairs Advisory Committee on
 Education. The results of such reviews shall be included
 as an appendix to the report.

7 (d) COMPTROLLER GENERAL REVIEW.—Not later than November 1, 2008, the Comptroller General shall 8 9 submit to the congressional committees referred to in sub-10 section (a) an assessment of the report, including a review of the costs inherent in the transfer of administrative ju-11 12 risdiction and the recruiting and retention data and other 13 assumptions used by the Secretary of Defense in preparing the report. As part of the assessment, the Comp-14 15 troller General shall solicit responses from the Secretary 16 of Defense and the Secretary of Veterans Affairs.

Subtitle D—Military Justice and Legal Assistance Matters

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3 SEC. 541. AUTHORITY TO DESIGNATE CIVILIAN EMPLOYEES

4OF THE FEDERAL GOVERNMENT AND DE-5PENDENTS OF DECEASED MEMBERS AS ELI-6GIBLE FOR LEGAL ASSISTANCE FROM DE-7PARTMENT OF DEFENSE LEGAL STAFF RE-8SOURCES.

9 Section 1044(a) of title 10, United States Code, is
10 amended by adding at the end the following new para11 graphs:

12 "(6) Survivors of a deceased member or former 13 member described in paragraphs (1), (2), (3), and 14 (4) who were dependents of the member or former 15 member at the time of the death of the member or 16 former member, except that the eligibility of such 17 survivors shall be determined pursuant to regula-18 tions prescribed by the Secretary concerned.

"(7) Civilian employees of the Federal Government serving in locations where legal assistance from
non-military legal assistance providers is not reasonably available, except that the eligibility of civilian
employees shall be determined pursuant to regulations prescribed by the Secretary concerned.".

1 SEC. 542. AUTHORITY OF JUDGES OF THE UNITED STATES 2 THE COURT OF APPEALS FOR ARMED 3 FORCES TO ADMINISTER OATHS. 4 Section 936 of title 10, United States Code (article 5 136 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection: 6 7 "(c) The judges of the United States Court of Ap-8 peals for the Armed Forces may administer the oaths au-9 thorized by subsections (a) and (b).". 10 SEC. 543. MODIFICATION OF AUTHORITIES ON SENIOR 11 MEMBERS OF THE JUDGE ADVOCATE GEN-12 ERALS' CORPS.

13 (a) DEPARTMENT OF THE ARMY.—

14 (1) GRADE OF JUDGE ADVOCATE GENERAL. 15 Subsection (a) of section 3037 of title 10, United 16 States Code, is amended by striking the third sen-17 tence and inserting the following new sentence: "The 18 Judge Advocate General, while so serving, has the 19 grade of lieutenant general.".

20 (2) Redesignation of assistant judge ad-21 VOCATE GENERAL AS DEPUTY JUDGE ADVOCATE 22 GENERAL.—Such section is further amended—

23 (A) in subsection (a), by striking "Assist-24 ant Judge Advocate General" each place it ap-25 pears and inserting "Deputy Judge Advocate 26 General"; and

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1	(B) in subsection (d), by striking "Assist-
2	ant Judge Advocate General" and inserting
3	"Deputy Judge Advocate General".
4	(3) Clerical Amendments.—(A) The heading
5	of such section is amended to read as follows:
6	"§3037. Judge Advocate General, Deputy Judge Ad-
7	vocate General, and general officers of
8	Judge Advocate General's Corps: appoint-
9	ment; duties".
10	(B) The table of sections at the beginning of
11	chapter 305 of such title is amended by striking the
12	item relating to section 3037 and inserting the fol-
13	lowing new item: "3037. Judge Advocate General, Deputy Judge Advocate General, and general officers of Judge Advocate General's Corps: appointment; du- ties.".
14	(b) Grade of Judge Advocate General of the
15	NAVY.—Section 5148(b) of such title is amended by strik-
16	ing the last sentence and inserting the following new sen-
17	tence: "The Judge Advocate General, while so serving, has
18	the grade of vice admiral or lieutenant general, as appro-
19	priate.".
20	(c) Grade of Judge Advocate General of the
21	AIR FORCE.—Section 8037(a) of such title is amended by
22	striking the last sentence and inserting the following new
23	sentence: "The Judge Advocate General, while so serving,
24	has the grade of lieutenant general.".

(d) INCREASE IN NUMBER OF OFFICERS SERVING IN
 GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—
 Section 525(b) of such title is amended in paragraphs (1)
 and (2)(A) by striking "15.7 percent" each place it appears and inserting "16.3 percent".

6 (e) LEGAL COUNSEL TO CHAIRMAN OF THE JOINT7 CHIEFS OF STAFF.—

8 (1) IN GENERAL.—Chapter 5 of title 10, United
9 States Code, is amended by adding at the end the
10 following new section:

11 "§156. Legal Counsel to the Chairman of the Joint 12 Chiefs of Staff

13 "(a) IN GENERAL.—There is a Legal Counsel to the14 Chairman of the Joint Chiefs of Staff.

15 "(b) SELECTION FOR APPOINTMENT.—Under regulations prescribed by the Secretary of Defense, the officer 16 selected for appointment to serve as Legal Counsel to the 17 Chairman of the Joint Chiefs of Staff shall be rec-18 19 ommended by a board of officers convened by the Secretary of Defense that, insofar as practicable, is subject 20 21 to the procedures applicable to selection boards convened 22 under chapter 36 of this title.

23 "(c) GRADE.—An officer appointed to serve as Legal
24 Counsel to the Chairman of the Joint Chiefs of Staff shall,

1 while so serving, hold the grade of brigadier general or2 rear admiral (lower half).

3 "(d) DUTIES.—The Legal Counsel of the Chairman 4 of the Joint Chiefs of Staff shall perform such legal duties 5 in support of the responsibilities of the Chairman of the Joint Chiefs of Staff as the Chairman may prescribe.". 6 7 (2) CLERICAL AMENDMENT.—The table of sec-8 tions at the beginning of chapter 5 of such title is 9 amended by adding at the end the following new 10 item:

"156. Legal Counsel to the Chairman of the Joint Chiefs of Staff".

(f) STRATEGIC PLAN TO LINK GENERAL AND FLAG
OFFICER NUMBERS, ASSIGNMENTS, AND DEVELOPMENT
TO THE MISSIONS AND REQUIREMENTS OF THE DEPARTMENT OF DEFENSE.—

15 (1) STRATEGIC PLAN REQUIRED.—The Sec-16 retary of Defense shall develop a strategic plan link-17 ing the missions and requirements of the Depart-18 ment of Defense for general and flag officers to the 19 statutory limits on the numbers of general and flag 20 officers, and current assignment, promotion, and 21 joint officer development policies for general and 22 flag officers.

23 (2) ADVICE OF CHAIRMAN OF JOINT CHIEFS OF
24 STAFF.—The Secretary shall develop the strategic

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1	plan required under paragraph (1) with the advice
2	of the Chairman of the Joint Chiefs of Staff.
3	(3) MATTERS TO BE INCLUDED.—The strategic
4	plan required under paragraph (1) shall include the
5	following:
6	(A) A description of the process for identi-
7	fication of the present and emerging require-
8	ments for general and flag officers and rec-
9	ommendations for meeting these requirements.
10	(B) Identification of the numbers of gen-
11	eral and flag officers by service, grade, and
12	qualifications currently available compared with
13	the numbers needed to meet existing statutory
14	requirements in support of the overall missions
15	of the Department of Defense.
16	(C) An assessment of the problems or
17	issues (and proposed solutions for any such
18	problems or issues) arising from existing nu-
19	merical limitations on the number and grade
20	distribution of active and reserve component
21	general and flag officers under sections 525,
22	526, and 12004 of title 10, United States Code.
23	(D) A discussion of how wartime require-
24	ments for additional general or flag officers
25	have been addressed in support of Operation

Enduring Freedom and Operation Iraqi Freedom, including the usage of wartime or national emergency authorities.

4 (E) An assessment of any problems or issues (and proposed solutions for any such 5 6 problems or issues) arising from existing statu-7 tory provisions regarding general and flag offi-8 cer assignments and grade requirements and 9 the need, if any, for revision of provisions in 10 title 10, United States Code, specific to indi-11 vidual general and flag officer positions along 12 with recommendations to mitigate the need for 13 routine legislative intervention as positions 14 change to support organizational demands.

15 (F) An assessment of the use currently 16 being made of reserve component flag and gen-17 eral officers and discussion of barriers to the 18 qualification, selection, and assignment of Na-19 tional Guard and Reserve officers for the broad-20 est possible range of positions of importance 21 and responsibility.

(4) DEADLINE FOR SUBMISSION.—The Secretary shall submit the plan required under paragraph (1) to the Committees on Armed Services of

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1	the Senate and the House of Representatives not
2	later than March 1, 2009.
3	SEC. 544. PROHIBITION AGAINST MEMBERS OF THE ARMED
4	FORCES PARTICIPATING IN CRIMINAL
5	STREET GANGS.
6	The Secretary of Defense shall prescribe regulations
7	to prohibit the active participation by members of the
8	Armed Forces in a criminal street gang.
9	Subtitle E—Military Leave
10	SEC. 551. TEMPORARY ENHANCEMENT OF CARRYOVER OF
11	ACCUMULATED LEAVE FOR MEMBERS OF
12	THE ARMED FORCES.
13	(a) Temporary Increase in Accumulated Leave
14	CARRYOVER AMOUNT.—Section 701 of title 10, United
15	States Code, is amended—
16	(1) in subsection (b), by striking "subsection (f)
17	and subsection (g)" and inserting "subsections (d),
18	(f), and (g)"; and
19	(2) by inserting after subsection (c) the fol-
20	lowing new subsection:
21	"(d) Notwithstanding subsection (b), during the pe-
22	riod beginning on October 1, 2008, through December 31,
23	2010, a member may accumulate up to 75 days of leave.".

1	(b) Conforming Amendments Related to High
2	Deployment Members.—Subsection (f) of such section
3	is amended—
4	(1) in paragraph (1)(A), by striking "any accu-
5	mulated leave in excess of 60 days at the end of the
6	fiscal year" and inserting "at the end of the fiscal
7	year any accumulated leave in excess of the number
8	of days of leave authorized to be accumulated under
9	subsection (b) or (d)";
10	(2) in paragraph $(1)(C)$ —
11	(A) by striking "60 days" and inserting
12	"the days of leave authorized to be accumulated
13	under subsection (b) or (d) that are"; and
14	(B) by inserting "(or fourth fiscal year, if
15	accumulated while subsection (d) is in effect)"
16	after "third fiscal year"; and
17	(3) in paragraph (2), by striking "except for
18	this paragraph—" and all that follows through the
19	end of the paragraph and inserting "except for this
20	paragraph, would lose at the end of that fiscal year
21	any accumulated leave in excess of the number of
22	days of leave authorized to be accumulated under
23	subsection (b) or (d), shall be permitted to retain
24	such leave until the end of the second fiscal year

after the fiscal year in which such service on active
 duty is terminated.".

3 (c) CONFORMING AMENDMENT RELATED TO MEM4 BERS IN MISSING STATUS.—Subsection (g) of such sec5 tion is amended by striking "60-day limitation in sub6 section (b) and the 90-day limitation in subsection (f)"
7 and inserting "limitations in subsections (b), (d), and (f)".
8 (d) PAY.—Section 501(b) of title 37, United States

9 Code, is amended by adding at the end the following new10 paragraph:

11 "(6) An enlisted member of the armed forces who 12 would lose accumulated leave in excess of 120 days of 13 leave under section 701(f)(1) of title 10 may elect to be 14 paid in cash or by a check on the Treasurer of the United 15 States for any leave in excess so accumulated for up to 16 30 days of such leave. A member may make an election 17 under this paragraph only once.".

18 SEC. 552. ENHANCEMENT OF REST AND RECUPERATION

19 LEAVE.

Section 705(b)(2) of title 10, United States Code, is amended by inserting "for members whose qualifying tour of duty is 12 months or less, or for not more than 20 days for members whose qualifying tour of duty is longer than 12 months," after "for not more than 15 days".

Subtitle F—Decorations and Awards

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268

3 SEC. 561. AUTHORIZATION AND REQUEST FOR AWARD OF
4 MEDAL OF HONOR TO LESLIE H. SABO, JR.,
5 FOR ACTS OF VALOR DURING THE VIETNAM
6 WAR.

7 (a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States 8 9 Code, or any other time limitation with respect to the 10 awarding of certain medals to persons who served in the 11 Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such 12 title to Leslie H. Sabo, Jr., for the acts of valor during 13 14 the Vietnam War described in subsection (b).

15 (b) ACTS OF VALOR DESCRIBED.—The acts of valor 16 referred to in subsection (a) are the actions of Leslie H. Sabo, Jr., on May 10, 1970, as a member of the United 17 18 States Army serving in the grade of Specialist Four in 19 the Republic of Vietnam with Company B of the 3d Bat-20talion, 506th Infantry Regiment, 101st Airborne Division. 21 SEC. 562. AUTHORIZATION AND REQUEST FOR AWARD OF 22 MEDAL OF HONOR TO HENRY SVEHLA FOR 23 ACTS OF VALOR DURING THE KOREAN WAR. 24 (a) AUTHORIZATION.—Notwithstanding the time lim-25 itations specified in section 3744 of title 10, United States

Code, or any other time limitation with respect to the
 awarding of certain medals to persons who served in the
 Armed Forces, the President is authorized and requested
 to award the Medal of Honor under section 3741 of such
 title to Henry Svehla for the acts of valor described in
 subsection (b).

7 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
8 referred to in subsection (a) are the actions of Henry
9 Svehla on June 12, 1952, as a member of the United
10 States Army serving in the grade of Private First Class
11 in Korea with Company F of the 32d Infantry Regiment,
12 7th Infantry Division.

13 SEC. 563. AUTHORIZATION AND REQUEST FOR AWARD OF 14 MEDAL OF HONOR TO WOODROW W. KEEBLE 15 FOR ACTS OF VALOR DURING THE KOREAN 16 WAR.

17 OF TIME (a) WAIVER LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of 18 title 10, United States Code, or any other time limitation 19 20 with respect to the awarding of certain medals to persons 21 who served in the Armed Forces, the President is author-22 ized and requested to award the Medal of Honor under 23 section 3741 of such title to Woodrow W. Keeble for the 24 acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor
 referred to in subsection (a) are the actions of Woodrow
 W. Keeble of the United States Army as an acting platoon
 leader on October 20, 1950, during the Korean War.

5 SEC. 564. AUTHORIZATION AND REQUEST FOR AWARD OF
6 MEDAL OF HONOR TO PRIVATE PHILIP G.
7 SHADRACH FOR ACTS OF VALOR AS ONE OF
8 ANDREWS' RAIDERS DURING THE CIVIL WAR.

9 (a) AUTHORIZATION.—Notwithstanding the time lim-10 itations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the 11 12 awarding of certain medals to persons who served in the 13 Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such 14 15 title posthumously to Private Philip G. Shadrach of Company K, 2nd Ohio Volunteer Infantry Regiment for the 16 17 acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor
referred to in subsection (a) are the actions of Philip G.
Shadrach as one of Andrews' Raiders during the Civil War
on April 12, 1862.

SEC. 565. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO PRIVATE GEORGE D. WILSON FOR ACTS OF VALOR AS ONE OF AN DREWS' RAIDERS DURING THE CIVIL WAR.

5 (a) AUTHORIZATION.—The President is authorized
6 and requested to award the Medal of Honor under section
7 3741 of title 10, United States Code, posthumously to Pri8 vate George D. Wilson of Company B, 2nd Ohio Volunteer
9 Infantry Regiment for the acts of valor described in sub10 section (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor
referred to in subsection (a) are the actions of George D.
Wilson as one of Andrews' Raiders during the Civil War
on April 12, 1862.

15 Subtitle G—Impact Aid and De16 fense Dependents Education 17 System

18 SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL

19EDUCATIONAL AGENCIES THAT BENEFIT DE-20PENDENTS OF MEMBERS OF THE ARMED21FORCES AND DEPARTMENT OF DEFENSE CI-22VILIAN EMPLOYEES.

23 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
24 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
25 amount authorized to be appropriated pursuant to section
26 301(5) for operation and maintenance for Defense-wide
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activities, \$30,000,000 shall be available only for the pur pose of providing assistance to local educational agencies
 under subsection (a) of section 572 of the National De fense Authorization Act for Fiscal Year 2006 (Public Law
 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

6 (b) Assistance to Schools With Enrollment 7 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE 8 CHANGES, OR FORCE RELOCATIONS.—Of the amount au-9 thorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, 10 \$10,000,000 shall be available only for the purpose of pro-11 12 viding assistance to local educational agencies under subsection (b) of such section 572. 13

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In
this section, the term "local educational agency" has the
meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C.
7713(9)).

19 SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DIS20 ABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, \$5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as

enacted into law by Public Law 106–398; 114 Stat. 1 2 1654A-77; 20 U.S.C. 7703a). 3 SEC. 573. INCLUSION OF DEPENDENTS OF NON-DEPART-4 MENT OF DEFENSE EMPLOYEES EMPLOYED 5 **ON FEDERAL PROPERTY IN PLAN RELATING** 6 TO FORCE STRUCTURE CHANGES, RELOCA-7 TION OF MILITARY UNITS, OR BASE CLO-8 SURES AND REALIGNMENTS. 9 Section 574(e)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 10 11 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note) is 12 amended-13 (1) in subparagraph (A), by striking "and" at 14 the end; 15 (2) in subparagraph (B), by striking the period at the end and inserting "; and"; and 16 17 (3) by adding at the end the following new sub-18 paragraph: "(C) elementary and secondary school stu-19 20 dents who are dependents of personnel who are 21 not members of the Armed Forces or civilian 22 employees of the Department of Defense but 23 who are employed on Federal property.".

SEC. 574. PAYMENT OF PRIVATE BOARDING SCHOOL TUI TION FOR MILITARY DEPENDENTS IN OVER SEAS AREAS NOT SERVED BY DEFENSE DE PENDENTS' EDUCATION SYSTEM SCHOOLS.

5 Section 1407(b)(1) of the Defense Dependents' Edu6 cation Act of 1978 (20 U.S.C. 926(b)(1)) is amended by
7 inserting after the first sentence the following new sen8 tence: "Schools to which tuition may be paid under this
9 subsection may include private boarding schools in the
10 United States.".

11 Subtitle H—Military Families

SEC. 581. DEPARTMENT OF DEFENSE MILITARY FAMILY

13**READINESS COUNCIL AND POLICY AND**14**PLANS FOR MILITARY FAMILY READINESS.**

(a) IN GENERAL.—Subchapter I of chapter 88 of title
10, United States Code, is amended by inserting after section 1781 the following new sections:

18 "§1781a. Department of Defense Military Family 19 Readiness Council

"(a) IN GENERAL.—There is in the Department of
Defense the Department of Defense Military Family
Readiness Council (in this section referred to as the
"Council").

24 "(b) MEMBERS.—(1) The Council shall consist of the25 following members:

12

"(A) The Under Secretary of Defense for Per sonnel and Readiness, who shall serve as chair of the
 Council.

4 "(B) One representative of each of the Army,
5 Navy, Marine Corps, and Air Force, who shall be
6 appointed by the Secretary of Defense.

"(C) Three individuals appointed by the Secretary of Defense from among representatives of
military family organizations, including military
family organizations of families of members of the
regular components and of families of members of
the reserve components.

"(D) In addition to the representatives appointed under subparagraph (B), the senior enlisted
advisors of the Army, Navy, Marine Corps, and Air
Force, or the spouse of a senior enlisted member
from each of the Army, Navy, Marine Corps, and
Air Force.

19 "(2) The term on the Council of the members ap-20 pointed under paragraph (1)(C) shall be three years.

21 "(c) MEETINGS.—The Council shall meet not less22 often than twice each year.

23 "(d) DUTIES.—The duties of the Council shall in-24 clude the following:

1	"(1) To review and make recommendations to
2	the Secretary of Defense regarding the policy and
3	plans required under section 1781b of this title.
4	((2) To monitor requirements for the support
5	of military family readiness by the Department of
6	Defense.
7	"(3) To evaluate and assess the effectiveness of
8	the military family readiness programs and activities
9	of the Department of Defense.
10	"(e) ANNUAL REPORTS.—(1) Not later than Feb-
11	ruary 1 each year, the Council shall submit to the Sec-
12	retary of Defense and the congressional defense commit-
13	tees a report on military family readiness.
14	((2) Each report under this subsection shall include
15	the following:
16	"(A) An assessment of the adequacy and effec-
17	tiveness of the military family readiness programs
18	and activities of the Department of Defense during
19	the preceding fiscal year in meeting the needs and
20	requirements of military families.
21	"(B) Recommendations on actions to be taken
22	to improve the capability of the military family read-
23	iness programs and activities of the Department of
24	Defense to meet the needs and requirements of mili-
25	tary families, including actions relating to the alloca-

1	tion of funding and other resources to and among
2	such programs and activities.
3	"§1781b. Department of Defense policy and plans for
4	military family readiness
5	"(a) Policy and Plans Required.—The Secretary
6	of Defense shall develop a policy and plans for the Depart-
7	ment of Defense for the support of military family readi-
8	ness.
9	"(b) PURPOSES.—The purposes of the policy and
10	plans required under subsection (a) are as follows:
11	"(1) To ensure that the military family readi-
12	ness programs and activities of the Department of
13	Defense are comprehensive, effective, and properly
14	supported.
15	"(2) To ensure that support is continuously
16	available to military families in peacetime and in
17	war, as well as during periods of force structure
18	change and relocation of military units.
19	"(3) To ensure that the military family readi-
20	ness programs and activities of the Department of
21	Defense are available to all military families, includ-
22	ing military families of members of the regular com-
23	ponents and military families of members of the re-
24	serve components.

1	"(4) To make military family readiness an ex-
2	plicit element of applicable Department of Defense
3	plans, programs, and budgeting activities, and that
4	achievement of military family readiness is expressed
5	through Department-wide goals that are identifiable
6	and measurable.
7	"(5) To ensure that the military family readi-
8	ness programs and activities of the Department of
9	Defense undergo continuous evaluation in order to
10	ensure that resources are allocated and expended for
11	such programs and activities to achieve Department-
12	wide family readiness goals.
13	"(c) ELEMENTS OF POLICY.—The policy required
14	under subsection (a) shall include the following elements:
15	"(1) A list of military family readiness pro-
16	grams and activities.
17	"(2) Department of Defense-wide goals for mili-
18	tary family support, including joint programs, both
19	for military families of members of the regular com-
20	for initially families of memoers of the regular com
	ponents and military families of members of the re-
21	
21 22	ponents and military families of members of the re-
	ponents and military families of members of the re- serve components.
22	ponents and military families of members of the re- serve components. "(3) Policies on access to military family sup-

1 "(4) Metrics to measure the performance and 2 effectiveness of the military family readiness pro-3 grams and activities of the Department of Defense. 4 "(5) A summary, by fiscal year, of the alloca-5 tion of funds (including appropriated funds and non-6 appropriated funds) for major categories of military 7 family readiness programs and activities of the De-8 partment of Defense, set forth for each of the mili-9 tary departments and for the Office of the Secretary 10 of Defense.

11 "(d) ANNUAL REPORT.—Not later than March 1, 12 2008, and each year thereafter, the Secretary of Defense 13 shall submit to the congressional defense committees a report on the plans required under subsection (a) for the 14 15 five-fiscal year period beginning with the fiscal year in which the report is submitted. Each report shall include 16 the plans covered by the report and an assessment of the 17 18 discharge by the Department of Defense of the previous plans submitted under this section.". 19

(b) REPORT ON MILITARY FAMILY READINESS POLICY.—Not later than February 1, 2009, the Secretary of
Defense shall submit to the congressional defense committees a report setting forth the policy developed under section 1781b of title 10, United States Code, as added by
subsection (a).

(c) SURVEYS OF MILITARY FAMILIES.—Section 1782
 of title 10, United States Code, is amended by adding at
 the end the following new subsection:

4 "(d) SURVEY REQUIRED FOR FISCAL YEAR 2010.—
5 Notwithstanding subsection (a), during fiscal year 2010,
6 the Secretary of Defense shall conduct a survey otherwise
7 authorized under such subsection. Thereafter, additional
8 surveys may be conducted not less often than once every
9 three fiscal years.".

(d) CLERICAL AMENDMENT.—The table of sections
at the beginning of subchapter I of chapter 88 of such
title is amended by inserting after the item relating to sec-

14 SEC. 582. YELLOW RIBBON REINTEGRATION PROGRAM.

15 (a) ESTABLISHMENT OF PROGRAM.—The Secretary 16 of Defense shall establish a national combat veteran re-17 integration program to provide National Guard and Re-18 serve members and their families with sufficient informa-19 tion, services, referral, and proactive outreach opportunities throughout the entire deployment cycle. This program 20 shall be known as the Yellow Ribbon Reintegration Pro-21 22 gram.

23 (b) PURPOSE OF PROGRAM; DEPLOYMENT CYCLE.—
24 The Yellow Ribbon Reintegration Program shall consist

¹³ tion 1781 the following new items:
"1781a. Department of Defense Military Family Readiness Council.
"1781b. Department of Defense policy and plans for military family readiness.".

of informational events and activities for members of the
 reserve components of the Armed Forces, their families,
 and community members to facilitate access to services
 supporting their health and well-being through the 4
 phases of the deployment cycle:

6 (1) Pre-Deployment.

7 (2) Deployment.

8 (3) Demobilization.

9 (4) Post-Deployment-Reconstitution.

(c) EXECUTIVE AGENT.—The Secretary shall designate the Under Secretary of Defense for Personnel and
Readiness as the Department of Defense executive agent
for the Yellow Ribbon Reintegration Program.

14 (d) Office for Reintegration Programs.—

15 (1) ESTABLISHMENT.—The Under Secretary of 16 Defense for Personnel and Readiness shall establish 17 the Office for Reintegration Programs within the Of-18 fice of the Secretary of Defense. The office shall ad-19 minister all reintegration programs in coordination 20 with State National Guard organizations. The office 21 shall be responsible for coordination with existing 22 National Guard and Reserve family and support pro-23 grams. The Directors of the Army National Guard 24 and Air National Guard and the Chiefs of the Army 25 Reserve, Marine Corps Reserve, Navy Reserve, and

1	Air Force Reserve may appoint liaison officers to co-
2	ordinate with the permanent office staff. The office
3	may also enter into partnerships with other public
4	entities, including the Department of Health and
5	Human Services, Substance Abuse and the Mental
6	Health Services Administration, for access to nec-
7	essary substance abuse and mental health treatment
8	services from local State-licensed service providers.
9	(2) CENTER FOR EXCELLENCE IN REINTEGRA-
10	TION.—The Office for Reintegration Programs shall
11	establish a Center for Excellence in Reintegration
12	within the office. The Center shall collect and ana-
13	lyze "lessons learned" and suggestions from State
14	National Guard and Reserve organizations with ex-
15	isting or developing reintegration programs. The
16	Center shall also assist in developing training aids
17	and briefing materials and training representatives
18	from State National Guard and Reserve organiza-
19	tions.

20 (e) Advisory Board.—

(1) APPOINTMENT.—The Secretary of Defense
shall appoint an advisory board to analyze the Yellow Ribbon Reintegration Program and report on
areas of success and areas for necessary improvements. The advisory board shall include the Director

1	of the Army National Guard, the Director of the Air
2	National Guard, Chiefs of the Army Reserve, Marine
3	Corps Reserve, Navy Reserve, and Air Force Re-
4	serve, the Assistant Secretary of Defense for Reserve
5	Affairs, an Adjutant General on a rotational basis as
6	determined by the Chief of the National Guard Bu-
7	reau, and any other Department of Defense, Federal
8	Government agency, or outside organization as de-
9	termined by the Secretary of Defense. The members
10	of the advisory board may designate representatives
11	in their stead.
12	(2) Schedule.—The advisory board shall meet
13	on a schedule determined by the Secretary of De-
14	fense.
15	(3) INITIAL REPORTING REQUIREMENT.—The
16	advisory board shall issue internal reports as nec-
17	essary and shall submit an initial report to the Com-
18	mittees on Armed Services of the Senate and House
19	of Representatives not later than 180 days after the
20	end of the 1-year period beginning on the date of the
21	establishment of the Office for Reintegration Pro-
22	grams. The report shall contain—
23	(A) an evaluation of the implementation of

the Yellow Ribbon Reintegration Program by

24

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1	State National Guard and Reserve organiza-
2	tions;
3	(B) an assessment of any unmet resource
4	requirements; and
5	(C) recommendations regarding closer co-
6	ordination between the Office of Reintegration
7	Programs and State National Guard and Re-
8	serve organizations.
9	(4) ANNUAL REPORTS.—The advisory board
10	shall submit annual reports to the Committees on
11	Armed Services of the Senate and the House of Rep-
12	resentatives following the initial report by the first
13	week in March of subsequent years following the ini-
14	tial report.
15	(f) STATE DEPLOYMENT CYCLE SUPPORT TEAMS.—
16	The Office for Reintegration Programs may employ per-
17	sonnel to administer the Yellow Ribbon Reintegration Pro-
18	gram at the State level. The primary function of team
19	members shall be—
20	(1) to implement the reintegration curriculum
21	through the deployment cycle described in subsection
22	(g);
23	(2) to obtain necessary service providers; and
24	(3) to educate service providers regarding the
25	unique military nature of the reintegration program.

1 (g) Operation of Program Through Deploy-2 ment Cycle.—

3 (1) IN GENERAL.—The Office for Reintegration 4 Programs shall analyze the demographics, placement 5 of State Family Assistance Centers and their re-6 sources before a mobilization alert is issued to af-7 fected State National Guard and Reserve organiza-8 tions. The Office of Reintegration Programs shall 9 consult with affected State National Guard and Re-10 serve organizations following the issuance of a mobi-11 lization alert and implement the reintegration events 12 in accordance with the Reintegration Program phase 13 model.

14 (2)PRE-DEPLOYMENT PHASE.—The Pre-De-15 ployment Phase shall constitute the time from first 16 notification of mobilization until deployment of the 17 mobilized National Guard or Reserve unit. Events 18 and activities shall focus on providing education and 19 ensuring the readiness of members of the unit, their 20 families, and affected communities for the rigors of 21 a combat deployment.

(3) DEPLOYMENT PHASE.—The Deployment
Phase shall constitute the period from deployment of
the mobilized National Guard or Reserve unit until
the unit arrives at a demobilization station inside

1	the continental United States. Events and services
2	provided shall focus on the challenges and stress as-
3	sociated with separation and having a member in a
4	combat zone. Information sessions shall utilize State
5	National Guard and Reserve resources in coordina-
6	tion with the Employer Support of Guard and Re-
7	serve Office, Transition Assistance Advisors, and the
8	State Family Programs Director.
9	(4) Demobilization phase.—
10	(A) IN GENERAL.—The Demobilization
11	Phase shall constitute the period from arrival of
12	the National Guard or Reserve unit at the de-
13	mobilization station until its departure for home
14	station.
15	(B) INITIAL REINTEGRATION ACTIVITY.—
16	The purpose of this reintegration program is to
17	educate members about the resources that are
18	available to them and to connect members to
19	service providers who can assist them in over-
20	coming the challenges of reintegration.
21	(5) POST-DEPLOYMENT-RECONSTITUTION
22	PHASE.—
23	(A) IN GENERAL.—The Post-Deployment-
24	Reconstitution Phase shall constitute the period
25	from arrival at home station until 180 days fol-

1 lowing demobilization. Activities and services 2 provided shall focus on reconnecting members with their families and communities and pro-3 4 viding resources and information necessary for successful reintegration. Reintegration events 5 6 shall begin with elements of the Initial Re-7 integration Activity program that were not com-8 pleted during the Demobilization Phase.

9 (\mathbf{B}) 30-DAY, 60-DAY, AND 90-DAY RE-INTEGRATION ACTIVITIES.—The State National 10 11 Guard and Reserve organizations shall hold re-12 integration activities at the 30-day, 60-day, and 13 90-day interval following demobilization. These 14 activities shall focus on reconnecting members 15 and their families with the service providers 16 from the Initial Reintegration Activity to ensure 17 that members and their families understand 18 what benefits they are entitled to and what re-19 sources are available to help them overcome the 20 challenges of reintegration. The Reintegration 21 Activities shall also provide a forum for mem-22 bers and their families to address negative be-23 haviors related to combat stress and transition.

24 (C) MEMBER PAY.—Members shall receive25 appropriate pay for days spent attending the

1	Reintegration Activities at the 30-day, 60-day,
2	and 90-day intervals.
3	(h) OUTREACH SERVICES.—As part of the Yellow
4	Ribbon Reintegration Program, the Office for Reintegra-
5	tion Programs may develop programs of outreach to mem-
6	bers of the Armed Forces and their family members to
7	educate such members and their family members about
8	the assistance and services available to them under the
9	Yellow Ribbon Reintegration Program. Such assistance
10	and services may include the following:
11	(1) Marriage counseling.
12	(2) Services for children.
13	(3) Suicide prevention.
14	(4) Substance abuse awareness and treatment.
15	(5) Mental health awareness and treatment.
16	(6) Financial counseling.
17	(7) Anger management counseling.
18	(8) Domestic violence awareness and preven-
19	tion.
20	(9) Employment assistance.
21	(10) Preparing and updating family care plans.
22	(11) Development of strategies for living with a
23	member of the Armed Forces with post-traumatic
24	stress disorder or traumatic brain injury.

1	(12) Other services that may be appropriate to
2	address the unique needs of members of the Armed
3	Forces and their families who live in rural or remote
4	areas with respect to family readiness and
5	servicemember reintegration.
6	(13) Assisting members of the Armed Forces
7	and their families find and receive assistance with
8	military family readiness and servicemember re-
9	integration, including referral services.
10	(14) Development of strategies and programs
11	that recognize the need for long-term follow-up serv-
12	ices for reintegrating members of the Armed Forces
13	and their families for extended periods following de-
14	ployments, including between deployments.
15	(15) Assisting members of the Armed Forces
16	and their families in receiving services and assist-
17	ance from the Department of Veterans Affairs, in-
18	cluding referral services.
19	SEC. 583. STUDY TO ENHANCE AND IMPROVE SUPPORT
20	SERVICES AND PROGRAMS FOR FAMILIES OF
21	MEMBERS OF REGULAR AND RESERVE COM-
22	PONENTS UNDERGOING DEPLOYMENT.
23	(a) STUDY REQUIRED.—The Secretary of Defense
24	shall conduct a study to determine the most effective
25	means to enhance and improve family support programs

for families of deployed members of the regular and re serve components of the Armed Forces before, during, and
 after deployment. The study shall also take into account
 the potential to utilize non-governmental and local private
 sector entities and other Federal agencies having expertise
 in health and well-being of families, including family mem bers who are children, infants, or toddlers.

8 (b) ELEMENTS.—The study shall include at a min-9 imum the following:

10 (1) The assessment of the types of information 11 on health care and mental health benefits and serv-12 ices and other community resources that should be 13 made available to members of the regular and re-14 serve components and their families, including—

- 15 (A) crisis services;
- 16 (B) marriage and family counseling; and
- 17 (C) financial counseling.

(2) An assessment of means to improve support
to the parents and caretakers of military dependent
children in order to mitigate any adverse effects of
the deployment of members on such children, including consideration of the following:

(A) The need to develop materials for parents and other caretakers of children to assist
in responding to the effects of such deployment

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1	on children, including extended and multiple de-
2	ployments and reunion (and the death or injury
3	of members during such deployment), and the
4	role that parents and caretakers can play in ad-
5	dressing or mitigating such effects.
6	(B) The potential best practices that are
7	identified which build psychological and emo-
8	tional resiliency in children in coping with de-
9	ployment.
10	(C) The potential to improve dissemination
11	throughout the Armed Forces of the most effec-
12	tive practices for outreach, training, and build-
13	ing psychological and emotional resiliency in
14	children.
15	(D) The effectiveness of training materials
16	for education, mental health, health, and family
17	support professionals who provide services to
18	parents and caretakers of military dependent
19	children.
20	(E) The requirement to develop programs
21	and activities to increase awareness throughout
22	the military and civilian communities of the ef-
23	fects of deployment of a military spouse or
24	guardians for such children and their families

1	and to increase collaboration within such com-
2	munities to address and mitigate such effects.
3	(F) The development of training for early
4	child care and education, mental health, health
5	care, and family support professionals to en-
6	hance the awareness of such professionals of
7	their role in assisting families in addressing and
8	mitigating the adverse implications of such de-
9	ployment.
10	(G) The conduct of research on best prac-
11	tices for building psychological and emotional
12	resiliency in such children in coping with the
13	deployment of such members.
14	(3) An assessment of the effectiveness of fam-
15	ily-to-family support programs—
16	(A) in providing peer support for families
17	of deployed members of the regular and reserve
18	components;
19	(B) in identifying and preventing family
20	problems in such families;
21	(C) in reducing adverse outcomes for chil-
22	dren of such families, including poor academic
23	performance, behavioral problems, stress, and
24	anxiety;

(D) in improving family readiness and 1 2 post-deployment transition for such families; 3 and 4 (E) in utilizing spouses of members of the Armed Forces as counselors for families of de-5 6 ployed members, in order to assist such families 7 in coping before, during, and after the deploy-8 ment, and the best practices for training

spouses of members of the Armed Forces to act 10 as counselors for families of deployed members. 11 (4) An assessment of the effectiveness of transi-12 tion assistance programs and policies for families of 13 members during post-deployment transition from a 14 combat zone back to civilian or military communities-15

16 (A) in identifying signs and symptoms of 17 mental health conditions for both service mem-18 bers and their families; and

19 (B) in receiving information and resources 20 available within the local communities to ease 21 transition.

22 (5) An assessment of the impact of multiple 23 overseas deployments of members on their families, 24 particularly in the case of members serving in Oper-25 ation Iraqi Freedom and Operation Enduring Free-

9

dom, including financial impacts and emotional im pacts.

3 (6) An assessment of the most effective timing
4 of providing information and support to the families
5 of deployed members before, during, and after de6 ployment, including at least six months after the
7 date of return of deployed members.

8 (7) An assessment of the need for additional 9 long-term research on the effects of multiple war-10 time deployments on families, including children, 11 and critical areas of focus that should be addressed 12 by such research.

(c) REPORT ON RESULTS OF STUDY.—Not later than
14 180 days after the date of enactment of this Act, the Sec15 retary of Defense shall submit to the congressional defense
16 committees a report containing the results of the study
17 conducted under subsection (a).

18 SEC. 584. PROTECTION OF CHILD CUSTODY ARRANGE-

19 MENTS FOR PARENTS WHO ARE MEMBERS OF
20 THE ARMED FORCES DEPLOYED IN SUPPORT
21 OF A CONTINGENCY OPERATION.

(a) PROTECTION OF SERVICEMEMBERS AGAINST DEFAULT JUDGMENTS.—Section 201(a) of the
Servicemembers Civil Relief Act (50 U.S.C. App. 521(a))

1 is amended by inserting ", including any child custody 2 proceeding," after "proceeding". 3 (b) STAY OF PROCEEDINGS WHEN SERVICEMEMBER 4 HAS NOTICE.—Section 202(a) of the Servicemembers 5 Civil Relief Act (50 U.S.C. App. 522(a)) is amended by inserting ", including any child custody proceeding," after 6 7 "civil action or proceeding". 8 SEC. 585. FAMILY LEAVE IN CONNECTION WITH INJURED 9 MEMBERS OF THE ARMED FORCES. 10 (a) SERVICEMEMBER FAMILY LEAVE.— 11 (1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is 12 13 amended by adding at the end the following new 14 paragraphs: 15 "(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty 16 17 under a provision of law referred to in section 18 101(a)(13)(B) of title 10, United States Code. 19 "(15) CONTINGENCY OPERATION.—The term 20 'contingency operation' has the same meaning given such term in section 101(a)(13) of title 10, United 21 22 States Code. 23 "(16) COVERED SERVICEMEMBER.—The term 24 'covered servicemember' means a member of the

1	Guard or Reserves, who is undergoing medical treat-
2	ment, recuperation, or therapy, is otherwise in out-
3	patient status, or is otherwise on the temporary dis-
4	ability retired list, for a serious injury or illness.
5	"(17) OUTPATIENT STATUS.—The term 'out-
6	patient status', with respect to a covered
7	servicemember, means the status of a member of the
8	Armed Forces assigned to—
9	"(A) a military medical treatment facility
10	as an outpatient; or
11	"(B) a unit established for the purpose of
12	providing command and control of members of
13	the Armed Forces receiving medical care as
14	outpatients.
15	"(18) NEXT OF KIN.—The term 'next of kin',
16	used with respect to an individual, means the near-
17	est blood relative of that individual.
18	"(19) Serious injury or illness.—The term
19	'serious injury or illness', in the case of a member
20	of the Armed Forces, including a member of the Na-
21	tional Guard or Reserves, means an injury or illness
22	incurred by the member in line of duty on active
23	duty in the Armed Forces that may render the mem-
24	ber medically unfit to perform the duties of the
25	member's office, grade, rank, or rating.".

1	(2) ENTITLEMENT TO LEAVE.—Section 102(a)
2	of such Act (29 U.S.C. 2612(a)) is amended—
3	(A) in paragraph (1), by adding at the end
4	the following new subparagraph:
5	"(E) Because of any qualifying exigency
6	(as the Secretary shall, by regulation, deter-
7	mine) arising out of the fact that the spouse, or
8	a son, daughter, or parent of the employee is on
9	active duty (or has been notified of an impend-
10	ing call or order to active duty) in the Armed
11	Forces in support of a contingency operation.";
12	and
13	(B) by adding at the end the following new
14	paragraphs:
15	"(3) Servicemember family leave.—Subject
16	to section 103, an eligible employee who is the
17	spouse, son, daughter, parent, or next of kin of a
18	covered servicemember shall be entitled to a total of
19	26 workweeks of leave during a 12-month period to
20	care for the servicemember. The leave described in
21	this paragraph shall only be available during a single
22	12-month period.
23	"(4) Combined Leave Total.—During the
24	single 12-month period described in paragraph (3) ,
25	an eligible employee shall be entitled to a combined

1	total of 26 workweeks of leave under paragraphs (1)
2	and (3). Nothing in this paragraph shall be con-
3	strued to limit the availability of leave under para-
4	graph (1) during any other 12-month period.".
5	(3) Requirements relating to leave.—
6	(A) Schedule.—Section 102(b) of such
7	Act (29 U.S.C. 2612(b)) is amended—
8	(i) in paragraph (1), in the second
9	sentence-
10	(I) by striking "section
11	103(b)(5)" and inserting "subsection
12	(b)(5) or (f) (as appropriate) of sec-
13	tion 103"; and
14	(II) by inserting "or under sub-
15	section (a)(3)" after "subsection
16	(a)(1)";
17	(ii) in paragraph (1), by inserting
18	after the second sentence the following new
19	sentence: "Subject to subsection $(e)(3)$ and
20	section 103(f), leave under subsection
21	(a)(1)(E) may be taken intermittently or
22	on a reduced leave schedule."; and
23	(iii) in paragraph (2), by inserting "or
24	under subsection $(a)(3)$ " after "subsection
25	(a)(1)".

(B) Substitution of paid leave.—Sec-
tion 102(d) of such Act (29 U.S.C. 2612(d)) is
amended—
(i) in paragraph (1)—
(I) by inserting "(or 26 work-
weeks in the case of leave provided
under subsection $(a)(3)$)" after "12
workweeks" the first place it appears;
and
(II) by inserting "(or 26 work-
weeks, as appropriate)" after "12
workweeks" the second place it ap-
pears;
(ii) in paragraph (2)(A), by striking
"or (C)" and inserting "(C), or (E)"; and
(iii) in paragraph (2)(B), by adding at
the end the following: "An eligible em-
ployee may elect, or an employer may re-
quire the employee, to substitute any of
the accrued paid vacation leave, personal
leave, family leave, or medical or sick leave
of the employee for leave provided under
subsection $(a)(3)$ for any part of the 26-
week period of such leave under such sub-
section, except that nothing in this title re-

1	quires an employer to provide paid sick
2	leave or paid medical leave in any situation
3	in which the employer would not normally
4	provide any such paid leave.".
5	(C) NOTICE.—Section 102(e) of such Act
6	(29 U.S.C. 2612(e)) is amended—
7	(i) in paragraph (2), by inserting "or
8	under subsection $(a)(3)$ " after "subsection
9	(a)(1)"; and
10	(ii) by adding at the end the following
11	new paragraph:
12	"(3) Notice for leave due to active duty
13	OF FAMILY MEMBER.—In any case in which the ne-
14	cessity for leave under subsection $(a)(1)(E)$ is fore-
15	seeable, whether because the spouse, or a son,
16	daughter, or parent, of the employee is on active
17	duty, or because of notification of an impending call
18	or order to active duty in support of a contingency
19	operation, the employee shall provide such notice to
20	the employer as is reasonable and practicable.".
21	(D) Spouses employed by same em-
22	PLOYER.—Section $102(f)$ of such Act (29)
23	U.S.C. 2612(f)) is amended—
24	(i) by redesignating paragraphs (1)
25	and (2) as subparagraphs (A) and (B),

1	and aligning the margins of the subpara-
2	graphs with the margins of section
3	102(e)(2)(A);
4	(ii) by striking "In any" and inserting
5	the following:
6	"(1) IN GENERAL.—In any"; and
7	(iii) by adding at the end the fol-
8	lowing:
9	"(2) Servicemember family leave.—
10	"(A) IN GENERAL.—The aggregate num-
11	ber of workweeks of leave to which both that
12	husband and wife may be entitled under sub-
13	section (a) may be limited to 26 workweeks
14	during the single 12-month period described in
15	subsection (a)(3) if the leave is—
16	"(i) leave under subsection $(a)(3)$; or
17	"(ii) a combination of leave under
18	subsection $(a)(3)$ and leave described in
19	paragraph (1).
20	"(B) Both limitations applicable.—If
21	the leave taken by the husband and wife in-
22	cludes leave described in paragraph (1), the
23	limitation in paragraph (1) shall apply to the
24	leave described in paragraph (1).".

1	(E) CERTIFICATION REQUIREMENTS.—
2	Section 103 of such Act (29 U.S.C. 2613) is
3	amended—
4	(i) in subsection (a)—
5	(I) by striking "section
6	102(a)(1)" and inserting "paragraph
7	(1) or paragraph (3) of section
8	102(a)"; and
9	(II) by inserting "or of the next
10	of kin of an individual in the case of
11	leave taken under such paragraph
12	(3)," after "parent of the employee,";
13	and
14	(ii) by adding at the end the fol-
15	lowing:
16	"(f) Certification Related to Active Duty or
17	CALL TO ACTIVE DUTY.—An employer may require that
18	a request for leave under section $102(a)(1)(E)$ be sup-
19	ported by a certification issued at such time and in such
20	manner as the Secretary may by regulation prescribe. If
21	the Secretary issues a regulation requiring such certifi-
22	cation, the employee shall provide, in a timely manner, a
23	copy of such certification to the employer.".
24	(F) FAILURE TO RETURN.—Section 104(c)
25	of such Act (29 U.S.C. 2614(c)) is amended-

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1	(i) in paragraph (2)(B)(i), by insert-
2	ing "or under section 102(a)(3)" before
3	the semicolon; and
4	(ii) in paragraph (3)(A)—
5	(I) in clause (i), by striking "or"
6	at the end;
7	(II) in clause (ii), by striking the
8	period and inserting "; or"; and
9	(III) by adding at the end the
10	following:
11	"(iii) a certification issued by the
12	health care provider of the servicemember
13	being cared for by the employee, in the
14	case of an employee unable to return to
15	work because of a condition specified in
16	section 102(a)(3).".
17	(G) Enforcement.—Section 107 of such
18	Act (29 U.S.C. 2617) is amended, in subsection
19	(a)(1)(A)(i)(II), by inserting "(or 26 weeks, in
20	a case involving leave under section 102(a)(3))"
21	after "12 weeks".
22	(H) INSTRUCTIONAL EMPLOYEES.—Sec-
23	tion 108 of such Act (29 U.S.C. 2618) is
24	amended, in subsections $(c)(1)$, $(d)(2)$, and

1	(d)(3), by inserting "or under section
2	102(a)(3)" after "section 102(a)(1)".
3	(b) Servicemember Family Leave for Civil
4	Service Employees.—
5	(1) DEFINITIONS.—Section 6381 of title 5,
6	United States Code, is amended—
7	(A) in paragraph (5), by striking "and" at
8	the end;
9	(B) in paragraph (6), by striking the pe-
10	riod and inserting a semicolon; and
11	(C) by adding at the end the following:
12	"(7) the term 'active duty' means duty under a
13	call or order to active duty under a provision of law
14	referred to in section $101(a)(13)(B)$ of title 10;
15	"(8) the term 'covered servicemember' means a
16	member of the Armed Forces, including a member
17	of the National Guard or Reserves, who is under-
18	going medical treatment, recuperation, or therapy, is
19	otherwise in an outpatient status, or is otherwise on
20	the temporary disability retired list, for a serious in-
21	jury or illness;
22	"(9) the term 'outpatient status', with respect
23	to a covered servicemember, means the status of a
24	member of the Armed Forces assigned to—

1	"(A) a military medical treatment facility
2	as an outpatient; or
3	"(B) a unit established for the purpose of
4	providing command and control of members of
5	the Armed Forces receiving medical care as
6	outpatients;
7	"(10) the term 'next of kin', used with respect
8	to an individual, means the nearest blood relative of
9	that individual; and
10	((11) the term 'serious injury or illness', in the
11	case of a member of the Armed Forces, means an
12	injury or illness incurred by the member in line of
13	duty on active duty in the Armed Forces that may
14	render the member medically unfit to perform the
15	duties of the member's office, grade, rank, or rat-
16	ing.".
17	(2) Entitlement to leave.—Section 6382(a)
18	of such title is amended by adding at the end the
19	following:
20	"(3) Subject to section 6383, an employee who is the
21	spouse, son, daughter, parent, or next of kin of a covered
22	servicemember shall be entitled to a total of 26 adminis-
23	trative workweeks of leave during a 12-month period to
24	care for the servicemember. The leave described in this

1	paragraph shall only be available during a single 12-month
2	period.

3	"(4) During the single 12-month period described in
4	paragraph (3), an employee shall be entitled to a combined
5	total of 26 administrative workweeks of leave under para-
6	graphs (1) and (3). Nothing in this paragraph shall be
7	construed to limit the availability of leave under paragraph
8	(1) during any other 12-month period.".
9	(3) Requirements relating to leave.—
10	(A) Schedule.—Section 6382(b) of such
11	title is amended—
12	(i) in paragraph (1), in the second
13	sentence
14	(I) by striking "section
15	6383(b)(5)" and inserting "subsection
16	(b)(5) or (f) (as appropriate) of sec-
17	tion 6383"; and
18	(II) by inserting "or under sub-
19	section $(a)(3)$ " after "subsection
20	(a)(1)"; and
21	(ii) in paragraph (2), by inserting "or
22	under subsection $(a)(3)$ " after "subsection
23	(a)(1)".
24	(B) Substitution of paid leave.—Sec-
25	tion 6382(d) of such title is amended by adding

1	at the end the following: "An employee may
2	elect to substitute for leave under subsection
3	(a)(3) any of the employee's accrued or accu-
4	mulated annual or sick leave under subchapter
5	I for any part of the 26-week period of leave
6	under such subsection.".
7	(C) NOTICE.—Section 6382(e) of such title
8	is amended by inserting "or under subsection
9	(a)(3)" after "subsection (a)(1)".
10	(D) CERTIFICATION.—Section 6383 of
11	such title is amended by adding at the end the
12	following:
13	"(f) An employing agency may require that a request
14	for leave under section $6382(a)(3)$ be supported by a cer-
15	tification issued at such time and in such manner as the
16	Office of Personnel Management may by regulation pre-
17	scribe.".
18	SEC. 586. FAMILY CARE PLANS AND DEFERMENT OF DE-
19	PLOYMENT OF SINGLE PARENT OR DUAL
20	MILITARY COUPLES WITH MINOR DEPEND-
21	ENTS.
22	The Secretary of Defense shall establish appropriate
23	procedures to ensure that an adequate family care plan
24	is in place for a member of the Armed Forces with minor
25	dependents who is a single parent or whose spouse is also

a member of the Armed Forces when the member may
 be deployed in an area for which imminent danger pay
 is authorized under section 310 of title 37, United States
 Code. Such procedures should allow the member to request
 a deferment of deployment due to unforeseen cir cumstances, and the request for such a deferment should
 be considered and responded to promptly.

8 SEC. 587. EDUCATION AND TREATMENT SERVICES FOR 9 MILITARY DEPENDENT CHILDREN WITH AU-10 TISM.

(a) ASSESSMENT OF AVAILABILITY OF SERVICES.—
The Secretary of Defense shall conduct a comprehensive
assessment of the availability of Federal, State, and local
education and treatment services on and in the vicinity
of a covered military installation for children of members
of the Armed Forces who are diagnosed with autism. This
assessment shall include the following:

- 18 (1) The local availability of adequate edu-19 cational services for children with autism.
- 20 (2) The local availability of adequate medical21 services for children with autism.
- (3) The local availability of supplemental serv-ices for children with autism.

(4) The ease of access of children with autism
 to adequate educational services, such as the length
 of time on waiting lists.

4 (b) REVIEW OF BEST PRACTICES.—In preparing the assessment under subsection (a), the Secretary of Defense 5 6 shall conduct a review of best practices in the United 7 States in the provision of covered educational services and 8 treatment services for children with autism, including an 9 assessment of Federal and State education and treatment 10 services for children with autism in each State, with an emphasis on locations where eligible members and eligible 11 12 dependents reside. The Secretary of Defense shall conduct 13 the review in coordination with the Secretary of Edu-14 cation.

15 (c) PERSONNEL MANAGEMENT REQUIREMENTS.—

16 (1) LIMITED STATIONING OPTIONS.—The Sec-17 retary of the military department concerned shall 18 ensure that, whenever practicable, eligible members 19 are only assigned to military installations that are 20 identified in the report required by subsection 21 (g)(1).

(2) STABILIZATION POLICY.—The Secretary of
the military department concerned shall ensure that,
whenever practicable, the families of eligible members residing at a military installation that is identi-

fied in such report are permitted to remain at that
 installation for a period of not less than 4 years.
 (d) CASE MANAGERS AND SERVICES.—
 (1) CASE MANAGERS.—The Secretary of the
 military department concerned shall ensure that eli-

gible members are assigned case managers for both
medical services and covered educational services for
eligible dependents, which shall be required under
the Exceptional Family Member Program pursuant
to the policy established by the Secretary.

11 (2) INDIVIDUALIZED SERVICES PLAN.—The 12 Secretary of the military department concerned shall 13 provide for the voluntary development for eligible de-14 pendents of individualized autism services plans for 15 use by case managers, caregivers, and families to en-16 sure continuity of services throughout the active 17 military service of eligible members.

18 (3) AUTISM SUPPORT CENTERS.—The Sec19 retary of the military department concerned may es20 tablish local centers on military installations for the
21 purpose of providing and coordinating autism serv22 ices for eligible dependents.

(4) PARTNERSHIPS AND CONTRACTS.—The Secretary of the military department concerned is encouraged to enter into partnerships or contracts with

other appropriate public and private entities to carry
 out the responsibilities of this section.

3 (e) DEMONSTRATION PROJECTS.—

4 (1) PROJECTS AUTHORIZED.—The Secretary of 5 Defense may conduct 1 or more demonstration 6 projects to evaluate improved approaches to the pro-7 vision of covered educational services and treatment 8 services to eligible dependents for the purpose of 9 evaluating strategies for integrated treatment and 10 case manager services, including early intervention 11 and diagnosis, medical care, parent involvement, spe-12 cial education services, intensive behavioral interven-13 tion, and language, communications, and other inter-14 ventions considered appropriate by the Secretary.

(2) CASE MANAGERS AND SERVICES PLAN.—
Each demonstration project shall include the assignment of case managers under paragraph (1) of subsection (d) and utilize the services plans prepared
for eligible dependents under paragraph (2) of such subsection.

(3) SUPERVISORY LEVEL PROVIDERS.—The
Secretary of Defense may utilize for purposes of the
demonstration projects personnel who are professionals with a level (as determined by the Secretary)
of post-secondary education that is appropriate for

1	the provision of safe and effective services for autism
2	and who are from an accredited educational facility
3	in the mental health, human development, social
4	work, or education field to act as supervisory level
5	providers of behavioral intervention services for au-
6	tism. In so acting, such personnel may be author-
7	ized—
8	(A) to develop and monitor intensive be-
9	havior intervention plans for eligible dependents
10	who are participating in the demonstration
11	projects; and
12	(B) to provide appropriate training in the
13	provision of approved services to participating
14	eligible dependents.
15	(4) Services under corporate services
16	PROVIDER MODEL.—In carrying out the demonstra-
17	tion projects, the Secretary of Defense may utilize a
18	corporate services provider model. Employees of a
19	provider under such a model shall include personnel
20	who implement special educational and behavioral
21	intervention plans for eligible dependents that are
22	developed, reviewed, and maintained by supervisory
23	level providers approved by the Secretary. In author-
24	izing such a model, the Secretary shall establish—

1	(A) minimum education, training, and ex-
2	perience criteria required to be met by employ-
3	ees who provide services to eligible dependents;
4	(B) requirements for supervisory personnel
5	and supervision, including requirements for su-
6	pervisor credentials and for the frequency and
7	intensity of supervision; and
8	(C) such other requirements as the Sec-
9	retary considers appropriate to ensure safety
10	and the protection of the eligible dependents
11	who receive services from such employees under
12	the demonstration projects.
13	(5) PERIOD.—If the Secretary of Defense de-
14	termines to conduct demonstration projects under
15	this subsection, the Secretary shall commence such
16	demonstration projects not later than 180 days after
17	the date of the enactment of this Act. The dem-
18	onstration projects shall be conducted for not less
19	than 2 years.
20	(6) EVALUATION.—The Secretary of Defense
21	shall conduct an evaluation of each demonstration
22	project conducted under this section. The evaluation
23	shall include the following:
24	(A) An assessment of the extent to which
25	the activities under the demonstration project

1	contributed to positive outcomes for eligible de-
2	pendents.
3	(B) An assessment of the extent to which
4	the activities under the demonstration project
5	led to improvements in services and continuity
6	of care for eligible dependents.
7	(C) An assessment of the extent to which
8	the activities under the demonstration project
9	improved military family readiness and en-
10	hanced military retention.
11	(f) Relationship to Other Benefits.—Nothing
12	in this section precludes the eligibility of members of the
13	Armed Forces and their dependents for extended benefits
14	under section 1079 of title 10, United States Code.
15	(g) Reports.—
16	(1) Report identifying covered military
17	INSTALLATIONS.—As a result of the assessment re-
18	quired by subsection (a), the Secretary of Defense
19	shall submit to the congressional defense commit-
20	tees, not later than December 31, 2008, a report
21	identifying those covered military installations that
22	have covered educational services and facilities avail-
23	able (on the installation or in the vicinity of the in-
24	stallation) for eligible dependents that provide spe-
25	cial education and related services consistent with

the Individuals with Disabilities Education Act (20
 U.S.C. 1400 et seq.).

3 (2) Reports on demonstration projects.— 4 Not later than 30 months after the commencement 5 of any demonstration project under subsection (e), 6 the Secretary of Defense shall submit to the Com-7 mittees on Armed Services of the Senate and the 8 House of Representatives a report on the demonstra-9 tion project. The report shall include a description of 10 the project, the results of the evaluation under sub-11 section (e)(6) with respect to the project, and a de-12 scription of plans for the further provision of serv-13 ices for eligible dependents under the project.

14 (h) COVERED EDUCATIONAL SERVICES PLAN.— 15 After completing the assessment required by subsection 16 (a) and the report required by subsection (g)(1), the Sec-17 retary of Defense shall develop a plan that would ensure 18 that all eligible dependents are able to obtain covered edu-19 cational services. In the event that eligible members are 20assigned to military installations that are not identified 21 in the report required by subsection (g)(1), the plan 22 should ensure that such eligible dependents are still able 23 to obtain covered educational services, including by the use 24 of authority granted to the Secretary under section 2164 25 of title 10, United States Code. The plan shall also include

any legislative actions that the Secretary recommends to
 implement the plan and describe what funding or funding
 mechanisms may be needed to ensure eligible dependents
 obtain covered educational services. The Secretary shall
 submit the plan to the congressional defense committees
 not later than July 1, 2009.

7 (i) DEFINITIONS.—In this section:

(1) The term "autism" refers to the Autism 8 9 Spectrum Disorders, which are developmental dis-10 abilities that cause substantial impairments in the 11 areas of social interaction, emotional regulation, 12 communication, and the integration of higher-order 13 cognitive processes and are often characterized by 14 the presence of unusual behaviors and interests. The 15 term includes autistic disorder, pervasive develop-16 mental disorder (not otherwise specified), and 17 Asperger's syndrome.

18 (2) The term "child" has the meaning given
19 that term in section 1072 of title 10, United States
20 Code.

(3) The term "covered military installation"
means a military installation at which at least 1,000
members of the Armed Forces are assigned who are
eligible for an assignment accompanied by dependents.

1	(4) The term "eligible member" means a mem-
2	ber of the Armed Forces who—
3	(A) has a dependent child who is diagnosed
4	with autism; and
5	(B) is enrolled in an Exceptional Family
6	Member Program of the Department of De-
7	fense.
8	(5) The term "eligible dependent" means a
9	child of an eligible member who is diagnosed with
10	autism.
11	(6) The term "local educational agency" has
12	the meaning given that term in section $8013(9)$ of
13	the Elementary and Secondary Education Act of
14	1965 (20 U.S.C. 7713(9)), except that the term in-
15	cludes publicly financed schools in communities, De-
16	partment of Defense domestic dependent elementary
17	and secondary schools, and schools of the defense
18	dependents' education system.
19	(7) The term "covered educational services" in-
20	cludes behavioral intervention services for autism,
21	such as Applied Behavioral Analysis.

SEC. 588. COMMENDATION OF EFFORTS OF PROJECT COM PASSION IN PAYING TRIBUTE TO MEMBERS OF THE ARMED FORCES WHO HAVE FALLEN IN THE SERVICE OF THE UNITED STATES.

5 (a) COMMENDATION.—Congress, on the behalf of the people of the United States, commends Kaziah M. Han-6 7 cock and the 4 other volunteer professional portrait artists 8 of the nonprofit organization known as Project Compas-9 sion, as well as the entire Project Compassion organization, for their ongoing efforts to provide, without charge, 10 to the family of each member of the Armed Forces who 11 has died on active duty since September 11, 2001, a mu-12 13 seum-quality original oil portrait of the member.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the people of the United States owe the deepest
gratitude to Kaziah M. Hancock and the members of
Project Compassion.

18 Subtitle I—Other Matters 19 SEC. 590. UNIFORM PERFORMANCE POLICIES FOR MILI20 TARY BANDS AND OTHER MUSICAL UNITS.

21 (a) IN GENERAL.—

(1) CONSOLIDATION OF SEPARATE AUTHORITIES.—Chapter 49 of title 10, United States Code,
is amended by inserting after section 973 the following new section:

1 "§ 974. Uniform performance policies for military 2 bands and other musical units

3 "(a) RESTRICTIONS ON COMPETITION AND REMU4 NERATION.—Bands, ensembles, choruses, or similar musi5 cal units of the armed forces, including individual mem6 bers of such a unit performing in an official capacity, may
7 not—

8 "(1) engage in the performance of music in9 competition with local civilian musicians; or

10 "(2) receive remuneration for official perform-11 ances.

12 "(b) MEMBERS PERFORMING IN PERSONAL CAPAC-13 ITY.—A member of a band, ensemble, chorus, or similar 14 musical unit of the armed forces may engage in the per-15 formance of music in the member's personal capacity, as 16 an individual or part of a group, for remuneration or oth-17 erwise, if the member—

18 "(1) does not wear a military uniform for the19 performance;

20 "(2) does not identify himself or herself as a
21 member of the armed forces in connection with the
22 performance; and

23 "(3) complies with all other applicable regula-24 tions and standards of conduct.

25 "(c) RECORDINGS.—(1) When authorized pursuant
26 to regulations prescribed by the Secretary of Defense for
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purposes of this section, bands, ensembles, choruses, or
 similar musical units of the armed forces may produce re cordings for distribution to the public, at a cost not to
 exceed production and distribution expenses.

5 "(2) Amounts received in payment for recordings distributed to the public under this subsection shall be cred-6 7 ited to the appropriation or account providing the funds 8 for the production of such recordings. Any amounts so 9 credited shall be merged with amounts in the appropria-10 tion or account to which credited, and shall be available for the same purposes, and subject to the same conditions 11 12 and limitations, as amounts in such appropriation or ac-13 count.

14 "(d) PERFORMANCE OF MUSIC IN COMPETITION
15 WITH LOCAL CIVILIAN MUSICIANS DEFINED.—(1) In this
16 section, the term 'performance of music in competition
17 with local civilian musicians' includes performances—

18 "(A) that are more than incidental to events
19 that are not supported solely by appropriated funds
20 and are not free to the public; and

21 "(B) of background, dinner, dance, or other so22 cial music at events, regardless of location, that are
23 not supported solely by appropriated funds.

24 "(2) The term does not include performances—

1	"(A) at official Federal Government events that
2	are supported solely by appropriated funds;
3	"(B) at concerts, parades, and other events that
4	are patriotic events or celebrations of national holi-
5	days and are free to the public; or
6	"(C) that are incidental, such as short perform-
7	ances of military or patriotic music to open or close
8	events, to events that are not supported solely by ap-
9	propriated funds, in compliance with applicable rules
10	and regulations.".
11	(2) CLERICAL AMENDMENT.—The table of sec-
12	tions at the beginning of such chapter is amended
13	by inserting after the item relating to section 973
14	the following new item: "974. Uniform performance policies for military bands and other musical units.".
15	(b) Repeal of Separate Service Authorities.—
16	(1) REPEAL.—Sections 3634, 6223, and 8634
17	of such title are repealed.
18	(2) TABLE OF SECTIONS.—(A) The table of
19	sections at the beginning of chapter 349 of such title
20	is amended by striking the item relating to section
21	3634.
22	(B) The table of sections at the beginning of
23	chapter 565 of such title is amended by striking the
24	itom relating to gostion 6992

24 item relating to section 6223.

(C) The table of sections at the beginning of
 chapter 849 of such title is amended by striking the
 item relating to section 8634.

4 SEC. 591. TRANSPORTATION OF REMAINS OF DECEASED 5 MEMBERS OF THE ARMED FORCES AND CER6 TAIN OTHER PERSONS.

7 Section 1482(a)(8) of title 10, United States Code, 8 is amended by adding at the end the following new sentence: "When transportation of the remains includes 9 transportation by aircraft under section 562 of the John 10 Warner National Defense Authorization Act for Fiscal 11 Year 2007 (Public Law 109–364; 10 U.S.C. 1482 note), 12 13 the Secretary concerned shall provide, to the maximum extent practicable, for delivery of the remains by air to the 14 15 commercial, general aviation, or military airport nearest to the place selected by the designee.". 16

17 SEC. 592. EXPANSION OF NUMBER OF ACADEMIES SUP-

18 **PORTABLE IN ANY STATE UNDER STARBASE**19 **PROGRAM.**

20 Section 2193b(c)(3) of title 10, United States Code,
21 is amended—

(1) in subparagraph (A), by striking "more
than two academies" and inserting "more than four
academies"; and

(2) in subparagraph (B), by striking "in excess
 of two" both places it appears and inserting "in ex cess of four".

4 SEC. 593. GIFT ACCEPTANCE AUTHORITY.

5 (a) PERMANENT AUTHORITY TO ACCEPT GIFTS ON
6 BEHALF OF THE WOUNDED.—Section 2601(b) of title 10,
7 United States Code, is amended by striking paragraph (4).
8 (b) LIMITATION ON SOLICITATION OF GIFTS.—The
9 Secretary of Defense shall prescribe regulations imple-

10 menting sections 2601 and 2608 of title 10, United States 11 Code, that prohibit the solicitation of any gift under such 12 sections by any employee of the Department of Defense 13 if the nature or circumstances of such solicitation would 14 compromise the integrity or the appearance of integrity 15 of any program of the Department of Defense or of any 16 individual involved in such program.

17 SEC. 594. CONDUCT BY MEMBERS OF THE ARMED FORCES

18 AND VETERANS OUT OF UNIFORM DURING
19 HOISTING, LOWERING, OR PASSING OF
20 UNITED STATES FLAG.

Section 9 of title 4, United States Code, is amended
by striking "all persons present" and all that follows
through the end of the section and inserting the following:
"all persons present in uniform should render the military
salute. Members of the Armed Forces and veterans who

are present but not in uniform may render the military 1 2 salute. All other persons present should face the flag and 3 stand at attention with their right hand over the heart, 4 or if applicable, remove their headdress with their right 5 hand and hold it at the left shoulder, the hand being over the heart. Citizens of other countries present should stand 6 7 at attention. All such conduct toward the flag in a moving column should be rendered at the moment the flag 8 9 passes.". 10 SEC. 595. ANNUAL REPORT ON CASES REVIEWED BY NA-11 TIONAL COMMITTEE FOR EMPLOYER SUP-12 PORT OF THE GUARD AND RESERVE. 13 Section 4332 of title 38, United States Code, is amended-14 15 (1) by redesignating paragraphs (2), (3), (4), 16 (5), and (6) as paragraphs (3), (4), (5), (6), and (7)17 respectively; 18 (2) by inserting after paragraph (1) the fol-19 lowing new paragraph (2): 20 "(2) The number of cases reviewed by the Sec-21 retary of Defense under the National Committee for 22 Employer Support of the Guard and Reserve of the 23 Department of Defense during the fiscal year for 24 which the report is made."; and

(3) in paragraph (5), as so redesignated, by
 striking "(2), or (3)" and inserting "(2), (3), or
 (4)".

4 SEC. 596. MODIFICATION OF CERTIFICATE OF RELEASE OR 5 DISCHARGE FROM ACTIVE DUTY (DD FORM 6 214).

7 The Secretary of Defense, in consultation with the 8 Secretary of Veterans Affairs, shall modify the Certificate 9 of Release or Discharge from Active Duty (DD Form 214) 10 in order to permit a member of the Armed Forces, upon 11 discharge or release from active duty in the Armed Forces, 12 to elect that the DD-214 issued with regard to the mem-13 ber be forwarded to the following:

14 (1) The Central Office of the Department of15 Veterans Affairs in the District of Columbia.

16 (2) The appropriate office of the Department of
17 Veterans Affairs for the State or other locality in
18 which the member will first reside after such dis19 charge or release.

20 SEC. 597. REPORTS ON ADMINISTRATIVE SEPARATIONS OF
21 MEMBERS OF THE ARMED FORCES FOR PER22 SONALITY DISORDER.

23 (a) SECRETARY OF DEFENSE REPORT ON ADMINIS24 TRATIVE SEPARATIONS BASED ON PERSONALITY DIS25 ORDER.—

1	(1) Report Required.—Not later than April
2	1, 2008, the Secretary of Defense shall submit to
3	the Committees on Armed Services of the Senate
4	and the House of Representatives a report on all
5	cases of administrative separation from the Armed
6	Forces of covered members of the Armed Forces on
7	the basis of a personality disorder.
8	(2) ELEMENTS.—The report required by para-
9	graph (1) shall include the following:
10	(A) A statement of the total number of
11	cases, by Armed Force, in which covered mem-
12	bers of the Armed Forces have been separated
13	from the Armed Forces on the basis of a per-
14	sonality disorder, and an identification of the
15	various forms of personality disorder forming
16	the basis for such separations.
17	(B) A statement of the total number of
18	cases, by Armed Force, in which covered mem-
19	bers of the Armed Forces who have served in
20	Iraq and Afghanistan since October 2001 have
21	been separated from the Armed Forces on the
22	basis of a personality disorder, and the identi-
23	fication of the various forms of personality dis-
24	order forming the basis for such separations.

(C) A summary of the policies, by Armed 1 2 Force, controlling administrative separations of 3 members of the Armed Forces based on person-4 ality disorder, and an evaluation of the ade-5 quacy of such policies for ensuring that covered 6 members of the Armed Forces who may be eli-7 gible for disability evaluation due to mental 8 health conditions are not separated from the 9 Armed Forces on the basis of a personality dis-10 order.

11 (D) A discussion of measures being imple-12 mented to ensure that members of the Armed 13 Forces who should be evaluated for disability 14 separation or retirement due to mental health 15 conditions are not processed for separation 16 from the Armed Forces on the basis of a per-17 sonality disorder, and recommendations regard-18 ing how members of the Armed Forces who 19 may have been so separated from the Armed 20 Forces should be provided with expedited review 21 by the applicable board for the correction of 22 military records.

23 (b) COMPTROLLER GENERAL REPORT ON POLICIES
24 ON ADMINISTRATIVE SEPARATION BASED ON PERSON25 ALITY DISORDER.—

1	(1) REPORT REQUIRED.—Not later than June
2	1, 2008, the Comptroller General shall submit to
3	Congress a report evaluating the policies and proce-
4	dures of the Department of Defense and of the mili-
5	tary departments relating to the separation of mem-
6	bers of the Armed Forces based on a personality dis-
7	order.
8	(2) ELEMENTS.—The report required by para-
9	graph(1) shall
10	(A) include an audit of a sampling of cases
11	to determine the validity and clinical efficacy of
12	the policies and procedures referred to in para-
13	graph (1) and the extent, if any, of the diver-
14	gence between the terms of such policies and
15	procedures and the implementation of such poli-
16	cies and procedures; and
17	(B) include a determination by the Comp-
18	troller General of whether, and to what extent,
19	the policies and procedures referred to in para-
20	graph (1) —
21	(i) deviate from standard clinical diag-
22	nostic practices and current clinical stand-
23	ards; and
24	(ii) provide adequate safeguards
25	aimed at ensuring that members of the

1	Armed Forces who suffer from mental
2	health conditions (including depression,
3	post-traumatic stress disorder, or trau-
4	matic brain injury) resulting from service
5	in a combat zone are not separated from
6	the Armed Forces on the basis of a person-
7	ality disorder.
8	(3) Alternative submission method.—In
9	lieu of submitting a separate report under this sub-
10	section, the Comptroller may include the evaluation,
11	audit and determination required by this subsection
12	as part of the study of mental health services re-
13	quired by section 723 of the Ronald W. Reagan Na-
14	tional Defense Authorization Act of 2005 (Public
15	Law 108–375; 118 Stat. 1989).
16	(c) Covered Member of the Armed Forces De-
17	FINED.—In this section, the term "covered member of the
18	Armed Forces" includes the following:
19	(1) Any member of a regular component of the
20	Armed Forces who has served in Iraq or Afghani-
21	stan since October 2001.
22	(2) Any member of the Selected Reserve of the
23	Ready Reserve of the Armed Forces who served on
24	active duty in Iraq or Afghanistan since October
25	2001.

1 SEC. 598. PROGRAM TO COMMEMORATE 50TH ANNIVER 2 SARY OF THE VIETNAM WAR.

3 (a) COMMEMORATIVE PROGRAM AUTHORIZED.—The Secretary of Defense may conduct a program to com-4 5 memorate the 50th anniversary of the Vietnam War. In conducting the commemorative program, the Secretary 6 7 shall coordinate, support, and facilitate other programs 8 and activities of the Federal Government, State and local 9 governments, and other persons and organizations in commemoration of the Vietnam War. 10

11 (b) SCHEDULE.—The Secretary of Defense shall determine the schedule of major events and priority of ef-12 13 forts for the commemorative program in order to ensure achievement of the objectives specified in subsection (c). 14 15 COMMEMORATIVE ACTIVITIES AND **OBJEC-**(c)TIVES.—The commemorative program may include activi-16 ties and ceremonies to achieve the following objectives: 17

(1) To thank and honor veterans of the Vietnam War, including personnel who were held as prisoners of war or listed as missing in action, for their
service and sacrifice on behalf of the United States
and to thank and honor the families of these veterans.

24 (2) To highlight the service of the Armed
25 Forces during the Vietnam War and the contribu26 tions of Federal agencies and governmental and non•HR 4986 CPH

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1	governmental organizations that served with, or in
2	support of, the Armed Forces.
3	(3) To pay tribute to the contributions made on
4	the home front by the people of the United States
5	during the Vietnam War.
6	(4) To highlight the advances in technology,
7	science, and medicine related to military research
8	conducted during the Vietnam War.
9	(5) To recognize the contributions and sac-
10	rifices made by the allies of the United States dur-
11	ing the Vietnam War.
12	(d) NAMES AND SYMBOLS.—The Secretary of De-
13	fense shall have the sole and exclusive right to use the
14	name "The United States of America Vietnam War Com-
15	memoration", and such seal, emblems, and badges incor-
16	porating such name as the Secretary may lawfully adopt.
17	Nothing in this section may be construed to supersede
18	rights that are established or vested before the date of the
19	enactment of this Act.
20	(e) Commemorative Fund.—
21	(1) Establishment and administration.—
22	If the Secretary establishes the commemorative pro-
23	gram under subsection (a), the Secretary the Treas-
24	ury shall establish in the Treasury of the United

25 States an account to be known as the "Department

1	of Defense Vietnam War Commemoration Fund" (in
2	this section referred to as the "Fund"). The Fund
3	shall be administered by the Secretary of Defense.
4	(2) USE OF FUND.—The Secretary shall use
5	the assets of the Fund only for the purpose of con-
6	ducting the commemorative program and shall pre-
7	scribe such regulations regarding the use of the
8	Fund as the Secretary considers to be necessary.
9	(3) DEPOSITS.—There shall be deposited into
10	the Fund—
11	(A) amounts appropriated to the Fund;
12	(B) proceeds derived from the Secretary's
13	use of the exclusive rights described in sub-
14	section (d);
15	(C) donations made in support of the com-
16	memorative program by private and corporate
17	donors; and
18	(D) funds transferred to the Fund by the
19	Secretary from funds appropriated for fiscal
20	year 2008 and subsequent years for the Depart-
21	ment of Defense.
22	(4) AVAILABILITY.—Subject to subsection
23	(g)(2), amounts deposited under paragraph (3) shall
24	constitute the assets of the Fund and remain avail-
25	able until expended.

1	(5) BUDGET REQUEST.—The Secretary of De-
2	fense may establish a separate budget line for the
3	commemorative program. In the budget justification
4	materials submitted by the Secretary in support of
5	the budget of the President for any fiscal year for
6	which the Secretary establishes the separate budget
7	line, the Secretary shall—
8	(A) identify and explain any amounts ex-
9	pended for the commemorative program in the
10	fiscal year preceding the budget request;
11	(B) identify and explain the amounts being
12	requested to support the commemorative pro-
13	gram for the fiscal year of the budget request;
14	and
15	(C) present a summary of the fiscal status
16	of the Fund.
17	(f) Acceptance of Voluntary Services.—
18	(1) AUTHORITY TO ACCEPT SERVICES.—Not-
19	withstanding section 1342 of title 31, United States
20	Code, the Secretary of Defense may accept from any
21	person voluntary services to be provided in further-
22	ance of the commemorative program. The Secretary
23	of Defense shall prohibit the solicitation of any vol-
24	untary services if the nature or circumstances of
25	such solicitation would compromise the integrity or

the appearance of integrity of any program of the
 Department of Defense or of any individual involved
 in the program.

4 (2) REIMBURSEMENT OF INCIDENTAL EX5 PENSES.—The Secretary may provide for reimburse6 ment of incidental expenses incurred by a person
7 providing voluntary services under this subsection.
8 The Secretary shall determine which expenses are el9 igible for reimbursement under this paragraph.

10 (g) FINAL REPORT.—

(1) REPORT REQUIRED.—Not later than 60
days after the end of the commemorative program,
if established by the Secretary of Defense under subsection (a), the Secretary shall submit to Congress
a report containing an accounting of—

16 (A) all of the funds deposited into and ex-17 pended from the Fund;

(B) any other funds expended under thissection; and

20 (C) any unobligated funds remaining in21 the Fund.

(2) TREATMENT OF UNOBLIGATED FUNDS.—
Unobligated amounts remaining in the Fund as of
the end of the commemorative period specified in

subsection (b) shall be held in the Fund until trans ferred by law.

3 (h) LIMITATION ON EXPENDITURES.—Total expendi4 tures from the Fund, using amounts appropriated to the
5 Department of Defense, may not exceed \$5,000,000 for
6 fiscal year 2008 or for any subsequent fiscal year to carry
7 out the commemorative program.

8 (i) FUNDING.—Of the amount authorized to be ap-9 propriated pursuant to section 301(5) for Defense-wide 10 activities, \$1,000,000 shall be available for deposit in the 11 Fund for fiscal year 2008 if the Fund is established under 12 subsection (e).

13	SEC.	599.	RECOGNITION	OF	MEMBERS	OF	THE	MONU-
14			MENTS, FINE	E AR'	ГS, AND ARC	HIV	ES PR	OGRAM
15			OF THE CIV	IL A	FFAIRS ANI) MI	LITAF	RY GOV-
16			ERNMENT SI	ECTI	ONS OF THE	E AR	MED I	FORCES
17			DURING AND) FO	LLOWING W	ORL	D WAF	R II.

18 Congress hereby—

(1) recognizes the men and women who served
in the Monuments, Fine Arts, and Archives program
(MFAA) under the Civil Affairs and Military Government Sections of the United States Armed
Forces for their heroic role in the preservation, protection, and restitution of monuments, works of art,
and other artifacts of inestimable cultural impor-

1	tance in Eu	rope and	Asia	during	and	following
2	World War II	;				

3 (2) recognizes that without their dedication and
4 service, many more of the world's artistic and his5 toric treasures would have been destroyed or lost
6 forever amidst the chaos and destruction of World
7 War II;

8 (3) acknowledges that the detailed catalogues, 9 documentation, inventories, and photographs devel-10 oped and compiled by MFAA personnel during and 11 following World War II, have made, and continue to 12 make, possible the restitution of stolen works of art 13 to their rightful owners; and

(4) commends and extols the members of the
MFAA for establishing a precedent for action to protect cultural property in the event of armed conflict,
and by their action setting a standard not just for
one country, but for people of all nations to acknowledge and uphold.

20 TITLE VI—COMPENSATION AND

21 **OTHER PERSONNEL BENEFITS**

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2008 increase in military basic pay.
Sec. 602. Basic allowance for housing for reserve component members without dependents who attend accession training while maintaining a primary residence.

- Sec. 603. Extension and enhancement of authority for temporary lodging expenses for members of the Armed Forces in areas subject to major disaster declaration or for installations experiencing sudden increase in personnel levels.
- Sec. 604. Income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
- Sec. 605. Midmonth payment of basic pay for contributions of members of the uniformed services participating in Thrift Savings Plan.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 610. Correction of lapsed authorities for payment of bonuses, special pays, and similar benefits for members of the uniformed services.
- Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
- Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
- Sec. 615. Increase in incentive special pay and multiyear retention bonus for medical officers.
- Sec. 616. Increase in dental officer additional special pay.
- Sec. 617. Increase in maximum monthly rate of hardship duty pay and authority to provide hardship duty pay in a lump sum.
- Sec. 618. Definition of sea duty for career sea pay to include service as offcycle crewmembers of multi-crew ships.
- Sec. 619. Reenlistment bonus for members of the Selected Reserve.
- Sec. 620. Availability of Selected Reserve accession bonus for persons who previously served in the Armed Forces for a short period.
- Sec. 621. Availability of nuclear officer continuation pay for officers with more than 26 years of commissioned service.
- Sec. 622. Waiver of years-of-service limitation on receipt of critical skills retention bonus.
- Sec. 623. Accession bonus for participants in the Armed Forces Health Professions Scholarship and Financial Assistance Program.
- Sec. 624. Payment of assignment incentive pay for Reserve members serving in combat zone for more than 22 months.

Subtitle C—Travel and Transportation Allowances

- Sec. 631. Payment of inactive duty training travel costs for certain Selected Reserve members.
- Sec. 632. Survivors of deceased members eligible for transportation to attend burial ceremonies.
- Sec. 633. Allowance for participation of Reserves in electronic screening.
- Sec. 634. Allowance for civilian clothing for members of the Armed Forces traveling in connection with medical evacuation.
- Sec. 635. Payment of moving expenses for Junior Reserve Officers' Training Corps instructors in hard-to-fill positions.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Expansion of combat-related special compensation eligibility.

- Sec. 642. Inclusion of veterans with service-connected disabilities rated as total by reason of unemployability under termination of phase-in of concurrent receipt of retired pay and veterans' disability compensation.
- Sec. 643. Recoupment of annuity amounts previously paid, but subject to offset for dependency and indemnity compensation.
- Sec. 644. Special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
- Sec. 645. Modification of authority of members of the Armed Forces to designate recipients for payment of death gratuity.
- Sec. 646. Clarification of application of retired pay multiplier percentage to members of the uniformed services with over 30 years of service.
- Sec. 647. Commencement of receipt of non-regular service retired pay by members of the Ready Reserve on active Federal status or active duty for significant periods.
- Sec. 648. Computation of years of service for purposes of retired pay for nonregular service.
- Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits
- Sec. 651. Authority to continue commissary and exchange benefits for certain involuntarily separated members of the Armed Forces.
- Sec. 652. Authorization of installment deductions from pay of employees of nonappropriated fund instrumentalities to collect indebtedness to the United States.

Subtitle F—Consolidation of Special Pay, Incentive Pay, and Bonus Authorities

- Sec. 661. Consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
- Sec. 662. Transitional provisions.

Subtitle G—Other Matters

- Sec. 671. Referral bonus authorities.
- Sec. 672. Expansion of education loan repayment program for members of the Selected Reserve.
- Sec. 673. Ensuring entry into United States after time abroad for permanent resident alien military spouses and children.
- Sec. 674. Overseas naturalization for military spouses and children.
- Sec. 675. Modification of amount of back pay for members of Navy and Marine Corps selected for promotion while interned as prisoners of war during World War II to take into account changes in Consumer Price Index.

4 (a) Rescission of Prior Basic Pay Adjust-5 MENT.—The adjustment made as of January 1, 2008, pursuant to section 4 of Executive Order No. 13454 6 7 (issued January 4, 2008), in elements of compensation of 8 members of the uniformed services pursuant to section 9 1009 of title 37, United States Code, is hereby rescinded 10 in order to permit the 3.5 percent increase in monthly 11 basic pay for members of the uniformed services required 12 by subsection (b) to take effect as intended.

(b) INCREASE IN BASIC PAY.—Effective as of January 1, 2008, the rates of monthly basic pay for members
of the uniformed services are increased by 3.5 percent.

16 SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR RESERVE 17 COMPONENT MEMBERS WITHOUT DEPEND-18 ENTS WHO ATTEND ACCESSION TRAINING 19 WHILE MAINTAINING A PRIMARY RESIDENCE. 20 (a) ALLOWANCE.—Section AVAILABILITY OF 21 403(g)(1) of title 37, United States Code, is amended— 22 (1) by inserting "to attend accession training," 23 after "active duty" the first place it appears; and 24 (2) by inserting a comma after "contingency" 25 operation" the first place it appears.

1 (b) EFFECTIVE DATE.—The amendments made by 2 subsection (a) shall apply with respect to months begin-3 ning on or after the date of the enactment of this Act. 4 SEC. 603. EXTENSION AND ENHANCEMENT OF AUTHORITY 5 FOR TEMPORARY LODGING EXPENSES FOR 6 **MEMBERS OF THE ARMED FORCES IN AREAS** 7 SUBJECT TO MAJOR DISASTER DECLARA-8 TION OR FOR INSTALLATIONS **EXPERI-**9 ENCING SUDDEN INCREASE IN PERSONNEL 10 LEVELS.

(a) MAXIMUM PERIOD OF RECEIPT OF EXPENSES.—
Section 404a(c)(3) of title 37, United States Code, is
amended by striking "20 days" and inserting "60 days".
(b) EXTENSION OF AUTHORITY FOR INCREASE IN
CERTAIN BAH.—Section 403(b)(7)(E) of such title is
amended by striking "December 31, 2008" and inserting
"December 31, 2009".

18SEC. 604. INCOME REPLACEMENT PAYMENTS FOR RE-19SERVE COMPONENT MEMBERS EXPERI-20ENCING EXTENDED AND FREQUENT MOBILI-21ZATION FOR ACTIVE DUTY SERVICE.

(a) CLARIFICATION REGARDING WHEN PAYMENTS
REQUIRED.—Subsection (a) of section 910 of title 37,
United States Code, is amended by inserting before the
period at the end of the first sentence the following: ",

when the total monthly military compensation of the mem ber is less than the average monthly civilian income of the
 member".

4 (b) ELIGIBILITY.—Subsection (b) of such section is5 amended to read as follows:

6 "(b) ELIGIBILITY.—(1) A member of a reserve com-7 ponent is entitled to a payment under this section for any 8 full month of active duty of the member, when the total 9 monthly military compensation of the member is less than 10 the average monthly civilian income of the member, while the member is on active duty under an involuntary mobili-11 12 zation order, following the date on which the member— 13 "(A) completes 547 continuous days of service 14 on active duty under an involuntary mobilization 15 order;

16 "(B) completes 730 cumulative days on active
17 duty under an involuntary mobilization order during
18 the previous 1,826 days; or

"(C) is involuntarily mobilized for service on active duty for a period of 180 days or more within
180 days after the date of the member's separation
from a previous period of active duty for a period of
180 days or more.

24 "(2) The entitlement of a member of a reserve com-25 ponent to a payment under this section also shall com-

mence or, if previously commenced under paragraph (1),
 shall continue if the member—

3 "(A) satisfies the required number of days on 4 active duty specified in subparagraph (A) or (B) of 5 paragraph (1) or was involuntarily mobilized as pro-6 vided in subparagraph (C) of such paragraph; and 7 "(B) is retained on active duty under subpara-8 graph (A) or (B) of section 12301(h)(1) of title 10 9 because of an injury or illness incurred or aggra-10 vated while the member was assigned to duty in an 11 area for which special pay under section 310 of this 12 title is available.".

13 (c) TERMINATION OF AUTHORITY.—Subsection (g) of14 such section is amended to read as follows:

15 "(g) TERMINATION.—No payment shall be made to
16 a member under this section for months beginning after
17 December 31, 2008, unless the entitlement of the member
18 to payments under this section commenced on or before
19 that date.".

20SEC. 605. MIDMONTH PAYMENT OF BASIC PAY FOR CON-21TRIBUTIONS OF MEMBERS OF THE UNI-22FORMED SERVICES PARTICIPATING IN23THRIFT SAVINGS PLAN.

(a) SEMI-MONTHLY DEPOSIT OF MEMBER'S CON-TRIBUTIONS.—Section 1014 of title 37, United States

1 Code, is amended by adding at the end the following new2 subsection:

3 "(c) With respect to a member of the uniformed serv-4 ices who has elected to participate in the Thrift Savings 5 Plan under section 211 of this title, subsection (a) does not preclude the payment of an amount equal to one-half 6 7 of the monthly deposit to the Thrift Savings Fund other-8 wise to be made by the member in participating in the 9 Plan, which amount may be deposited in the Thrift Sav-10 ings Fund at midmonth.".

(b) SEMI-MONTHLY REPAYMENT OF BORROWED
AMOUNTS.—Section 211 of such title is amended by adding at the end the following new subsection:

"(e) Repayment of Amounts Borrowed From 14 15 MEMBER ACCOUNT.—If a loan is issued to a member under section 8433(g) of title 5 from funds in the mem-16 ber's account in the Thrift Savings Plan, repayment of 17 18 the loan may be required on the same semi-monthly basis as authorized for contributions to the Thrift Savings Fund 19 20 on behalf of the member under section 1014(c) of this 21 title.".

Subtitle B—Bonuses and Special and Incentive Pays

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3 SEC. 610. CORRECTION OF LAPSED AUTHORITIES FOR PAY-

4 MENT OF BONUSES, SPECIAL PAYS, AND SIMI5 LAR BENEFITS FOR MEMBERS OF THE UNI6 FORMED SERVICES.

7 (a) RETROACTIVE EFFECTIVE DATE FOR PAYMENT
8 AUTHORITIES.—The amendments made by sections 611,
9 612, 613, and 614 shall take effect as of December 31,
10 2007.

11 (b) RATIFICATION OF EXISTING CONTINGENT 12 AGREEMENTS.—In the case of a provision of title 10 or 13 37, United States Code, amended by section 611, 612, 14 613, or 614 under which an individual must enter into 15 an agreement with the Secretary concerned for receipt of a bonus, special pay, or similar benefit, the Secretary con-16 cerned may treat any agreement entered into under such 17 18 a provision during the period beginning on January 1, 19 2008, and ending on the date of the enactment of this 20Act as having taken effect as of the date on which the 21agreement was signed by the individual.

(c) TEMPORARY ADDITIONAL AGREEMENT AUTHOR-ITY.—

24 (1) AUTHORITY.—In the case of a provision of
25 title 10 or 37, United States Code, amended by sec-

1	tion 611, 612, 613, or 614 under which an indi-
2	vidual must enter into an agreement with the Sec-
3	retary concerned for receipt of a bonus, special pay,
4	or similar benefit, the Secretary concerned, during
5	the 120-day period beginning on the date of the en-
6	actment of this Act, may treat any agreement en-
7	tered into under such a provision by an individual
8	described in paragraph (2) as having been signed by
9	the individual during the period beginning on Janu-
10	ary 1, 2008, and ending on the date of the enact-
11	ment of this Act.

12 (2) COVERED INDIVIDUALS.—An individual re-13 ferred to in paragraph (1) is an individual who 14 would have met all of the qualifications for a bonus, 15 special pay, or similar benefit under a provision of 16 title 10 or 37, United States Code, amended by sec-17 tion 611, 612, 613, or 614 at any time during the 18 period beginning on January 1, 2008, and ending on 19 the date of the enactment of this Act, but for the 20 fact that the statutory authority for the bonus, spe-21 cial pay, or similar benefit lapsed on December 31, 22 2007.

23 (d) TAX TREATMENT.—The payment of a bonus, spe24 cial pay, or similar benefit under a provision of title 10
25 or 37, United States Code, amended by section 611, 612,

613, or 614 to an individual who would have been entitled 1 2 to the tax treatment accorded by section 112 of the Inter-3 nal Revenue Code of 1986 on the date on which the mem-4 ber would have otherwise earned the bonus, special pay, 5 or similar benefit, but for the fact that the statutory authority for the bonus, special pay, or similar benefit lapsed 6 on December 31, 2007, shall be treated as covered by such 7 8 section 112.

9 (e) RETROACTIVE IMPLEMENTATION OF ARMY RE-10 FERRAL BONUS.—The Secretary of the Army may pay a bonus under section 3252 of title 10, United States Code, 11 12 as added by section 671(a)(1), to an individual referred 13 to in subsection (a)(2) of such section 3252 who made a referral, as described in subsection (b) of such section 14 15 3252, to an Army recruiter during the period beginning on January 1, 2008, and ending on the date of the enact-16 ment of this Act. 17

(f) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" has the meaning
given that term in section 101(5) of title 37, United States
Code.

22 SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL 23 PAY AUTHORITIES FOR RESERVE FORCES.

24 (a) SELECTED RESERVE REENLISTMENT BONUS.—
25 Section 308b(g) of title 37, United States Code, is amend-

1 ed by striking "December 31, 2007" and inserting "De-2 cember 31, 2008".

3 (b) SELECTED RESERVE AFFILIATION OR ENLIST4 MENT BONUS.—Section 308c(i) of such title is amended
5 by striking "December 31, 2007" and inserting "Decem6 ber 31, 2008".

7 (c) SPECIAL PAY FOR ENLISTED MEMBERS AS8 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
9 308d(c) of such title is amended by striking "December
10 31, 2007" and inserting "December 31, 2008".

(d) READY RESERVE ENLISTMENT BONUS FOR PER12 SONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of
13 such title is amended by striking "December 31, 2007"
14 and inserting "December 31, 2008".

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(f) SELECTED RESERVE ENLISTMENT BONUS FOR
PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such
title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PRO FESSIONALS.

4 (a) NURSE OFFICER CANDIDATE ACCESSION PRO5 GRAM.—Section 2130a(a)(1) of title 10, United States
6 Code, is amended by striking "December 31, 2007" and
7 inserting "December 31, 2008".

8 (b) REPAYMENT OF EDUCATION LOANS FOR CER-9 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-10 LECTED RESERVE.—Section 16302(d) of such title is 11 amended by striking "January 1, 2008" and inserting 12 "January 1, 2009".

(c) ACCESSION BONUS FOR REGISTERED NURSES.—
14 Section 302d(a)(1) of title 37, United States Code, is
15 amended by striking "December 31, 2007" and inserting
16 "December 31, 2008".

17 (d) INCENTIVE SPECIAL PAY FOR NURSE ANES18 THETISTS.—Section 302e(a)(1) of such title is amended
19 by striking "December 31, 2007" and inserting "Decem20 ber 31, 2008".

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH
PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by
striking "December 31, 2007" and inserting "December
31, 2008".

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—
 Section 302h(a)(1) of such title is amended by striking
 "December 31, 2007" and inserting "December 31,
 4 2008".

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—
Section 302j(a) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".
(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN
CRITICALLY SHORT WARTIME SPECIALTIES.—Section
302k(f) of such title is amended by striking "December
31, 2007" and inserting "December 31, 2008".

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—
Section 302l(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".
SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI(b) CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
(c) 312(f) of title 37, United States Code, is amended by
striking "December 31, 2007" and inserting "December
31, 2008".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section
312b(c) of such title is amended by striking "December
31, 2007" and inserting "December 31, 2008".

(c) NUCLEAR CAREER ANNUAL INCENTIVE
 BONUS.—Section 312c(d) of such title is amended by
 striking "December 31, 2007" and inserting "December
 31, 2008".

5 SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAY6 MENT OF OTHER BONUSES AND SPECIAL
7 PAYS.

8 (a) AVIATION OFFICER RETENTION BONUS.—Sec9 tion 301b(a) of title 37, United States Code, is amended
10 by striking "December 31, 2007" and inserting "Decem11 ber 31, 2008".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 2007" and inserting "December 31,
2008".

(c) ENLISTMENT BONUS.—Section 309(e) of such
title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(d) RETENTION BONUS FOR MEMBERS WITH CRIT10 ICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY
21 UNITS.—Section 323(i) of such title is amended by strik22 ing "December 31, 2007" and inserting "December 31,
2008".

24 (e) ACCESSION BONUS FOR NEW OFFICERS IN CRIT25 ICAL SKILLS.—Section 324(g) of such title is amended by

striking "December 31, 2007" and inserting "December
 31, 2008".

3 (f) INCENTIVE BONUS FOR CONVERSION TO MILI4 TARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL
5 SHORTAGE.—Section 326(g) of such title is amended by
6 striking "December 31, 2007" and inserting "December
7 31, 2008".

8 (g) ACCESSION BONUS FOR OFFICER CAN-9 DIDATES.—Section 330(f) of such title is amended by 10 striking "December 31, 2007" and inserting "December 11 31, 2008".

(h) PROHIBITION ON CHARGES FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES BY MEMBERS RECEIVING CONTINUOUS CARE.—Section 402(h)(3)
of such title is amended by striking "December 31, 2007"
and inserting "December 31, 2008".

17 SEC. 615. INCREASE IN INCENTIVE SPECIAL PAY AND
18 MULTIYEAR RETENTION BONUS FOR MED19 ICAL OFFICERS.

20 (a) INCENTIVE SPECIAL PAY.—Section 302(b)(1) of
21 title 37, United States Code, is amended by striking
22 "\$50,000" and inserting "\$75,000".

23 (b) MULTIYEAR RETENTION BONUS.—Section
24 301d(a)(2) of title 37, United States Code, is amended
25 by striking "\$50,000" and inserting "\$75,000".

(c) EFFECTIVE DATE.—The amendments made by
 this section shall apply with respect to agreements entered
 into under section 301d(a) or 302b(c) of title 37, United
 States Code, on or after the date of the enactment of this
 Act.

6 SEC. 616. INCREASE IN DENTAL OFFICER ADDITIONAL SPE7 CIAL PAY.

8 (a) INCREASE.—Section 302b(a)(4) of title 37,
9 United States Code, is amended—

(1) in the matter preceding subparagraph (A),
by striking "at the following rates" and inserting
"at a rate determined by the Secretary concerned,
which rate may not exceed the following";

14 (2) in subparagraph (A), by striking "\$4,000"15 and inserting "\$10,000"; and

16 (3) in subparagraph (B), by striking "\$6,000"17 and inserting "\$12,000".

(b) EFFECTIVE DATE.—The amendments made by
this section shall apply with respect to agreements entered
into under section 302b(b) of title 37, United States Code,
on or after the date of the enactment of this Act.

1	SEC.	617.	INCREASE IN MAXIMUM MONTHLY RATE OF	F
2			HARDSHIP DUTY PAY AND AUTHORITY TO	0
3			PROVIDE HARDSHIP DUTY PAY IN A LUMI	Р
4			SUM.	

5 Section 305 of title 37, United States Code, is6 amended to read as follows:

7 "§ 305. Special pay: hardship duty pay

8 "(a) SPECIAL PAY AUTHORIZED.—A member of a 9 uniformed service who is entitled to basic pay may be paid 10 special pay under this section while the member is per-11 forming duty that is designated by the Secretary of De-12 fense as hardship duty.

13 "(b) PAYMENT ON MONTHLY OR LUMP SUM
14 BASIS.—Special pay payable under this section may be
15 paid on a monthly basis or in a lump sum.

16 "(c) MAXIMUM RATE OR AMOUNT.—(1) The monthly
17 rate of special pay payable to a member under this section
18 may not exceed \$1,500.

19 "(2) The amount of the lump sum payment of special
20 pay payable to a member under this section may not ex21 ceed the product of—

"(A) the maximum monthly rate in effect under
paragraph (1) at the time the member qualifies for
payment of special pay under this section; and

"(B) the number of months during which the
 member will be performing the designated hardship
 duty.

4 "(d) RELATIONSHIP TO OTHER PAY AND ALLOW5 ANCES.—Special pay paid to a member under this section
6 is in addition to any other pay and allowances to which
7 the member is entitled.

8 "(e) REPAYMENT.—A member who is paid special 9 pay in a lump sum under this section, but who fails to 10 perform the designated hardship duty during the months 11 included in the calculation of the amount of the lump sum 12 under subsection (c)(2), shall be subject to the repayment 13 provisions of section 303a(e) of this title.

"(f) REGULATIONS.—The Secretary of Defense shall
prescribe regulations for the payment of hardship duty
pay under this section, including the specific monthly rates
at which the special pay will be available.".

18 SEC. 618. DEFINITION OF SEA DUTY FOR CAREER SEA PAY

19TO INCLUDE SERVICE AS OFF-CYCLE CREW-20MEMBERS OF MULTI-CREW SHIPS.

21 Section 305a(e)(1)(A) of title 37, United States
22 Code, is amended—

23 (1) by striking "or" at the end of clause (ii);24 and

(2) by adding at the end the following new
 clause:

3 "(iv) while serving as an off-cycle crew4 member of a multi-crewed ship; or".

5 SEC. 619. REENLISTMENT BONUS FOR MEMBERS OF THE 6 SELECTED RESERVE.

7 (a) MINIMUM TERM OF REENLISTMENT OR ENLIST8 MENT EXTENSION.—Subsection (a)(2) of 308b of title 37,
9 United States Code, is amended by striking "his enlist10 ment for a period of three years or for a period of six
11 years" and inserting "an enlistment for a period of at
12 least three years".

(b) MAXIMUM BONUS AMOUNT.—Subsection (b)(1)
of such section is amended by striking "may not exceed"
and all that follows through the end of the paragraph and
inserting "may not exceed \$15,000.".

17 (c) CONFORMING AMENDMENTS REGARDING ELIGI18 BILITY REQUIREMENTS.—Subsection (c) of such section
19 is amended—

(1) by striking the subsection heading and all
that follows through "(2) In the case" and inserting
"WAIVER OF CONDITION ON ELIGIBILITY.—In the
case"; and

24 (2) by striking "paragraph (1)(B) or".

(d) EFFECTIVE DATE.—The amendments made by
 this section shall apply with respect to reenlistments or
 extensions of enlistment that occur on or after the date
 of the enactment of this Act.

5 SEC. 620. AVAILABILITY OF SELECTED RESERVE ACCES6 SION BONUS FOR PERSONS WHO PRE7 VIOUSLY SERVED IN THE ARMED FORCES
8 FOR A SHORT PERIOD.

9 Section 308c(c)(1) of title 37, United States Code, 10 is amended by inserting before the semicolon the following: 11 "or has served in the armed forces, but was released from 12 such service before completing the basic training require-13 ments of the armed force of which the person was a mem-14 ber and the service was characterized as either honorable 15 or uncharacterized".

16SEC. 621. AVAILABILITY OF NUCLEAR OFFICER CONTINU-17ATION PAY FOR OFFICERS WITH MORE THAN1826 YEARS OF COMMISSIONED SERVICE.

19 (a) INCREASE.—Section 312 of title 37, United20 States Code, is amended—

21 (1) in subsection (a)(3), by striking "26 years"
22 and inserting "30 years"; and

23 (2) in subsection (e)(1), by striking "the end of
24 26 years of commissioned service" and inserting

1	"the maximum number of years of commissioned
2	service authorized by subsection $(a)(3)$ ".

3 (b) EFFECT ON EXISTING AGREEMENTS.—The Sec-4 retary of the Navy and an officer of the naval service who 5 is a party to an agreement under section 312 of title 37, United States Code, that was entered into before the date 6 7 of the enactment of this Act may revise the agreement 8 to reflect the new limitation on the number of years of 9 commissioned service that the officer may serve while re-10 maining eligible for special pay under such section.

11 SEC. 622. WAIVER OF YEARS-OF-SERVICE LIMITATION ON 12 RECEIPT OF CRITICAL SKILLS RETENTION 13 BONUS.

Section 323(e) of title 37, United States Code, isamended by adding at the end the following new para-graph:

17 "(4) The Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard when 18 it is not operating as a service in the Navy, may waive 19 20 the limitations in paragraph (1) with respect to a member 21 who, during the period of active duty or service in an ac-22 tive status in a reserve component for which the bonus 23 is being offered, is assigned duties in a skill designated 24 as critical under subsection (b)(1). The authority to grant 25 a waiver under this paragraph may not be delegated below the Under Secretary of Defense for Personnel and Readi ness or the Deputy Secretary of the Department of Home land Security.".

4 SEC. 623. ACCESSION BONUS FOR PARTICIPANTS IN THE
5 ARMED FORCES HEALTH PROFESSIONS
6 SCHOLARSHIP AND FINANCIAL ASSISTANCE
7 PROGRAM.

8 (a) ACCESSION BONUS AUTHORIZED.—Subchapter I
9 of chapter 105 of title 10, United States Code, is amended
10 by adding at the end the following new section:

11 "§ 2128. Accession bonus for members of the program

"(a) AVAILABILITY OF BONUS.—The Secretary of
Defense may offer a person who enters into an agreement
under section 2122(a)(2) of this title an accession bonus
of not more than \$20,000 as part of the agreement.

16 "(b) RELATION TO OTHER PAYMENTS.—An acces17 sion bonus paid a person under this section is in addition
18 to any other amounts payable to the person under this
19 subchapter.

20 "(c) REPAYMENT.—A person who receives an acces-21 sion bonus under this section, but fails to comply with the 22 agreement under section 2122(a)(2) of this title or to com-23 mence or complete the active duty obligation imposed by 24 section 2123 of this title, shall be subject to the repayment 25 provisions of section 303a(e) of title 37.". (b) CLERICAL AMENDMENT.—The table of sections
 at the beginning of such subchapter is amended by adding
 at the end the following new item: "2128. Accession bonus for members of the program.".

4 (c) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall apply with respect to agreements en6 tered into under section 2122(a)(2) of title 10, United
7 States Code, on or after the date of the enactment of this
8 Act.

9 SEC. 624. PAYMENT OF ASSIGNMENT INCENTIVE PAY FOR 10 RESERVE MEMBERS SERVING IN COMBAT 11 ZONE FOR MORE THAN 22 MONTHS.

12 (a) PAYMENT.—The Secretary of a military depart-13 ment may pay assignment incentive pay under section 14 307a of title 37, United States Code, to a member of a 15 reserve component under the jurisdiction of the Secretary 16 for each month during the eligibility period of the member 17 determined under subsection (b) during which the member served for any portion of the month in a combat zone asso-18 19 ciated with Operating Enduring Freedom or Operation Iraqi Freedom in excess of 22 months of qualifying serv-20 21 ice.

(b) ELIGIBILITY PERIOD.—The eligibility period for
a member extends from January 1, 2005, through the end
of the active duty service of the member in a combat zone
associated with Operating Enduring Freedom or Oper•HR 4986 CPH

ation Iraqi Freedom if the service on active duty during
 the member's most recent period of mobilization to active
 duty began before January 19, 2007.

4 (c) AMOUNT OF PAYMENT.—The monthly rate of in5 centive pay payable to a member under this section is
6 \$1,000.

7 (d) QUALIFYING SERVICE.—For purposes of this sec-8 tion, qualifying service includes cumulative mobilized serv-9 ice on active duty under sections 12301(d), 12302, and 12304 of title 10, United States Code, during the period 10 beginning on January 1, 2003, through the end of the 11 member's active duty service during the member's most 12 recent period of mobilization to active duty beginning be-13 fore January 19, 2007. 14

Subtitle C—Travel and 15 **Transportation Allowances** 16 SEC. 631. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL 17 18 COSTS FOR CERTAIN SELECTED RESERVE 19 MEMBERS. 20 (a) PAYMENT OF TRAVEL COSTS AUTHORIZED.— 21 (1) IN GENERAL.—Chapter 7 of title 37, United 22 States Code, is amended by inserting after section 23 408 the following new section:

1 "§ 408a. Travel and transportation allowances: inac tive duty training outside of normal com muting distances

"(a) ALLOWANCE AUTHORIZED.—The Secretary con-4 5 cerned may reimburse an eligible member of the Selected Reserve of the Ready Reserve for travel expenses for travel 6 7 to an inactive duty training location to perform inactive duty training when the member is required to commute 8 9 a distance from the member's permanent residence to the 10 inactive duty training location that is outside the normal 11 commuting distance (as determined under the regulations prescribed under subsection (d)) for that commute. 12

13 "(b) ELIGIBLE MEMBERS.—To be eligible for reim14 bursement under subsection (a), a member of the Selected
15 Reserve of the Ready Reserve must be—

16 "(1) qualified in a skill designated as critically17 short by the Secretary concerned;

"(2) assigned to a unit of the Selected Reserve
with a critical manpower shortage or in a pay grade
in the member's reserve component with a critical
manpower shortage; or

"(3) assigned to a unit or position that is disestablished or relocated as a result of defense base
closure or realignment or another force structure reallocation.

"(c) MAXIMUM REIMBURSEMENT AMOUNT.—The
 amount of reimbursement provided a member under sub section (a) for each round trip to a training location may
 not exceed \$300.

5 "(d) REGULATIONS.—The Secretary concerned shall
6 prescribe regulations to carry out this section. Regulations
7 prescribed by the Secretary of a military department shall
8 be subject to the approval of the Secretary of Defense.
9 "(e) TERMINATION.—No reimbursement may be pro10 vided under this section for travel that occurs after De-

11 cember 31, 2010.".

12 (2) CLERICAL AMENDMENT.—The table of sec13 tions at the beginning of chapter 7 of such title is
14 amended by inserting after the item relating to sec15 tion 408 the following new item:

"408a. Travel and transportation allowances: inactive duty training outside of normal commuting distances.".

(b) APPLICATION OF AMENDMENT.—No reimbursement may be provided under section 408a of title 37,
United States Code, as added by subsection (a), for travel
costs incurred before the date of the enactment of this
Act.

1	SEC. 632. SURVIVORS OF DECEASED MEMBERS ELIGIBLE
2	FOR TRANSPORTATION TO ATTEND BURIAL
3	CEREMONIES.
4	(a) ELIGIBLE RELATIVES.—Paragraph (1) of section
5	411f(c) of title 37, United States Code, is amended—
6	(1) by striking subparagraph (B) and inserting
7	the following new subparagraph:
8	"(B) The child or children of the deceased
9	member (including stepchildren, adopted children,
10	and illegitimate children)."; and
11	(2) by adding at the end the following new sub-
12	paragraphs:
13	"(D) The sibling or siblings of the deceased
14	member.
15	"(E) The person who directs the disposition of
16	the remains of the deceased member under section
17	1482(c) of title 10 or, in the case of a deceased
18	member whose remains are commingled and buried
19	in a common grave in a national cemetery, the per-
20	son who would have been designated under such sec-
21	tion to direct the disposition of the remains if indi-
22	vidual identification had been made.".
23	(b) OTHER PERSONS.—Paragraph (2) of such section
24	is amended to read as follows:
25	((2) If no person described in subparagraphs (A)
26	through (D) of paragraph (1) is provided travel and trans-
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1 portation allowances under subsection (a)(1), the travel 2 and transportation allowances may be provided to one or 3 two other persons who are closely related to the deceased 4 member and are selected by the person referred to in para-5 graph (1)(E). A person provided travel and transportation 6 allowances under this paragraph is in addition to the per-7 son referred to in paragraph (1)(E).".

8 SEC. 633. ALLOWANCE FOR PARTICIPATION OF RESERVES 9 IN ELECTRONIC SCREENING.

10 (a) Allowance for Participation in Elec-11 Tronic Screening.—

12 (1) IN GENERAL.—Chapter 7 of title 37, United
13 States Code, is amended by inserting after section
14 433 the following new section:

15 "§433a. Allowance for participation in Ready Reserve screening

"(a) ALLOWANCE AUTHORIZED.—(1) Under regulations prescribed by the Secretaries concerned, a member
of the Individual Ready Reserve may be paid a stipend
for participation in the screening performed pursuant to
section 10149 of title 10, in lieu of muster duty performed
under section 12319 of title 10, if such participation is
conducted through electronic means.

24 "(2) The stipend paid a member under this section25 shall constitute the sole monetary allowance authorized for

participation in the screening described in paragraph (1),
 and shall constitute payment in full to the member for
 participation in such screening, regardless of the grade or
 rank in which the member is serving.

5 "(b) MAXIMUM PAYMENT.—The aggregate amount
6 of the stipend paid a member of the Individual Ready Re7 serve under this section in any calendar year may not ex8 ceed \$50.

9 "(c) PAYMENT REQUIREMENTS.—(1) The stipend 10 authorized by this section may not be disbursed in kind. 11 "(2) Payment of a stipend to a member of the Indi-12 vidual Ready Reserve under this section for participation 13 in screening shall be made on or after the date of partici-14 pation in such screening, but not later than 30 days after 15 such date.".

16 (2) CLERICAL AMENDMENT.—The table of sec17 tions at the beginning of chapter 7 of such title is
18 amended by inserting after the item relating to sec19 tion 433 the following new item:
"433a. Allowance for participation in Ready Reserve screening.".

20 (b) BAR TO DUAL COMPENSATION.—Section 206 of
21 such title is amended by adding at the end the following
22 new subsection:

23 "(f) A member of the Individual Ready Reserve is24 not entitled to compensation under this section for partici-

pation in screening for which the member is paid a stipend
 under section 433a of this title.".

3 (c) BAR TO RETIREMENT CREDIT.—Section
4 12732(b) of title 10, United States Code, is amended by
5 adding at the end the following new paragraph:

6 "(8) Service in the screening performed pursu-7 ant to section 10149 of this title through electronic 8 means, regardless of whether or not a stipend is 9 paid the member concerned for such service under 10 section 433a of title 37.".

11 SEC. 634. ALLOWANCE FOR CIVILIAN CLOTHING FOR MEM-

12 BERS OF THE ARMED FORCES TRAVELING IN

CONNECTION WITH MEDICAL EVACUATION.

Section 1047(a) of title 10, United States Code, is
amended by inserting "and luggage" after "civilian clothing" both places it appears.

17 SEC. 635. PAYMENT OF MOVING EXPENSES FOR JUNIOR RE-

18 SERVE OFFICERS' TRAINING CORPS IN19 STRUCTORS IN HARD-TO-FILL POSITIONS.

20 Section 2031 of title 10, United States Code, is 21 amended by adding at the end the following new sub-22 section:

23 "(f)(1) When determined by the Secretary of the mili24 tary department concerned to be in the national interest
25 and agreed upon by the institution concerned, the institu-

13

tion may reimburse a Junior Reserve Officers' Training
 Corps instructor for moving expenses incurred by the in structor to accept employment at the institution in a posi tion that the Secretary concerned determines is hard-to fill for geographic or economic reasons.

6 "(2) As a condition on providing reimbursement 7 under paragraph (1), the institution shall require the in-8 structor to execute a written agreement to serve a min-9 imum of two years of employment at the institution in the 10 hard-to-fill position.

"(3) Any reimbursement provided to an instructor
under paragraph (1) is in addition to the minimum instructor pay otherwise payable to the instructor.

14 "(4) The Secretary concerned shall reimburse an in-15 stitution providing reimbursement to an instructor under 16 paragraph (1) in an amount equal to the amount of the 17 reimbursement paid by the institution under that para-18 graph. Any reimbursement provided by the Secretary con-19 cerned shall be provided from funds appropriated for that 20 purpose.

21 "(5) The provision of reimbursement under para22 graph (1) or (4) shall be subject to regulations prescribed
23 by the Secretary of Defense for purposes of this sub24 section.".

Subtitle D—Retired Pay and 1 **Survivor Benefits** 2 3 SEC. 641. EXPANSION OF COMBAT-RELATED SPECIAL COM-4 PENSATION ELIGIBILITY. 5 (a) EXPANDED ELIGIBILITY FOR CHAPTER 61 MILI-6 TARY RETIREES.—Subsection (c) of section 1413a of title 7 10, United States Code, is amended by striking "entitled to retired pay who—" and all that follows and inserting 8 9 "who— 10 "(1) is entitled to retired pay (other than by 11 reason of section 12731b of this title); and 12 "(2) has a combat-related disability.". 13 (b) COMPUTATION.—Paragraph (3) of subsection (b) 14 of such section is amended— (1) by striking "In the case of" and inserting 15 16 the following: "(A) GENERAL RULE.—In the case of"; 17 18 and 19 (2) by adding at the end the following new sub-20 paragraph: 21 "(B) SPECIAL RULE FOR RETIREES WITH 22 FEWER THAN 20 YEARS OF SERVICE.—In the 23 case of an eligible combat-related disabled uni-24 formed services retiree who is retired under 25 chapter 61 of this title with fewer than 20

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1	years of creditable service, the amount of the
2	payment under paragraph (1) for any month
3	shall be reduced by the amount (if any) by
4	which the amount of the member's retired pay
5	under chapter 61 of this title exceeds the
6	amount equal to $2\frac{1}{2}$ percent of the member's
7	years of creditable service multiplied by the
8	member's retired pay base under section
9	1406(b)(1) or 1407 of this title, whichever is
10	applicable to the member.".
11	(c) EFFECTIVE DATE.—The amendments made by
12	this section shall take effect on January 1, 2008, and shall
13	apply to payments for months beginning on or after that
14	date.
15	SEC. 642. INCLUSION OF VETERANS WITH SERVICE-CON-
16	NECTED DISABILITIES RATED AS TOTAL BY
17	REASON OF UNEMPLOYABILITY UNDER TER-
18	MINATION OF PHASE-IN OF CONCURRENT RE-
19	CEIPT OF RETIRED PAY AND VETERANS' DIS-
20	ABILITY COMPENSATION.
21	(a) Inclusion of Veterans.—Section 1414(a)(1)
22	of title 10, United States Code, is amended by striking
23	"except that" and all that follows and inserting "except
24	that payment of retired pay is subject to subsection (c)

1	only during the period beginning on January 1, 2004, and
2	ending on December 31, 2004, in the case of the following:
3	"(A) A qualified retiree receiving veterans'
4	disability compensation for a disability rated as
5	100 percent.
6	"(B) A qualified retiree receiving veterans"
7	disability compensation at the rate payable for
8	a 100 percent disability by reason of a deter-
9	mination of individual unemployability.".
10	(b) EFFECTIVE DATE.—
11	(1) IN GENERAL.—Subject to paragraph (2),
12	the amendment made by subsection (a) shall take ef-
13	fect as of December 31, 2004.
14	(2) TIMING OF PAYMENT OF RETROACTIVE
15	BENEFITS.—Any amount payable for a period before
16	October 1, 2008, by reason of the amendment made
17	by subsection (a) shall not be paid until after that
18	date.
19	SEC. 643. RECOUPMENT OF ANNUITY AMOUNTS PRE-
20	VIOUSLY PAID, BUT SUBJECT TO OFFSET FOR
21	DEPENDENCY AND INDEMNITY COMPENSA-
22	TION.
23	(a) Limitation on Recoupment; Notification
24	REQUIREMENTS.—Section 1450(c) of title 10, United

States Code, is amended by adding at the end the fol lowing new paragraph:

"(3) Limitation on recoupment of offset 3 4 AMOUNT.—Any amount subject to offset under this 5 subsection that was previously paid to the surviving 6 spouse or former spouse shall be recouped only to 7 the extent that the amount paid exceeds any amount 8 to be refunded under subsection (e). In notifying a 9 surviving spouse or former spouse of the recoupment 10 requirement, the Secretary shall provide the spouse 11 or former spouse—

12 "(A) a single notice of the net amount to
13 be recouped or the net amount to be refunded,
14 as applicable, under this subsection or sub15 section (e);

"(B) a written explanation of the statutory
requirements for recoupment of the offset
amount and for refund of any applicable
amount deducted from retired pay;

20 "(C) a detailed accounting of how the off21 set amount being recouped and retired pay de22 duction amount being refunded were calculated;
23 and

24 "(D) contact information for a person who25 can provide information about the offset

1	recoupment and retired pay deduction refund
2	processes and answer questions the surviving
3	spouse or former spouse may have about the re-
4	quirements, processes, or amounts.".
5	(b) Application.—Paragraph (3) of subsection (c)
6	of section 1450 of title 10, United States Code, as added
7	by subsection (a), shall apply with respect to the
8	recoupment on or after April 1, 2008, of amounts subject
9	to offset under such subsection.
10	SEC. 644. SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR
11	PERSONS AFFECTED BY REQUIRED SUR-
12	VIVOR BENEFIT PLAN ANNUITY OFFSET FOR
13	DEPENDENCY AND INDEMNITY COMPENSA-
14	TION.
15	Section 1450 of title 10 United States Code is
	Section 1450 of title 10, United States Code, is
16	amended by adding at the end the following new sub-
16 17	
	amended by adding at the end the following new sub-

"(1) PROVISION OF ALLOWANCE.—The Secretary concerned shall pay a monthly special survivor indemnity allowance under this subsection to
the surviving spouse or former spouse of a member
of the uniformed services to whom section 1448 of
this title applies if—

1	"(A) the surviving spouse or former spouse
2	is entitled to dependency and indemnity com-
3	pensation under section 1311(a) of title 38;
4	"(B) except for subsection (c) of this sec-
5	tion, the surviving spouse or former spouse is
6	eligible for an annuity by reason of a partici-
7	pant in the Plan under section $1448(a)(1)$ of
8	this title; and
9	"(C) the eligibility of the surviving spouse
10	or former spouse for an annuity as described in
11	subparagraph (B) is affected by subsection (c)
12	of this section.
13	"(2) Amount of payment.—Subject to para-
14	graph (3), the amount of the allowance paid to an
15	eligible survivor under paragraph (1) for a month
16	shall be equal to—
17	"(A) for months during fiscal year 2009,
18	\$50;
19	"(B) for months during fiscal year 2010,
20	\$60;
21	"(C) for months during fiscal year 2011,
22	\$70;
23	"(D) for months during fiscal year 2012,
24	\$80;

	011
1	"(E) for months during fiscal year 2013,
2	\$90; and
3	"(F) for months after fiscal year 2013,
4	\$100.
5	"(3) LIMITATION.—The amount of the allow-
6	ance paid to an eligible survivor under paragraph
7	(1) for any month may not exceed the amount of the
8	annuity for that month that is subject to offset
9	under subsection (c).
10	"(4) Status of payments.—An allowance
11	paid under this subsection does not constitute an an-
12	nuity, and amounts so paid are not subject to ad-
13	justment under any other provision of law.
14	"(5) Source of funds.—The special survivor
15	indemnity allowance shall be paid from amounts in
16	the Department of Defense Military Retirement
17	Fund established under section 1461 of this title.
18	"(6) EFFECTIVE DATE AND DURATION.—This
19	subsection shall only apply with respect to the
20	month beginning on October 1, 2008, and subse-
21	quent months through the month ending on Feb-
22	ruary 28, 2016. Effective on March 1, 2016, the au-
23	thority provided by this subsection shall terminate.
24	No special survivor indemnity allowance may be paid
25	to any person by reason of this subsection for any

1	period before October 1, 2008, or beginning on or
2	after March 1, 2016.".
3	SEC. 645. MODIFICATION OF AUTHORITY OF MEMBERS OF
4	THE ARMED FORCES TO DESIGNATE RECIPI-
5	ENTS FOR PAYMENT OF DEATH GRATUITY.
6	(a) Authority to Designate Recipients.—Sec-
7	tion 1477 of title 10, United States Code, is amended—
8	(1) by striking subsections (c) and (d);
9	(2) by redesignating subsection (b) as sub-
10	section (d) and, in such subsection, by striking
11	"Subsection $(a)(2)$ " and inserting "TREATMENT OF
12	CHILDREN.—Subsection $(b)(2)$ "; and
13	(3) by striking subsection (a) and inserting the
14	following new subsections:
15	"(a) Designation of Recipients.—(1) On and
16	after July 1, 2008, or such earlier date as the Secretary
17	of Defense may prescribe, a person covered by section
18	1475 or 1476 of this title may designate one or more per-
19	sons to receive all or a portion of the amount payable
20	under section 1478 of this title. The designation of a per-
21	son to receive a portion of the amount shall indicate the
22	percentage of the amount, to be specified only in 10 per-
23	cent increments, that the designated person may receive.
24	The balance of the amount of the death gratuity, if any,
25	shall be paid in accordance with subsection (b).

1 "(2) If a person covered by section 1475 or 1476 of 2 this title has a spouse, but designates a person other than 3 the spouse to receive all or a portion of the amount pay-4 able under section 1478 of this title, the Secretary con-5 cerned shall provide notice of the designation to the 6 spouse.

"(b) DISTRIBUTION OF REMAINDER; DISTRIBUTION
8 IN ABSENCE OF DESIGNATED RECIPIENT.—If a person
9 covered by section 1475 or 1476 of this title does not
10 make a designation under subsection (a) or designates
11 only a portion of the amount payable under section 1478
12 of this title, the amount of the death gratuity not covered
13 by a designation shall be paid as follows:

14 "(1) To the surviving spouse of the person, if15 any.

"(2) If there is no surviving spouse, to any surviving children (as prescribed by subsection (d)) of
the person and the descendants of any deceased children by representation.

20 "(3) If there is none of the above, to the sur21 viving parents (as prescribed by subsection (c)) of
22 the person or the survivor of them.

23 "(4) If there is none of the above, to the duly24 appointed executor or administrator of the estate of
25 the person.

1 "(5) If there is none of the above, to other next 2 of kin of the person entitled under the laws of domi-3 cile of the person at the time of the person's death. "(c) TREATMENT OF PARENTS.—For purposes of 4 subsection (b)(3), parents include fathers and mothers 5 through adoption. However, only one father and one moth-6 7 er may be recognized in any case, and preference shall 8 be given to those who exercised a parental relationship on 9 the date, or most nearly before the date, on which the de-10 cedent entered a status described in section 1475 or 1476 11 of this title.". 12 (b) CLERICAL AND CONFORMING AMENDMENTS.— Subsection (e) of such section is amended— 13 (1) by inserting "EFFECT OF DEATH BEFORE 14 RECEIPT OF GRATUITY.—" after "(e)"; 15 (2) by striking "subsection (a) or (d)" and in-16 17 serting "subsection (a) or (b)"; and 18 (3) by striking "subsection (a)." and inserting 19 "subsection (b)". 20 (c) EXISTING DESIGNATION AUTHORITY.—The au-21 thority provided by subsection (d) of section 1477 of title 22 10, United States Code, as in effect on the day before 23 the date of the enactment of this Act, shall remain avail-24 able to persons covered by section 1475 or 1476 of such

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retary of Defense may prescribe, and any designation
 under such subsection made before July 1, 2008, or the
 earlier date prescribed by the Secretary, shall continue in
 effect until such time as the person who made the designa tion makes a new designation under such section 1477,
 as amended by subsection (a) of this section.

7 (d) REGULATIONS.—

8 (1) IN GENERAL.—Not later than April 1, 9 2008, the Secretary of Defense shall prescribe regu-10 lations to implement the amendments to section 11 1477 of title 10, United States Code, made by sub-12 section (a).

(2) ELEMENTS.—The regulations required by
paragraph (1) shall include forms for the making of
the designation contemplated by subsection (a) of
section 1477 of title 10, United States Code, as
amended by subsection (a) of this section, and instructions for members of the Armed Forces in the
filling out of such forms.

20 SEC. 646. CLARIFICATION OF APPLICATION OF RETIRED
21 PAY MULTIPLIER PERCENTAGE TO MEMBERS
22 OF THE UNIFORMED SERVICES WITH OVER 30

23 **YEARS OF SERVICE.**

24 (a) COMPUTATION OF RETIRED AND RETAINER PAY25 FOR MEMBERS OF NAVAL SERVICE.—The table in section

6333(a) of title 10, United States Code, is amended in
 Column 2 of Formula A by striking "75 percent." and
 inserting "Retired pay multiplier prescribed under section
 1409 for the years of service that may be credited to the
 member under section 1405.".

6 (b) RETIRED PAY FOR CERTAIN MEMBERS RE7 CALLED TO ACTIVE DUTY.—The table in section 1402(a)
8 of such title is amended by striking Column 3.

9 (c) EFFECTIVE DATE.—The amendments made by 10 subsections (a) and (b) shall take effect as of January 1, 11 2007, and shall apply with respect to retired pay and re-12 tainer pay payable on or after that date.

13 SEC. 647. COMMENCEMENT OF RECEIPT OF NON-REGULAR

14SERVICE RETIRED PAY BY MEMBERS OF THE15READY RESERVE ON ACTIVE FEDERAL STA-16TUS OR ACTIVE DUTY FOR SIGNIFICANT PE-17RIODS.

18 (a) REDUCED ELIGIBILITY AGE.—Section 12731 of
19 title 10, United States Code, is amended—

20 (1) in subsection (a), by striking paragraph (1)21 and inserting the following:

22 "(1) has attained the eligibility age applicable
23 under subsection (f) to that person;"; and

24 (2) by adding at the end the following new sub-25 section:

"(f)(1) Subject to paragraph (2), the eligibility age
 for purposes of subsection (a)(1) is 60 years of age.

3 ((2)(A) In the case of a person who as a member 4 of the Ready Reserve serves on active duty or performs 5 active service described in subparagraph (B) after the date 6 of the enactment of the National Defense Authorization Act for Fiscal Year 2008, the eligibility age for purposes 7 8 of subsection (a)(1) shall be reduced below 60 years of 9 age by three months for each aggregate of 90 days on 10 which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may 11 be included in only one aggregate of 90 days for purposes 12 13 of this subparagraph.

14 "(B)(i) Service on active duty described in this sub-15 paragraph is service on active duty pursuant to a call or 16 order to active duty under a provision of law referred to 17 in section 101(a)(13)(B) or under section 12301(d) of this 18 title. Such service does not include service on active duty 19 pursuant to a call or order to active duty under section 12310 of this title.

"(ii) Active service described in this subparagraph is
also service under a call to active service authorized by
the President or the Secretary of Defense under section
502(f) of title 32 for purposes of responding to a national

emergency declared by the President or supported by Fed eral funds.

3 "(C) The eligibility age for purposes of subsection
4 (a)(1) may not be reduced below 50 years of age for any
5 person under subparagraph (A).".

6 (b) CONTINUATION OF AGE 60 AS MINIMUM AGE
7 FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES
8 FOR HEALTH CARE.—Section 1074(b) of such title is
9 amended—

10 (1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following newparagraph:

"(2) Paragraph (1) does not apply to a member or
former member entitled to retired pay for non-regular
service under chapter 1223 of this title who is under 60
years of age.".

17 (c) Administration of Related Provisions of LAW OR POLICY.—With respect to any provision of law, 18 or of any policy, regulation, or directive of the executive 19 branch that refers to a member or former member of the 20 21 uniformed services as being eligible for, or entitled to, re-22 tired pay under chapter 1223 of title 10, United States 23 Code, but for the fact that the member or former member 24 is under 60 years of age, such provision shall be carried 25 out with respect to that member or former member by substituting for the reference to being 60 years of age a
 reference to having attained the eligibility age applicable
 under subsection (f) of section 12731 of title 10, United
 States Code (as added by subsection (a)), to such member
 or former member for qualification for such retired pay
 under subsection (a) of such section.

7 SEC. 648. COMPUTATION OF YEARS OF SERVICE FOR PUR8 POSES OF RETIRED PAY FOR NON-REGULAR

9 SERVICE.

Section 12733(3) of title 10, United States Code, is
amended—

12 (1) in subparagraph (B), by striking "and" at13 the end;

(2) in subparagraph (C), by striking the period
and inserting "before the year of service that includes October 30, 2007; and"; and

17 (3) by adding at the end the following new sub-18 paragraph:

"(D) 130 days in the year of service that
includes October 30, 2007, and in any subsequent year of service.".

Subtitle E—Commissary and Non appropriated Fund Instrumen tality Benefits

4 SEC. 651. AUTHORITY TO CONTINUE COMMISSARY AND EX5 CHANGE BENEFITS FOR CERTAIN INVOLUN6 TARILY SEPARATED MEMBERS OF THE
7 ARMED FORCES.

8 (a) RESUMPTION FOR MEMBERS INVOLUNTARILY
9 SEPARATED FROM ACTIVE DUTY.—Section 1146 of title
10 10, United States Code, is amended—

(1) by inserting "(a) MEMBERS INVOLUNTARILY SEPARATED FROM ACTIVE DUTY.—" before
"The Secretary of Defense";

(2) in the first sentence, by striking "October
1, 1990, and ending on December 31, 2001" and inserting "October 1, 2007, and ending on December
31, 2012"; and

(3) in the second sentence, by striking "the period beginning on October 1, 1994, and ending on
December 31, 2001" and inserting "the same period".

(b) EXTENSION TO MEMBERS INVOLUNTARILY SEPARATED FROM SELECTED RESERVE.—Such section is further amended by adding at the end the following new subsection:

1 "(b) Members Involuntarily Separated From 2 SELECTED RESERVE.—The Secretary of Defense shall 3 prescribe regulations to allow a member of the Selected 4 Reserve of the Ready Reserve who is involuntarily sepa-5 rated from the Selected Reserve as a result of the exercise 6 of the force shaping authority of the Secretary concerned 7 under section 647 of this title or other force shaping au-8 thority during the period beginning on October 1, 2007, 9 and ending on December 31, 2012, to continue to use 10 commissary and exchange stores during the two-year period beginning on the date of the involuntary separation 11 12 of the member in the same manner as a member on active 13 duty. The Secretary of Homeland Security shall implement this provision for Coast Guard members involun-14 15 tarily separated during the same period.".

16 SEC. 652. AUTHORIZATION OF INSTALLMENT DEDUCTIONS

17 FROM PAY OF EMPLOYEES OF NON18 APPROPRIATED FUND INSTRUMENTALITIES
19 TO COLLECT INDEBTEDNESS TO THE UNITED
20 STATES.

21 Section 5514 of title 5, United States Code, is22 amended—

(1) in subsection (a)(5), by inserting "any nonappropriated fund instrumentality described in section 2105(c) of this title," after "Commission,"; and

1 (2) by adding at the end the following new sub-2 section: 3 "(e) An employee of a nonappropriated fund instrumentality described in section 2105(c) of this title is 4 deemed an employee covered by this section.". 5 Subtitle F—Consolidation of Spe-6 cial Pay. Incentive Pay. and 7 **Bonus Authorities** 8 9 SEC. 661. CONSOLIDATION OF SPECIAL PAY, INCENTIVE 10 PAY, AND BONUS AUTHORITIES OF THE UNI-11 FORMED SERVICES. 12 (a) CONSOLIDATION.—Chapter 5 of title 37, United 13 States Code, is amended— 14 (1) by inserting before section 301 the following 15 subchapter heading: "SUBCHAPTER I-EXISTING SPECIAL PAY, 16 INCENTIVE PAY, AND BONUS AUTHORITIES"; 17 18 and 19 (2) by adding at the end the following new sub-20 chapters:

	500
1	"SUBCHAPTER II—CONSOLIDATION OF SPE-
2	CIAL PAY, INCENTIVE PAY, AND BONUS AU-
3	THORITIES
4	"§331. General bonus authority for enlisted members
5	"(a) Authority to Provide Bonus.—The Sec-
6	retary concerned may pay a bonus under this section to
7	a person, including a member of the armed forces, who—
8	"(1) enlists in an armed force;
9	"(2) enlists in or affiliates with a reserve com-
10	ponent of an armed force;
11	"(3) reenlists, voluntarily extends an enlist-
12	ment, or otherwise agrees to serve—
13	"(A) for a specified period in a designated
14	career field, skill, or unit of an armed force; or
15	"(B) under other conditions of service in
16	an armed force;
17	"(4) transfers from a regular component of an
18	armed force to a reserve component of that same
19	armed force or from a reserve component of an
20	armed force to the regular component of that same
21	armed force; or
22	"(5) transfers from a regular component or re-
23	serve component of an armed force to a regular com-
24	ponent or reserve component of another armed force,
25	subject to the approval of the Secretary with juris-

1	diction over the armed force to which the member is
2	transferring.
3	"(b) Service Eligibility.—A bonus authorized by
4	subsection (a) may be paid to a person or member only
5	if the person or member agrees under subsection (d)—
6	"(1) to serve for a specified period in a des-
7	ignated career field, skill, unit, or grade; or
8	((2) to meet some other condition or conditions
9	of service imposed by the Secretary concerned.
10	"(c) Maximum Amount and Method of Pay-
11	MENT.—
12	"(1) MAXIMUM AMOUNT.—The Secretary con-
13	cerned shall determine the amount of a bonus to be
14	paid under this section, except that—
15	"(A) a bonus paid under paragraph (1) or
16	(2) of subsection (a) may not exceed $$50,000$
17	for a minimum two-year period of obligated
18	service agreed to under subsection (d);
19	"(B) a bonus paid under paragraph (3) of
20	subsection (a) may not exceed \$30,000 for each
21	year of obligated service in a regular component
22	agreed to under subsection (d);
23	"(C) a bonus paid under paragraph (3) of
24	subsection (a) may not exceed \$15,000 for each

1	year of obligated service in a reserve component
2	agreed to under subsection (d); and
3	"(D) a bonus paid under paragraph (4) or
4	(5) of subsection (a) may not exceed \$10,000.
5	"(2) Lump sum or installments.—A bonus
6	under this section may be paid in a lump sum or in
7	periodic installments, as determined by the Secretary
8	concerned.
9	"(3) FIXING BONUS AMOUNT.—Upon accept-
10	ance by the Secretary concerned of the written
11	agreement required by subsection (d), the total
12	amount of the bonus to be paid under the agreement
13	shall be fixed.
14	"(d) WRITTEN AGREEMENT.—To receive a bonus
15	under this section, a person or member determined to be
16	eligible for the bonus shall enter into a written agreement
17	with the Secretary concerned that specifies—
18	"(1) the amount of the bonus;
19	((2) the method of payment of the bonus under
20	subsection $(c)(2);$
21	"(3) the period of obligated service; and
22	"(4) the type or conditions of the service.
23	"(e) Relationship to Other Pay and Allow-
24	ANCES.—A bonus paid to a person or member under this

section is in addition to any other pay and allowance to
 which the person or member is entitled.

3 "(f) RELATIONSHIP TO PROHIBITION ON BOUN4 TIES.—A bonus authorized under this section is not a
5 bounty for purposes of section 514(a) of title 10.

6 "(g) REPAYMENT.—A person or member who re-7 ceives a bonus under this section and who fails to complete 8 the period of service, or meet the conditions of service, 9 for which the bonus is paid, as specified in the written 10 agreement under subsection (d), shall be subject to the 11 repayment provisions of section 373 of this title.

12 "(h) TERMINATION OF AUTHORITY.—No agreement
13 may be entered into under this section after December 31,
14 2009.

15 "§ 332. General bonus authority for officers

16 "(a) AUTHORITY TO PROVIDE BONUS.—The Sec17 retary concerned may pay a bonus under this section to
18 a person, including an officer in the uniformed services,
19 who—

20 "(1) accepts a commission or appointment as
21 an officer in a uniformed service;

22 "(2) affiliates with a reserve component of a23 uniformed service;

1	"(3) agrees to remain on active duty or to serve
2	in an active status for a specific period as an officer
3	in a uniformed service;
1	

4 "(4) transfers from a regular component of a
5 uniformed service to a reserve component of that
6 same uniformed service or from a reserve component
7 of a uniformed service to the regular component of
8 that same uniformed service; or

9 "(5) transfers from a regular component or re-10 serve component of a uniformed service to a regular 11 component or reserve component of another uni-12 formed service, subject to the approval of the Sec-13 retary with jurisdiction over the uniformed service to 14 which the member is transferring.

15 "(b) SERVICE ELIGIBILITY.—A bonus authorized by
16 subsection (a) may be paid to a person or officer only if
17 the person or officer agrees under subsection (d)—

18 "(1) to serve for a specified period in a des-19 ignated career field, skill, unit, or grade; or

20 "(2) to meet some other condition or conditions
21 of service imposed by the Secretary concerned.

22 "(c) MAXIMUM AMOUNT AND METHOD OF PAY-23 MENT.—

1	"(1) MAXIMUM AMOUNT.—The Secretary con-
2	cerned shall determine the amount of a bonus to be
3	paid under this section, except that—
4	"(A) a bonus paid under paragraph (1) of
5	subsection (a) may not exceed \$60,000 for a
6	minimum three-year period of obligated service
7	agreed to under subsection (d);
8	"(B) a bonus paid under paragraph (2) of
9	subsection (a) may not exceed \$12,000 for a
10	minimum three-year period of obligated service
11	agreed to under subsection (d);
12	"(C) a bonus paid under paragraph (3) of
13	subsection (a) may not exceed \$50,000 for each
14	year of obligated service in a regular component
15	agreed to under subsection (d);
16	"(D) a bonus paid under paragraph (3) of
17	subsection (a) may not exceed \$12,000 for each
18	year of obligated service in a reserve component
19	agreed to under subsection (d); and
20	"(E) a bonus paid under paragraph (4) or
21	(5) of subsection (a) may not exceed \$10,000.
22	"(2) Lump sum or installments.—A bonus
23	under this section may be paid in a lump sum or in
24	periodic installments, as determined by the Secretary
25	concerned.

1	"(3) FIXING BONUS AMOUNT.—Upon accept-
2	ance by the Secretary concerned of the written
3	agreement required by subsection (d), the total
4	amount of the bonus to be paid under the agreement
5	shall be fixed.
6	"(d) WRITTEN AGREEMENT.—To receive a bonus
7	under this section, a person or officer determined to be
8	eligible for the bonus shall enter into a written agreement
9	with the Secretary concerned that specifies—
10	"(1) the amount of the bonus;
11	((2) the method of payment of the bonus under
12	subsection $(c)(2);$
13	"(3) the period of obligated service; and
13 14	"(3) the period of obligated service; and "(4) the type or conditions of the service.
14	"(4) the type or conditions of the service.
14 15	"(4) the type or conditions of the service. "(e) Relationship to Other Pay and Allow-
14 15 16	"(4) the type or conditions of the service. "(e) Relationship to Other Pay and Allow- ANCES.—The bonus paid to a person or officer under this
14 15 16 17	"(4) the type or conditions of the service. "(e) RELATIONSHIP TO OTHER PAY AND ALLOW- ANCES.—The bonus paid to a person or officer under this section is in addition to any other pay and allowance to
14 15 16 17 18	"(4) the type or conditions of the service. "(e) RELATIONSHIP TO OTHER PAY AND ALLOW- ANCES.—The bonus paid to a person or officer under this section is in addition to any other pay and allowance to which the person or officer is entitled.
 14 15 16 17 18 19 	 "(4) the type or conditions of the service. "(e) RELATIONSHIP TO OTHER PAY AND ALLOW-ANCES.—The bonus paid to a person or officer under this section is in addition to any other pay and allowance to which the person or officer is entitled. "(f) REPAYMENT.—A person or officer who receives
 14 15 16 17 18 19 20 	 "(4) the type or conditions of the service. "(e) RELATIONSHIP TO OTHER PAY AND ALLOW-ANCES.—The bonus paid to a person or officer under this section is in addition to any other pay and allowance to which the person or officer is entitled. "(f) REPAYMENT.—A person or officer who receives a bonus under this section and who fails to complete the
 14 15 16 17 18 19 20 21 	 "(4) the type or conditions of the service. "(e) RELATIONSHIP TO OTHER PAY AND ALLOW-ANCES.—The bonus paid to a person or officer under this section is in addition to any other pay and allowance to which the person or officer is entitled. "(f) REPAYMENT.—A person or officer who receives a bonus under this section and who fails to complete the period of service, or meet the conditions of service, for

"(g) TERMINATION OF AUTHORITY.—No agreement
 may be entered into under this section after December 31,
 2009.

4 "§ 333. Special bonus and incentive pay authorities 5 for nuclear officers

6 "(a) NUCLEAR OFFICER BONUS.—The Secretary of
7 the Navy may pay a nuclear officer bonus under this sec8 tion to a person, including an officer in the Navy, who—

9 "(1) is selected for the officer naval nuclear 10 power training program in connection with the su-11 pervision, operation, and maintenance of naval nu-12 clear propulsion plants and agrees to serve, upon 13 completion of such training, on active duty in con-14 nection with the supervision, operation, and mainte-15 nance of naval nuclear propulsion plants; or

"(2) has the current technical and operational 16 17 qualification for duty in connection with the super-18 vision, operation, and maintenance of naval nuclear 19 propulsion plants and agrees to remain on active 20 duty in connection with the supervision, operation, 21 and maintenance of naval nuclear propulsion plants. 22 "(b) NUCLEAR OFFICER INCENTIVE PAY.—The Sec-23 retary of the Navy may pay nuclear officer incentive pay 24 under this section to an officer in the Navy who"(1) is entitled to basic pay under section 204
 of this title; and

"(2) remains on active duty for a specified period while maintaining current technical and operational qualifications, as approved by the Secretary,
for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion
plants.

9 "(c) ADDITIONAL ELIGIBILITY CRITERIA.—The Sec-10 retary of the Navy may impose such additional criteria 11 for the receipt of a nuclear officer bonus or nuclear officer 12 incentive pay under this section as the Secretary deter-13 mines to be appropriate.

14 "(d) MAXIMUM AMOUNT AND METHOD OF PAY-15 MENT.—

"(1) MAXIMUM AMOUNT.—The Secretary of the
Navy shall determine the amounts of a nuclear officer bonus or nuclear officer incentive pay to be paid
under this section, except that—

20 "(A) a nuclear officer bonus paid under
21 subsection (a) may not exceed \$35,000 for each
22 12-month period of the agreement under sub23 section (e); and

24 "(B) the amount of nuclear officer incen-25 tive paid under subsection (b) may not exceed

000
\$25,000 for each 12-month period of qualifying
service.
"(2) LUMP SUM OR INSTALLMENTS.—A nuclear
officer bonus or nuclear officer incentive pay under
this section may be paid in a lump sum or in peri-
odic installments.
"(3) FIXING BONUS AMOUNT.—Upon accept-
ance by the Secretary concerned of the written
agreement required by subsection (e), the total
amount of the nuclear officer bonus to be paid under
the agreement shall be fixed.
"(e) Written Agreement for Bonus.—
"(1) AGREEMENT REQUIRED.—To receive a nu-
clear officer bonus under subsection (a), a person or
officer determined to be eligible for the bonus shall
enter into a written agreement with the Secretary of
the Navy that specifies—
"(A) the amount of the bonus;
"(B) the method of payment of the bonus
under subsection $(d)(2)$;
"(C) the period of obligated service; and
"(D) the type or conditions of the service.
"(2) Replacement Agreement.—An officer
who is performing obligated service under an agree-
ment for a nuclear officer bonus may execute a new

agreement to replace the existing agreement if the 1 2 amount to be paid under the new agreement will be 3 higher than the amount to be paid under the exist-4 ing agreement. The period of the new agreement 5 shall be equal to or exceed the remaining term of the 6 period of the officer's existing agreement. If a new 7 agreement is executed under this paragraph, the ex-8 isting agreement shall be cancelled, effective on the 9 day before an anniversary date of the existing agree-10 ment occurring after the date on which the amount 11 to be paid under this paragraph is increased.

"(f) Relationship to Other Pay and Allow-12 13 ANCES.—A nuclear officer bonus or nuclear officer incentive pay paid to a person or officer under this section is 14 15 in addition to any other pay and allowance to which the person or officer is entitled, except that a person or officer 16 17 may not receive a payment under this section and section 18 332 or 353 of this title for the same skill and period of 19 service.

20 "(g) REPAYMENT.—A person or officer who receives 21 a nuclear officer bonus or nuclear officer incentive pay 22 under this section and who fails to complete the officer 23 naval nuclear power training program, maintain required 24 technical and operational qualifications, complete the pe-25 riod of service, or meet the types or conditions of service for which the bonus or incentive pay is paid, as specified
 in the written agreement under subsection (e) in the case
 of a nuclear officer bonus, shall be subject to the repay ment provisions of section 373 of this title.

5 "(h) REGULATIONS.—This section shall be adminis6 tered under regulations prescribed by the Secretary of the
7 Navy.

8 "(i) TERMINATION OF AUTHORITY.—No agreement
9 may be entered into under this section after December 31,
10 2009.

11 "§ 334. Special aviation incentive pay and bonus au12 thorities for officers

13 "(a) AVIATION INCENTIVE PAY.—The Secretary con14 cerned may pay aviation incentive pay under this section
15 to an officer in a regular or reserve component of a uni16 formed service who—

17 "(1) is entitled to basic pay under section 204
18 of this title or compensation under section 206 of
19 this title;

20 "(2) maintains, or is in training leading to, an
21 aeronautical rating or designation that qualifies the
22 officer to engage in operational flying duty or pro23 ficiency flying duty;

1 "(3) engages in, or is in training leading to, fre-2 quent and regular performance of operational flying duty or proficiency flying duty; 3 "(4) engages in or remains in aviation service 4 5 for a specified period; and 6 "(5) meets such other criteria as the Secretary 7 concerned determines appropriate. "(b) AVIATION BONUS.—The Secretary concerned 8 9 may pay an aviation bonus under this section to an officer in a regular or reserve component of a uniformed service 10 11 who----12 "(1) is entitled to aviation incentive pay under subsection (a); 13 14 "(2) has completed any active duty service com-15 mitment incurred for undergraduate aviator training 16 or is within one year of completing such commit-17 ment; 18 "(3) executes a written agreement to remain on 19 active duty in a regular component or to serve in an 20 active status in a reserve component in aviation 21 service for at least one year; and "(4) meets such other criteria as the Secretary 22 23 concerned determines appropriate. "(c) MAXIMUM AMOUNT AND METHOD OF PAY-24 25 MENT.—

1	"(1) MAXIMUM AMOUNT.—The Secretary con-
2	cerned shall determine the amount of a bonus or in-
3	centive pay to be paid under this section, except
4	that—
5	"(A) aviation incentive pay under sub-
6	section (a) shall be paid at a monthly rate, not
7	to exceed \$850 per month; and
8	"(B) an aviation bonus under subsection
9	(b) may not exceed $$25,000$ for each 12-month
10	period of obligated service agreed to under sub-
11	section (d).
12	"(2) LUMP SUM OR INSTALLMENTS.—A bonus
13	under this section may be paid in a lump sum or in
14	periodic installments, as determined by the Secretary
15	concerned.
16	"(3) FIXING BONUS AMOUNT.—Upon accept-
17	ance by the Secretary concerned of the written
18	agreement required by subsection (d), the total
19	amount of the bonus to be paid under the agreement
20	shall be fixed.
21	"(d) WRITTEN AGREEMENT FOR BONUS.—To receive
22	an aviation officer bonus under this section, an officer de-
23	termined to be eligible for the bonus shall enter into a
24	written agreement with the Secretary concerned that
25	specifies—

1	"(1) the amount of the bonus;
2	((2) the method of payment of the bonus under
3	subsection (c)(2);
4	"(3) the period of obligated service; and
5	"(4) the type or conditions of the service.
6	"(e) Reserve Component Officers Performing
7	INACTIVE DUTY TRAINING.—A reserve component officer
8	who is entitled to compensation under section 206 of this
9	title and who is authorized aviation incentive pay under
10	this section may be paid an amount of incentive pay that
11	is proportionate to the compensation received under sec-
12	tion 206 for inactive-duty training.
13	"(f) Relationship to Other Pay and Allow-
14	ANCES.—
15	"(1) AVIATION INCENTIVE PAY.—Aviation in-
16	centive pay paid to an officer under subsection (a)

shall be in addition to any other pay and allowance
to which the officer is entitled, except that an officer
may not receive a payment under such subsection
and section 351 or 353 of this title for the same
skill and period of service.

"(2) AVIATION BONUS.—An aviation bonus
paid to an officer under subsection (b) shall be in
addition to any other pay and allowance to which the
officer is entitled, except that an officer may not re-

ceive a payment under such subsection and section
 332 or 353 of this title for the same skill and period
 of service.

"(g) REPAYMENT.—An officer who receives aviation 4 5 incentive pay or an aviation bonus under this section and who fails to fulfill the eligibility requirements for the re-6 7 ceipt of the incentive pay or bonus or complete the period 8 of service for which the incentive pay or bonus is paid, 9 as specified in the written agreement under subsection (d) 10 in the case of a bonus, shall be subject to the repayment 11 provisions of section 373 of this title.

12 "(h) DEFINITIONS.—In this section:

13 "(1) The term 'aviation service' means service 14 performed by an officer in a regular or reserve com-15 ponent (except a flight surgeon or other medical offi-16 cer) while holding an aeronautical rating or designa-17 tion or while in training to receive an aeronautical 18 rating or designation.

19 "(2) The term 'operational flying duty' means 20 flying performed under competent orders by rated or 21 designated regular or reserve component officers 22 while serving in assignments in which basic flying 23 skills normally are maintained in the performance of 24 assigned duties as determined by the Secretary con-25 cerned, and flying performed by members in training that leads to the award of an aeronautical rating or
 designation.

3 "(3) The term 'proficiency flying duty' means
4 flying performed under competent orders by rated or
5 designated regular or reserve component officers
6 while serving in assignments in which such skills
7 would normally not be maintained in the perform8 ance of assigned duties.

9 "(4) The term 'officer' includes an individual
10 enlisted and designated as an aviation cadet under
11 section 6911 of title 10.

12 "(i) TERMINATION OF AUTHORITY.—No agreement
13 may be entered into under this section after December 31,
14 2009.

15 "§ 335. Special bonus and incentive pay authorities 16 for officers in health professions

17 "(a) HEALTH PROFESSIONS BONUS.—The Secretary
18 concerned may pay a health professions bonus under this
19 section to a person, including an officer in the uniformed
20 services, who is a graduate of an accredited school in a
21 health profession and who—

"(1) accepts a commission or appointment as
an officer in a regular or reserve component of a
uniformed service, or affiliates with a reserve component of a uniformed service, and agrees to serve on

1	active duty in a regular component or in an active
2	status in a reserve component in a health profession;
3	"(2) accepts a commission or appointment as
4	an officer and whose health profession specialty is
5	designated by the Secretary of Defense as a criti-
6	cally short wartime specialty; or
7	"(3) agrees to remain on active duty or con-
8	tinue serving in an active status in a reserve compo-
9	nent in a health profession.
10	"(b) Health Professions Incentive Pay.—The
11	Secretary concerned may pay incentive pay under this sec-
12	tion to an officer in a regular or reserve component of
13	a uniformed service who—
14	"(1) is entitled to basic pay under section 204
15	of this title or compensation under section 206 of
16	this title; and
17	((2) is serving on active duty or in an active
18	status in a designated health profession specialty or
19	skill.
20	"(c) Board Certification Incentive Pay.—The
21	Secretary concerned may pay board certification incentive
22	pay under this section to an officer in a regular or reserve
23	component of a uniformed service who—

1 "(1) is entitled to basic pay under section 204 2 of this title or compensation under section 206 of 3 this title; "(2) is board certified in a designated health 4 5 profession specialty or skill; and 6 "(3) is serving on active duty or in an active 7 status in such designated health profession specialty 8 or skill. 9 "(d) Additional Eligibility Criteria.—The Secretary concerned may impose such additional criteria for 10 11 the receipt of a bonus or incentive pay under this section 12 as the Secretary determines to be appropriate. "(e) Maximum Amount and Method of Pay-13 14 MENT.— "(1) MAXIMUM AMOUNT.—The Secretary con-15 16 cerned shall determine the amounts of a bonus or in-17 centive pay to be paid under this section, except 18 that— 19 "(A) a health professions bonus paid under 20 paragraph (1) of subsection (a) may not exceed 21 \$30,000 for each 12-month period of obligated 22 service agreed to under subsection (f); 23 "(B) a health professions bonus paid under 24 paragraph (2) of subsection (a) may not exceed

1	\$100,000 for each 12-month period of obligated
2	service agreed to under subsection (f);
3	"(C) a health professions bonus paid under
4	paragraph (3) of subsection (a) may not exceed
5	\$75,000 for each 12-month period of obligated
6	service agreed to under subsection (f);
7	"(D) health professions incentive pay
8	under subsection (b) may be paid monthly and
9	may not exceed, in any 12-month period—
10	"(i) \$100,000 for medical officers and
11	dental surgeons; and
12	"(ii) \$15,000 for officers in other
13	health professions; and
14	"(E) board certification incentive pay
15	under subsection (c) may not exceed $6,000$ for
16	each 12-month period an officer remains cer-
17	tified in the designated health profession spe-
18	cialty or skill.
19	"(2) Lump sum or installments.—A health
20	professions bonus under subsection (a) may be paid
21	in a lump sum or in periodic installments, as deter-
22	mined by the Secretary concerned. Board certifi-
23	cation incentive pay under subsection (c) may be
24	paid monthly, in a lump sum at the beginning of the
25	certification period, or in periodic installments dur-

1	ing the certification period, as determined by the
2	Secretary concerned.
3	"(3) FIXING BONUS AMOUNT.—Upon accept-
4	ance by the Secretary concerned of the written
5	agreement required by subsection (f), the total
6	amount of the health professions bonus to be paid
7	under the agreement shall be fixed.
8	"(f) WRITTEN AGREEMENT FOR BONUS.—To receive
9	a bonus under this section, an officer determined to be
10	eligible for the bonus shall enter into a written agreement
11	with the Secretary concerned that specifies—
12	"(1) the amount of the bonus;
13	((2) the method of payment of the bonus under
14	subsection $(e)(2);$
15	"(3) the period of obligated service;
16	"(4) whether the service will be performed on
17	active duty or in an active status in a reserve com-
18	ponent; and
19	"(5) the type or conditions of the service.
20	"(g) Reserve Component Officers.—An officer
21	in a reserve component authorized incentive pay under
22	subsection (b) or (c) who is not serving on continuous ac-
23	tive duty and is entitled to compensation under section
24	204 of this title or compensation under section 206 of this
25	title may be paid a monthly amount of incentive pay that

is proportionate to the basic pay or compensation received
 under this title.

3 "(h) Relationship to Other Pay and Allow-4 ances.—

5 "(1) HEALTH PROFESSIONS BONUS.—A bonus 6 paid to a person or officer under subsection (a) shall 7 be in addition to any other pay and allowance to 8 which the person or officer is entitled, except that a 9 person or officer may not receive a payment under 10 such subsection and section 332 of this title for the 11 same period of obligated service.

12 "(2) HEALTH PROFESSIONS INCENTIVE PAY.—
13 Incentive pay paid to an officer under subsection (b)
14 shall be in addition to any other pay and allowance
15 to which an officer is entitled, except that an officer
16 may not receive a payment under such subsection
17 and section 353 of this title for the same skill and
18 period of service.

"(3) BOARD CERTIFICATION INCENTIVE PAY.—
Incentive pay paid to an officer under subsection (c)
shall be in addition to any other pay and allowance
to which an officer is entitled, except that an officer
may not receive a payment under such subsection
and section 353(b) of this title for the same skill
and period of service covered by the certification.

"(i) REPAYMENT.—An officer who receives a bonus 1 2 or incentive pay under this section and who fails to fulfill 3 the eligibility requirements for the receipt of the bonus 4 or incentive pay or complete the period of service for which 5 the bonus or incentive pay is paid, as specified in the written agreement under subsection (f) in the case of a bonus, 6 7 shall be subject to the repayment provisions of section 373 8 of this title.

9 "(j) HEALTH PROFESSION DEFINED.—In this sec-10 tion, the term 'health profession' means the following:

"(1) Any health profession performed by officers in the Medical Corps of a uniformed service or
by officers designated as a medical officer.

14 "(2) Any health profession performed by offi15 cers in the Dental Corps of a uniformed service or
16 by officers designated as a dental officer.

17 "(3) Any health profession performed by offi18 cers in the Medical Service Corps of a uniformed
19 service or by officers designated as a medical service
20 officer or biomedical sciences officer.

21 "(4) Any health profession performed by offi22 cers in the Medical Specialist Corps of a uniformed
23 service or by officers designated as a medical spe24 cialist.

1	((5) Any health profession performed by offi-
2	cers of the Nurse Corps of a uniformed service or
3	by officers designated as a nurse.
4	"(6) Any health profession performed by offi-
5	cers in the Veterinary Corps of a uniformed service
6	or by officers designated as a veterinary officer.
7	"(7) Any health profession performed by offi-
8	cers designated as a physician assistant.
9	"(8) Any health profession performed by offi-
10	cers in the regular or reserve corps of the Public
11	Health Service.
12	"(k) TERMINATION OF AUTHORITY.—No agreement
13	may be entered into under this section after December 31,
14	2009.
15	"§351. Hazardous duty pay
16	"(a) HAZARDOUS DUTY PAY.—The Secretary con-
17	cerned may pay hazardous duty pay under this section to
18	a member of a regular or reserve component of the uni-
19	formed services entitled to basic pay under section 204
20	of this title or compensation under section 206 of this title
21	who—
22	"(1) performs duty in a hostile fire area des-
23	ignated by the Secretary concerned, is exposed to a
24	hostile fire event, explosion of a hostile explosive de-

vice, or any other hostile action, or is on duty during

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1 a month in an area in which a hostile event occurred 2 which placed the member in grave danger of physical 3 injury; 4 "(2) performs duty designated by the Secretary 5 concerned as hazardous duty based upon the inher-6 ent dangers of that duty and risks of physical injury; 7 or "(3) performs duty in a foreign area designated 8 9 by the Secretary concerned as an area in which the 10 member is subject to imminent danger of physical 11 injury due to threat conditions. 12 "(b) MAXIMUM AMOUNT.—The amount of hazardous 13 duty pay paid to a member under subsection (a) shall be based on the type of duty and the area in which the duty 14 15 is performed, as follows: "(1) In the case of a member who performs 16 17 duty in a designated hostile fire area, as described 18 in subsection (a)(1), hazardous duty pay may not 19 exceed \$450 per month. 20 "(2) In the case of a member who performs a 21 designated hazardous duty, as described in sub-22 section (a)(2), hazardous duty pay may not exceed 23 \$250 per month. 24 "(3) In the case of a member who performs

25 duty in a foreign area designated as an imminent

danger area, as described in subsection (a)(3), hazardous duty pay may not exceed \$250 per month.

3 "(c) METHOD OF PAYMENT.—Hazardous duty pay
4 shall be paid on a monthly basis. A member who is eligible
5 for hazardous duty pay by reason of subsection (a) shall
6 receive the full monthly rate of hazardous duty pay au7 thorized by the Secretary concerned under such para8 graph, notwithstanding subsection (d).

9 "(d) RESERVE COMPONENT MEMBERS PERFORMING 10 INACTIVE DUTY TRAINING.—A member of a reserve com-11 ponent entitled to compensation under section 206 of this 12 title who is authorized hazardous duty pay under this sec-13 tion may be paid an amount of hazardous duty pay that 14 is proportionate to the compensation received by the mem-15 ber under section 206 of this title for inactive-duty train-16 ing.

17 "(e) Administration and Retroactive Pay-MENTS.—The effective date for the designation of a hos-18 tile fire area, as described in paragraph (1) of subsection 19 20 (a), and for the designation of a foreign area as an immi-21 nent danger area, as described in paragraph (3) of such subsection, may be a date that occurs before, on, or after 22 23 the actual date of the designation by the Secretary con-24 cerned.

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"(f) DETERMINATION OF FACT.—Any determination 1 2 of fact that is made in administering subsection (a) is con-3 clusive. The determination may not be reviewed by any 4 other officer or agency of the United States unless there 5 has been fraud or gross negligence. However, the Secretary concerned may change the determination on the 6 7 basis of new evidence or for other good cause. The regula-8 tions prescribed to administer this section shall define the 9 activities that are considered hazardous for purposes of 10 subsection (a)(2).

11 "(g) Relationship to Other Pay and Allow-12 ances.—

13 "(1) IN ADDITION TO OTHER PAY AND ALLOW-14 ANCES.—A member may be paid hazardous duty pay 15 under this section in addition to any other pay and 16 allowances to which the member is entitled. The reg-17 ulations prescribed to administer this section shall 18 address dual compensation under this section for 19 multiple circumstances involving performance of a 20 designated hazardous duty, as described in para-21 graph (2) of subsection (a), or for duty in certain 22 designated areas, as described in paragraph (1) or 23 (3) of such subsection, that is performed by a mem-24 ber during a single month of service.

"(2) LIMITATION.—A member may not receive
 hazardous duty pay under this section for a month
 for more than three qualifying instances described in
 subsection (a)(2).

5 "(h) PROHIBITION ON VARIABLE RATES.—The regu6 lations prescribed to administer this section may not in7 clude varied criteria or rates for payment of hazardous
8 duty for officers and enlisted members.

9 "(i) TERMINATION OF AUTHORITY.—No hazardous
10 duty pay under this section may be paid after December
11 31, 2009.

12 "§352. Assignment pay or special duty pay

13 "(a) ASSIGNMENT OR SPECIAL DUTY PAY AUTHOR14 IZED.—The Secretary concerned may pay assignment or
15 special duty pay under this section to a member of a reg16 ular or reserve component of the uniformed services who—

17 "(1) is entitled to basic pay under section 204
18 of this title or compensation under section 206 of
19 this title; and

20 "(2) performs duties in an assignment, location,
21 or unit designated by, and under the conditions of
22 service specified by, the Secretary concerned.

23 "(b) MAXIMUM AMOUNT AND METHOD OF PAY-24 MENT.—

1	"(1) LUMP SUM OR INSTALLMENTS.—Assign-
2	ment or special duty pay under subsection (a) may
3	be paid monthly, in a lump sum, or in periodic in-
4	stallments other than monthly, as determined by the
5	Secretary concerned.
6	"(2) MAXIMUM MONTHLY AMOUNT.—The max-
7	imum monthly amount of assignment or special duty
8	pay may not exceed \$5,000.
9	"(3) MAXIMUM LUMP SUM AMOUNT.—The
10	amount of a lump sum payment of assignment or
11	special duty pay payable to a member may not ex-
12	ceed the amount equal to the product of—
13	"(A) the maximum monthly rate author-
14	ized under paragraph (2) at the time the mem-
15	ber enters into a written agreement under sub-
16	section (c); and
17	"(B) the number of continuous months in
18	the period for which assignment or special duty
19	pay will be paid pursuant to the agreement.
20	"(4) MAXIMUM INSTALLMENT AMOUNT.—The
21	amount of each installment payment of assignment
22	or special duty pay payable to a member on an in-
23	stallment basis may not exceed the amount equal
24	to—
25	"(A) the product of—

1	"(i) a monthly rate specified in the
2	written agreement entered into under sub-
3	section (c), which monthly rate may not
4	exceed the maximum monthly rate author-
5	ized under paragraph (2) at the time the
6	member enters into the agreement; and
7	"(ii) the number of continuous
8	months in the period for which the assign-
9	ment or special duty pay will be paid; di-
10	vided by
11	"(B) the number of installments over such
12	period.
13	"(5) Effect of extension.—If a member ex-
14	tends an assignment or performance of duty speci-
15	fied in an agreement with the Secretary concerned
16	under subsection (c), assignment or special duty pay
17	for the period of the extension may be paid on a
18	monthly basis, in a lump sum, or in installments,
19	consistent with this subsection.
20	"(c) WRITTEN AGREEMENT.—
21	"(1) DISCRETIONARY FOR MONTHLY PAY-
22	MENTS.—The Secretary concerned may require a
23	member to enter into a written agreement with the
24	Secretary in order to qualify for the payment of as-
25	signment or special duty pay on a monthly basis.

The written agreement shall specify the period for
 which the assignment or special duty pay will be
 paid to the member and the monthly rate of the as signment or special duty pay.

"(2) Required for LUMP SUM or install-5 6 MENT PAYMENTS.—The Secretary concerned shall 7 require a member to enter into a written agreement 8 with the Secretary in order to qualify for payment 9 of assignment or special duty pay on a lump sum or 10 installment basis. The written agreement shall speci-11 fy the period for which the assignment or special 12 duty pay will be paid to the member and the amount 13 of the lump sum or each periodic installment.

14 "(d) Reserve Component Members Performing 15 INACTIVE DUTY TRAINING.—A member of a reserve component entitled to compensation under section 206 of this 16 title who is authorized assignment or special duty pay 17 18 under this section may be paid an amount of assignment or special duty pay that is proportionate to the compensa-19 20 tion received by the member under section 206 of this title 21 for inactive-duty training.

"(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Assignment or special duty pay paid to a member under this section is in addition to any other pay and
allowances to which the member is entitled.

"(f) REPAYMENT.—A member who receives assign ment or special duty pay under this section and who fails
 to fulfill the eligibility requirements under subsection (a)
 for receipt of such pay shall be subject to the repayment
 provisions of section 373 of this title.

6 "(g) TERMINATION OF AUTHORITY.—No agreement
7 may be entered into under this section after December 31,
8 2009.

9 "§ 353. Skill incentive pay or proficiency bonus

10 "(a) SKILL INCENTIVE PAY.—The Secretary con11 cerned may pay a monthly skill incentive pay to a member
12 of a regular or reserve component of the uniformed serv13 ices who—

"(1) is entitled to basic pay under section 204
of this title or compensation under section 206 of
this title; and

17 "(2) serves in a career field or skill designated18 as critical by the Secretary concerned.

19 "(b) SKILL PROFICIENCY BONUS.—The Secretary
20 concerned may pay a proficiency bonus to a member of
21 a regular or reserve component of the uniformed services
22 who—

23 "(1) is entitled to basic pay under section 204
24 of this title or compensation under section 206 of
25 this title; and

"(2) is determined to have, and maintains, cer-1 2 tified proficiency under subsection (d) in a skill des-3 ignated as critical by the Secretary concerned. "(c) MAXIMUM AMOUNTS AND METHODS OF PAY-4 5 MENT.— 6 "(1) SKILL INCENTIVE PAY.—Skill incentive pay under subsection (a) shall be paid monthly in an 7 8 amount not to exceed \$1,000 per month. 9 PROFICIENCY BONUS.—A (2)proficiency 10 bonus under subsection (b) may be paid in a lump 11 sum at the beginning of the proficiency certification 12 period or in periodic installments during the pro-13 ficiency certification period. The amount of the 14 bonus may not exceed \$12,000 for each 12-month 15 period of certification. The Secretary concerned may 16 not vary the criteria or rates for the proficiency 17 bonus paid for officers and enlisted members.

18 "(d) CERTIFIED PROFICIENCY FOR PROFICIENCY19 BONUS.—

20 "(1) CERTIFICATION REQUIRED.—Proficiency
21 in a designated critical skill for purposes of sub22 section (b) shall be subject to annual certification by
23 the Secretary concerned.

24 "(2) DURATION OF CERTIFICATION.—A certifi25 cation period for purposes of subsection (c)(2) shall

expire at the end of the one-year period beginning
 on the first day of the first month beginning on or
 after the certification date.

4 "(3) WAIVER.—Notwithstanding paragraphs
5 (1) and (2), the regulations prescribed to administer
6 this section shall address the circumstances under
7 which the Secretary concerned may waive the certifi8 cation requirement under paragraph (1) or extend a
9 certification period under paragraph (2).

10 "(e) WRITTEN AGREEMENT.—

11 "(1) DISCRETIONARY FOR SKILL INCENTIVE 12 PAY.—The Secretary concerned may require a mem-13 ber to enter into a written agreement with the Sec-14 retary in order to qualify for the payment of skill in-15 centive pay under subsection (a). The written agree-16 ment shall specify the period for which the skill in-17 centive pay will be paid to the member and the 18 monthly rate of the pay.

19 "(2) REQUIRED FOR PROFICIENCY BONUS.—
20 The Secretary concerned shall require a member to
21 enter into a written agreement with the Secretary in
22 order to qualify for payment of a proficiency bonus
23 under subsection (b). The written agreement shall
24 specify the amount of the proficiency bonus, the pe25 riod for which the bonus will be paid, and the initial

certification or recertification necessary for payment
 of the proficiency bonus.

3 "(f) Reserve Component Members Performing4 Inactive Duty Training.—

5 "(1) PRORATION.—A member of a reserve com-6 ponent entitled to compensation under section 206 7 of this title who is authorized skill incentive pay under subsection (a) or a skill proficiency bonus 8 9 under subsection (b) may be paid an amount of the 10 pay or bonus, as the case may be, that is propor-11 tionate to the compensation received by the member 12 under section 206 of this title for inactive-duty 13 training.

14 "(2) EXCEPTION FOR FOREIGN LANGUAGE PRO15 FICIENCY.—No reduction in the amount of a skill
16 proficiency bonus may be made under paragraph (1)
17 in the case of a member of a reserve component who
18 is authorized the bonus because of the member's
19 proficiency in a foreign language.

"(g) REPAYMENT.—A member who receives skill incentive pay or a proficiency bonus under this section and
who fails to fulfill the eligibility requirement for receipt
of the pay or bonus shall be subject to the repayment provisions of section 373 of this title.

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1 "(h) Relationship to Other Pays and Allow-2 ANCES.—A member may not be paid more than one pay 3 under this section in any month for the same period of 4 service and skill. A member may be paid skill incentive 5 pay or the proficiency bonus under this section in addition to any other pay and allowances to which the member is 6 7 entitled, except that a member may not be paid skill incen-8 tive pay or a proficiency bonus under this section and haz-9 ardous duty pay under section 351 of this title for the 10 same period of service in the same career field or skill. 11 "(i) TERMINATION OF AUTHORITY.—No agreement 12 may be entered into under this section after December 31, 13 2009.

14 "SUBCHAPTER III—GENERAL PROVISIONS

15 "§ 371. Relationship to other incentives and pays

16 "(a) TREATMENT.—A bonus or incentive pay paid to
17 a member of the uniformed services under subchapter II
18 is in addition to any other pay and allowance to which
19 a member is entitled, unless otherwise provided under this
20 chapter.

21 "(b) EXCEPTION.—A member may not receive a
22 bonus or incentive pay under both subchapter I and sub23 chapter II for the same activity, skill, or period of service.
24 "(c) RELATIONSHIP TO OTHER COMPUTATIONS.—
25 The amount of a bonus or incentive pay to which a mem-

ber is entitled under subchapter II may not be included
 in computing the amount of—

- 3 "(1) any increase in pay authorized by any
 4 other provision of this title; or
- 5 "(2) any retired pay, retainer pay, separation
 6 pay, or disability severance pay.

7 "§ 372. Continuation of pays during hospitalization
8 and rehabilitation resulting from
9 wounds, injury, or illness incurred while
10 on duty in a hostile fire area or exposed
11 to an event of hostile fire or other hostile
12 action

13 "(a) CONTINUATION OF PAYS.—If a member of a regular or reserve component of a uniformed service incurs 14 15 a wound, injury, or illness in the line of duty while serving in a combat operation or a combat zone, while serving in 16 17 a hostile fire area, or while exposed to a hostile fire event, 18 as described under section 351 of this title, and is hos-19 pitalized for treatment of the wound, injury, or illness, the 20 Secretary concerned may continue to pay to the member, 21 notwithstanding any provision of this chapter to the con-22 trary, all pay and allowances (including any bonus, incen-23 tive pay, or similar benefit) that were being paid to the 24 member at the time the member incurred the wound, in-25 jury, or illness.

"(b) DURATION.—The payment of pay and allow ances to a member under subsection (a) may continue
 until the end of the first month beginning after the earliest
 of the following dates:

5 "(1) The date on which the member is returned
6 for assignment to other than a medical or patient
7 unit for duty.

8 "(2) One year after the date on which the mem-9 ber is first hospitalized for the treatment of the 10 wound, injury, or illness, except that the Secretary 11 concerned may extend the termination date in six-12 month increments.

13 "(3) The date on which the member is dis14 charged, separated, or retired (including temporary
15 disability retirement) from the uniformed services.

"(c) BONUS, INCENTIVE PAY, OR SIMILAR BENEFIT
DEFINED.—In this section, the term 'bonus, incentive
pay, or similar benefit' means a bonus, incentive pay, special pay, or similar payment paid to a member of the uniformed services under this title or title 10.

21 "§ 373. Repayment of unearned portion of bonus, in22 centive pay, or similar benefit when con23 ditions of payment not met

24 "(a) REPAYMENT.—Except as provided in subsection25 (b), a member of the uniformed services who is paid a

bonus, incentive pay, or similar benefit, the receipt of
 which is contingent upon the member's satisfaction of cer tain service or eligibility requirements, shall repay to the
 United States any unearned portion of the bonus, incen tive pay, or similar benefit if the member fails to satisfy
 any such service or eligibility requirement.

7 "(b) EXCEPTIONS.—The regulations prescribed to
8 administer this section may specify procedures for deter9 mining the circumstances under which an exception to the
10 required repayment may be granted.

11 "(c) EFFECT OF BANKRUPTCY.—An obligation to 12 repay the United States under this section is, for all pur-13 poses, a debt owed the United States. A discharge in bank-14 ruptcy under title 11 does not discharge a person from 15 such debt if the discharge order is entered less than five 16 years after—

17 "(1) the date of the termination of the agree-18 ment or contract on which the debt is based; or

19 "(2) in the absence of such an agreement or
20 contract, the date of the termination of the service
21 on which the debt is based.

22 "(d) DEFINITIONS.—In this section:

23 "(1) The term 'bonus, incentive pay, or similar
24 benefit' means a bonus, incentive pay, special pay, or
25 similar payment, or an educational benefit or sti-

1	pend, paid to a member of the uniformed services
2	under a provision of law that refers to the repay-
3	ment requirements of this section or section 303a(e)
4	of this title.
5	((2) The term 'service', as used in subsection
6	(c)(2), refers to an obligation willingly undertaken
7	by a member of the uniformed services, in exchange
8	for a bonus, incentive pay, or similar benefit offered
9	by the Secretary concerned—
10	"(A) to a member in a regular or reserve
11	component who remains on active duty or in an
12	active status;
13	"(B) to perform duty in a specified skill,
14	with or without a specified qualification or cre-
15	dential;
16	"(C) to perform duty in a specified assign-
17	ment, location or unit; or
18	"(D) to perform duty for a specified period
19	of time.
20	"§ 374. Regulations
21	"This subchapter and subchapter II shall be adminis-
22	tered under regulations prescribed by—
23	"(1) the Secretary of Defense, with respect to
24	the armed forces under the jurisdiction of the Sec-
25	retary of Defense;

	-
1	"(2) the Secretary of Homeland Security, with
2	respect to the Coast Guard when it is not operating
3	as a service in the Navy;
4	"(3) the Secretary of Health and Human Serv-
5	ices, with respect to the commissioned corps of the
6	Public Health Service; and
7	"(4) the Secretary of Commerce, with respect
8	to the National Oceanic and Atmospheric Adminis-
9	tration.".
10	(b) Transfer of 15-Year Career Status Bonus
11	to Subchapter II.—
12	(1) TRANSFER.—Section 322 of title 37, United
13	States Code, is transferred to appear after section
14	353 of subchapter II of chapter 5 of such title, as
15	added by subsection (a), and is redesignated as sec-
16	tion 354.
17	(2) Conforming Amendment.—Subsection (f)
18	of such section, as so transferred and redesignated,
19	is amended by striking "section 303a(e)" and insert-
20	ing "section 373".
21	(3) CROSS REFERENCES.—Sections 1401a,
22	1409(b)(2), and 1410 of title 10, United States
23	Code, are amended by striking "section 322" each
24	place it appears and inserting "section 322 (as in ef-
25	fect before the enactment of the National Defense

Authorization Act for Fiscal Year 2008) or section
 354".

3 (c) TRANSFER OF RETENTION INCENTIVES FOR
4 MEMBERS QUALIFIED IN CRITICAL MILITARY SKILLS OR
5 ASSIGNED TO HIGH PRIORITY UNITS.—

6 (1) TRANSFER.—Section 323 of title 37, United 7 States Code, as amended by sections 614 and 622, 8 is transferred to appear after section 354 of sub-9 chapter II of chapter 5 of such title, as transferred 10 and redesignated by subsection (b)(1), and is redes-11 ignated as section 355.

(2) CONFORMING AMENDMENT.—Subsection (g)
of such section, as so transferred and redesignated,
is amended by striking "section 303a(e)" and inserting "section 373".

16 (d) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 5 of title 37, United States
18 Code, is amended to read as follows:

"SUBCHAPTER I—EXISTING SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

"Sec.

- "301a. Incentive pay: aviation career.
- "301b. Special pay: aviation career officers extending period of active duty.
- "301c. Incentive pay: submarine duty.
- "301d. Multiyear retention bonus: medical officers of the armed forces.
- "301e. Multiyear retention bonus: dental officers of the armed forces.
- "302. Special pay: medical officers of the armed forces.
- "302a. Special pay: optometrists.
- "302b. Special pay: dental officers of the armed forces.
- "302c. Special pay: psychologists and nonphysician health care providers.
- "302d. Special pay: accession bonus for registered nurses.
- "302e. Special pay: nurse anesthetists.

[&]quot;301. Incentive pay: hazardous duty.

- "302f. Special pay: reserve, recalled, or retained health care officers.
- "302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties.
- "302h. Special pay: accession bonus for dental officers.
- "302i. Special pay: pharmacy officers.
- "302j. Special pay: accession bonus for pharmacy officers.
- "302k. Special pay: accession bonus for medical officers in critically short wartime specialties.
- "3021. Special pay: accession bonus for dental specialist officers in critically short wartime specialties.
- "303. Special pay: veterinarians.
- "303a. Special pay: general provisions.
- "303b. Waiver of board certification requirements.
- "304. Special pay: diving duty.
- "305. Special pay: hardship duty pay.
- "305a. Special pay: career sea pay.
- "305b. Special pay: service as member of Weapons of Mass Destruction Civil Support Team.
- "306. Special pay: officers holding positions of unusual responsibility and of critical nature.
- "306a. Special pay: members assigned to international military headquarters.
- "307. Special pay: special duty assignment pay for enlisted members.
- "307a. Special pay: assignment incentive pay.
- "308. Special pay: reenlistment bonus.
- "308b. Special pay: reenlistment bonus for members of the Selected Reserve.
- "308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve.
- "308d. Special pay: members of the Selected Reserve assigned to certain high priority units.
- "308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.
- "308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.
- "308i. Special pay: prior service enlistment bonus.
- "308j. Special pay: affiliation bonus for officers in the Selected Reserve.
- "309. Special pay: enlistment bonus.
- "310. Special pay: duty subject to hostile fire or imminent danger.
- "312. Special pay: nuclear-qualified officers extending period of active duty.
- "312b. Special pay: nuclear career accession bonus.
- "312c. Special pay: nuclear career annual incentive bonus.
- "314. Special pay or bonus: qualified members extending duty at designated locations overseas.
- "315. Special pay: engineering and scientific career continuation pay.
- "316. Special pay: bonus for members with foreign language proficiency.
- "317. Special pay: officers in critical acquisition positions extending period of active duty.
- "318. Special pay: special warfare officers extending period of active duty.
- "319. Special pay: surface warfare officer continuation pay.
- "320. Incentive pay: career enlisted flyers.
- "321. Special pay: judge advocate continuation pay.
- "324. Special pay: accession bonus for new officers in critical skills.
- "325. Incentive bonus: savings plan for education expenses and other contingencies.
- "326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage.

- "327. Incentive bonus: transfer between armed forces.
- "328. Combat-related injury rehabilitation pay.
- "329. Incentive bonus: retired members and reserve component members volunteering for high-demand, low-density assignments.
- "330. Special pay: accession bonus for officer candidates.

"SUBCHAPTER II—CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

- "331. General bonus authority for enlisted members.
- "332. General bonus authority for officers.
- "333. Special bonus and incentive pay authorities for nuclear officers.
- "334. Special aviation incentive pay and bonus authorities for officers.
- "335. Special bonus and incentive pay authorities for officers in health professions.
- "351. Hazardous duty pay.
- "352. Assignment pay or special duty pay.
- "353. Skill incentive pay or proficiency bonus.
- "354. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986.
- "355. Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units.

"SUBCHAPTER III—GENERAL PROVISIONS

- "371. Relationship to other incentives and pays.
- "372. Continuation of pays during hospitalization and rehabilitation resulting from wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action.
- "373. Repayment of unearned portion of bonus, incentive pay, or similar benefit when conditions of payment not met.
- "374. Regulations.".

1 SEC. 662. TRANSITIONAL PROVISIONS.

- 2 (a) IMPLEMENTATION PLAN.—
- (1) DEVELOPMENT.—The Secretary of Defense
 shall develop a plan to implement subchapters II
 and III of chapter 5 of title 37, United States Code,
 as added by section 661(a), and to correspondingly
 transition all of the special and incentive pay programs for members of the uniformed services solely
 to provisions of such subchapters.

(2) SUBMISSION.—Not later than one year after
 the date of the enactment of this Act, the Secretary
 shall submit the implementation plan to the congressional defense committees.

5 (b) TRANSITION PERIOD.—During a transition period of not more than 10 years beginning on the date of 6 7 the enactment of this Act, the Secretary of Defense, the 8 Secretary of a military department, and the Secretaries 9 referred to in subsection (d) may continue to use the au-10 thorities in provisions in subchapter I of chapter 5 of title 37, United States Code, as designated by section 661(a), 11 but subject to the terms of such provisions and such modi-12 13 fications as the Secretary of Defense may include in the implementation plan, to provide bonuses and special and 14 15 incentive pays for members of the uniformed services.

16 (c) NOTICE OF IMPLEMENTATION OF NEW AUTHORI-TIES.—Not less than 30 days before the date on which 17 18 a special pay or bonus authority provided under sub-19 chapter II of chapter 5 of title 37, United States Code, as added by section 661(a), is first utilized, the Secretary 2021 of Defense shall submit to the congressional defense committees a notice of the implementation of the authority, 22 23 including whether, as a result of implementation of the 24 authority, a corresponding authority in subchapter I of such chapter, as designated by section 661(a), will no
 longer be used.

3 (d) COORDINATION.—The Secretary of Defense shall 4 prepare the implementation plan in coordination with— 5 (1) the Secretary of Homeland Security, with 6 respect to the Coast Guard; 7 (2) the Secretary of Health and Human Serv-8 ices, with respect to the commissioned corps of the 9 Public Health Service; and 10 (3) the Secretary of Commerce, with respect to 11 the National Oceanic and Atmospheric Administra-12 tion. 13 (e) NO EFFECT ON FISCAL YEAR 2008 OBLIGA-TIONS.—During fiscal year 2008, obligations incurred 14 15 under subchapters I, II, and III of chapter 5 of title 37, United States Code, as amended by section 661, to provide 16 bonuses, incentive pays, special pays, and similar pay-17 ments to members of the uniformed services under such 18 19 subchapters may not exceed the obligations that would be incurred in the absence of the amendments made by such 20 21 section.

22 Subtitle G—Other Matters

23 SEC. 671. REFERRAL BONUS AUTHORITIES.

24 (a) Codification and Modification of Army Re25 FERRAL BONUS AUTHORITY.—

1	(1) Army referral bonus.—Chapter 333 of
2	title 10, United States Code, is amended by insert-
3	ing after section 3251 the following new section:
4	"§ 3252. Bonus to encourage Army personnel to refer
5	persons for enlistment in the Army
6	"(a) Authority To Pay Bonus.—
7	"(1) AUTHORITY.—The Secretary of the Army
8	may pay a bonus under this section to an individual
9	referred to in paragraph (2) who refers to an Army
10	recruiter a person who has not previously served in
11	an armed force and who, after such referral, enlists
12	in the regular component of the Army or in the
13	Army National Guard or Army Reserve.
14	"(2) Individuals eligible for Bonus.—Sub-
15	ject to subsection (c), the following individuals are
16	eligible for a referral bonus under this section:
17	"(A) A member in the regular component
18	of the Army.
19	"(B) A member of the Army National
20	Guard.
21	"(C) A member of the Army Reserve.
22	"(D) A member of the Army in a retired
23	status, including a member under 60 years of
24	age who, but for age, would be eligible for re-
25	tired pay.

1	"(E) A civilian employee of the Depart-
2	ment of the Army.
3	"(b) REFERRAL.—For purposes of this section, a re-
4	ferral for which a bonus may be paid under subsection
5	(a) occurs—
6	((1) when the individual concerned contacts an
7	Army recruiter on behalf of a person interested in
8	enlisting in the Army; or
9	((2) when a person interested in enlisting in
10	the Army contacts the Army recruiter and informs
11	the recruiter of the role of the individual concerned
12	in initially recruiting the person.
13	"(c) Certain Referrals Ineligible.—
13 14	"(c) Certain Referrals Ineligible.— "(1) Referral of immediate family.—A
14	"(1) Referral of immediate family.—A
14 15	"(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army or civilian employee of the De-
14 15 16	"(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army or civilian employee of the De- partment of the Army may not be paid a bonus
14 15 16 17	"(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army or civilian employee of the De- partment of the Army may not be paid a bonus under subsection (a) for the referral of an immediate
14 15 16 17 18	"(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army or civilian employee of the De- partment of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member.
14 15 16 17 18 19	 "(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army or civilian employee of the Department of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member. "(2) MEMBERS IN RECRUITING ROLES.—A
 14 15 16 17 18 19 20 	 "(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army or civilian employee of the Department of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member. "(2) MEMBERS IN RECRUITING ROLES.—A member of the Army or civilian employee of the De-
 14 15 16 17 18 19 20 21 	 "(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army or civilian employee of the Department of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member. "(2) MEMBERS IN RECRUITING ROLES.—A member of the Army or civilian employee of the Department of the Army serving in a recruiting or re-

perceived as creating a conflict of interest, may not
 be paid a bonus under subsection (a).

"(3) JUNIOR RESERVE OFFICERS' TRAINING 3 4 CORPS INSTRUCTORS.—A member of the Army detailed under subsection (c)(1) of section 2031 of this 5 6 title to serve as an administrator or instructor in the 7 Junior Reserve Officers' Training Corps program or 8 a retired member of the Army employed as an ad-9 ministrator or instructor in the program under sub-10 section (d) of such section may not be paid a bonus 11 under subsection (a).

"(d) AMOUNT OF BONUS.—The amount of the bonus
payable for a referral under subsection (a) may not exceed
\$2,000. The amount shall be payable as provided in subsection (e).

16 "(e) PAYMENT.—A bonus payable for a referral of17 a person under subsection (a) shall be paid as follows:

18 "(1) Not more than \$1,000 shall be paid upon
19 the commencement of basic training by the person.
20 "(2) Not more than \$1,000 shall be paid upon
21 the completion of basic training and individual ad22 vanced training by the person.

23 "(f) RELATION TO PROHIBITION ON BOUNTIES.—
24 The referral bonus authorized by this section is not a
25 bounty for purposes of section 514(a) of this title.

"(g) COORDINATION WITH RECEIPT OF RETIRED
 PAY.—A bonus paid under this section to a member of
 the Army in a retired status is in addition to any com pensation to which the member is entitled under this title,
 title 37 or 38, or any other provision of law.

6 "(h) DURATION OF AUTHORITY.—A bonus may not
7 be paid under subsection (a) with respect to any referral
8 that occurs after December 31, 2008.".

9 (2) CLERICAL AMENDMENT.—The table of sec-10 tions at the beginning of such chapter is amended 11 by inserting after the item relating to section 3251 12 the following new item:

"3252. Bonus to encourage Army personnel to refer persons for enlistment in the Army.".

(b) BONUS FOR REFERRAL OF PERSONS FOR AP14 POINTMENT AS OFFICERS TO SERVE IN HEALTH PRO15 FESSIONS.—

16 (1) HEALTH PROFESSIONS REFERRAL
17 BONUS.—Chapter 53 of such title is amended by in18 serting before section 1031 the following new sec19 tion:

20 "§ 1030. Bonus to encourage Department of Defense
 personnel to refer persons for appoint ment as officers to serve in health profes-

23 sions

24 "(a) AUTHORITY TO PAY BONUS.—

"(1) AUTHORITY.—The Secretary of Defense 1 2 may authorize the appropriate Secretary to pay a 3 bonus under this section to an individual referred to 4 in paragraph (2) who refers to a military recruiter 5 a person who has not previously served in an armed 6 force and, after such referral, takes an oath of en-7 listment that leads to appointment as a commis-8 sioned officer, or accepts an appointment as a com-9 missioned officer, in an armed force in a health pro-10 fession designated by the appropriate Secretary for 11 purposes of this section. "(2) Individuals eligible for Bonus.—Sub-12 13 ject to subsection (c), the following individuals are 14 eligible for a referral bonus under this section: "(A) A member of the armed forces in a 15 16 regular component of the armed forces. "(B) A member of the armed forces in a 17 18 reserve component of the armed forces. 19 "(C) A member of the armed forces in a 20 retired status, including a member under 60 21 years of age who, but for age, would be eligible 22 for retired or retainer pay. 23 "(D) A civilian employee of a military de-24 partment or the Department of Defense.

"(b) REFERRAL.—For purposes of this section, a re ferral for which a bonus may be paid under subsection
 (a) occurs—

4 "(1) when the individual concerned contacts a
5 military recruiter on behalf of a person interested in
6 taking an oath of enlistment that leads to appoint7 ment as a commissioned officer, or accepting an appointment as a commissioned officer, as applicable,
9 in an armed force in a health profession; or

10 "(2) when a person interested in taking an oath 11 of enlistment that leads to appointment as a com-12 missioned officer, or accepting an appointment as a 13 commissioned officer, as applicable, in an armed 14 force in a health profession contacts a military re-15 cruiter and informs the recruiter of the role of the 16 individual concerned in initially recruiting the per-17 son.

18 "(c) CERTAIN REFERRALS INELIGIBLE.—

"(1) REFERRAL OF IMMEDIATE FAMILY.—A
member of the armed forces or civilian employee of
a military department or the Department of Defense
may not be paid a bonus under subsection (a) for
the referral of an immediate family member.

24 "(2) MEMBERS IN RECRUITING ROLES.—A
25 member of the armed forces or civilian employee of

a military department or the Department of Defense
serving in a recruiting or retention assignment, or
assigned to other duties regarding which eligibility
for a bonus under subsection (a) could (as determined by the appropriate Secretary) be perceived as
creating a conflict of interest, may not be paid a
bonus under subsection (a).

"(3) JUNIOR RESERVE OFFICERS' TRAINING 8 CORPS INSTRUCTORS.—A member of the armed 9 10 forces detailed under subsection (c)(1) of section 11 2031 of this title to serve as an administrator or in-12 structor in the Junior Reserve Officers' Training 13 Corps program or a retired member of the armed 14 forces employed as an administrator or instructor in 15 the program under subsection (d) of such section 16 may not be paid a bonus under subsection (a).

17 "(d) AMOUNT OF BONUS.—The amount of the bonus
18 payable for a referral under subsection (a) may not exceed
19 \$2,000. The amount shall be payable as provided in sub20 section (e).

21 "(e) PAYMENT.—A bonus payable for a referral of22 a person under subsection (a) shall be paid as follows:

23 "(1) Not more than \$1,000 shall be paid upon
24 the execution by the person of an agreement to serve

1	as an officer in a health profession in an armed
2	force for not less than 3 years,
3	"(2) Not more than $1,000$ shall be paid upon
4	the completion by the person of the initial period of
5	military training as an officer.
6	"(f) Relation to Prohibition on Bounties.—
7	The referral bonus authorized by this section is not a
8	bounty for purposes of section 514(a) of this title.
9	"(g) Coordination With Receipt of Retired
10	PAY.—A bonus paid under this section to a member of
11	the armed forces in a retired status is in addition to any
12	compensation to which the member is entitled under this
13	title, title 37 or 38, or any other provision of law.
14	"(h) Appropriate Secretary Defined.—In this
15	section, the term 'appropriate Secretary' means—
16	"(1) the Secretary of the Army, with respect to
17	matters concerning the Army;
18	"(2) the Secretary of the Navy, with respect to
19	matters concerning the Navy, the Marine Corps, and
20	the Coast Guard when it is operating as a service in
21	the Navy;
22	"(3) the Secretary of the Air Force, with re-
23	spect to matters concerning the Air Force; and
24	"(4) the Secretary of Defense, with respect to
25	personnel of the Department of Defense.

1	"(i) DURATION OF AUTHORITY.—A bonus may not
2	be paid under subsection (a) with respect to any referral
3	that occurs after December 31, 2008.".
4	(2) CLERICAL AMENDMENTS.—The table of sec-
5	tions at the beginning of such chapter is amended
6	by inserting before the item relating to section 1031
7	the following new item: "1030. Bonus to encourage Department of Defense personnel to refer persons for appointment as officers to serve in health professions.".
8	(c) Repeal of Superseded army Referral
9	Bonus Authority.—
10	
10	(1) REPEAL.—Section 645 of the National De-
11	fense Authorization Act for Fiscal Year 2006 (Pub-
12	lic Law 109–163) is repealed.
13	(2) PAYMENT OF BONUSES UNDER SUPER-
14	SEDED AUTHORITY.—Any bonus payable under sec-
15	tion 645 of the National Defense Authorization Act
16	for Fiscal Year 2006, as in effect before its repeal
17	by paragraph (1), shall remain payable after that
18	date and shall be paid in accordance with the provi-
19	sions of such section, as in effect on the day before
20	the date of the enactment of this Act.

1	SEC. 672. EXPANSION OF EDUCATION LOAN REPAYMENT
2	PROGRAM FOR MEMBERS OF THE SELECTED
3	RESERVE.
4	(a) Additional Educational Loans Eligible
5	FOR REPAYMENT.—Paragraph (1) of subsection (a) of
6	section 16301 of title 10, United States Code, is amend-
7	ed—
8	(1) by striking "or" at the end of subparagraph
9	(B);
10	(2) by striking the period at the end of sub-
11	paragraph (C) and inserting "; or"; and
12	(3) by inserting after subparagraph (C) the fol-
13	lowing new subparagraph:
14	"(D) any loan incurred for educational purposes
15	made by a lender that is—
16	"(i) an agency or instrumentality of a
17	State;
18	"(ii) a financial or credit institution (in-
19	cluding an insurance company) that is subject
20	to examination and supervision by an agency of
21	the United States or any State;
22	"(iii) a pension fund approved by the Sec-
23	retary for purposes of this section; or
24	"(iv) a nonprofit private entity designated
25	by a State, regulated by that State, and ap-

1	proved by the Secretary for purposes of this
2	section.".
3	(b) Participation of Officers in Program.—
4	Such subsection is further amended—
5	(1) in paragraph (2) —
6	(A) by striking "Except as provided in
7	paragraph (3), the Secretary" and inserting
8	"The Secretary"; and
9	(B) by striking "an enlisted member of the
10	Selected Reserve of the Ready Reserve of an
11	armed force in a reserve component and mili-
12	tary specialty" and inserting "a member of the
13	Selected Reserve of the Ready Reserve of an
14	armed force in a reserve component and in an
15	officer program or military specialty"; and
16	(2) by striking paragraph (3).
17	(c) CLERICAL AMENDMENTS.—
18	(1) SECTION HEADING.—The heading of such
19	section is amended to read as follows:
20	"§16301. Education loan repayment program: mem-
21	bers of Selected Reserve".
22	(2) TABLE OF SECTIONS.—The table of sections
23	at the beginning of chapter 1609 of such title is
24	amended by striking the item relating to section
25	16301 and inserting the following new item: "16301. Education loan repayment program: members of Selected Reserve.".

1 SEC. 673. ENSURING ENTRY INTO UNITED STATES AFTER 2 TIME ABROAD FOR PERMANENT RESIDENT 3 ALIEN MILITARY SPOUSES AND CHILDREN. 4 Section 284 of the Immigration and Nationality Act 5 (8 U.S.C. 1354) is amended— (1) by striking "Nothing" and inserting "(a) 6 7 Nothing"; and 8 (2) by adding at the end the following new sub-9 section: 10 "(b) If a person lawfully admitted for permanent resi-11 dence is the spouse or child of a member of the Armed Forces of the United States, is authorized to accompany 12 13 the member and reside abroad with the member pursuant 14 to the member's official orders, and is so accompanying and residing with the member (in marital union if a 15 16 spouse), then the residence and physical presence of the person abroad shall not be treated as— 17 "(1) an abandonment or relinquishment of law-18

- 18 (1) an abandonment or reinquisiment of law19 ful permanent resident status for purposes of clause
 20 (i) of section 101(a)(13)(C); or
- 21 "(2) an absence from the United States for22 purposes of clause (ii) of such section.".

3 (a) SPOUSES.—Section 319 of the Immigration and
4 Nationality Act (8 U.S.C. 1430) is amended by adding
5 at the end the following new subsection:

6 "(e)(1) In the case of a person lawfully admitted for 7 permanent residence in the United States who is the spouse of a member of the Armed Forces of the United 8 9 States, is authorized to accompany such member and reside abroad with the member pursuant to the member's 10 11 official orders, and is so accompanying and residing with the member in marital union, such residence and physical 12 13 presence abroad shall be treated, for purposes of subsection (a) and section 316(a), as residence and physical 14 15 presence in—

- 16 "(A) the United States; and
- 17 "(B) any State or district of the Department of18 Homeland Security in the United States.

"(2) Notwithstanding any other provision of law, a
spouse described in paragraph (1) shall be eligible for naturalization proceedings overseas pursuant to section
1701(d) of the National Defense Authorization Act for
Fiscal Year 2004 (Public Law 108–136; 8 U.S.C.
1443a).".

1

2

(b) CHILDREN.—Section 322 of the Immigration and
 Nationality Act (8 U.S.C. 1433) is amended by adding
 at the end the following new subsection:

4 "(d) In the case of a child of a member of the Armed
5 Forces of the United States who is authorized to accom6 pany such member and reside abroad with the member
7 pursuant to the member's official orders, and is so accom8 panying and residing with the member—

9 "(1) any period of time during which the mem10 ber of the Armed Forces is residing abroad pursuant
11 to official orders shall be treated, for purposes of
12 subsection (a)(2)(A), as physical presence in the
13 United States;

14 ((2) subsection (a)(5) shall not apply; and

"(3) the oath of allegiance described in subsection (b) may be subscribed to abroad pursuant to
section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136;
8 U.S.C. 1443a).".

(c) OVERSEAS NATURALIZATION AUTHORITY.—Sec21 tion 1701(d) of the National Defense Authorization Act
22 for Fiscal Year 2004 (Public Law 108–136; 8 U.S.C.
23 1443a) is amended—

(1) in the subsection heading, by inserting
 "AND THEIR SPOUSES AND CHILDREN" after
 "FORCES"; and

4 (2) by inserting ", and persons made eligible
5 for naturalization by section 319(e) or 322(d) of
6 such Act," after "Armed Forces".

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on the date of enactment of
9 this Act and apply to any application for naturalization
10 or issuance of a certificate of citizenship pending on or
11 after such date.

12 SEC. 675. MODIFICATION OF AMOUNT OF BACK PAY FOR

13MEMBERS OF NAVY AND MARINE CORPS SE-14LECTED FOR PROMOTION WHILE INTERNED15AS PRISONERS OF WAR DURING WORLD WAR16II TO TAKE INTO ACCOUNT CHANGES IN CON-17SUMER PRICE INDEX.

(a) MODIFICATION.—Section 667(c) of the Floyd D.
Spence National Defense Authorization Act for Fiscal
Year 2001 (as enacted into law by Public Law 106–398;
114 Stat. 1654A–170) is amended by adding at the end
the following new paragraph:

23 "(3) The amount determined for a person under
24 paragraph (1) shall be increased to reflect increases in
25 cost of living since the basic pay referred to in paragraph

(1)(B) was paid to or for that person, calculated on the
 basis of the Consumer Price Index (all items—United
 States city average) published monthly by the Bureau of
 Labor Statistics.".

5 (b) RECALCULATION OF PREVIOUS PAYMENTS.—In
6 the case of any payment of back pay made to or for a
7 person under section 667 of the Floyd D. Spence National
8 Defense Authorization Act for Fiscal Year 2001 before the
9 date of the enactment of this Act, the Secretary of the
10 Navy shall—

(1) recalculate the amount of back pay to which
the person is entitled by reason of the amendment
made by subsection (a); and

(2) if the amount of back pay, as so recalculated, exceeds the amount of back pay so paid, pay
the person, or the surviving spouse of the person, an
amount equal to the excess.

18 TITLE VII—HEALTH CARE 19 PROVISIONS

Subtitle A-Improvements to Military Health Benefits

- Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.
- Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
- Sec. 703. Inclusion of TRICARE retail pharmacy program in Federal procurement of pharmaceuticals.
- Sec. 704. Stipend for members of reserve components for health care for certain dependents.
- Sec. 705. Authority for expansion of persons eligible for continued health benefits coverage.
- Sec. 706. Continuation of eligibility for TRICARE Standard coverage for certain members of the Selected Reserve.

- Sec. 707. Extension of pilot program for health care delivery.
- Sec. 708. Inclusion of mental health care in definition of health care and report on mental health care services.

Subtitle B—Studies and Reports

- Sec. 711. Surveys on continued viability of TRICARE Standard and TRICARE Extra.
- Sec. 712. Report on training in preservation of remains under combat or combat-related conditions.
- Sec. 713. Report on patient satisfaction surveys.
- Sec. 714. Report on medical physical examinations of members of the Armed Forces before their deployment.
- Sec. 715. Report and study on multiple vaccinations of members of the Armed Forces.
- Sec. 716. Review of gender- and ethnic group-specific mental health services and treatment for members of the Armed Forces.
- Sec. 717. Licensed mental health counselors and the TRICARE program.
- Sec. 718. Report on funding of the Department of Defense for health care.

Subtitle C—Other Matters

Sec. 721. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.

Sec. 722. Establishment of Joint Pathology Center.

Subtitle A—Improvements to Military Health Benefits

3 SEC. 701. ONE-YEAR EXTENSION OF PROHIBITION ON IN-

CREASES IN CERTAIN HEALTH CARE COSTS

5 FOR MEMBERS OF THE UNIFORMED SERV-6 ICES.

7 (a) CHARGES UNDER CONTRACTS FOR MEDICAL
8 CARE.—Section 1097(e) of title 10, United States Code,
9 is amended by striking "September 30, 2007" and insert10 ing "September 30, 2008".

(b) CHARGES FOR INPATIENT CARE.—Section
12 1086(b)(3) of such title is amended by striking "Sep13 tember 30, 2007." and inserting "September 30, 2008".

4

(c) PREMIUMS UNDER TRICARE COVERAGE FOR
 CERTAIN MEMBERS IN THE SELECTED RESERVE.—Sec tion 1076d(d)(3) of such title is amended by striking
 "September 30, 2007" and inserting "September 30,
 2008".

6 SEC. 702. TEMPORARY PROHIBITION ON INCREASE IN CO7 PAYMENTS UNDER RETAIL PHARMACY SYS8 TEM OF PHARMACY BENEFITS PROGRAM.

9 During the period beginning on October 1, 2007, and 10 ending on September 30, 2008, the cost sharing require-11 ments established under paragraph (6) of section 12 1074g(a) of title 10, United States Code, for pharma-13 ceutical agents available through retail pharmacies cov-14 ered by paragraph (2)(E)(ii) of such section may not ex-15 ceed amounts as follows:

16 (1) In the case of generic agents, \$3.

17 (2) In the case of formulary agents, \$9.

18 (3) In the case of nonformulary agents, \$22.

19 SEC. 703. INCLUSION OF TRICARE RETAIL PHARMACY PRO-

20

GRAM IN FEDERAL PROCUREMENT OF PHAR-

21 MACEUTICALS.

(a) IN GENERAL.—Section 1074g of title 10, United
States Code, is amended—

24 (1) by redesignating subsections (f) and (g) as
25 subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the fol lowing new subsection (f):

3 "(f) PROCUREMENT OF PHARMACEUTICALS BY 4 TRICARE RETAIL PHARMACY PROGRAM.—With respect 5 to any prescription filled on or after the date of the enactment of the National Defense Authorization Act for Fiscal 6 7 Year 2008, the TRICARE retail pharmacy program shall 8 be treated as an element of the Department of Defense 9 for purposes of the procurement of drugs by Federal agen-10 cies under section 8126 of title 38 to the extent necessary to ensure that pharmaceuticals paid for by the Depart-11 12 ment of Defense that are provided by pharmacies under 13 the program to eligible covered beneficiaries under this section are subject to the pricing standards in such section 14 15 8126.".

16 (b) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries 17 under chapter 55 of title 10, United States Code, modify 18 the regulations under subsection (h) of section 1074g of 19 20 title 10, United States Code (as redesignated by sub-21 section (a)(1) of this section), to implement the require-22 ments of subsection (f) of section 1074g of title 10, United 23 States Code (as amended by subsection (a)(2) of this sec-24 tion). The Secretary shall so modify such regulations not 25 later than December 31, 2007.

1SEC. 704. STIPEND FOR MEMBERS OF RESERVE COMPO-2NENTS FOR HEALTH CARE FOR CERTAIN DE-3PENDENTS.

4 The Secretary of Defense may, pursuant to regula-5 tions prescribed by the Secretary, pay a stipend to a member of a reserve component of the Armed Forces who is 6 7 called or ordered to active duty for a period of more than 8 30 days for purposes of maintaining civilian health care 9 coverage for a dependant whom the Secretary determines 10 to possess a special health care need that would be best 11 met by remaining in the member's civilian health plan. In 12 making such determination, the Secretary shall consider whether-13

- 14 (1) the dependent of the member was receiving
 15 treatment for the special health care need before the
 16 call or order to active duty of the member; and
- 17 (2) the call or order to active duty would result
 18 in an interruption in treatment or a change in
 19 health care provider for such treatment.

20 SEC. 705. AUTHORITY FOR EXPANSION OF PERSONS ELIGI21 BLE FOR CONTINUED HEALTH BENEFITS
22 COVERAGE.

(a) AUTHORITY TO SPECIFY ADDITIONAL ELIGIBLE
24 PERSONS.—Subsection (b) of section 1078a of title 10,
25 United States Code, is amended by adding at the end the
26 following new paragraph:

1 "(4) Any other person specified in regulations 2 prescribed by the Secretary of Defense for purposes 3 of this paragraph who loses entitlement to health 4 care services under this chapter or section 1145 of 5 this title, subject to such terms and conditions as 6 the Secretary shall prescribe in the regulations.". 7 (b) ELECTION OF COVERAGE.—Subsection (d) of 8 such section is amended by adding at the end the following new paragraph: 9 10 "(4) In the case of a person described in sub-11 section (b)(4), by such date as the Secretary shall 12 prescribe in the regulations required for purposes of 13 that subsection.". 14 (c) PERIOD OF COVERAGE.—Subsection (g)(1) of 15 such section is amended— (1) in subparagraph (B), by striking "and" at 16 17 the end; 18 (2) in subparagraph (C), by striking the period 19 at the end and inserting "; and"; and 20 (3) by adding at the end the following new sub-21 paragraph: 22 "(D) in the case of a person described in sub-23 section (b)(4), the date that is 36 months after the 24 date on which the person loses entitlement to health 25 care services as described in that subsection.".

1SEC. 706. CONTINUATION OF ELIGIBILITY FOR TRICARE2STANDARD COVERAGE FOR CERTAIN MEM-3BERS OF THE SELECTED RESERVE.

4 (a) IN GENERAL.—Section 706(f) of the John War5 ner National Defense Authorization Act for Fiscal Year
6 2007 (Public Law 109–364; 120 Stat. 2282; 10 U.S.C.
7 1076d note) is amended—

8 (1) by striking "Enrollments" and inserting
9 "(1) Except as provided in paragraph (2), enroll10 ments"; and

(2) by adding at the end the following newparagraph:

13 "(2) The enrollment of a member in TRICARE Standard that is in effect on the day before health care 14 under TRICARE Standard is provided pursuant to the ef-15 16 fective date in subsection (g) shall not be terminated by operation of the exclusion of eligibility under subsection 17 18 (a)(2) of such section 1076d, as so amended, for the dura-19 tion of the eligibility of the member under TRICARE 20Standard as in effect on October 16, 2006.".

(b) EFFECTIVE DATE.—The amendments made bysubsection (a) shall take effect on October 1, 2007.

23 SEC. 707. EXTENSION OF PILOT PROGRAM FOR HEALTH 24 CARE DELIVERY.

25 (a) EXTENSION OF DURATION OF PILOT PRO26 GRAM.—Section 721(e) of the Ronald W. Reagan National
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Defense Authorization Act for Fiscal Year 2005 (Public
 Law 108–375; 118 Stat. 1988; 10 U.S.C. 1092 note) is
 amended by striking "and 2007" and inserting ", 2007,
 2008, 2009, and 2010".

5 (b) EXTENSION OF REPORT DEADLINE.—Section
6 721(f) of such Act is amended by striking "July 1, 2007"
7 and inserting "July 1, 2010".

8 (c) REVISION IN SELECTION CRITERIA.—Section 9 721(d)(2) of such Act is amended by striking "expected 10 to increase over the next five years" and inserting "has 11 increased over the five years preceding 2008".

12 (d) ADDITION TO REQUIREMENTS OF PILOT PRO13 GRAM.—Section 721(b) of such Act is amended—

14 (1) by striking "and" at the end of paragraph15 (3);

16 (2) by striking the period and inserting "; and"17 at the end of paragraph (4); and

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

"(5) collaborate with State and local authorities
to create an arrangement to share and exchange, between the Department of Defense and non-military
health care systems, personal health information and
data of military personnel and their families.".

1SEC. 708. INCLUSION OF MENTAL HEALTH CARE IN DEFINI-2TION OF HEALTH CARE AND REPORT ON3MENTAL HEALTH CARE SERVICES.

4 (a) INCLUSION OF MENTAL HEALTH CARE IN DEFI5 NITION OF HEALTH CARE.—Section 1072 of title 10,
6 United States Code, is amended by adding at the end the
7 following new paragraph:

8 "(10) The term 'health care' includes mental9 health care.".

10 (b) Report on Access to Mental Health Care SERVICES.—Not later than one year after the date of the 11 enactment of this Act, the Secretary of Defense shall sub-12 mit to the Committees on Armed Services of the Senate 13 14 and the House of Representatives a report on the ade-15 quacy of access to mental health services under the 16 TRICARE program, including in the geographic areas where surveys on the continued viability of TRICARE 17 Standard and TRICARE Extra are conducted under sec-18 19 tion 711 of this Act.

20 Subtitle B—Studies and Reports

21 SEC. 711. SURVEYS ON CONTINUED VIABILITY OF TRICARE

22

STANDARD AND TRICARE EXTRA.

23 (a) REQUIREMENT FOR SURVEYS.—

24 (1) IN GENERAL.—The Secretary of Defense
25 shall conduct surveys of health care providers and
26 beneficiaries who use TRICARE in the United
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1	States to determine, utilizing a reconciliation of the
2	responses of providers and beneficiaries to such sur-
3	veys, each of the following:
4	(A) How many health care providers in
5	TRICARE Prime service areas selected under
6	paragraph (3)(A) are accepting new patients
7	under each of TRICARE Standard and
8	TRICARE Extra.
9	(B) How many health care providers in ge-
10	ographic areas in which TRICARE Prime is not
11	offered are accepting patients under each of
12	TRICARE Standard and TRICARE Extra.
13	(C) The availability of mental health care
14	providers in TRICARE Prime service areas se-
15	lected under paragraph $(3)(C)$ and in geo-
16	graphic areas in which TRICARE Prime is not
17	offered.
18	(2) BENCHMARKS.—The Secretary shall estab-
19	lish for purposes of the surveys required by para-
20	graph (1) benchmarks for primary care and specialty
21	care providers, including mental health care pro-
22	viders, to be utilized to determine the adequacy of
23	the availability of health care providers to bene-
24	ficiaries eligible for TRICARE.

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1	(3) Scope of surveys.—The Secretary shall
2	carry out the surveys required by paragraph (1) as
3	follows:
4	(A) In the case of the surveys required by
5	subparagraph (A) of that paragraph, in at least
6	20 TRICARE Prime service areas in the
7	United States in each of fiscal years 2008
8	through 2011.
9	(B) In the case of the surveys required by
10	subparagraph (B) of that paragraph, in 20 geo-
11	graphic areas in which TRICARE Prime is not
12	offered and in which significant numbers of
13	beneficiaries who are members of the Selected
14	Reserve reside.
15	(C) In the case of the surveys required by
16	subparagraph (C) of that paragraph, in at least
17	40 geographic areas.
18	(4) Priority for surveys.—In prioritizing
19	the areas which are to be surveyed under paragraph
20	(1), the Secretary shall—
21	(A) consult with representatives of
22	TRICARE beneficiaries and health care and
23	mental health care providers to identify loca-
24	tions where TRICARE Standard beneficiaries
25	are experiencing significant levels of access-to-

1	care problems under TRICARE Standard or
2	TRICARE Extra;
3	(B) give a high priority to surveying health
4	care and mental health care providers in such
5	areas; and
6	(C) give a high priority to surveying bene-
7	ficiaries and providers located in geographic
8	areas with high concentrations of members of
9	the Selected Reserve.
10	(5) INFORMATION FROM PROVIDERS.—The sur-
11	veys required by paragraph (1) shall include ques-
12	tions seeking to determine from health care and
13	mental health care providers the following:
14	(A) Whether the provider is aware of the
15	TRICARE program.
16	(B) What percentage of the provider's cur-
17	rent patient population uses any form of
18	TRICARE.
19	(C) Whether the provider accepts patients
20	for whom payment is made under the medicare
21	program for health care and mental health care
22	services.
23	(D) If the provider accepts patients re-
24	ferred to in subparagraph (C), whether the pro-
25	vider would accept additional such patients who

1 are not in the provider's current patient popu-2 lation. 3 (6) INFORMATION FROM BENEFICIARIES.—The 4 surveys required by paragraph (1) shall include 5 questions seeking information to determine from 6 TRICARE beneficiaries whether they have difficul-7 ties in finding health care and mental health care 8 providers willing to provide services under 9 TRICARE Standard or TRICARE Extra. 10 (b) GAO REVIEW.— 11 (1) ONGOING REVIEW.—The Comptroller Gen-12 eral shall, on an ongoing basis, review— 13 (A) the processes, procedures, and analysis 14 used by the Department of Defense to deter-15 mine the adequacy of the number of health care 16 and mental health care providers— 17 (i) that currently accept TRICARE 18 Standard or TRICARE Extra beneficiaries 19 as patients under TRICARE Standard in 20 each TRICARE area as of the date of 21 completion of the review; and 22 (ii) that would accept TRICARE 23 Standard or TRICARE Extra beneficiaries 24 as new patients under TRICARE Standard 25 or TRICARE Extra, as applicable, within

1	a reasonable time after the date of comple-
2	tion of the review; and
3	(B) the actions taken by the Department
4	of Defense to ensure ready access of TRICARE
5	Standard beneficiaries to health care and men-
6	tal health care under TRICARE Standard in
7	each TRICARE area, including any pending or
8	resolved requests for waiver of payment limits
9	in order to improve access to health care or
10	mental health care in a specific geographic
11	area.
12	(2) Reports.—The Comptroller General shall
13	submit to the Committees on Armed Services of the
14	Senate and the House of Representatives on a bi-an-
15	nual basis a report on the results of the review
16	under paragraph (1). Each report shall include the
17	following:
18	(A) An analysis of the adequacy of the sur-
19	veys under subsection (a).
20	(B) An identification of any impediments
21	to achieving adequacy of availability of health
22	care and mental health care under TRICARE
23	Standard or TRICARE Extra.
24	(C) An assessment of the adequacy of De-
25	partment of Defense education programs to in-

1	form health care and mental health care pro-
2	viders about TRICARE Standard and
3	TRICARE Extra.
4	(D) An assessment of the adequacy of De-
5	partment of Defense initiatives to encourage
6	health care and mental health care providers to
7	accept patients under TRICARE Standard and
8	TRICARE Extra.
9	(E) An assessment of the adequacy of in-
10	formation available to TRICARE Standard
11	beneficiaries to facilitate access by such bene-
12	ficiaries to health care and mental health care
13	under TRICARE Standard and TRICARE
14	Extra.
15	(F) An assessment of any need for adjust-
16	ment of health care and mental health care pro-
17	vider payment rates to attract participation in
18	TRICARE Standard by appropriate numbers of
19	health care and mental health care providers.
20	(G) An assessment of the adequacy of De-
21	partment of Defense programs to inform mem-
22	bers of the Selected Reserve about the
23	TRICARE Reserve Select program.

1	(H) An assessment of the ability of
2	TRICARE Reserve Select beneficiaries to re-
3	ceive care in their geographic area.
4	(c) EFFECTIVE DATE.—This section shall take effect
5	on October 1, 2007.
6	(d) Repeal of Superseded Requirements and
7	AUTHORITY.—Section 723 of the National Defense Au-
8	thorization Act for Fiscal Year 2004 (10 U.S.C. 1073
9	note) is repealed, effective as of October 1, 2007.
10	(e) DEFINITIONS.—In this section:
11	(1) The term "TRICARE Extra" means the
12	option of the TRICARE program under which
13	TRICARE Standard beneficiaries may obtain dis-
14	counts on cost-sharing as a result of using
15	TRICARE network providers.
16	(2) The term "TRICARE Prime" means the
17	managed care option of the TRICARE program.
18	(3) The term "TRICARE Prime service area"
19	means a geographic area designated by the Depart-
20	ment of Defense in which managed care support
21	contractors develop a managed care network under
22	TRICARE Prime.
23	(4) The term "TRICARE Standard" means the
24	option of the TRICARE program that is also known

25 as the Civilian Health and Medical Program of the

1	Uniformed Services, as defined in section $1072(4)$ of
2	title 10, United States Code.
3	(5) The term "TRICARE Reserve Select"
4	means the option of the TRICARE program that al-
5	lows members of the Selected Reserve to enroll in
6	TRICARE Standard, pursuant to section 1076d of
7	title 10, United States Code.
8	(6) The term "member of the Selected Reserve"
9	means a member of the Selected Reserve of the
10	Ready Reserve of a reserve component of the Armed
11	Forces.
12	(7) The term "United States" means the
13	United States (as defined in section 101(a) of title
14	10, United States Code), its possessions (as defined
15	in such section), and the Commonwealth of Puerto
16	Rico.
17	SEC. 712. REPORT ON TRAINING IN PRESERVATION OF RE-
18	MAINS UNDER COMBAT OR COMBAT-RE-
19	LATED CONDITIONS.
20	(a) REPORT REQUIRED.—The Secretary of Defense
21	shall submit to the Committees on Armed Services of the
22	Senate and the House of Representatives a report on the
23	requirements of section 567 of the John Warner National
24	Defense Authorization Act for Fiscal Year 2007 (Public
25	Law 109–364; 120 Stat. 2224; 10 U.S.C. 1481 note).

(b) MATTERS COVERED.—The report shall include a
 detailed description of the implementation of such section,
 including—

- 4 (1) where the training program is taking place;
 5 (2) who is providing the training;
 6 (3) the number of each type of military health
- 7 care professional trained to date; and

8 (4) what the training covers.

9 (c) DEADLINE.—The report required by this section
10 shall be submitted not later than 180 days after the date
11 of the enactment of this Act.

12 SEC. 713. REPORT ON PATIENT SATISFACTION SURVEYS.

(a) REPORT REQUIRED.—Not later than March 1,
2008, the Secretary of Defense shall submit to the congressional defense committees a report on the ongoing patient satisfaction surveys taking place in Department of
Defense inpatient and outpatient settings at military
treatment facilities.

19 (b) CONTENT.—The report required under subsection20 (a) shall include the following:

- 21 (1) The types of survey questions asked.
- 22 (2) How frequently the surveying is conducted.
- (3) How often the results are analyzed and re-ported back to the treatment facilities.

25 (4) To whom survey feedback is made available.

(5) How best practices are incorporated for
 quality improvement.

3 (6) An analysis of the effect of inpatient and
4 outpatient surveys on quality improvement and a
5 comparison of patient satisfaction survey programs
6 with patient satisfaction survey programs used by
7 other public and private health care systems and or8 ganizations.

9 (c) USE OF REPORT INFORMATION.—The Secretary 10 shall use information in the report as the basis for a plan 11 for improvements in patient satisfaction surveys used to 12 assess health care at military treatment facilities in order 13 to ensure the provision of high quality health care and 14 hospital services in such facilities.

15 SEC. 714. REPORT ON MEDICAL PHYSICAL EXAMINATIONS

16OF MEMBERS OF THE ARMED FORCES BE-17FORE THEIR DEPLOYMENT.

18 Not later than April 1, 2008, the Secretary of De19 fense shall submit to the Committees on Armed Services
20 of the Senate and the House of Representatives a report
21 setting forth the following:

(1) A comparison of the policies of the military
departments concerning medical physical examinations of members of the Armed Forces before their
deployment, including an identification of instances

1	in which a member (including a member of a reserve
2	component) may be required to undergo multiple
3	physical examinations, from the time of notification
4	of an upcoming deployment through the period of
5	preparation for deployment.
6	(2) An assessment of the current policies re-
7	lated to, as well as the feasibility of, each of the fol-
8	lowing:
9	(A) A single predeployment physical exam-
10	ination for members of the Armed Forces be-
11	fore their deployment.
12	(B) A single system for tracking electroni-
13	cally the results of examinations under subpara-
14	graph (A) that can be shared among the mili-
15	tary departments and thereby eliminate redun-
16	dancy of medical physical examinations for
17	members of the Armed Forces before their de-
18	ployment.
19	SEC. 715. REPORT AND STUDY ON MULTIPLE VACCINA-
20	TIONS OF MEMBERS OF THE ARMED FORCES.
21	(a) REPORT REQUIRED.—Not later than 90 days
22	after the date of the enactment of this Act, the Secretary
23	of Defense shall submit to the Committees on Armed Serv-
24	ices of the Senate and the House of Representatives a re-
25	port on the policies of the Department of Defense for ad-

ministering and evaluating the vaccination of members of
 the Armed Forces.

3 (b) ELEMENTS.—The report required by subsection4 (a) shall include the following:

5 (1) An assessment of the Department's policies 6 governing the administration of multiple vaccina-7 tions in a 24-hour period, including the procedures 8 providing for a full review of an individual's medical 9 history prior to the administration of multiple vac-10 cinations, and whether such policies and procedures 11 differ for members of the Armed Forces on active 12 duty and members of reserve components.

13 (2) An assessment of how the Department's 14 policies on multiple vaccinations in a 24-hour period 15 conform to current regulations of the Food and 16 Drug Administration and research performed or 17 being performed by the Centers for Disease Control, 18 other non-military Federal agencies, and non-Fed-19 eral institutions on multiple vaccinations in a 24-20 hour period.

(3) An assessment of the Department's procedures for initiating investigations of deaths of members of the Armed Forces in which vaccinations may
have played a role, including whether such investiga-

tions can be requested by family members of the de ceased individuals.

(4) The number of deaths of members of the 3 4 Armed Forces since May 18, 1998, that the Depart-5 ment has investigated for the potential role of vac-6 cine administration, including both the number of 7 deaths investigated that was alleged to have involved 8 more than one vaccine administered in a given 24-9 hour period and the number of deaths investigated 10 that was determined to have involved more than one 11 vaccine administered in a given 24-hour period.

(5) An assessment of the procedures for providing the Adjutants General of the various States
and territories with up-to-date information on the effectiveness and potential allergic reactions and side
effects of vaccines required to be taken by National
Guard members.

(6) An assessment of whether procedures are in
place to provide that the Adjutants General of the
various States and territories retain updated medical
records of each National Guard member called up
for active duty.

1	SEC. 716. REVIEW OF GENDER- AND ETHNIC GROUP-SPE-
2	CIFIC MENTAL HEALTH SERVICES AND
3	TREATMENT FOR MEMBERS OF THE ARMED
4	FORCES.
5	(a) Comprehensive Review.—The Secretary of
6	Defense shall conduct a comprehensive review of—
7	(1) the need for gender- and ethnic group-spe-
8	cific mental health treatment and services for mem-
9	bers of the Armed Forces; and
10	(2) the efficacy and adequacy of existing
11	gender- and ethnic group-specific mental health
12	treatment programs and services for members of the
13	Armed Forces, to include availability of and access
14	to such programs.
15	(b) ELEMENTS.—The review required by subsection
16	(a) shall include, but not be limited to, an assessment of
17	the following:
18	(1) The need for gender- and ethnic group-spe-
19	cific mental health outreach, prevention, and treat-
20	ment services for members of the Armed Forces.
21	(2) The access to and efficacy of existing
22	gender- and ethnic group-specific mental health out-
23	reach, prevention, and treatment services and pro-
24	grams (including substance abuse programs).
25	(3) The availability of gender- and ethnic
26	group-specific services and treatment for members of
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the Armed Forces who experienced sexual assault or
 abuse.

3 (4) The access to and need for treatment facili4 ties focusing on the gender- and ethnic group-spe5 cific mental health care needs of members of the
6 Armed Forces.

7 (5) The need for further clinical research on the
8 gender- and ethnic group-specific needs of members
9 of the Armed Forces who served in a combat zone.
10 (c) REPORT.—Not later than 90 days after the date
11 of the enactment of this Act, the Secretary of Defense
12 shall submit to the congressional defense committees a re13 port on the review required by subsection (a).

14SEC. 717. LICENSED MENTAL HEALTH COUNSELORS AND15THE TRICARE PROGRAM.

16 (a) REGULATIONS.—The Secretary of Defense shall prescribe regulations to establish criteria that licensed or 17 18 certified mental health counselors shall meet in order to be able to independently provide care to TRICARE bene-19 20ficiaries and receive payment under the TRICARE pro-21 gram for such services. The criteria shall include require-22 ments for education level, licensure, certification, and clin-23 ical experience as considered appropriate by the Secretary. 24 (b) STUDY REQUIRED.—The Secretary of Defense 25 shall enter into a contract with the Institute of Medicine

of the National Academy of Sciences, or another similarly
 qualified independent academic medical organization, for
 the purpose of—

4 (1) conducting an independent study of the cre5 dentials, preparation, and training of individuals
6 practicing as licensed mental health counselors; and
7 (2) making recommendations for permitting li8 censed mental health counselors to practice inde9 pendently under the TRICARE program.

10 (c) Elements of Study.—

11 (1) EDUCATIONAL REQUIREMENTS.—The study 12 required by subsection (b) shall provide for an assessment of the educational requirements and cur-13 14 ricula relevant to mental health practice for licensed 15 mental health counselors, including types of degrees 16 recognized, certification standards for graduate pro-17 grams for such profession, and recognition of under-18 graduate coursework for completion of graduate de-19 gree requirements.

20 (2) LICENSING REQUIREMENTS.—The study re21 quired by subsection (b) shall provide for an assess22 ment of State licensing requirements for licensed
23 mental health counselors, including for each level of
24 licensure if a State issues more than one type of li25 cense for the profession. The assessment shall exam-

ine requirements in the areas of education, training,
 examination, continuing education, and ethical
 standards, and shall include an evaluation of the ex tent to which States authorize members of the li censed mental health counselor profession to diag nose and treat mental illnesses.

7 (3) CLINICAL EXPERIENCE REQUIREMENTS.—
8 The study required by subsection (b) shall provide
9 for an analysis of the requirements for clinical expe10 rience for a licensed mental health counselor to be
11 recognized under regulations for the TRICARE pro12 gram, and recommendations, if any, for standardiza13 tion or adjustment of such requirements.

14 (4) INDEPENDENT PRACTICE UNDER OTHER 15 FEDERAL PROGRAMS.—The study required by sub-16 section (b) shall provide for an assessment of the ex-17 tent to which licensed mental health counselors are 18 authorized to practice independently under other 19 Federal programs (such as the Medicare program, 20 the Department of Veterans Affairs, the Indian 21 Health Service, and Head Start), and a review of 22 the relationship, if any, between recognition of men-23 tal health professions under the Medicare program 24 and independent practice authority for such profes-25 sion under the TRICARE program.

1 (5) INDEPENDENT PRACTICE UNDER FEHBP.— 2 The study required by subsection (b) shall provide 3 for an assessment of the extent to which licensed 4 mental health counselors are authorized to practice 5 independently under the Federal Employee Health 6 Benefits Program and private insurance plans. The 7 assessment shall identify the States having laws re-8 quiring private insurers to cover, or offer coverage 9 of, the services of members of licensed mental health 10 counselors and shall identify the conditions, if any, 11 that are placed on coverage of practitioners under 12 the profession by insurance plans and how fre-13 quently these types of conditions are used by insur-14 ers.

15 (6) HISTORICAL REVIEW OF REGULATIONS.— 16 The study required by subsection (b) shall provide 17 for a review of the history of regulations prescribed 18 by the Department of Defense regarding which 19 members of the mental health profession are recog-20 nized as providers under the TRICARE program as 21 independent practitioners, and an examination of the 22 recognition by the Department of third-party certifi-23 cation for members of such profession.

24 (7) CLINICAL CAPABILITIES STUDIES.—The
25 study required by subsection (b) shall include a re-

view of outcome studies and of the literature regard ing the comparative quality and effectiveness of care
 provided by licensed mental health counselors and
 provide an independent review of the findings.

5 RECOMMENDATIONS FOR TRICARE (d) INDE-PENDENT PRACTICE AUTHORITY.—The recommendations 6 7 provided under subsection (b)(2) shall include rec-8 ommendations regarding modifications of current policy 9 for the TRICARE program with respect to allowing li-10 censed mental health counselors to practice independently under the TRICARE program. 11

(e) REPORT.—Not later than March 1, 2009, the
Secretary of Defense shall submit to the Committees on
Armed Services of the Senate and the House of Representatives a report on the review required by subsection (b).
SEC. 718. REPORT ON FUNDING OF THE DEPARTMENT OF

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DEFENSE FOR HEALTH CARE.

18 (a) REPORT.—If the President submits to Congress 19 the budget for a fiscal year under section 1105 of title 20 31, United States Code, and the aggregate amount in-21 cluded in that budget for the Department of Defense for 22 health care for such fiscal year is less than the aggregate 23 amount provided by Congress for the Department for 24 health care for the preceding fiscal year, and, in the case 25 of the Department, the total allocation from the Defense

Health Program to any military department is less than
 the total of such allocation in the preceding fiscal year,
 the President shall submit to Congress a report on—

4 (1) the reasons for the determination that in-5 clusion of a lesser aggregate amount or allocation to 6 any military department is in the national interest; 7 and

8 (2) the anticipated effects of the inclusion of 9 such lesser aggregate amount or allocation to any 10 military department on the access to and delivery of 11 medical and support services to members of the 12 Armed Forces and their family members.

13 (b) TERMINATION.—The section shall not be in effect14 after December 31, 2017.

15 Subtitle C—Other Matters

16 SEC. 721. PROHIBITION ON CONVERSION OF MILITARY

17 MEDICAL AND DENTAL POSITIONS TO CIVIL-

18 IAN MEDICAL AND DENTAL POSITIONS.

(a) PROHIBITION.—The Secretary of a military department may not convert any military medical or dental
position to a civilian medical or dental position during the
period beginning on October 1, 2007, and ending on September 30, 2012.

(b) RESTORATION OF CERTAIN POSITIONS TO MILI-TARY POSITIONS.—In the case of any military medical or

dental position that is converted to a civilian medical or 1 2 dental position during the period beginning on October 1, 3 2004, and ending on September 30, 2008, if the position 4 is not filled by a civilian by September 30, 2008, the Sec-5 retary of the military department concerned shall restore the position to a military medical or dental position that 6 7 can be filled only by a member of the Armed Forces who 8 is a health professional.

9 (c) REPORT.—

10 (1) REQUIREMENT.—The Secretary of Defense
11 shall submit to the congressional defense committees
12 a report on conversions made during fiscal year
13 2007 not later than 180 days after the enactment of
14 this Act.

15 (2) MATTERS COVERED.—The report shall in-16 clude the following:

17 (A) The number of military medical or
18 dental positions, by grade or band and spe19 cialty, converted to civilian medical or dental
20 positions.

(B) The results of a market survey in each
affected area of the availability of civilian medical and dental care providers in such area in
order to determine whether there were civilian
medical and dental care providers available in

such area adequate to fill the civilian positions created by the conversion of military medical and dental positions to civilian positions in such area.

5 (C) An analysis, by affected area, showing 6 the extent to which access to health care and 7 cost of health care was affected in both the di-8 rect care and purchased care systems, including 9 an assessment of the effect of any increased 10 shifts in patient load from the direct care to the 11 purchased care system, or any delays in receipt 12 of care in either the direct or purchased care 13 system because of the conversions.

14 (D) The extent to which military medical 15 and dental positions converted to civilian med-16 ical or dental positions affected recruiting and 17 retention of uniformed medical and dental per-18 sonnel.

(E) A comparison of the full costs for the
military medical and dental positions converted
with the full costs for civilian medical and dental positions, including expenses such as recruiting, salary, benefits, training, and any
other costs the Department identifies.

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1	(F) An assessment showing that the mili-
2	tary medical or dental positions converted were
3	in excess of the military medical and dental po-
4	sitions needed to meet medical and dental read-
5	iness requirements of the uniformed services, as
6	determined jointly by all the uniformed services.
7	(d) DEFINITIONS.—In this section:
8	(1) The term "military medical or dental posi-
9	tion" means a position for the performance of health
10	care functions within the Armed Forces held by a
11	member of the Armed Forces.
12	(2) The term "civilian medical or dental posi-
13	tion" means a position for the performance of health
14	care functions within the Department of Defense
15	held by an employee of the Department or of a con-
16	tractor of the Department.
17	(3) The term "uniformed services" has the
18	meaning given that term in section $1072(1)$ of title
19	10, United States Code.
20	(4) The term "conversion", with respect to a
21	military medical or dental position, means a change
22	of the position to a civilian medical or dental posi-
23	tion, effective as of the date of the manning author-
24	ization document of the military department making
25	the change (through a change in designation from

military to civilian in the document, the elimination of the listing of the position as a military position

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in the document, or through any other means indi-cating the change in the document or otherwise).

5 (e) REPEAL.—Section 742 of the John Warner Na6 tional Defense Authorization Act for Fiscal Year 2007
7 (Public Law 109–364; 120 Stat. 2306) is repealed.

8 SEC. 722. ESTABLISHMENT OF JOINT PATHOLOGY CENTER.

9 (a) FINDINGS.—Congress makes the following find-10 ings:

(1) The Secretary of Defense proposed to disestablish all elements of the Armed Forces Institute
of Pathology, except the National Medical Museum
and the Tissue Repository, as part of the recommendations of the Secretary for the closure of
Walter Reed Army Medical Center in the 2005
round of defense base closure and realignment.

(2) The Defense Base Closure and Realignment
Commission altered, but did not reject, the proposal
of the Secretary of Defense to disestablish the
Armed Forces Institute of Pathology.

(3) The Commission's recommendation that the
Armed Forces Institute of Pathology's "capabilities
not specified in this recommendation will be absorbed into other DOD, Federal, or civilian facili-

ties" provides the flexibility to retain a Joint Pathol ogy Center as a Department of Defense or Federal
 entity.

4 (b) SENSE OF CONGRESS.—It is the sense of Con5 gress that the Armed Forces Institute of Pathology has
6 provided important medical benefits to the Armed Forces
7 and to the United States and that the Federal Govern8 ment should retain a Joint Pathology Center.

9 (c) ESTABLISHMENT.—

(1) ESTABLISHMENT REQUIRED.—The President shall establish and maintain a Joint Pathology
Center that shall function as the reference center in
pathology for the Federal Government.

(2) ESTABLISHMENT WITHIN DOD.—Except as
provided in paragraph (3), the Joint Pathology Center shall be established in the Department of Defense, consistent with the final recommendations of
the 2005 Defense Base Closure and Realignment
Commission, as approved by the President.

(3) ESTABLISHMENT IN ANOTHER DEPARTMENT.—If the President makes a determination,
within 180 days after the date of the enactment of
this Act, that the Joint Pathology Center cannot be
established in the Department of Defense, the Joint
Pathology Center shall be established as an element

1	of a Federal agency other than the Department of
2	Defense. The President shall incorporate the selec-
3	tion of such agency into the determination made
4	under this paragraph.
5	(d) SERVICES.—The Joint Pathology Center shall
6	provide, at a minimum, the following:
7	(1) Diagnostic pathology consultation services
8	in medicine, dentistry, and veterinary sciences.
9	(2) Pathology education, to include graduate
10	medical education, including residency and fellow-
11	ship programs, and continuing medical education.
12	(3) Diagnostic pathology research.
13	(4) Maintenance and continued modernization
14	of the Tissue Repository and, as appropriate, utiliza-
15	tion of the Repository in conducting the activities
16	described in paragraphs (1) through (3).
17	TITLE VIII—ACQUISITION POL-
18	ICY, ACQUISITION MANAGE-
19	MENT, AND RELATED MAT-
20	TERS
	Sec. 800 Short title

Sec. 800. Short title.

Subtitle A—Acquisition Policy and Management

Sec. 801. Internal controls for procurements on behalf of the Department of Defense by certain non-Defense agencies.

- Sec. 802. Lead systems integrators.
- Sec. 803. Reinvestment in domestic sources of strategic materials.
- Sec. 804. Clarification of the protection of strategic materials critical to national security.
- Sec. 805. Procurement of commercial services.

- Sec. 806. Specification of amounts requested for procurement of contract services.
- Sec. 807. Inventories and reviews of contracts for services.
- Sec. 808. Independent management reviews of contracts for services.
- Sec. 809. Implementation and enforcement of requirements applicable to undefinitized contractual actions.
- Sec. 810. Clarification of limited acquisition authority for Special Operations Command.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

- Sec. 811. Requirements applicable to multiyear contracts for the procurement of major systems of the Department of Defense.
- Sec. 812. Changes to Milestone B certifications.
- Sec. 813. Comptroller General report on Department of Defense organization and structure for major defense acquisition programs.
- Sec. 814. Clarification of submission of cost or pricing data on noncommercial modifications of commercial items.
- Sec. 815. Clarification of rules regarding the procurement of commercial items.
- Sec. 816. Review of systemic deficiencies on major defense acquisition programs.
- Sec. 817. Investment strategy for major defense acquisition programs.
- Sec. 818. Report on implementation of recommendations on total ownership cost for major weapon systems.

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

- Sec. 821. Plan for restricting Government-unique contract clauses on commercial contracts.
- Sec. 822. Extension of authority for use of simplified acquisition procedures for certain commercial items.
- Sec. 823. Five-year extension of authority to carry out certain prototype projects.
- Sec. 824. Exemption of Special Operations Command from certain requirements for certain contracts relating to vessels, aircraft, and combat vehicles.
- Sec. 825. Provision of authority to maintain equipment to unified combatant command for joint warfighting.
- Sec. 826. Market research.
- Sec. 827. Modification of competition requirements for purchases from Federal Prison Industries.
- Sec. 828. Multiyear contract authority for electricity from renewable energy sources.
- Sec. 829. Procurement of fire resistant rayon fiber for the production of uniforms from foreign sources.
- Sec. 830. Comptroller General review of noncompetitive awards of congressional and executive branch interest items.

Subtitle D—Accountability in Contracting

- Sec. 841. Commission on Wartime Contracting in Iraq and Afghanistan.
- Sec. 842. Investigation of waste, fraud, and abuse in wartime contracts and contracting processes in Iraq and Afghanistan.
- Sec. 843. Enhanced competition requirements for task and delivery order contracts.

- Sec. 844. Public disclosure of justification and approval documents for noncompetitive contracts.
- Sec. 845. Disclosure of government contractor audit findings.
- Sec. 846. Protection for contractor employees from reprisal for disclosure of certain information.
- Sec. 847. Requirements for senior Department of Defense officials seeking employment with defense contractors.
- Sec. 848. Report on contractor ethics programs of Major Defense contractors.
- Sec. 849. Contingency contracting training for personnel outside the acquisition workforce and evaluations of Army Commission recommendations.

Subtitle E—Acquisition Workforce Provisions

- Sec. 851. Requirement for section on defense acquisition workforce in strategic human capital plan.
- Sec. 852. Department of Defense Acquisition Workforce Development Fund.
- Sec. 853. Extension of authority to fill shortage category positions for certain Federal acquisition positions.
- Sec. 854. Repeal of sunset of acquisition workforce training fund.
- Sec. 855. Federal acquisition workforce improvements.

Subtitle F—Contracts in Iraq and Afghanistan

- Sec. 861. Memorandum of understanding on matters relating to contracting.
- Sec. 862. Contractors performing private security functions in areas of combat operations.
- Sec. 863. Comptroller General reviews and reports on contracting in Iraq and Afghanistan.
- Sec. 864. Definitions and other general provisions.

Subtitle G—Defense Materiel Readiness Board

- Sec. 871. Establishment of Defense Materiel Readiness Board.
- Sec. 872. Critical materiel readiness shortfalls.

Subtitle H—Other Matters

- Sec. 881. Clearinghouse for rapid identification and dissemination of commercial information technologies.
- Sec. 882. Authority to license certain military designations and likenesses of weapons systems to toy and hobby manufacturers.
- Sec. 883. Modifications to limitation on contracts to acquire military flight simulator.
- Sec. 884. Requirements relating to waivers of certain domestic source limitations relating to specialty metals.
- Sec. 885. Telephone services for military personnel serving in combat zones.
- Sec. 886. Enhanced authority to acquire products and services produced in Iraq and Afghanistan.
- Sec. 887. Defense Science Board review of Department of Defense policies and procedures for the acquisition of information technology.
- Sec. 888. Green procurement policy.
- Sec. 889. Comptroller General review of use of authority under the Defense Production Act of 1950.
- Sec. 890. Prevention of export control violations.
- Sec. 891. Procurement goal for Native Hawaiian-serving institutions and Alaska Native-serving institutions.

Sec. 892. Competition for procurement of small arms supplied to Iraq and Afghanistan. 1 SEC. 800. SHORT TITLE. 2 This title may be cited as the "Acquisition Improvement and Accountability Act of 2007". 3 Subtitle A—Acquisition Policy and 4 Management 5 6 SEC. 801. INTERNAL CONTROLS FOR PROCUREMENTS ON 7 BEHALF OF THE DEPARTMENT OF DEFENSE 8 BY CERTAIN NON-DEFENSE AGENCIES. 9 (a) INSPECTORS GENERAL REVIEWS AND DETER-10 MINATIONS.— 11 (1) IN GENERAL.—For each covered non-de-12 fense agency, the Inspector General of the Depart-13 ment of Defense and the Inspector General of such 14 covered non-defense agency shall, not later than the 15 date specified in paragraph (2), jointly— 16 (A) review— 17 (i) the procurement policies, proce-18 dures, and internal controls of such cov-19 ered non-defense agency that are applica-20 ble to the procurement of property and 21 services on behalf of the Department by 22 such covered non-defense agency; and 23 (ii) the administration of such poli-24 cies, procedures, and internal controls; and

1	(B) determine in writing whether such cov-
2	ered non-defense agency is or is not compliant
3	with defense procurement requirements.
4	(2) Deadline for reviews and determina-
5	TIONS.—The reviews and determinations required by
6	paragraph (1) shall take place as follows:
7	(A) In the case of the General Services Ad-
8	ministration, by not later than March 15, 2010.
9	(B) In the case of each of the Department
10	of the Treasury, the Department of the Inte-
11	rior, and the National Aeronautics and Space
12	Administration, by not later than March 15,
13	2011.
14	(C) In the case of each of the Department
15	of Veterans Affairs and the National Institutes
16	of Health, by not later than March 15, 2012.
17	(3) SEPARATE REVIEWS AND DETERMINA-
18	TIONS.—The Inspector General of the Department
19	of Defense and the Inspector General of a covered
20	non-defense agency may by joint agreement conduct
21	separate reviews of the procurement of property and
22	services on behalf of the Department of Defense that
23	are conducted by separate business units, or under
24	separate government-wide acquisition contracts, of
25	the covered non-defense agency. If such separate re-

1	views are conducted, the Inspectors General shall
2	make a separate determination under paragraph
3	(1)(B) with respect to each such separate review.

4 (4) MEMORANDA OF UNDERSTANDING FOR RE-5 VIEWS AND DETERMINATIONS.—Not later than one 6 year before a review and determination is required under this subsection with respect to a covered non-7 8 defense agency, the Inspector General of the Depart-9 ment of Defense and the Inspector General of the 10 covered non-defense agency shall enter into a memo-11 randum of understanding with each other to carry 12 out such review and determination.

13 (5) TERMINATION OF NON-COMPLIANCE DETER-14 MINATION.—If the Inspector General of the Depart-15 ment of Defense and the Inspector General of a cov-16 ered non-defense agency determine, pursuant to 17 paragraph (1)(B), that a covered non-defense agency 18 is not compliant with defense procurement require-19 ments, the Inspectors General shall terminate such 20 a determination effective on the date on which the 21 Inspectors General jointly—

(A) determine that the non-defense agency
is compliant with defense procurement requirements; and

(B) notify the Secretary of Defense of that
 determination.

3 (6) RESOLUTION OF DISAGREEMENTS.—If the 4 Inspector General of the Department of Defense and the Inspector General of a covered non-defense agen-5 6 cy are unable to agree on a joint determination 7 under this subsection, a determination by the In-8 spector General of the Department of Defense under 9 this subsection shall be conclusive for the purposes 10 of this section.

11 (b) LIMITATION ON PROCUREMENTS ON BEHALF OF12 DEPARTMENT OF DEFENSE.—

(1) Except as provided in paragraph (2), an acquisition official of the Department of Defense may
place an order, make a purchase, or otherwise procure property or services for the Department of Defense in excess of the simplified acquisition threshold
through a non-defense agency only if—

(A) in the case of a procurement by any
non-defense agency in any fiscal year, the head
of the non-defense agency has certified that the
non-defense agency will comply with defense
procurement requirements for the fiscal year;

24 (B) in the case of—

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1	(i) a procurement by a covered non-
2	defense agency in a fiscal year for which a
3	memorandum of understanding is required
4	by subsection $(a)(4)$, the Inspector General
5	of the Department of Defense and the In-
6	spector General of the covered non-defense
7	agency have entered into such a memo-
8	randum of understanding; or
9	(ii) a procurement by a covered non-
10	defense agency in a fiscal year following
11	the Inspectors General review and deter-
12	mination required by subsection (a), the
13	Inspectors General have determined that a
14	covered non-defense agency is compliant
15	with defense procurement requirements or
16	have terminated a prior determination of
17	non-compliance in accordance with sub-
18	section $(a)(5)$; and
19	(C) the procurement is not otherwise pro-
20	hibited by section 817 of the John Warner Na-
21	tional Defense Authorization Act for Fiscal
22	Year 2007 (Public Law $109-364$) or section
23	811 of the National Defense Authorization Act
24	for Fiscal Year 2006 (Public Law 109–163).

1	(2) EXCEPTION FOR PROCUREMENTS OF NEC-
2	ESSARY PROPERTY AND SERVICES.—
3	(A) IN GENERAL.—The limitation in para-
4	graph (1) shall not apply to the procurement of
5	property and services on behalf of the Depart-
6	ment of Defense by a non-defense agency dur-
7	ing any fiscal year for which there is in effect
8	a written determination of the Under Secretary
9	of Defense for Acquisition, Technology, and Lo-
10	gistics that it is necessary in the interest of the
11	Department of Defense to procure property and
12	services through the non-defense agency during
13	such fiscal year.
14	(B) Scope of particular exception.—
15	A written determination with respect to a non-
16	defense agency under subparagraph (A) shall
17	apply to any category of procurements through
18	the non-defense agency that is specified in the
19	determination.
20	(c) Guidance on Interagency Contracting.—
21	(1) REQUIREMENT.—Not later than 180 days
22	after the date of enactment of this Act, the Sec-
23	retary of Defense shall issue guidance on the use of
24	interagency contracting by the Department of De-

25 fense.

1	(2) MATTERS COVERED.—The guidance re-
2	quired by paragraph (1) shall address the cir-
3	cumstances in which it is appropriate for Depart-
4	ment of Defense acquisition officials to procure
5	goods or services through a contract entered into by
6	an agency outside the Department of Defense. At a
7	minimum, the guidance shall address—
8	(A) the circumstances in which it is appro-
9	priate for such acquisition officials to use direct
10	acquisitions;
11	(B) the circumstances in which it is appro-
12	priate for such acquisition officials to use as-
13	sisted acquisitions;
14	(C) the circumstances in which it is appro-
15	priate for such acquisition officials to use inter-
16	agency contracting to acquire items unique to
17	the Department of Defense and the procedures
18	for approving such interagency contracting;
19	(D) the circumstances in which it is appro-
20	priate for such acquisition officials to use inter-
21	agency contracting to acquire items that are al-
22	ready being provided under a contract awarded
23	by the Department of Defense;
24	(E) tools that should be used by such ac-
25	quisition officials to determine whether items

1	are already being provided under a contract
2	awarded by the Department of Defense; and
3	(F) procedures for ensuring that defense
4	procurement requirements are identified and
5	communicated to outside agencies involved in
6	interagency contracting.
7	(d) Compliance With Defense Procurement
8	REQUIREMENTS.—For the purposes of this section, a non-
9	defense agency is compliant with defense procurement re-
10	quirements if the procurement policies, procedures, and
11	internal controls of the non-defense agency applicable to
12	the procurement of products and services on behalf of the
13	Department of Defense, and the manner in which they are
14	administered, are adequate to ensure the compliance of
15	the non-defense agency with the requirements of laws and
16	regulations (including applicable Department of Defense
17	financial management regulations) that apply to procure-
18	ments of property and services made directly by the De-
19	partment of Defense.

(e) TREATMENT OF PROCUREMENTS FOR FISCAL 20 YEAR PURPOSES.—For the purposes of this section, a 21 22 procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated 23 24 by the Department of Defense for the procurement in that 25 fiscal year.

1	(f) DEFINITIONS.—In this section:
2	(1) Non-defense agency.—The term "non-
3	defense agency' means any department or agency of
4	the Federal Government other than the Department
5	of Defense. Such term includes a covered non-de-
6	fense agency.
7	(2) Covered Non-Defense Agency.—The
8	term "covered non-defense agency" means each of
9	the following:
10	(A) The General Services Administration.
11	(B) The Department of the Treasury.
12	(C) The Department of the Interior.
13	(D) The National Aeronautics and Space
14	Administration.
15	(E) The Department of Veterans Affairs.
16	(F) The National Institutes of Health.
17	(3) GOVERNMENT-WIDE ACQUISITION CON-
18	TRACT.—The term "government-wide acquisition
19	contract" means a task or delivery order contract
20	that—
21	(A) is entered into by a non-defense agen-
22	cy; and
23	(B) may be used as the contract under
24	which property or services are procured for one

1	or more other departments or agencies of the
2	Federal Government.
3	(4) SIMPLIFIED ACQUISITION THRESHOLD.—
4	The term "simplified acquisition threshold" has the
5	meaning provided by section $2302(7)$ of title 10,
6	United States Code.
7	(5) INTERAGENCY CONTRACTING.—The term
8	"interagency contracting" means the exercise of the
9	authority under section 1535 of title 31, United
10	States Code, or other statutory authority, for Fed-
11	eral agencies to purchase goods and services under
12	contracts entered into or administered by other
13	agencies.
14	(6) Acquisition official.—The term "acqui-
15	sition official", with respect to the Department of
16	Defense, means—
17	(A) a contracting officer of the Depart-
18	ment of Defense; or
19	(B) any other Department of Defense offi-
20	cial authorized to approve a direct acquisition
21	or an assisted acquisition on behalf of the De-
22	partment of Defense.
23	(7) DIRECT ACQUISITION.—The term "direct
24	acquisition", with respect to the Department of De-
25	fense, means the type of interagency contracting

through which the Department of Defense orders an
 item or service from a government-wide acquisition
 contract maintained by a non-defense agency.

4 (8) ASSISTED ACQUISITION.—The term "as5 sisted acquisition", with respect to the Department
6 of Defense, means the type of interagency con7 tracting through which acquisition officials of a non8 defense agency award a contract or task or delivery
9 order for the procurement of goods or services on
10 behalf of the Department of Defense.

11 SEC. 802. LEAD SYSTEMS INTEGRATORS.

12 (a) PROHIBITIONS ON THE USE OF LEAD SYSTEMS13 INTEGRATORS.—

14 (1) PROHIBITION ON NEW LEAD SYSTEMS INTE-15 GRATORS.—Effective October 1, 2010, the Depart-16 ment of Defense may not award a new contract for 17 lead systems integrator functions in the acquisition 18 of a major system to any entity that was not per-19 forming lead systems integrator functions in the ac-20 quisition of the major system prior to the date of the 21 enactment of this Act.

(2) PROHIBITION ON LEAD SYSTEMS INTEGRATORS BEYOND LOW-RATE INITIAL PRODUCTION.—
Effective on the date of the enactment of this Act,
the Department of Defense may award a new con-

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1	tract for lead systems integrator functions in the ac-
2	quisition of a major system only if—
3	(A) the major system has not yet pro-
4	ceeded beyond low-rate initial production; or
5	(B) the Secretary of Defense determines in
6	writing that it would not be practicable to carry
7	out the acquisition without continuing to use a
8	contractor to perform lead systems integrator
9	functions and that doing so is in the best inter-
10	est of the Department.
11	(3) Requirements relating to determina-
12	TIONS.—A determination under paragraph (2)(B)—
13	(A) shall specify the reasons why it would
14	not be practicable to carry out the acquisition
15	without continuing to use a contractor to per-
16	form lead systems integrator functions (includ-
17	ing a discussion of alternatives, such as the use
18	of the Department of Defense workforce, or a
19	system engineering and technical assistance
20	contractor);
21	(B) shall include a plan for phasing out
22	the use of contracted lead systems integrator
23	functions over the shortest period of time con-
24	sistent with the interest of the national defense;

1	(C) may not be delegated below the level of
2	the Under Secretary of Defense for Acquisition,
3	Technology, and Logistics; and
4	(D) shall be provided to the Committees on
5	Armed Services of the Senate and the House of
6	Representatives at least 45 days before the
7	award of a contract pursuant to the determina-
8	tion.
9	(b) Acquisition Workforce.—
10	(1) REQUIREMENT.—The Secretary of Defense
11	shall ensure that the acquisition workforce is of the
12	appropriate size and skill level necessary—
13	(A) to accomplish inherently governmental
14	functions related to acquisition of major sys-
15	tems; and
16	(B) to effect uate the purpose of subsection
17	(a) to minimize and eventually eliminate the use
18	of contractors to perform lead systems inte-
19	grator functions.
20	(2) REPORT.—The Secretary shall include an
21	update on the progress made in complying with
22	paragraph (1) in the annual report required by sec-
23	tion 820 of the John Warner National Defense Au-
24	thorization Act for Fiscal Year 2007 (Public Law
25	109–364; 120 Stat. 2330).

1	(c) Exception for Contracts for Other Man-
2	AGEMENT SERVICES.—The Department of Defense may
3	continue to award contracts for the procurement of serv-
4	ices the primary purpose of which is to perform acquisition
5	support functions with respect to the development or pro-
6	duction of a major system, if the following conditions are
7	met with respect to each such contract:
8	(1) The contract prohibits the contractor from
9	performing inherently governmental functions.
10	(2) The Department of Defense organization
11	responsible for the development or production of the
12	major system ensures that Federal employees are re-
13	sponsible for—
14	(A) determining courses of action to be
15	taken in the best interest of the government;
16	and
17	(B) determining best technical perform-
18	ance for the warfighter.
19	(3) The contract requires that the prime con-
20	tractor for the contract may not advise or rec-
21	ommend the award of a contract or subcontract for
22	the development or production of the major system
23	to an entity owned in whole or in part by the prime
24	contractor.
25	(d) DEFINITIONS.—In this section:

1	(1) LEAD SYSTEMS INTEGRATOR.—The term
2	"lead systems integrator" means—
3	(A) a prime contractor for the development
4	or production of a major system, if the prime
5	contractor is not expected at the time of award
6	to perform a substantial portion of the work on
7	the system and the major subsystems; or
8	(B) a prime contractor under a contract
9	for the procurement of services the primary
10	purpose of which is to perform acquisition func-
11	tions closely associated with inherently govern-
12	mental functions with respect to the develop-
13	ment or production of a major system.
14	(2) MAJOR SYSTEM.—The term "major system"
15	has the meaning given such term in section 2302d
16	of title 10, United States Code.
17	(3) LOW-RATE INITIAL PRODUCTION.—The
18	term "low-rate initial production" has the meaning
19	given such term in section 2400 of title 10, United
20	
	States Code.
21	States Code. SEC. 803. REINVESTMENT IN DOMESTIC SOURCES OF STRA-
21 22	
	SEC. 803. REINVESTMENT IN DOMESTIC SOURCES OF STRA-
22	SEC. 803. REINVESTMENT IN DOMESTIC SOURCES OF STRA- TEGIC MATERIALS.

section 187 of title 10, United States Code, shall perform
 an assessment of the extent to which domestic producers
 of strategic materials are investing and planning to invest
 on a sustained basis in the processes, infrastructure, work force training, and facilities required for the continued do mestic production of such materials to meet national de fense requirements.

8 (b) COOPERATION OF DOMESTIC PRODUCERS.—The 9 Department of Defense may take into consideration the 10 degree of cooperation of any domestic producer of strategic materials with the assessment conducted under sub-11 12 section (a) when determining how much weight to accord 13 any comments provided by such domestic producer regarding a proposed waiver of domestic source limitations pur-14 15 suant to section 2533b of title 10, United States Code. 16 (c) Report to Congressional Defense Commit-17 TEES.—The Board shall include the findings and rec-18 ommendations of the assessment required by subsection 19 (a) in the first report submitted to Congress pursuant to 20 section 187(d) of title 10, United States Code, after the 21 completion of such assessment.

22 (d) DEFINITION.—The term "strategic material"
23 means—

24 (1) a material designated as critical to national25 security by the Strategic Materials Protection Board

	500
1	in accordance with section 187 of title 10, United
2	States Code; or
3	(2) a specialty metal as defined by section
4	2533b of title 10, United States Code.
5	SEC. 804. CLARIFICATION OF THE PROTECTION OF STRA-
6	TEGIC MATERIALS CRITICAL TO NATIONAL
7	SECURITY.
8	(a) Prohibition.—Subsection (a) of section 2533b
9	of title 10, United States Code, is amended—
10	(1) by striking "Except as provided in sub-
11	sections (b) through (j), funds appropriated or oth-
12	erwise available to the Department of Defense may
13	not be used for the procurement of—" and inserting
14	"Except as provided in subsections (b) through (m),
15	the acquisition by the Department of Defense of the
16	following items is prohibited:";
17	(2) in paragraph (1) —
18	(A) by striking "the following" and insert-
19	ing "The following"; and
20	(B) by striking "; or" and inserting a pe-
21	riod; and
22	(3) in paragraph (2), by striking "a speciality"
23	and inserting "A specialty".

(b) APPLICABILITY TO ACQUISITION OF COMMERCIAL
 ITEMS.—Subsection (h) of such section is amended to
 read as follows:

4 "(h) APPLICABILITY TO ACQUISITIONS OF COMMER5 CIAL ITEMS.—(1) Except as provided in paragraphs (2)
6 and (3), this section applies to acquisitions of commercial
7 items, notwithstanding sections 34 and 35 of the Office
8 of Federal Procurement Policy Act (41 U.S.C. 430 and
9 431).

"(2) This section does not apply to contracts or subcontracts for the acquisition of commercially available offthe-shelf items, as defined in section 35(c) of the Office
of Federal Procurement Policy Act (41 U.S.C. 431(c)),
other than—

"(A) contracts or subcontracts for the acquisition of specialty metals, including mill products,
such as bar, billet, slab, wire, plate and sheet, that
have not been incorporated into end items, subsystems, assemblies, or components;

20 "(B) contracts or subcontracts for the acquisi21 tion of forgings or castings of specialty metals, un22 less such forgings or castings are incorporated into
23 commercially available off-the-shelf end items, sub24 systems, or assemblies;

1	"(C) contracts or subcontracts for commercially
2	available high performance magnets unless such high
3	performance magnets are incorporated into commer-
4	cially available off-the-shelf-end items or subsystems;
5	and
6	"(D) contracts or subcontracts for commercially
7	available off-the-shelf fasteners, unless such fas-
8	teners are—
9	"(i) incorporated into commercially avail-
10	able off-the-shelf end items, subsystems, assem-
11	blies, or components; or
12	"(ii) purchased as provided in paragraph
13	(3).
13 14	(3)."(3) This section does not apply to fasteners that are
14	"(3) This section does not apply to fasteners that are
14 15	"(3) This section does not apply to fasteners that are commercial items that are purchased under a contract or
14 15 16	"(3) This section does not apply to fasteners that are commercial items that are purchased under a contract or subcontract with a manufacturer of such fasteners, if the
14 15 16 17	"(3) This section does not apply to fasteners that are commercial items that are purchased under a contract or subcontract with a manufacturer of such fasteners, if the manufacturer has certified that it will purchase, during
14 15 16 17 18	"(3) This section does not apply to fasteners that are commercial items that are purchased under a contract or subcontract with a manufacturer of such fasteners, if the manufacturer has certified that it will purchase, during the relevant calendar year, an amount of domestically
 14 15 16 17 18 19 	"(3) This section does not apply to fasteners that are commercial items that are purchased under a contract or subcontract with a manufacturer of such fasteners, if the manufacturer has certified that it will purchase, during the relevant calendar year, an amount of domestically melted specialty metal, in the required form, for use in
 14 15 16 17 18 19 20 	"(3) This section does not apply to fasteners that are commercial items that are purchased under a contract or subcontract with a manufacturer of such fasteners, if the manufacturer has certified that it will purchase, during the relevant calendar year, an amount of domestically melted specialty metal, in the required form, for use in the production of such fasteners for sale to the Depart-
 14 15 16 17 18 19 20 21 	"(3) This section does not apply to fasteners that are commercial items that are purchased under a contract or subcontract with a manufacturer of such fasteners, if the manufacturer has certified that it will purchase, during the relevant calendar year, an amount of domestically melted specialty metal, in the required form, for use in the production of such fasteners for sale to the Depart- ment of Defense and other customers, that is not less than

1 (c) ELECTRONIC COMPONENTS.—Subsection (g) of 2 such section is amended by striking "commercially avail-3 able" and all that follows through the end of the sub-4 section and inserting "electronic components, unless the 5 Secretary of Defense, upon the recommendation of the Strategic Materials Protection Board pursuant to section 6 7 187 of this title, determines that the domestic availability 8 of a particular electronic component is critical to national security.". 9

10 (d) ADDITIONAL EXCEPTIONS.—Section 2533b of
11 title 10, United States Code, as amended by subsections
12 (a), (b), and (c), is further amended—

(1) by redesignating subsections (i) and (j) as
subsections (l) and (m), respectively; and

15 (2) by inserting after subsection (h) the fol-16 lowing new subsections:

17 "(i) Exceptions for Purchases of Specialty 18 METALS BELOW MINIMUM THRESHOLD.—(1) Notwithstanding subsection (a), the Secretary of Defense or the 19 Secretary of a military department may accept delivery of 20 21 an item containing specialty metals that were not melted 22 in the United States if the total amount of noncompliant 23 specialty metals in the item does not exceed 2 percent of 24 the total weight of specialty metals in the item.

1 "(2) This subsection does not apply to high perform-2 ance magnets.

3 "(j) STREAMLINED COMPLIANCE FOR COMMERCIAL
4 DERIVATIVE MILITARY ARTICLES.—(1) Subsection (a)
5 shall not apply to an item acquired under a prime contract
6 if the Secretary of Defense or the Secretary of a military
7 department determines that—

8 "(A) the item is a commercial derivative mili-9 tary article; and

10 "(B) the contractor certifies that the contractor 11 and its subcontractors have entered into a contrac-12 tual agreement, or agreements, to purchase an 13 amount of domestically melted specialty metal in the 14 required form, for use during the period of contract 15 performance in the production of the commercial de-16 rivative military article and the related commercial 17 article, that is not less than the greater of—

18 "(i) an amount equivalent to 120 percent
19 of the amount of specialty metal that is re20 quired to carry out the production of the com21 mercial derivative military article (including the
22 work performed under each subcontract); or

23 "(ii) an amount equivalent to 50 percent of
24 the amount of specialty metal that is purchased
25 by the contractor and its subcontractors for use

during such period in the production of the commercial derivative military article and the related commercial article.

4 "(2) For the purposes of this subsection, the amount
5 of specialty metal that is required to carry out the produc6 tion of the commercial derivative military article includes
7 specialty metal contained in any item, including commer8 cially available off-the-shelf items, incorporated into such
9 commercial derivative military article.

10 "(k) NATIONAL SECURITY WAIVER.—(1) Notwith-11 standing subsection (a), the Secretary of Defense may ac-12 cept the delivery of an end item containing noncompliant 13 materials if the Secretary determines in writing that ac-14 ceptance of such end item is necessary to the national se-15 curity interests of the United States.

16 "(2) A written determination under paragraph (1)—
17 "(A) may not be delegated below the level of
18 the Deputy Secretary of Defense or the Under Sec19 retary of Defense for Acquisition, Technology, and
20 Logistics;

"(B) shall specify the quantity of end items to
which the waiver applies and the time period over
which the waiver applies; and

24 "(C) shall be provided to the congressional de-25 fense committees prior to making such a determina-

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tion (except that in the case of an urgent national
 security requirement, such certification may be pro vided to the defense committees up to 7 days after
 it is made).

5 "(3)(A) In any case in which the Secretary makes
6 a determination under paragraph (1), the Secretary shall
7 determine whether or not the noncompliance was knowing
8 and willful.

9 "(B) If the Secretary determines that the noncompli-10 ance was not knowing or willful, the Secretary shall ensure 11 that the contractor or subcontractor responsible for the 12 noncompliance develops and implements an effective plan 13 to ensure future compliance.

14 "(C) If the Secretary determines that the noncompli-15 ance was knowing or willful, the Secretary shall—

16 "(i) require the development and implementa-17 tion of a plan to ensure future compliance; and

"(ii) consider suspending or debarring the contractor or subcontractor until such time as the contractor or subcontractor has effectively addressed
the issues that lead to such noncompliance.".

(e) ADDITIONAL DEFINITIONS.—Subsection (m) of
section 2533b of title 10, United States Code, as redesignated by subsection (c), is further amended by adding at
the end the following:

1	"(3) The term 'acquisition' has the meaning
2	provided in section 4 of the Office of Federal Pro-
3	curement Policy Act (41 U.S.C. 403).
4	"(4) The term 'required form' shall not apply
5	to end items or to their components at any tier. The
6	term 'required form' means in the form of mill prod-
7	uct, such as bar, billet, wire, slab, plate or sheet,
8	and in the grade appropriate for the production of—
9	"(A) a finished end item delivered to the
10	Department of Defense; or
11	"(B) a finished component assembled into
12	an end item delivered to the Department of De-
13	fense.
14	"(5) The term 'commercially available off-the-
15	shelf', has the meaning provided in section 35(c) of
16	the Office of Federal Procurement Policy Act (41
17	U.S.C. 431(c)).
18	"(6) The term 'assemblies' means items form-
19	ing a portion of a system or subsystem that can be
20	provisioned and replaced as an entity and which in-
21	corporates multiple, replaceable parts.
22	((7) The term 'commercial derivative military
23	article' means an item procured by the Department
24	of Defense that is or will be produced using the
25	same production facilities, a common supply chain,

1	and the same or similar production processes that
2	are used for the production of articles predominantly
3	used by the general public or by nongovernmental
4	entities for purposes other than governmental pur-
5	poses.
6	"(8) The term 'subsystem' means a functional
7	grouping of items that combine to perform a major
8	function within an end item, such as electrical
9	power, attitude control, and propulsion.
10	"(9) The term 'end item' means the final pro-
11	duction product when assembled or completed, and
12	ready for issue, delivery, or deployment.
13	"(10) The term 'subcontract' includes a sub-
14	contract at any tier.".
15	(f) Conforming Amendments.—Section 2533b of
16	title 10, United States Code, is further amended—
17	(1) in subsection (c)—
18	(A) in the heading, by striking "PROCURE-
19	MENTS" and inserting "ACQUISITIONS"; and
20	(B) in paragraphs (1) and (2), by striking
21	"Procurements" and inserting "Acquisitions";
22	(2) in subsection (d), by striking "procure-
23	
	ment" each place it appears and inserting "acquisi-

(3) in subsections (f) and (g), by striking "pro curements" each place it appears and inserting "ac quisitions".

4 (g) IMPLEMENTATION.—Not later than 120 days 5 after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations on the implementa-6 7 tion of this section and the amendments made by this sec-8 tion, including specific guidance on how thresholds estab-9 lished in subsections (h)(3), (i) and (j) of section 2533b 10 of title 10, United States Code, as amended by this sec-11 tion, should be implemented.

12 (h) REVISION OF DOMESTIC NONAVAILABILITY DE-13 TERMINATIONS AND RULES.—No later than 180 days after the date of the enactment of this Act, any domestic 14 15 nonavailability determination under section 2533b of title 10, United States Code, including a class deviation, or 16 17 rules made by the Department of Defense between December 6, 2006, and the date of the enactment of this Act, 18 shall be reviewed and amended, as necessary, to comply 19 20 with the amendments made by this section. This require-21 ment shall not apply to a domestic nonavailability deter-22 mination that applies to—

(1) an individual contract that was entered intobefore the date of the enactment of this Act; or

1 (2) an individual Department of Defense pro-2 gram, except to the extent that such domestic non-3 availability determination applies to contracts en-4 tered into after the date of the enactment of this 5 Act.

6 (i) TRANSPARENCY REQUIREMENT FOR COMMER-7 CIALLY AVAILABLE OFF-THE-SHELF ITEM EXCEPTION.— 8 The Secretary of Defense shall submit to the Committees 9 on Armed Services of the Senate and House of Represent-10 atives, not later than December 30, 2008, a report on the use of authority provided under subsection (h) of section 11 2533b of title 10, United States Code, as amended by this 12 13 section. Such report shall include, at a minimum, a description of types of items being procured as commercially 14 15 available off-the-shelf items under such subsection and incorporated into noncommercial items. The Secretary shall 16 17 submit an update of such report to such committees not later than December 30, 2009. 18

19 SEC. 805. PROCUREMENT OF COMMERCIAL SERVICES.

(a) REGULATIONS REQUIRED.—Not later than 180
(a) REGULATIONS REQUIRED.—Not later than 180
(a) days after the date of the enactment of this Act , the Sec(b) retary of Defense shall modify the regulations of the De(c) partment of Defense for the procurement of commercial
(c) services for or on behalf of the Department of Defense.

1 (b) Applicability of Commercial Proce-2 dures.—

3 (1) SERVICES OF A TYPE SOLD IN MARKET-4 PLACE.—The regulations modified pursuant to sub-5 section (a) shall ensure that services that are not of-6 fered and sold competitively in substantial quantities in the commercial marketplace, but are of a type of-7 8 fered and sold competitively in substantial quantities 9 in the commercial marketplace, may be treated as 10 commercial items for purposes of section 2306a of 11 title 10, United States Code (relating to truth in ne-12 gotiations), only if the contracting officer determines 13 in writing that the offeror has submitted sufficient 14 information to evaluate, through price analysis, the 15 reasonableness of the price for such services.

16 (2) INFORMATION SUBMITTED.—To the extent
17 necessary to make a determination under paragraph
18 (1), the contracting officer may request the offeror
19 to submit—

20 (A) prices paid for the same or similar
21 commercial items under comparable terms and
22 conditions by both government and commercial
23 customers; and

24 (B) if the contracting officer determines25 that the information described in subparagraph

1	(A) is not sufficient to determine the reason-
2	ableness of price, other relevant information re-
3	garding the basis for price or cost, including in-
4	formation on labor costs, material costs, and
5	overhead rates.
6	(c) TIME-AND-MATERIALS CONTRACTS.—
7	(1) Commercial item acquisitions.—The
8	regulations modified pursuant to subsection (a) shall
9	ensure that procedures applicable to time-and-mate-
10	rials contracts and labor-hour contracts for commer-
11	cial item acquisitions may be used only for the fol-
12	lowing:
13	(A) Services procured for support of a
14	commercial item, as described in section
15	4(12)(E) of the Office of Federal Procurement
16	Policy Act (41 U.S.C. 403(12)(E)).
17	(B) Emergency repair services.
18	(C) Any other commercial services only to
19	the extent that the head of the agency con-
20	cerned approves a determination in writing by
21	the contracting officer that—
22	(i) the services to be acquired are
23	commercial services as defined in section
24	4(12)(F) of the Office of Federal Procure-
25	ment Policy Act (41 U.S.C. 403(12)(F));

1 (ii) if the services to be acquired are 2 subject to subsection (b), the offeror of the services has submitted sufficient informa-3 4 tion in accordance with that subsection; 5 (iii) such services are commonly sold 6 to the general public through use of time-7 and-materials or labor-hour contracts; and 8 (iv) the use of a time-and-materials or 9 labor-hour contract type is in the best interest of the Government. 10 11 (2) NON-COMMERCIAL ITEM ACQUISITIONS.— 12 Nothing in this subsection shall be construed to pre-13 clude the use of procedures applicable to time-and-14 materials contracts and labor-hour contracts for 15 non-commercial item acquisitions for the acquisition 16 of any category of services. 17 SEC. 806. SPECIFICATION OF AMOUNTS REQUESTED FOR 18 PROCUREMENT OF CONTRACT SERVICES.

(a) SPECIFICATION OF AMOUNTS REQUESTED.—The
budget justification materials submitted to Congress in
support of the budget of the Department of Defense for
any fiscal year after fiscal year 2009 shall identify clearly
and separately the amounts requested in each budget account for the procurement of contract services.

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1	(b) INFORMATION PROVIDED.—For each budget ac-
2	count, the materials submitted shall clearly identify—
3	(1) the amount requested for each Department
4	of Defense component, installation, or activity; and
5	(2) the amount requested for each type of serv-
6	ice to be provided.
7	(c) CONTRACT SERVICES DEFINED.—In this section,
8	the term "contract services"—
9	(1) means services from contractors; but
10	(2) excludes services relating to research and
11	development and services relating to military con-
12	struction.
13	SEC. 807. INVENTORIES AND REVIEWS OF CONTRACTS FOR
13 14	SEC. 807. INVENTORIES AND REVIEWS OF CONTRACTS FOR SERVICES.
14	SERVICES.
14 15	SERVICES. (a) INVENTORY REQUIREMENT.—Section 2330a of
14 15 16	SERVICES. (a) INVENTORY REQUIREMENT.—Section 2330a of title 10, United States Code, is amended—
14 15 16 17	SERVICES. (a) INVENTORY REQUIREMENT.—Section 2330a of title 10, United States Code, is amended— (1) by redesignating subsection (d) as sub-
14 15 16 17 18	SERVICES. (a) INVENTORY REQUIREMENT.—Section 2330a of title 10, United States Code, is amended— (1) by redesignating subsection (d) as sub- section (g);
14 15 16 17 18 19	SERVICES. (a) INVENTORY REQUIREMENT.—Section 2330a of title 10, United States Code, is amended— (1) by redesignating subsection (d) as sub- section (g); (2) by striking subsection (c) and inserting the
 14 15 16 17 18 19 20 	SERVICES. (a) INVENTORY REQUIREMENT.—Section 2330a of title 10, United States Code, is amended— (1) by redesignating subsection (d) as sub- section (g); (2) by striking subsection (c) and inserting the following:
 14 15 16 17 18 19 20 21 	SERVICES. (a) INVENTORY REQUIREMENT.—Section 2330a of title 10, United States Code, is amended— (1) by redesignating subsection (d) as sub- section (g); (2) by striking subsection (c) and inserting the following: "(c) INVENTORY.—(1) Not later than the end of the
 14 15 16 17 18 19 20 21 22 	SERVICES. (a) INVENTORY REQUIREMENT.—Section 2330a of title 10, United States Code, is amended— (1) by redesignating subsection (d) as sub- section (g); (2) by striking subsection (c) and inserting the following: "(c) INVENTORY.—(1) Not later than the end of the third quarter of each fiscal year, the Secretary of Defense

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1	ment of Defense. The entry for an activity on an inventory
2	under this subsection shall include, for the fiscal year cov-
3	ered by such entry, the following:
4	"(A) The functions and missions performed by
5	the contractor.
6	"(B) The contracting organization, the compo-
7	nent of the Department of Defense administering
8	the contract, and the organization whose require-
9	ments are being met through contractor performance
10	of the function.
11	"(C) The funding source for the contract under
12	which the function is performed by appropriation
13	and operating agency.
14	"(D) The fiscal year for which the activity first
15	appeared on an inventory under this section.
16	"(E) The number of full-time contractor em-
17	ployees (or its equivalent) paid for the performance
18	of the activity.
19	"(F) A determination whether the contract pur-
20	suant to which the activity is performed is a per-
21	sonal services contract.
22	"(G) A summary of the data required to be col-
23	lected for the activity under subsection (a).

"(2) The inventory required under this subsection
 shall be submitted in unclassified form, but may include
 a classified annex.

4 "(d) PUBLIC AVAILABILITY OF INVENTORIES.—Not
5 later than 30 days after the date on which an inventory
6 under subsection (c) is required to be submitted to Con7 gress, the Secretary shall—

8 "(1) make the inventory available to the public;9 and

10 "(2) publish in the Federal Register a notice11 that the inventory is available to the public.

12 "(e) REVIEW AND PLANNING REQUIREMENTS.—
13 Within 90 days after the date on which an inventory is
14 submitted under subsection (c), the Secretary of the mili15 tary department or head of the Defense Agency respon16 sible for activities in the inventory shall—

17 "(1) review the contracts and activities in the
18 inventory for which such Secretary or agency head
19 is responsible;

20 ((2)) ensure that—

21 "(A) each contract on the list that is a
22 personal services contract has been entered
23 into, and is being performed, in accordance with
24 applicable statutory and regulatory require25 ments;

1	"(B) the activities on the list do not in-
2	clude any inherently governmental functions;
3	and
4	"(C) to the maximum extent practicable,
5	the activities on the list do not include any
6	functions closely associated with inherently gov-
7	ernmental functions;
8	"(3) identify activities that should be considered
9	for conversion—
10	"(A) to performance by civilian employees
11	of the Department of Defense pursuant to sec-
12	tion 2463 of this title; or
13	"(B) to an acquisition approach that would
14	be more advantageous to the Department of
15	Defense; and
16	"(4) develop a plan to provide for appropriate
17	consideration of the conversion of activities identified
18	under paragraph (3) within a reasonable period of
19	time.
20	"(f) RULE OF CONSTRUCTION.—Nothing in this sec-
21	tion shall be construed to authorize the performance of
22	personal services by a contractor except where expressly
23	authorized by a provision of law other than this section.";
24	and

1 (3) by adding at the end of subsection (g) (as 2 so redesignated) the following new paragraphs: 3 "(3) FUNCTION CLOSELY ASSOCIATED WITH IN-4 HERENTLY GOVERNMENTAL FUNCTIONS.—The term 5 'function closely associated with inherently govern-6 mental functions' has the meaning given that term 7 in section 2383(b)(3) of this title. 8 (4)INHERENTLY GOVERNMENTAL FUNC-9 TIONS.—The term 'inherently governmental func-10 tions' has the meaning given that term in section 11 2383(b)(2) of this title. 12 "(5) PERSONAL SERVICES CONTRACT.—The 13 term 'personal services contract' means a contract 14 under which, as a result of its terms or conditions 15 or the manner of its administration during perform-16 ance, contractor personnel are subject to the rel-17 atively continuous supervision and control of one or 18 more Government officers or employees, except that 19 the giving of an order for a specific article or serv-20 ice, with the right to reject the finished product or 21 result, is not the type of supervision or control that 22 makes a contract a personal services contract.".

23 (b) Effective Date.—

(1) The amendments made by subsection (a)
 shall be effective upon the date of the enactment of
 this Act.

4 (2) The first inventory required by section
5 2330a(c) of title 10, United States Code, as added
6 by subsection (a), shall be submitted not later than
7 the end of the third quarter of fiscal year 2008.

8 SEC. 808. INDEPENDENT MANAGEMENT REVIEWS OF CON9 TRACTS FOR SERVICES.

10 (a) GUIDANCE AND INSTRUCTIONS.—Not later than 180 days after the date of the enactment of this Act, the 11 12 Secretary of Defense shall issue guidance, with detailed 13 implementation instructions, for the Department of Defense to provide for periodic independent management re-14 15 views of contracts for services. The independent management review guidance and instructions issued pursuant to 16 17 this subsection shall be designed to evaluate, at a min-18 imum—

19 (1) contract performance in terms of cost,20 schedule, and requirements;

(2) the use of contracting mechanisms, including the use of competition, the contract structure
and type, the definition of contract requirements,
cost or pricing methods, the award and negotiation

1	of task orders, and management and oversight
2	mechanisms;
3	(3) the contractor's use, management, and over-
4	sight of subcontractors;
5	(4) the staffing of contract management and
6	oversight functions; and
7	(5) the extent of any pass-throughs, and exces-
8	sive pass-through charges (as defined in section 852
9	of the John Warner National Defense Authorization
10	Act for Fiscal Year 2007), by the contractor.
11	(b) Additional Subject of Review.—In addition
12	to the matters required by subsection (a), the guidance
13	and instructions issued pursuant to subsection (a) shall
14	provide for procedures for the periodic review of contracts
15	under which one contractor provides oversight for services
16	performed by other contractors. In particular, the proce-
17	dures shall be designed to evaluate, at a minimum—
18	(1) the extent of the agency's reliance on the
19	contractor to perform acquisition functions closely
20	associated with inherently governmental functions as
21	defined in section 2383(b)(3) of title 10, United
22	States Code; and
23	(2) the financial interest of any prime con-
24	tractor performing acquisition functions described in

25 paragraph (1) in any contract or subcontract with

1	regard to which the contractor provided advice or
2	recommendations to the agency.
3	(c) ELEMENTS.—The guidance and instructions
4	issued pursuant to subsection (a) shall address, at a min-
5	imum—
6	(1) the contracts subject to independent man-
7	agement reviews, including any applicable thresholds
8	and exceptions;
9	(2) the frequency with which independent man-
10	agement reviews shall be conducted;
11	(3) the composition of teams designated to per-
12	form independent management reviews;
13	(4) any phase-in requirements needed to ensure
14	that qualified staff are available to perform inde-
15	pendent management reviews;
16	(5) procedures for tracking the implementation
17	of recommendations made by independent manage-
18	ment review teams; and
19	(6) procedures for developing and disseminating
20	lessons learned from independent management re-
21	views.
22	(c) REPORTS.—
23	(1) Report on guidance and instruc-
24	TION.—Not later than 270 days after the date of the
25	enactment of this Act, the Secretary of Defense shall

submit to the congressional defense committees a re port setting forth the guidance and instructions
 issued pursuant to subsection (a).

4 (2) GAO REPORT ON IMPLEMENTATION.—Not 5 later than two years after the date of the enactment 6 of this Act, the Comptroller General of the United 7 States shall submit to the congressional defense 8 committees a report on the implementation of the 9 guidance and instructions issued pursuant to sub-10 section (a).

11SEC. 809. IMPLEMENTATION AND ENFORCEMENT OF RE-12QUIREMENTSAPPLICABLETO13UNDEFINITIZED CONTRACTUAL ACTIONS.

14 (a) GUIDANCE AND INSTRUCTIONS.—Not later than 15 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed 16 implementation instructions, for the Department of De-17 18 fense to ensure the implementation and enforcement of requirements applicable to undefinitized contractual actions. 19 20 ELEMENTS.—The guidance and instructions (b) 21 issued pursuant to subsection (a) shall address, at a min-22 imum—

(1) the circumstances in which it is, and is not,
appropriate for Department of Defense officials to
use undefinitized contractual actions;

(2) approval requirements (including thresholds) for the use of undefinitized contractual actions;(3) procedures for ensuring that timelines for
(3) procedures for ensuring that timelines for
the definitization of undefinitized contractual actions
are met;
(4) procedures for ensuring compliance with
regulatory limitations on the obligation of funds pur-
suant to undefinitized contractual actions;
(5) procedures for ensuring compliance with
regulatory limitations on profit or fee with respect to
costs incurred before the definitization of an
undefinitized contractual action; and
(6) reporting requirements for undefinitized
contractual actions that fail to meet required
timelines for definitization or fail to comply with
regulatory limitations on the obligation of funds or
on profit or fee.
(c) Reports.—
(1) Report on guidance and instruc-
TIONS.—Not later than 210 days after the date of
the enactment of this Act, the Secretary of Defense
shall submit to the congressional defense committees
a report setting forth the guidance and instructions

1	(2) GAO REPORT.—Not later than two years
2	after the date of the enactment of this Act, the
3	Comptroller General of the United States shall sub-
4	mit to the congressional defense committees a report
5	on the extent to which the guidance and instructions
6	issued pursuant to subsection (a) have resulted in
7	improvements to—
8	(A) the level of insight that senior Depart-
9	ment of Defense officials have into the use of
10	undefinitized contractual actions;
11	(B) the appropriate use of undefinitized
12	contractual actions;
13	(C) the timely definitization of
14	undefinitized contractual actions; and
15	(D) the negotiation of appropriate profits
16	and fees for undefinitized contractual actions.
17	SEC. 810. CLARIFICATION OF LIMITED ACQUISITION AU-
18	THORITY FOR SPECIAL OPERATIONS COM-
19	MAND.
20	Section 167(e)(4) of title 10, United States Code, is
21	amended—
22	(1) by redesignating subparagraph (C) as sub-
23	paragraph (D); and
24	(2) by inserting after subparagraph (B) the fol-
25	lowing new subparagraph:

"(C)(i) The staff of the commander shall include a
 command acquisition executive, who shall be responsible
 for the overall supervision of acquisition matters for the
 special operations command. The command acquisition ex ecutive shall have the authority to—

6 "(I) negotiate memoranda of agreement with 7 the military departments to carry out the acquisition 8 of equipment, material, supplies, and services de-9 scribed in subparagraph (A) on behalf of the com-10 mand;

"(II) supervise the acquisition of equipment, material, supplies, and services described in subparagraph (A), regardless of whether such acquisition is carried out by the command, or by a military department pursuant to a delegation of authority by the command;

17 "(III) represent the command in discussions 18 with the military departments regarding acquisition 19 programs for which the command is a customer; and "(IV) work with the military departments to en-20 21 sure that the command is appropriately represented 22 in any joint working group or integrated product 23 team regarding acquisition programs for which the command is a customer. 24

"(ii) The command acquisition executive of the spe cial operations command shall be included on the distribu tion list for acquisition directives and instructions of the
 Department of Defense.".

5 Subtitle B—Provisions Relating to 6 Major Defense Acquisition Pro7 grams

8 SEC. 811. REQUIREMENTS APPLICABLE TO MULTIYEAR 9 CONTRACTS FOR THE PROCUREMENT OF 10 MAJOR SYSTEMS OF THE DEPARTMENT OF 11 DEFENSE.

12 (a) ADDITIONAL REQUIREMENTS APPLICABLE TO
13 MULTIYEAR CONTRACTS.—Section 2306b of title 10,
14 United States Code, is amended as follows:

15 (1) Subsection (a) of such section is amended 16 by adding at the end the following new paragraph: 17 "(7) In the case of a contract in an amount 18 equal to or greater than \$500,000,000, that the con-19 ditions required by subparagraphs (C) through (F) 20 of paragraph (1) of subsection (i) will be met, in ac-21 cordance with the Secretary's certification and deter-22 mination under such subsection, by such contract.". 23 (2) Subsection (i)(1) of such section is amended

by inserting after "unless" the following: "the Sec-retary of Defense certifies in writing by no later

1	than March 1 of the year in which the Secretary re-
2	quests legislative authority to enter into such con-
3	tract that".
4	(3) Subsection $(i)(1)$ of such section is further
5	amended—
6	(A) by redesignating subparagraph (B) as
7	subparagraph (G); and
8	(B) by striking subparagraph (A) and in-
9	serting the following:
10	"(A) The Secretary has determined that each of
11	the requirements in paragraphs (1) through (6) of
12	subsection (a) will be met by such contract and has
13	provided the basis for such determination to the con-
14	gressional defense committees.
15	"(B) The Secretary's determination under sub-
16	paragraph (A) was made after the completion of a
17	cost analysis performed by the Cost Analysis Im-
18	provement Group of the Department of Defense and
19	such analysis supports the findings.
20	"(C) The system being acquired pursuant to
21	such contract has not been determined to have expe-
22	rienced cost growth in excess of the critical cost
23	growth threshold pursuant to section 2433(d) of this
24	title within 5 years prior to the date the Secretary
25	anticipates such contract (or a contract for advance

procurement entered into consistent with the author ization for such contract) will be awarded.

"(D) A sufficient number of end items of the
system being acquired under such contract have
been delivered at or within the most current estimates of the program acquisition unit cost or procurement unit cost for such system to determine
that current estimates of such unit costs are realistic.

"(E) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year, and
the future-years defense program for such fiscal year
will include the funding required to execute the program without cancellation.

16 "(F) The contract is a fixed price type con-17 tract.".

18 (4) Subsection (i) of such section is further
19 amended by adding at the end the following new
20 paragraphs:

21 "(5) The Secretary may make the certification under 22 paragraph (1) notwithstanding the fact that one or more 23 of the conditions of such certification are not met if the 24 Secretary determines that, due to exceptional cir-25 cumstances, proceeding with a multiyear contract under this section is in the best interest of the Department of
 Defense and the Secretary provides the basis for such de termination with the certification.

4 "(6) The Secretary of Defense may not delegate the
5 authority to make the certification under paragraph (1)
6 or the determination under paragraph (5) to an official
7 below the level of Under Secretary of Defense for Acquisi8 tion, Technology, and Logistics.

9 "(7) The Secretary of Defense shall send a notifica-10 tion containing the findings of the agency head under sub-11 section (a), and the basis for such findings, 30 days prior 12 to the award of a multiyear contract for a defense acquisi-13 tion program that has been specifically authorized by 14 law.".

15 (5) Such section is further amended by adding16 at the end the following new subsection:

17 "(m) INCREASED FUNDING AND REPROGRAMMING 18 REQUESTS.—Any request for increased funding for the 19 procurement of a major system under a multiyear contract 20 authorized under this section shall be accompanied by an 21 explanation of how the request for increased funding af-22 fects the determinations made by the Secretary under sub-23 section (i).".

(b) APPLICABILITY.—The amendments made by thissection shall take effect on the date of the enactment of

this Act and shall apply with respect to multiyear con tracts for the purchase of major systems for which legisla tive authority is requested on or after that date.

4 SEC. 812. CHANGES TO MILESTONE B CERTIFICATIONS.

5 Section 2366a of title 10, United States Code, is6 amended—

7 (1) by amending subsection (a) to read as fol-8 lows:

9 "(a) CERTIFICATION.—A major defense acquisition
10 program may not receive Milestone B approval, or Key
11 Decision Point B approval in the case of a space program,
12 until the milestone decision authority—

13 "(1) has received a business case analysis and
14 certifies on the basis of the analysis that—

"(A) the program is affordable when considering the ability of the Department of Defense to accomplish the program's mission
using alternative systems;

"(B) the program is affordable when considering the per unit cost and the total acquisition cost in the context of the total resources available during the period covered by the future-years defense program submitted during the fiscal year in which the certification is made;

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"(C) reasonable cost and schedule esti-
mates have been developed to execute the prod-
uct development and production plan under the
program; and
"(D) funding is available to execute the
product development and production plan under
the program, through the period covered by the
future-years defense program submitted during
the fiscal year in which the certification is
made, consistent with the estimates described in
subparagraph (C) for the program; and
"(2) further certifies that—
"(A) appropriate market research has been
conducted prior to technology development to
reduce duplication of existing technology and
products;
"(B) the Department of Defense has com-
pleted an analysis of alternatives with respect to
the program;
"(C) the Joint Requirements Oversight
Council has accomplished its duties with respect
to the program pursuant to section 181(b) of
this title, including an analysis of the oper-
ational requirements for the program;

1	"(D) the technology in the program has
2	been demonstrated in a relevant environment;
3	"(E) the program demonstrates a high
4	likelihood of accomplishing its intended mission;
5	and
6	"(F) the program complies with all rel-
7	evant policies, regulations, and directives of the
8	Department of Defense.";
9	(2) by redesignating subsections (b), (c), (d),
10	and (e) as subsections (c), (d), (e), and (f), respec-
11	tively;
12	(3) by inserting after subsection (a) the fol-
13	lowing new subsection (b):
14	"(b) Changes to Certification.—(1) The pro-
15	gram manager for a major defense acquisition program
16	that has received certification under subsection (a) shall
17	immediately notify the milestone decision authority of any
18	changes to the program that—
19	"(A) alter the substantive basis for the certifi-
20	cation of the milestone decision authority relating to
21	any component of such certification specified in
22	paragraph (1) or (2) of subsection (a); or
23	"(B) otherwise cause the program to deviate
24	significantly from the material provided to the mile-

cation.

stone decision authority in support of such certifi-

3	"(2) Upon receipt of information under paragraph
4	(1), the milestone decision authority may withdraw the
5	certification concerned or rescind Milestone B approval (or
6	Key Decision Point B approval in the case of a space pro-
7	gram) if the milestone decision authority determines that
8	such certification or approval is no longer valid.";
9	(4) in subsection (c), as redesignated by para-
10	graph (1)—
11	(A) by inserting "(1)" before "The certifi-
12	cation"; and
13	(B) by adding at the end the following new
14	paragraph (2):
15	((2) A summary of any information provided to the
16	milestone decision authority pursuant to subsection (b)
17	and a description of the actions taken as a result of such
18	information shall be submitted with the first Selected Ac-
19	quisition Report submitted under section 2432 of this title
20	after receipt of such information by the milestone decision
21	authority.";
22	(5) in subsection (d), as so redesignated—
23	(A) by striking "authority may waive" and
24	inserting the following: "authority may, at the
25	time of Milestone B approval (or Key Decision

Point B approval in the case of a space pro-
gram) or at the time that such milestone deci-
sion authority withdraws a certification or re-
scinds Milestone B approval (or Key Decision
Point B approval in the case of a space pro-
gram) pursuant to subsection $(b)(2)$, waive";
and
(B) by striking "paragraph (1) , (2) , (3) ,
(4), (5), (6), (7), (8), or (9)" and inserting
"paragraph (1) or (2)"; and
(6) in subsection (e), as so redesignated, by
striking "subsection (c)" and inserting "subsection
(d)".
SEC. 813. COMPTROLLER GENERAL REPORT ON DEPART-
MENT OF DEFENSE ORGANIZATION AND
STRUCTURE FOR MAJOR DEFENSE ACQUISI-
STRUCTURE FOR MAJOR DEFENSE ACQUISI- TION PROGRAMS.
TION PROGRAMS.
TION PROGRAMS. (a) REPORT REQUIRED.—Not later than one year
TION PROGRAMS. (a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comp-
TION PROGRAMS. (a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comp- troller General of the United States shall submit to the
TION PROGRAMS. (a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comp- troller General of the United States shall submit to the congressional defense committees a report on potential

(b) ELEMENTS.—The report required by subsection
 (a) shall include the results of a review, conducted by the
 Comptroller General for purposes of the report, regarding
 the feasibility and advisability of, at a minimum, the fol lowing:

6 (1) Revising the acquisition process for major
7 defense acquisition programs by establishing shorter,
8 more frequent acquisition program milestones.

9 (2) Requiring certifications of program status
10 to the defense acquisition executive and Congress
11 prior to milestone approval for major defense acqui12 sition programs.

(3) Establishing a new office (to be known as
the "Office of Independent Assessment") to provide
independent cost estimates and performance estimates for major defense acquisition programs.

(4) Requiring the milestone decision authority
for a major defense acquisition program to specify,
at the time of Milestone B approval, or Key Decision
Point B approval, as applicable, the period of time
that will be required to deliver an initial operational
capability to the relevant combatant commanders.

23 (5) Establishing a materiel solutions process for
24 addressing identified gaps in critical warfighting ca25 pabilities, under which process the Under Secretary

1 of Defense for Acquisition, Technology, and Logis-2 tics circulates among the military departments and appropriate Defense Agencies a request for pro-3 4 posals for technologies and systems to address such 5 gaps. 6 (6) Modifying the role played by chiefs of staff 7 of the Armed Forces in the requirements, resource 8 allocation, and acquisition processes. 9 (7) Establishing a process in which the com-10 manders of combatant commands assess, and pro-11 vide input on, the capabilities needed to successfully 12 accomplish the missions in the operational and con-13 tingency plans of their commands over a long-term 14 planning horizon of 15 years or more, taking into 15 account expected changes in threats, the geo-political 16 environment, and doctrine, training, and operational 17 concepts. 18 (c) CONSULTATION.—In conducting the review re-19 quired under subsection (b) for the report required by sub-20 section (a), the Comptroller General shall obtain the views 21 of the following:

(1) Senior acquisition officials currently servingin the Department of Defense.

24 (2) Senior military officers involved in setting25 requirements for the joint staff, the Armed Forces,

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1	and the combatant commands currently serving in
2	the Department of Defense.
3	(3) Individuals who formerly served as senior
4	acquisition officials in the Department of Defense.
5	(4) Participants in previous reviews of the orga-
6	nization and structure of the Department of Defense
7	for the acquisition of major weapon systems, includ-
8	ing the President's Blue Ribbon Commission on De-
9	fense Management in 1986.
10	(5) Other experts on the acquisition of major
11	weapon systems.
12	(6) Appropriate experts in the Government Ac-
13	countability Office.
14	SEC. 814. CLARIFICATION OF SUBMISSION OF COST OR
15	PRICING DATA ON NONCOMMERCIAL MODI-
16	FICATIONS OF COMMERCIAL ITEMS.
17	(a) Measurement of Percentage at Contract
18	AWARD.—Section 2306a(b)(3)(A) of title 10, United
19	States Code, is amended by inserting after "total price of
20	the contract" the following: "(at the time of contract
21	award)".
22	(b) Harmonization of Thresholds for Cost or
23	PRICING DATA.—Section 2306a(b)(3)(A) of title 10,
24	United States Code, is amended by striking "\$500,000"
25	
25	and inserting "the amount specified in subsection

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1	(a)(1)(A)(i), as adjusted from time to time under sub-
2	section (a)(7),".
3	SEC. 815. CLARIFICATION OF RULES REGARDING THE PRO-
4	CUREMENT OF COMMERCIAL ITEMS.
5	(a) Treatment of Subsystems, Components,
6	and Spare Parts as Commercial Items.—
7	(1) IN GENERAL.—Section 2379 of title 10,
8	United States Code, is amended—
9	(A) in subsection (a)—
10	(i) by redesignating paragraph (2) as
11	paragraph (3);
12	(ii) in paragraph $(1)(B)$, by striking
13	"and" at the end; and
14	(iii) by inserting after paragraph (1),
15	the following:
16	((2) the offeror has submitted sufficient infor-
17	mation to evaluate, through price analysis, the rea-
18	sonableness of the price for such system; and";
19	(B) by striking subsection (b) and insert-
20	ing the following new subsection (b):
21	"(b) Treatment of Subsystems as Commercial
22	ITEMS.—A subsystem of a major weapon system (other
23	than a commercially available off-the-shelf item as defined
24	in section 35(c) of the Office of Federal Procurement Pol-
25	icy Act (41 U.S.C. 431(c))) shall be treated as a commer-

1	cial item and purchased under procedures established for
2	the procurement of commercial items only if—
3	"(1) the subsystem is intended for a major
4	weapon system that is being purchased, or has been
5	purchased, under procedures established for the pro-
6	curement of commercial items in accordance with
7	the requirements of subsection (a); or
8	"(2) the contracting officer determines in writ-
9	ing that—
10	"(A) the subsystem is a commercial item,
11	as defined in section $4(12)$ of the Office of Fed-
12	eral Procurement Policy Act (41 U.S.C.
13	403(12); and
14	"(B) the offeror has submitted sufficient
15	information to evaluate, through price analysis,
16	the reasonableness of the price for such sub-
17	system.";
18	(C) by redesignating subsections (c) and
19	(d) as subsections (e) and (f), respectively; and
20	(D) by inserting after subsection (b) the
21	following new subsections (c) and (d):
22	"(c) TREATMENT OF COMPONENTS AND SPARE
23	PARTS AS COMMERCIAL ITEMS.—(1) A component or
24	spare part for a major weapon system (other than a com-
25	mercially available off-the-shelf item as defined in section

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1	35(c) of the Office of Federal Procurement Policy Act (41
2	U.S.C. 431(c))) may be treated as a commercial item for
3	the purposes of section 2306a of this title only if—
4	"(A) the component or spare part is intended
5	for—
6	"(i) a major weapon system that is being
7	purchased, or has been purchased, under proce-
8	dures established for the procurement of com-
9	mercial items in accordance with the require-
10	ments of subsection (a); or
11	"(ii) a subsystem of a major weapon sys-
12	tem that is being purchased, or has been pur-
13	chased, under procedures established for the
14	procurement of commercial items in accordance
15	with the requirements of subsection (b); or
16	"(B) the contracting officer determines in writ-
17	ing that—
18	"(i) the component or spare part is a com-
19	mercial item, as defined in section $4(12)$ of the
20	Office of Federal Procurement Policy Act (41
21	U.S.C. 403(12)); and
22	"(ii) the offeror has submitted sufficient
23	information to evaluate, through price analysis,
24	the reasonableness of the price for such compo-
25	nent or spare part.

1 "(2) This subsection shall apply only to components 2 and spare parts that are acquired by the Department of 3 Defense through a prime contract or a modification to a 4 prime contract (or through a subcontract under a prime 5 contract or modification to a prime contract on which the 6 prime contractor adds no, or negligible, value).

7 "(d) INFORMATION SUBMITTED.—To the extent nec8 essary to make a determination under subsection (a)(2),
9 (b)(2), or (c)(1)(B), the contracting officer may request
10 the offeror to submit—

"(1) prices paid for the same or similar commercial items under comparable terms and conditions by both government and commercial customers;
and

15 "(2) if the contracting officer determines that 16 the information described in paragraph (1) is not 17 sufficient to determine the reasonableness of price, 18 other relevant information regarding the basis for 19 price or cost, including information on labor costs, 20 material costs, and overhead rates.".

(2) CONFORMING AMENDMENT TO TECHNICAL
DATA PROVISION.—Section 2321(f)(2) of such title
is amended by striking "(whether or not under a
contract for commercial items)" and inserting
"(other than technical data for a commercially avail-

able off-the-shelf item as defined in section 35(c) of
 the Office of Federal Procurement Policy Act (41
 U.S.C. 431(c)))".

4 (b) Sales of Commercial Items to Nongovern-MENTAL ENTITIES.—Not later than 180 days after the 5 date of the enactment of this Act, the Secretary of Defense 6 7 shall modify the regulations of the Department of Defense 8 on the procurement of commercial items in order to clarify that the terms "general public" and "nongovernmental en-9 10 tities" in such regulations do not include the Federal Government or a State, local, or foreign government. 11

12 SEC. 816. REVIEW OF SYSTEMIC DEFICIENCIES ON MAJOR 13 DEFENSE ACQUISITION PROGRAMS.

(a) ANNUAL REVIEW.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an annual review of systemic deficiencies in the major
defense acquisition programs of the Department of Defense for each fiscal year in which three or more major
defense acquisition programs—

20 (1) experience a critical cost growth threshold21 breach;

(2) have a section 2366a certification with-drawn; or

24 (3) have a Milestone A approval or Key Deci-25 sion Point A approval rescinded, by the milestone

decision authority under subsection (b) of section
 2366b of title 10, United States Code, as added by
 section 943 of this Act.

4 (b) CONTENT OF REVIEW.—The review conducted5 under subsection (a) shall—

6 (1) identify common factors, including any sys-7 temic deficiencies in the budget, requirements, and 8 acquisition policies and practices, that may have 9 contributed to problems with major defense acquisi-10 tion programs covered by the criteria in subsection 11 (a);

(2) assess the adequacy of corrective actions
taken or to be taken to address cost growth or other
performance deficiencies in programs covered by the
criteria in subsection (a); and

16 (3) make recommendations for any changes in
17 budget, requirements, and acquisition policies and
18 practices that may be appropriate to avoid similar
19 problems with major defense acquisition programs in
20 the future.

21 (c) DEFINITIONS.—In this section:

(1) CRITICAL COST GROWTH THRESHOLD
BREACH.—The term "critical cost growth threshold
breach" means a determination under section
2433(d) of title 10, United States Code, by the Sec-

retary of a military department with respect to a
major defense acquisition program that the program
acquisition unit cost has increased by a percentage
equal to or greater than the critical cost growth
threshold or that the procurement unit cost has increased by a percentage equal to or greater than the
critical cost growth threshold.

8 (2) SECTION 2366a CERTIFICATION.—The term
9 "section 2366a certification" means a certification
10 with respect to a major defense acquisition program
11 under section 2366a(a) of title 10, United States
12 Code, by the milestone decision authority.

(d) REPORT.—Not later than July 15, 2008, and not
later than August 15 of each year from 2009 through
2012, the Secretary of Defense shall submit to the congressional defense committees a report on the results of
the annual review conducted (if any) for the preceding fiscal year under subsection (a).

(e) SUNSET.—The requirement to conduct an annual
review under subsection (a) shall terminate on September
30, 2012.

22 SEC. 817. INVESTMENT STRATEGY FOR MAJOR DEFENSE 23 ACQUISITION PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1,
25 2008, the Secretary of Defense shall submit to the con-

gressional defense committees a report on the strategies
 of the Department of Defense for balancing the allocation
 of funds and other resources among major defense acquisi tion programs.

5 (b) ELEMENTS.—The report required by subsection
6 (a) shall address, at a minimum, the ability of the organi7 zations, policies, and procedures of the Department of De8 fense to provide for—

9 (1) establishing priorities among needed capa-10 bilities under major defense acquisition programs, 11 and assessing the resources (including funds, tech-12 nologies, time, and personnel) needed to achieve 13 such capabilities;

(2) balancing the cost, schedule, and requirements of major defense acquisition programs, including those within the same functional or mission area,
to ensure the most efficient use of resources; and

(3) ensuring that the budget, requirements, and
acquisition processes of the Department of Defense
work in a complementary manner to achieve desired
results.

22 (c) ROLE OF TRI-CHAIR COMMITTEE IN RESOURCE23 ALLOCATION.—

24 (1) IN GENERAL.—The report required by sub25 section (a) shall also address the role of the com-

1	mittee described in paragraph (2) in the resource al-
2	location process for major defense acquisition pro-
3	grams.
4	(2) COMMITTEE.—The committee described in
5	this paragraph is a committee (to be known as the
6	"Tri-Chair Committee") composed of the following:
7	(A) The Under Secretary of Defense for
8	Acquisition, Technology, and Logistics, who is
9	one of the chairs of the committee.
10	(B) The Vice Chairman of the Joint Chiefs
11	of Staff, who is one of the chairs of the com-
12	mittee.
13	(C) The Director of Program Analysis and
14	Evaluation, who is one of the chairs of the com-
15	mittee.
16	(D) Any other appropriate officials of the
17	Department of Defense, as jointly agreed upon
18	by the Under Secretary and the Vice Chairman.
19	(d) CHANGES IN LAW.—The report required by sub-
20	section (a) shall, to the maximum extent practicable, in-
21	clude a discussion of any changes in the budget, acquisi-
22	tion, and requirements processes of the Department of De-
23	fense undertaken as a result of changes in law pursuant
24	to any section in this Act.

(e) RECOMMENDATIONS.—The report required by
 subsection (a) shall include any recommendations, includ ing recommendations for legislative action, that the Sec retary considers appropriate to improve the organizations,
 policies, and procedures described in the report.

6 SEC. 818. REPORT ON IMPLEMENTATION OF RECOMMENDA7 TIONS ON TOTAL OWNERSHIP COST FOR 8 MAJOR WEAPON SYSTEMS.

9 (a) REPORT REQUIRED.—Not later than 180 days 10 after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense com-11 12 mittees a report on the extent of the implementation of 13 the recommendations set forth in the February 2003 report of the Government Accountability Office entitled 14 15 "Setting Requirements Differently Could Reduce Weapon Systems' Total Ownership Costs". 16

17 (b) ELEMENTS.—The report required by subsection18 (a) shall include the following:

19 (1) For each recommendation described in sub20 section (a) that has been implemented, or that the
21 Secretary plans to implement—

(A) a summary of all actions that have
been taken to implement such recommendation;
and

	010
1	(B) a schedule, with specific milestones,
2	for completing the implementation of such rec-
3	ommendation.
4	(2) For each recommendation that the Sec-
5	retary has not implemented and does not plan to im-
6	plement—
7	(A) the reasons for the decision not to im-
8	plement such recommendation; and
9	(B) a summary of any alternative actions
10	the Secretary plans to take to address the pur-
11	poses underlying such recommendation.
12	(3) A summary of any additional actions the
13	Secretary has taken or plans to take to ensure that
14	total ownership cost is appropriately considered in
15	the requirements process for major weapon systems.
16	Subtitle C—Amendments to Gen-
17	eral Contracting Authorities,
18	Procedures, and Limitations
19	SEC. 821. PLAN FOR RESTRICTING GOVERNMENT-UNIQUE
20	CONTRACT CLAUSES ON COMMERCIAL CON-
21	TRACTS.
22	(a) PLAN.—The Under Secretary of Defense for Ac-
23	quisition, Technology, and Logistics shall develop and im-
24	plement a plan to minimize the number of government-

1	unique contract clauses used in commercial contracts by
2	restricting the clauses to the following:
3	(1) Government-unique clauses authorized by
4	law or regulation.
5	(2) Any additional clauses that are relevant and
6	necessary to a specific contract.
7	(b) Commercial Contract.—In this section:
8	(1) The term "commercial contract" means a
9	contract awarded by the Federal Government for the
10	procurement of a commercial item.
11	(2) The term "commercial item" has the mean-
12	ing provided by section $4(12)$ of the Office of Fed-
13	eral Procurement Policy Act (41 U.S.C. 403(12)).
15	
14	SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIM-
14	SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIM-
14 15	SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIM- PLIFIED ACQUISITION PROCEDURES FOR
14 15 16	SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIM- PLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.
14 15 16 17	 SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIM- PLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS. (a) EXTENSION.—Section 4202(e) of the Clinger-
14 15 16 17 18	 SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIM- PLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS. (a) EXTENSION.—Section 4202(e) of the Clinger- Cohen Act of 1996 (division D of Public Law 104–106;
14 15 16 17 18 19	 SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIM- PLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS. (a) EXTENSION.—Section 4202(e) of the Clinger- Cohen Act of 1996 (division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended by strik-
 14 15 16 17 18 19 20 	 SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIM- PLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS. (a) EXTENSION.—Section 4202(e) of the Clinger- Cohen Act of 1996 (division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended by strik- ing "January 1, 2008" and inserting "January 1, 2010".
 14 15 16 17 18 19 20 21 	 SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIM- PLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS. (a) EXTENSION.—Section 4202(e) of the Clinger- Cohen Act of 1996 (division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended by strik- ing "January 1, 2008" and inserting "January 1, 2010". (b) REPORT.—Not later than March 1, 2008, the
 14 15 16 17 18 19 20 21 22 	 SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIM- PLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS. (a) EXTENSION.—Section 4202(e) of the Clinger- Cohen Act of 1996 (division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended by strik- ing "January 1, 2008" and inserting "January 1, 2010". (b) REPORT.—Not later than March 1, 2008, the Under Secretary of Defense for Acquisition, Technology,
 14 15 16 17 18 19 20 21 22 23 	 SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIM- PLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS. (a) EXTENSION.—Section 4202(e) of the Clinger- Cohen Act of 1996 (division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended by strik- ing "January 1, 2008" and inserting "January 1, 2010". (b) REPORT.—Not later than March 1, 2008, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the Committees on Armed

authority provided by section 4202(e) of the Clinger-1 2 Cohen Act of 1996 (10 U.S.C. 2304 note). The report 3 shall include, at a minimum, the following: 4 (1) Summary data on the use of the authority. 5 (2) Specific examples of the use of the author-6 ity. 7 (3) An evaluation of potential benefits and costs 8 of extending the authority after January 1, 2010. 9 SEC. 823. FIVE-YEAR EXTENSION OF AUTHORITY TO CARRY 10 **OUT CERTAIN PROTOTYPE PROJECTS.** 11 Section 845(i) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amend-12 ed by striking "September 30, 2008" and inserting "Sep-13 14 tember 30, 2013". 15 SEC. 824. EXEMPTION OF SPECIAL OPERATIONS COMMAND 16 FROM CERTAIN REQUIREMENTS FOR CER-17 TAIN CONTRACTS RELATING TO VESSELS, 18 AIRCRAFT, AND COMBAT VEHICLES. 19 Section 2401(b) of title 10, United States Code, is 20 amended by adding at the end the following new para-21 graph: 22 "(5) In the case of a contract described in subsection 23 (a)(1)(B), the commander of the special operations com-24 mand may make a contract without regard to this sub-

section if—

25

1	"(A) funds are available and obligated for the
2	full cost of the contract (including termination costs)
3	on or before the date the contract is awarded;
4	"(B) the Secretary of Defense submits to the
5	congressional defense committees a certification that
6	there is no alternative for meeting urgent oper-
7	ational requirements other than making the con-
8	tract; and
9	"(C) a period of 30 days of continuous session
10	of Congress has expired following the date on which
11	the certification was received by such committees.".
12	SEC. 825. PROVISION OF AUTHORITY TO MAINTAIN EQUIP-
13	MENT TO UNIFIED COMBATANT COMMAND
13 14	MENT TO UNIFIED COMBATANT COMMAND FOR JOINT WARFIGHTING.
14	FOR JOINT WARFIGHTING.
14 15	FOR JOINT WARFIGHTING. (a) AUTHORITY.—Section 167a of title 10, United
14 15 16	FOR JOINT WARFIGHTING. (a) AUTHORITY.—Section 167a of title 10, United States Code, is amended—
14 15 16 17	FOR JOINT WARFIGHTING. (a) AUTHORITY.—Section 167a of title 10, United States Code, is amended— (1) in subsection (a), by striking "and acquire"
14 15 16 17 18	FOR JOINT WARFIGHTING. (a) AUTHORITY.—Section 167a of title 10, United States Code, is amended— (1) in subsection (a), by striking "and acquire" and inserting ", acquire, and maintain";
14 15 16 17 18 19	FOR JOINT WARFIGHTING. (a) AUTHORITY.—Section 167a of title 10, United States Code, is amended— (1) in subsection (a), by striking "and acquire" and inserting ", acquire, and maintain"; (2) by redesignating subsection (f) as sub-
 14 15 16 17 18 19 20 	FOR JOINT WARFIGHTING. (a) AUTHORITY.—Section 167a of title 10, United States Code, is amended— (1) in subsection (a), by striking "and acquire" and inserting ", acquire, and maintain"; (2) by redesignating subsection (f) as sub- section (g); and
 14 15 16 17 18 19 20 21 	FOR JOINT WARFIGHTING. (a) AUTHORITY.—Section 167a of title 10, United States Code, is amended— (1) in subsection (a), by striking "and acquire" and inserting ", acquire, and maintain"; (2) by redesignating subsection (f) as sub- section (g); and (3) by inserting after subsection (e) the fol-
 14 15 16 17 18 19 20 21 22 	FOR JOINT WARFIGHTING. (a) AUTHORITY.—Section 167a of title 10, United States Code, is amended— (1) in subsection (a), by striking "and acquire" and inserting ", acquire, and maintain"; (2) by redesignating subsection (f) as sub- section (g); and (3) by inserting after subsection (e) the fol- lowing new subsection:

1 funds authorized and appropriated specifically for that

2	purpose.".
3	(b) Two-Year Extension.—Subsection (g) of such
4	section, as so redesignated, is amended—
5	(1) by striking "through 2008" and inserting
6	"through 2010"; and
7	(2) by striking "September 30, 2008" and in-
8	serting "September 30, 2010".
9	SEC. 826. MARKET RESEARCH.
10	(a) Additional Requirements.—Subsection (c) of
11	section 2377 of title 10, United States Code, is amended—
12	(1) in paragraph (1) —
13	(A) by striking "and" at the end of sub-
14	paragraph (A);
15	(B) by striking the period at the end of
16	subparagraph (B) and inserting "; and"; and
17	(C) by adding at the end the following:
18	"(C) before awarding a task order or deliv-
19	ery order in excess of the simplified acquisition
20	threshold."; and
21	(2) by adding at the end the following:
22	"(4) The head of an agency shall take appropriate
23	steps to ensure that any prime contractor of a contract
24	(or task order or delivery order) in an amount in excess
25	of \$5,000,000 for the procurement of items other than

commercial items engages in such market research as may
 be necessary to carry out the requirements of subsection
 (b)(2) before making purchases for or on behalf of the
 Department of Defense.".

5 (b) REQUIREMENT TO DEVELOP TRAINING AND 6 TOOLS.—The Secretary of Defense shall develop training 7 to assist contracting officers, and market research tools 8 to assist such officers and prime contractors, in per-9 forming appropriate market research as required by sub-10 section (c) of section 2377 of title 10, United States Code, 11 as amended by this section.

12 SEC. 827. MODIFICATION OF COMPETITION REQUIRE13 MENTS FOR PURCHASES FROM FEDERAL
14 PRISON INDUSTRIES.

15 (a) MODIFICATION OF COMPETITION REQUIRE-16 MENTS.—

17 (1) IN GENERAL.—Section 2410n of title 10,
18 United States Code, is amended by striking sub19 sections (a) and (b) and inserting the following new
20 subsections (a) and (b):

21 "(a) PRODUCTS FOR WHICH FEDERAL PRISON IN22 DUSTRIES DOES NOT HAVE SIGNIFICANT MARKET
23 SHARE.—(1) Before purchasing a product listed in the
24 latest edition of the Federal Prison Industries catalog
25 under section 4124(d) of title 18 for which Federal Prison

Industries does not have a significant market share, the
 Secretary of Defense shall conduct market research to de termine whether the product is comparable to products
 available from the private sector that best meet the needs
 of the Department in terms of price, quality, and time of
 delivery.

7 "(2) If the Secretary determines that a Federal Pris-8 on Industries product described in paragraph (1) is not 9 comparable in price, quality, or time of delivery to prod-10 ucts of the private sector that best meets the needs of the Department in terms of price, quality, and time of deliv-11 12 ery, the Secretary shall use competitive procedures for the 13 procurement of the product, or shall make an individual purchase under a multiple award contract in accordance 14 15 with the competition requirements applicable to such contract. In conducting such a competition, the Secretary 16 shall consider a timely offer from Federal Prison Indus-17 18 tries.

19 "(b) PRODUCTS FOR WHICH FEDERAL PRISON IN-20 DUSTRIES HAS SIGNIFICANT MARKET SHARE.—(1) The 21 Secretary of Defense may purchase a product listed in the 22 latest edition of the Federal Prison Industries catalog for 23 which Federal Prison Industries has a significant market 24 share only if the Secretary uses competitive procedures for 25 the procurement of the product or makes an individual purchase under a multiple award contract in accordance
 with the competition requirements applicable to such con tract. In conducting such a competition, the Secretary
 shall consider a timely offer from Federal Prison Indus tries.

6 "(2) For purposes of this subsection, Federal Prison 7 Industries shall be treated as having a significant share 8 of the market for a product if the Secretary, in consulta-9 tion with the Administrator of Federal Procurement Pol-10 icy, determines that the Federal Prison Industries share of the Department of Defense market for the category of 11 12 products including such product is greater than 5 per-13 cent.".

14 (2) EFFECTIVE DATE.—The amendment made
15 by subsection (a) shall take effect 60 days after the
16 date of the enactment of this Act.

17 (b) LIST OF PRODUCTS FOR WHICH FEDERAL PRIS-18 ON INDUSTRIES HAS SIGNIFICANT MARKET SHARE.—

(1) INITIAL LIST.—Not later than 60 days after
the date of the enactment of this Act, the Secretary
of Defense shall publish a list of product categories
for which Federal Prison Industries' share of the
Department of Defense market is greater than 5
percent, based on the most recent fiscal year for
which data is available.

1	(2) Modification.—The Secretary may modify
2	the list published under paragraph (1) at any time
3	if the Secretary determines that new data require
4	adding a product category to the list or omitting a
5	product category from the list.
6	(3) CONSULTATION.—The Secretary shall carry
7	out this subsection in consultation with the Adminis-
8	trator for Federal Procurement Policy.
9	SEC. 828. MULTIYEAR CONTRACT AUTHORITY FOR ELEC-
10	TRICITY FROM RENEWABLE ENERGY
11	SOURCES.
12	(a) Multiyear Contract Authority.—Chapter
13	141 of title 10, United States Code, is amended by adding
14	at the end the following new section:
15	"§2410q. Multiyear contracts: purchase of electricity
16	from renewable energy sources
17	"(a) Multiyear Contracts Authorized.—Sub-
18	ject to subsection (b), the Secretary of Defense may enter
19	into a contract for a period not to exceed 10 years for
20	the purchase of electricity from sources of renewable en-
21	ergy, as that term is defined in section $203(b)(2)$ of the
22	Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).
23	"(b) Limitations on Contracts for Periods in
24	EXCESS OF FIVE YEARS.—The Secretary may exercise
25	the authority in subsection (a) to enter into a contract

for a period in excess of five years only if the Secretary
 determines, on the basis of a business case analysis pre pared by the Department of Defense, that—

4 "(1) the proposed purchase of electricity under
5 such contract is cost effective for the Department of
6 Defense; and

7 "(2) it would not be possible to purchase elec8 tricity from the source in an economical manner
9 without the use of a contract for a period in excess
10 of five years.

"(c) RELATIONSHIP TO OTHER MULTIYEAR CONTRACTING AUTHORITY.—Nothing in this section shall be
construed to preclude the Department of Defense from
using other multiyear contracting authority of the Department to purchase renewable energy.".

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 141 of such title is amended
18 by adding at the end the following new item:

"2410q. Multiyear contracts: purchase of electricity from renewable energy sources.".

19SEC. 829. PROCUREMENT OF FIRE RESISTANT RAYON20FIBER FOR THE PRODUCTION OF UNIFORMS21FROM FOREIGN SOURCES.

(a) AUTHORITY TO PROCURE.—The Secretary of Defense may procure fire resistant rayon fiber for the production of uniforms that is manufactured in a foreign

country referred to in subsection (d) if the Secretary de-1 2 termines either of the following: 3 (1) That fire resistant rayon fiber for the pro-4 duction of uniforms is not available from sources 5 within the national technology and industrial base. 6 (2) That— 7 (A) procuring fire resistant rayon fiber 8 manufactured from suppliers within the na-9 tional technology and industrial base would re-10 sult in sole-source contracts or subcontracts for 11 the supply of fire resistant rayon fiber; and

12 (B) such sole-source contracts or sub13 contracts would not be in the best interests of
14 the Government or consistent with the objec15 tives of section 2304 of title 10, United States
16 Code.

(b) SUBMISSION TO CONGRESS.—Not later than 30
days after making a determination under subsection (a),
the Secretary shall submit to Congress a copy of the determination.

(c) APPLICABILITY TO SUBCONTRACTS.—The authority under subsection (a) applies with respect to subcontracts under Department of Defense contracts as well
as to such contracts.

(d) FOREIGN COUNTRIES COVERED.—The authority
 under subsection (a) applies with respect to a foreign
 country that—

4 (1) is a party to a defense memorandum of un5 derstanding entered into under section 2531 of title
6 10, United States Code; and

7 (2) does not discriminate against defense items
8 produced in the United States to a greater degree
9 than the United States discriminates against defense
10 items produced in that country.

(e) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE
DEFINED.—In this section, the term "national technology
and industrial base" has the meaning given that term in
section 2500 of title 10, United States Code.

(f) SUNSET.—The authority under subsection (a)
shall expire on the date that is five years after the date
of the enactment of this Act.

 18
 SEC. 830. COMPTROLLER GENERAL REVIEW OF NON

 19
 COMPETITIVE AWARDS OF CONGRESSIONAL

 20
 AND EXECUTIVE BRANCH INTEREST ITEMS.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United
States shall submit to the congressional defense committees a report on the use of procedures other than competitive procedures in the award of contracts by the Depart-

ment of Defense. The report shall compare the procedures 1 2 used by the Department of Defense for the award of funds 3 for new projects pursuant to congressionally directed 4 spending items, as defined in rule XLIV of the Standing 5 Rules of the Senate, or congressional earmarks, as defined in rule XXI of the Rules of the House of Representatives, 6 7 with the procedures used by the Department of Defense 8 for the award of funds for new projects of special interest 9 to senior executive branch officials.

Subtitle D—Accountability in Contracting

12 SEC. 841. COMMISSION ON WARTIME CONTRACTING IN

13 IRAQ AND AFGHANISTAN.

(a) ESTABLISHMENT.—There is hereby established a
commission to be known as the "Commission on Wartime
Contracting" (in this section referred to as the "Commission").

18 (b) Membership Matters.—

19 (1) MEMBERSHIP.—The Commission shall be20 composed of 8 members, as follows:

21 (A) 2 members shall be appointed by the
22 majority leader of the Senate, in consultation
23 with the Chairmen of the Committee on Armed
24 Services, the Committee on Homeland Security

1	and Governmental Affairs, and the Committee
2	on Foreign Relations of the Senate.
3	(B) 2 members shall be appointed by the
4	Speaker of the House of Representatives, in
5	consultation with the Chairmen of the Com-
6	mittee on Armed Services, the Committee on
7	Oversight and Government Reform, and the
8	Committee on Foreign Affairs of the House of
9	Representatives.
10	(C) 1 member shall be appointed by the
11	minority leader of the Senate, in consultation
12	with the Ranking Minority Members of the
13	Committee on Armed Services, the Committee
14	on Homeland Security and Governmental Af-
15	fairs, and the Committee on Foreign Relations
16	of the Senate.
17	(D) 1 member shall be appointed by the
18	minority leader of the House of Representa-
19	tives, in consultation with the Ranking Minority
20	Member of the Committee on Armed Services,
21	the Committee on Oversight and Government
22	Reform, and the Committee on Foreign Affairs
23	of the House of Representatives.

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1	(E) 2 members shall be appointed by the
2	President, in consultation with the Secretary of
3	Defense and the Secretary of State.
4	(2) Deadline for appointments.—All ap-
5	pointments to the Commission shall be made not
6	later than 120 days after the date of the enactment
7	of this Act.
8	(3) CO-CHAIRMEN.—The Commission shall have
9	two co-chairmen, including—
10	(A) a co-chairman who shall be a member
11	of the Commission jointly designated by the
12	Speaker of the House of Representatives and
13	the majority leader of the Senate; and
14	(B) a co-chairman who shall be a member
15	of the Commission jointly designated by the mi-
16	nority leader of the House of Representatives
17	and the minority leader of the Senate.
18	(4) VACANCY.—In the event of a vacancy in a
19	seat on the Commission, the individual appointed to
20	fill the vacant seat shall be—
21	(A) appointed by the same officer (or the
22	officer's successor) who made the appointment
23	to the seat when the Commission was first es-
24	tablished; and

1	(B) if the officer in subparagraph (A) is of
2	a party other than the party of the officer who
3	made the appointment to the seat when the
4	Commission was first established, chosen in
5	consultation with the senior officers in the Sen-
6	ate and the House of Representatives of the
7	party which is the party of the officer who
8	made the appointment to the seat when the
9	Commission was first established.
10	(c) DUTIES.—
11	(1) GENERAL DUTIES.—The Commission shall
12	study the following matters:
13	(A) Federal agency contracting for the re-
14	construction of Iraq and Afghanistan.
15	(B) Federal agency contracting for the
16	logistical support of coalition forces operating in
17	Iraq and Afghanistan.
18	(C) Federal agency contracting for the per-
19	formance of security functions in Iraq and Af-
20	ghanistan.
21	(2) Scope of contracting covered.—The
22	Federal agency contracting covered by this sub-
23	section includes contracts entered into both in the
24	United States and abroad for the performance of ac-
25	tivities described in paragraph (1).

1	(3) PARTICULAR DUTIES.—In carrying out the
2	study under this subsection, the Commission shall
3	assess—
4	(A) the extent of the reliance of the Fed-
5	eral Government on contractors to perform
6	functions (including security functions) in Iraq
7	and Afghanistan and the impact of this reliance
8	on the achievement of the objectives of the
9	United States;
10	(B) the performance exhibited by Federal
11	contractors for the contracts under review pur-
12	suant to paragraph (1), and the mechanisms
13	used to evaluate contractor performance;
14	(C) the extent of waste, fraud, and abuse
15	under such contracts;
16	(D) the extent to which those responsible
17	for such waste, fraud, and abuse have been held
18	financially or legally accountable;
19	(E) the appropriateness of the organiza-
20	tional structure, policies, practices, and re-
21	sources of the Department of Defense and the
22	Department of State for handling program
23	management and contracting for the programs
24	and contracts under review pursuant to para-
25	graph (1);

1	(F) the extent to which contractors under
2	such contracts have engaged in the misuse of
3	force or have used force in a manner incon-
4	sistent with the objectives of the operational
5	field commander; and
6	(G) the extent of potential violations of the
7	laws of war, Federal law, or other applicable
8	legal standards by contractors under such con-
9	tracts.
10	(d) Reports.—
11	(1) INTERIM REPORT.—On March 1, 2009, the
12	Commission shall submit to Congress an interim re-
13	port on the study carried out under subsection (c),
14	including the results and findings of the study as of
15	that date.
16	(2) Other reports.—The Commission may
17	from time to time submit to Congress such other re-
18	ports on the study carried out under subsection (c)
19	as the Commission considers appropriate.
20	(3) FINAL REPORT.—Not later than two years
21	after the date of the appointment of all of the mem-
22	bers of the Commission under subsection (b), the
23	Commission shall submit to Congress a final report
24	on the study carried out under subsection (c). The
25	report shall—

1	(A) include the findings of the Commis-
2	sion;
3	(B) identify lessons learned relating to
4	contingency program management and contin-
5	gency contracting covered by the study; and
6	(C) include specific recommendations for
7	improvements to be made in—
8	(i) the process for defining require-
9	ments and developing statements of work
10	for contracts in contingency contracting;
11	(ii) the process for awarding contracts
12	and task or delivery orders in contingency
13	contracting;
14	(iii) the process for contingency pro-
15	gram management;
16	(iv) the process for identifying, ad-
17	dressing, and providing accountability for
18	waste, fraud, and abuse in contingency
19	contracting;
20	(v) the process for determining which
21	functions are inherently governmental and
22	which functions are appropriate for per-
23	formance by contractors in a contingency
24	operation (including during combat oper-
25	ations), especially whether providing secu-

1	rity in an area of combat operations is in-
2	herently governmental;
3	(vi) the organizational structure, re-
4	sources, policies, and practices of the De-
5	partment of Defense and the Department
6	of State for performing contingency pro-
7	gram management; and
8	(vii) the process by which roles and
9	responsibilities with respect to manage-
10	ment and oversight of contracts in contin-
11	gency contracting are distributed among
12	the various departments and agencies of
13	the Federal Government, and interagency
14	coordination and communication mecha-
15	nisms associated with contingency con-
16	tracting.
17	(e) Other Powers and Authorities.—
18	(1) HEARINGS AND EVIDENCE.—The Commis-
19	sion or, on the authority of the Commission, any
20	portion thereof, may, for the purpose of carrying out
21	this section—
22	(A) hold such hearings and sit and act at
23	such times and places, take such testimony, re-
24	ceive such evidence, administer such oaths (pro-

1	vided that the quorum for a hearing shall be
2	three members of the Commission); and
3	(B) provide for the attendance and testi-
4	mony of such witnesses and the production of
5	such books, records, correspondence, memo-
6	randa, papers, and documents;
7	as the Commission, or such portion thereof, may de-
8	termine advisable.
9	(2) INABILITY TO OBTAIN DOCUMENTS OR TES-
10	TIMONY.—In the event the Commission is unable to
11	obtain testimony or documents needed to conduct its
12	work, the Commission shall notify the committees of
13	Congress of jurisdiction and appropriate investiga-
14	tive authorities.
15	(3) Access to information.—The Commis-
16	sion may secure directly from the Department of
17	Defense and any other department or agency of the
18	Federal Government any information or assistance
19	that the Commission considers necessary to enable
20	the Commission to carry out the requirements of
21	this section. Upon request of the Commission, the
22	head of such department or agency shall furnish
23	such information expeditiously to the Commission.
24	Whenever information or assistance requested by the
25	Commission is unreasonably refused or not provided,

the Commission shall report the circumstances to
 Congress without delay.

(4) PERSONNEL.—The Commission shall have
the authorities provided in section 3161 of title 5,
United States Code, and shall be subject to the conditions set forth in such section, except to the extent
that such conditions would be inconsistent with the
requirements of this section.

9 (5) DETAILEES.—Any employee of the Federal 10 Government may be detailed to the Commission 11 without reimbursement from the Commission, and 12 such detailee shall retain the rights, status, and 13 privileges of his or her regular employment without 14 interruption.

(6) SECURITY CLEARANCES.—The appropriate 15 16 departments or agencies of the Federal Government 17 shall cooperate with the Commission in expeditiously 18 providing to the Commission members and staff ap-19 propriate security clearances to the extent possible 20 pursuant to existing procedures and requirements, 21 except that no person shall be provided with access 22 to classified information under this section without 23 the appropriate security clearances.

24 (7) VIOLATIONS OF LAW.—

1	(A) Referral to attorney general.—
2	The Commission may refer to the Attorney
3	General any violation or potential violation of
4	law identified by the Commission in carrying
5	out its duties under this section.
6	(B) Reports on results of refer-
7	RAL.—The Attorney General shall submit to
8	Congress a report on each prosecution, convic-
9	tion, resolution, or other disposition that results
10	from a referral made under this subparagraph.
11	(f) TERMINATION.—The Commission shall terminate
12	on the date that is 60 days after the date of the submittal
13	of its final report under subsection $(d)(3)$.
14	(g) DEFINITIONS.—In this section:
15	(1) CONTINGENCY CONTRACTING.—The term
16	"contingency contracting" means all stages of the
17	process of acquiring property or services during a
18	contingency operation.
19	(2) CONTINGENCY OPERATION.—The term
20	"contingency operation" has the meaning given that
21	term in section 101 of title 10, United States Code.
22	(3) Contingency program management.—
23	The term "contingency program management"
24	means the process of planning, organizing, staffing,
25	controlling, and leading the combined efforts of par-

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1	ticipating personnel for the management of a spe-
2	cific acquisition program or programs during contin-
3	gency operations.
4	SEC. 842. INVESTIGATION OF WASTE, FRAUD, AND ABUSE
5	IN WARTIME CONTRACTS AND CONTRACTING
6	PROCESSES IN IRAQ AND AFGHANISTAN.
7	(a) AUDITS REQUIRED.—Thorough audits shall be
8	performed in accordance with this section to identify po-
9	tential waste, fraud, and abuse in the performance of-
10	(1) Department of Defense contracts, sub-
11	contracts, and task and delivery orders for the
12	logistical support of coalition forces in Iraq and Af-
13	ghanistan; and
14	(2) Federal agency contracts, subcontracts, and
15	task and delivery orders for the performance of secu-
16	rity and reconstruction functions in Iraq and Af-
17	ghanistan.
18	(b) Audit Plans.—
19	(1) The Department of Defense Inspector Gen-
20	eral shall develop a comprehensive plan for a series
21	of audits of contracts, subcontracts, and task and
22	delivery orders covered by subsection $(a)(1)$, con-
23	sistent with the requirements of subsection (g), in
24	consultation with other Inspectors General specified
25	in subsection (c) with regard to any contracts, sub-

contracts, or task or delivery orders over which such
 Inspectors General have jurisdiction.

3 (2) The Special Inspector General for Iraq Re-4 construction shall develop a comprehensive plan for 5 a series of audits of contracts, subcontracts, and 6 task and delivery orders covered by subsection (a)(2)7 relating to Iraq, consistent with the requirements of 8 subsection (h), in consultation with other Inspectors 9 General specified in subsection (c) with regard to 10 any contracts, subcontracts, or task or delivery or-11 ders over which such Inspectors General have juris-12 diction.

13 (3) The Special Inspector General for Afghani-14 stan Reconstruction shall develop a comprehensive 15 plan for a series of audits of contracts, subcontracts, 16 and task and delivery orders covered by subsection 17 (a)(2) relating to Afghanistan, consistent with the 18 requirements of subsection (h), in consultation with 19 other Inspectors General specified in subsection (c) 20 with regard to any contracts, subcontracts, or task 21 or delivery orders over which such Inspectors Gen-22 eral have jurisdiction.

23 (c) PERFORMANCE OF AUDITS BY CERTAIN INSPEC24 TORS GENERAL.—The Special Inspector General for Iraq
25 Reconstruction, during such period as such office exists,

the Special Inspector General for Afghanistan Reconstruc-1 2 tion, during such period as such office exists, the Inspector 3 General of the Department of Defense, the Inspector Gen-4 eral of the Department of State, and the Inspector Gen-5 eral of the United States Agency for International Development shall perform such audits as required by sub-6 7 section (a) and identified in the audit plans developed pur-8 suant to subsection (b) as fall within the respective scope 9 of their duties as specified in law.

(d) COORDINATION OF AUDITS.—The Inspectors
General specified in subsection (c) shall work to coordinate
the performance of the audits required by subsection (a)
and identified in the audit plans developed under subsection (b) including through councils and working groups
composed of such Inspectors General.

16 (e) JOINT AUDITS.—If one or more audits required by subsection (a) and identified in an audit plan developed 17 under subsection (b) falls within the scope of the duties 18 19 of more than one of the Inspectors General specified in 20subsection (c), and such Inspectors General agree that 21 such audit or audits are best pursued jointly, such Inspec-22 tors General shall enter into a memorandum of under-23 standing relating to the performance of such audit or audits. 24

(f) SEPARATE AUDITS.—If one or more audits re-1 2 quired by subsection (a) and identified in an audit plan 3 developed under subsection (b) falls within the scope of 4 the duties of more than one of the Inspectors General 5 specified in subsection (c), and such Inspectors General do not agree that such audit or audits are best pursued 6 7 jointly, such audit or audits shall be separately performed 8 by one or more of the Inspectors General concerned. 9 (g) SCOPE OF AUDITS OF CONTRACTS.—Audits con-10 ducted pursuant to subsection (a)(1) shall examine, at a minimum, one or more of the following issues: 11 12 (1) The manner in which contract requirements 13 were developed. 14 (2) The procedures under which contracts or 15 task or delivery orders were awarded. 16 (3) The terms and conditions of contracts or 17 task or delivery orders. 18 (4) The staffing and method of performance of 19 contractors, including cost controls. 20 (5) The efficacy of Department of Defense 21 management and oversight, including the adequacy 22 of staffing and training of officials responsible for 23 such management and oversight.

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1	(6) The flow of information from contractors to
2	officials responsible for contract management and
3	oversight.
4	(h) Scope of Audits of Other Contracts.—Au-
5	dits conducted pursuant to subsection $(a)(2)$ shall exam-
6	ine, at a minimum, one or more of the following issues:
7	(1) The manner in which contract requirements
8	were developed and contracts or task and delivery
9	orders were awarded.
10	(2) The manner in which the Federal agency
11	exercised control over the performance of contrac-
12	tors.
13	(3) The extent to which operational field com-
14	manders were able to coordinate or direct the per-
15	formance of contractors in an area of combat oper-
16	ations.
17	(4) The degree to which contractor employees
18	were properly screened, selected, trained, and
19	equipped for the functions to be performed.
20	(5) The nature and extent of any incidents of
21	misconduct or unlawful activity by contractor em-
22	ployees.
23	(6) The nature and extent of any activity by
24	contractor employees that was inconsistent with the
25	objectives of operational field commanders.

(7) The extent to which any incidents of mis conduct or unlawful activity were reported, docu mented, investigated, and (where appropriate) pros ecuted.

5 (i) INDEPENDENT CONDUCT OF AUDIT FUNC-6 TIONS.—All audit functions under this section, including 7 audit planning and coordination, shall be performed by the 8 relevant Inspectors General in an independent manner, 9 without consultation with the Commission established pur-10 suant to section 841 of this Act. All audit reports resulting 11 from such audits shall be available to the Commission.

12 SEC. 843. ENHANCED COMPETITION REQUIREMENTS FOR

13

TASK AND DELIVERY ORDER CONTRACTS.

14 (a) DEFENSE CONTRACTS.—

15 (1) LIMITATION ON SINGLE AWARD CON16 TRACTS.—Section 2304a(d) of title 10, United
17 States Code, is amended—

18 (A) by redesignating paragraph (3) as19 paragraph (4); and

20 (B) by inserting after paragraph (2) the21 following new paragraph (3):

"(3)(A) No task or delivery order contract in an amount estimated to exceed \$100,000,000 (including all options) may be awarded to a single source unless the head of the agency determines in writing that—

1	"(i) the task or delivery orders expected under
2	the contract are so integrally related that only a sin-
3	gle source can reasonably perform the work;
4	"(ii) the contract provides only for firm, fixed
5	price task orders or delivery orders for—
6	"(I) products for which unit prices are es-
7	tablished in the contract; or
8	"(II) services for which prices are estab-
9	lished in the contract for the specific tasks to
10	be performed;
11	"(iii) only one source is qualified and capable of
12	performing the work at a reasonable price to the
13	government; or
14	"(iv) because of exceptional circumstances, it is
15	necessary in the public interest to award the con-
16	tract to a single source.
17	"(B) The head of the agency shall notify Congress
18	within 30 days after any determination under subpara-
19	graph (A)(iv).".
20	(2) ENHANCED COMPETITION FOR ORDERS IN
21	EXCESS OF \$5,000,000.—Section 2304c of such title
22	is amended—
23	(A) by redesignating subsections (d), (e),
24	and (f) as subsections (e), (f), and (g), respec-
25	tively;

1	(B) by inserting after subsection (c) the
2	following new subsection (d):
3	"(d) Enhanced Competition for Orders in Ex-
4	CESS OF \$5,000,000.—In the case of a task or delivery
5	order in excess of \$5,000,000, the requirement to provide
6	all contractors a fair opportunity to be considered under
7	subsection (b) is not met unless all such contractors are
8	provided, at a minimum—
9	"(1) a notice of the task or delivery order that
10	includes a clear statement of the agency's require-
11	ments;
12	"(2) a reasonable period of time to provide a
13	proposal in response to the notice;
14	"(3) disclosure of the significant factors and
15	subfactors, including cost or price, that the agency
16	expects to consider in evaluating such proposals, and
17	their relative importance;
18	"(4) in the case of an award that is to be made
19	on a best value basis, a written statement docu-
20	menting the basis for the award and the relative im-
21	portance of quality and price or cost factors; and
22	"(5) an opportunity for a post-award debriefing
23	consistent with the requirements of section
24	2305(b)(5) of this title."; and

1	(C) by striking subsection (e), as redesig-
2	nated by paragraph (1), and inserting the fol-
3	lowing new subsection (e):
4	"(e) PROTESTS.—(1) A protest is not authorized in
5	connection with the issuance or proposed issuance of a
6	task or delivery order except for—
7	"(A) a protest on the ground that the order in-
8	creases the scope, period, or maximum value of the
9	contract under which the order is issued; or
10	"(B) a protest of an order valued in excess of
11	\$10,000,000.
12	(2) Notwithstanding section 3556 of title 31, the
13	Comptroller General of the United States shall have exclu-
14	sive jurisdiction of a protest authorized under paragraph
15	(1)(B).
16	"(3) This subsection shall be in effect for three years,
17	beginning on the date that is 120 days after the date of
18	the enactment of the National Defense Authorization Act
19	for Fiscal Year 2008.".
20	(3) Effective dates.—
21	(A) SINGLE AWARD CONTRACTS.—The
22	amendments made by paragraph (1) shall take
23	effect on the date that is 120 days after the
24	date of the enactment of this Act, and shall

1	apply with respect to any contract awarded on
2	or after such date.
3	(B) Orders in excess of \$5,000,000
4	The amendments made by paragraph (2) shall
5	take effect on the date that is 120 days after
6	the date of the enactment of this Act, and shall
7	apply with respect to any task or delivery order
8	awarded on or after such date.
9	(b) Civilian Agency Contracts.—
10	(1) LIMITATION ON SINGLE AWARD CON-
11	TRACTS.—Section 303H(d) of the Federal Property
12	and Administrative Services Act of 1949 (41 U.S.C.
13	253h(d)) is amended—
14	(A) by redesignating paragraph (3) as
15	paragraph (4); and
16	(B) by inserting after paragraph (2) the
17	following new paragraph (3):
18	"(3)(A) No task or delivery order contract in an
19	amount estimated to exceed \$100,000,000 (including all
20	options) may be awarded to a single source unless the
21	head of the executive agency determines in writing that—
22	"(i) the task or delivery orders expected under
23	the contract are so integrally related that only a sin-
24	gle source can reasonably perform the work;

1	"(ii) the contract provides only for firm, fixed
2	price task orders or delivery orders for—
3	"(I) products for which unit prices are es-
4	tablished in the contract; or
5	"(II) services for which prices are estab-
6	lished in the contract for the specific tasks to
7	be performed;
8	"(iii) only one source is qualified and capable of
9	performing the work at a reasonable price to the
10	government; or
11	"(iv) because of exceptional circumstances, it is
12	necessary in the public interest to award the con-
13	tract to a single source.
14	"(B) The head of the executive agency shall notify
15	Congress within 30 days after any determination under
16	subparagraph (A)(iv).".
17	(2) ENHANCED COMPETITION FOR ORDERS IN
18	EXCESS OF \$5,000,000.—Section 303J of such Act
19	(41 U.S.C. 253j) is amended—
20	(A) by redesignating subsections (d), (e),
21	and (f) as subsections (e), (f), and (g), respec-
22	tively;
23	(B) by inserting after subsection (c) the
24	following new subsection (d):

1	"(d) Enhanced Competition for Orders in Ex-
2	CESS OF \$5,000,000.—In the case of a task or delivery
3	order in excess of \$5,000,000, the requirement to provide
4	all contractors a fair opportunity to be considered under
5	subsection (b) is not met unless all such contractors are
6	provided, at a minimum—
7	"(1) a notice of the task or delivery order that
8	includes a clear statement of the executive agency's
9	requirements;
10	((2) a reasonable period of time to provide a
11	proposal in response to the notice;
12	"(3) disclosure of the significant factors and
13	subfactors, including cost or price, that the executive
14	agency expects to consider in evaluating such pro-
15	posals, and their relative importance;
16	"(4) in the case of an award that is to be made
17	on a best value basis, a written statement docu-
18	menting the basis for the award and the relative im-
19	portance of quality and price or cost factors; and
20	"(5) an opportunity for a post-award debriefing
21	consistent with the requirements of section
22	303B(e)."; and
23	(C) by striking subsection (e), as redesig-
24	nated by paragraph (1), and inserting the fol-
25	lowing new subsection (e):

"(e) PROTESTS.—(1) A protest is not authorized in
 connection with the issuance or proposed issuance of a
 task or delivery order except for—

4 "(A) a protest on the ground that the order in5 creases the scope, period, or maximum value of the
6 contract under which the order is issued; or

7 "(B) a protest of an order valued in excess of
8 \$10,000,000.

9 "(2) Notwithstanding section 3556 of title 31, United
10 States Code, the Comptroller General of the United States
11 shall have exclusive jurisdiction of a protest authorized
12 under paragraph (1)(B).

"(3) This subsection shall be in effect for three years,
beginning on the date that is 120 days after the date of
the enactment of the National Defense Authorization Act
for Fiscal Year 2008.".

17 (3) EFFECTIVE DATES.—

(A) SINGLE AWARD CONTRACTS.—The
amendments made by paragraph (1) shall take
effect on the date that is 120 days after the
date of the enactment of this Act, and shall
apply with respect to any contract awarded on
or after such date.

24 (B) ORDERS IN EXCESS OF \$5,000,000.—
25 The amendments made by paragraph (2) shall

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1	take effect on the date that is 120 days after
2	the date of the enactment of this Act, and shall
3	apply with respect to any task or delivery order
4	awarded on or after such date.
5	SEC. 844. PUBLIC DISCLOSURE OF JUSTIFICATION AND AP-
6	PROVAL DOCUMENTS FOR NONCOMPETITIVE
7	CONTRACTS.
8	(a) Civilian Agency Contracts.—
9	(1) IN GENERAL.—Section 303 of the Federal
10	Property and Administrative Services Act of 1949
11	(41 U.S.C. 253) is amended by adding at the end
12	the following new subsection:
13	((j)(1)(A) Except as provided in subparagraph (B),
14	in the case of a procurement permitted by subsection (c),
15	the head of an executive agency shall make publicly avail-
16	able, within 14 days after the award of the contract, the
17	documents containing the justification and approval re-
18	quired by subsection $(f)(1)$ with respect to the procure-
19	ment.
20	"(B) In the case of a procurement permitted by sub-
21	section $(c)(2)$, subparagraph (A) shall be applied by sub-
22	stituting '30 days' for '14 days'.
23	"(2) The documents shall be made available on the
24	website of the agency and through a government-wide

website selected by the Administrator for Federal Procure ment Policy.
 "(3) This subsection does not require the public avail-

4 ability of information that is exempt from public disclosure
5 under section 552(b) of title 5, United States Code.".

6 (2) CONFORMING AMENDMENT.—Section 303(f)
7 of such Act is amended—

8 (A) by striking paragraph (4); and

9 (B) by redesignating paragraph (5) as10 paragraph (4).

11 (b) DEFENSE AGENCY CONTRACTS.—

12 (1) IN GENERAL.—Section 2304 of title 10,
13 United States Code, is amended by adding at the
14 end the following new subsection:

"(l)(1)(A) Except as provided in subparagraph (B),
in the case of a procurement permitted by subsection (c),
the head of an agency shall make publicly available, within
14 days after the award of the contract, the documents
containing the justification and approval required by subsection (f)(1) with respect to the procurement.

21 "(B) In the case of a procurement permitted by sub22 section (c)(2), subparagraph (A) shall be applied by sub23 stituting '30 days' for '14 days'.

24 "(2) The documents shall be made available on the25 website of the agency and through a government-wide

website selected by the Administrator for Federal Procure-1 ment Policy. 2 3 "(3) This subsection does not require the public avail-4 ability of information that is exempt from public disclosure 5 under section 552(b) of title 5.". 6 (2)CONFORMING AMENDMENT.—Section 7 2304(f) of such title is amended— 8 (A) by striking paragraph (4); and 9 (B) by redesignating paragraphs (5) and 10 (6) as paragraphs (4) and (5), respectively. 11 SEC. 845. DISCLOSURE OF GOVERNMENT CONTRACTOR 12 AUDIT FINDINGS.

13 (a) REQUIRED ANNEX ON SIGNIFICANT AUDIT FIND-14 INGS.—

15 (1) IN GENERAL.—Each Inspector General ap-16 pointed under the Inspector General Act of 1978 17 shall submit, as part of the semiannual report sub-18 mitted to Congress pursuant to section 5 of such 19 Act, an annex on final, completed contract audit re-20 ports issued to the contracting activity containing 21 significant audit findings issued during the period 22 covered by the semiannual report concerned.

23 (2) ELEMENTS.—Such annex shall include—
24 (A) a list of such contract audit reports;

1	(B) for each audit report, a brief descrip-
2	tion of the nature of the significant audit find-
3	ings in the report; and
4	(C) for each audit report, the specific
5	amounts of costs identified as unsupported,
6	questioned, or disallowed.
7	(3) INFORMATION EXEMPT FROM PUBLIC DIS-
8	CLOSURE.—(A) Nothing in this subsection shall be
9	construed to require the release of information to
10	the public that is exempt from public disclosure
11	under section 552(b) of title 5, United States Code.
12	(B) For each element required by paragraph
13	(2), the Inspector General concerned shall note each
14	instance where information has been redacted in ac-
15	cordance with the requirements of section $552(b)$ of
16	title 5, United States Code, and submit an
17	unredacted annex to the committees listed in sub-
18	section $(d)(2)$ within 7 days after the issuance of the
19	semiannual report.
20	(b) Defense Contract Audit Agency In-
21	CLUDED.—For purposes of subsection (a), audits of the
22	Defense Contract Audit Agency shall be included in the

ment of Defense if they include significant audit findings.

annex provided by the Inspector General of the Depart-

(c) EXCEPTION.—Subsection (a) shall not apply to
 an Inspector General if no audits described in such sub section were issued during the covered period.
 (d) SUBMISSION OF INDIVIDUAL AUDITS.—

(1) REQUIREMENT.—The head of each Federal 5 6 department or agency shall provide, within 14 days 7 after a request in writing by the chairman or rank-8 ing member of any committee listed in paragraph 9 (2), a full and unredacted copy of any audit de-10 scribed in subsection (a). Such copy shall include an 11 identification of information in the audit exempt 12 from public disclosure under section 552(b) of title 13 5, United States Code.

14 (2) COMMITTEES.—The committees listed in15 this paragraph are the following:

16 (A) The Committee on Oversight and Gov17 ernment Reform of the House of Representa18 tives.

(B) The Committee on Homeland Securityand Governmental Affairs of the Senate.

(C) The Committees on Appropriations of
the House of Representatives and the Senate.
(D) With respect to the Department of De-

23 (D) With respect to the Department of De24 fense and the Department of Energy, the Com-

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1	mittees on Armed Services of the Senate and
2	House of Representatives.
3	(E) The Committees of primary jurisdic-
4	tion over the agency or department to which the
5	request is made.
6	(e) CLASSIFIED INFORMATION.—Nothing in this sec-
7	tion shall be interpreted to require the handling of classi-
8	fied information or information relating to intelligence
9	sources and methods in a manner inconsistent with any
10	law, regulation, executive order, or rule of the House of
11	Representatives or of the Senate relating to the handling
12	or protection of such information.
13	(f) DEFINITIONS.—In this section:
14	(1) SIGNIFICANT AUDIT FINDINGS.—The term
15	"significant audit findings" includes—
16	(A) unsupported, questioned, or disallowed
17	costs in an amount in excess of \$10,000,000; or
18	(B) other findings that the Inspector Gen-
19	eral of the agency or department concerned de-
20	termines to be significant.
21	(2) CONTRACT.—The term "contract" includes
22	a contract, an order placed under a task or delivery
23	order contract, or a subcontract.

1SEC. 846. PROTECTION FOR CONTRACTOR EMPLOYEES2FROM REPRISAL FOR DISCLOSURE OF CER-3TAIN INFORMATION.

4 (a) INCREASED PROTECTION FROM REPRISAL.—
5 Subsection (a) of section 2409 of title 10, United States
6 Code, is amended—

7 (1) by striking "disclosing to a Member of Con8 gress" and inserting "disclosing to a Member of
9 Congress, a representative of a committee of Con10 gress, an Inspector General, the Government Ac11 countability Office, a Department of Defense em12 ployee responsible for contract oversight or manage13 ment,"; and

14 (2) by striking "information relating to a sub-15 stantial violation of law related to a contract (includ-16 ing the competition for or negotiation of a con-17 tract)" and inserting "information that the employee 18 reasonably believes is evidence of gross mismanage-19 ment of a Department of Defense contract or grant, 20 a gross waste of Department of Defense funds, a 21 substantial and specific danger to public health or 22 safety, or a violation of law related to a Department 23 of Defense contract (including the competition for or 24 negotiation of a contract) or grant".

(b) CLARIFICATION OF INSPECTOR GENERAL DE TERMINATION.—Subsection (b) of such section is amend ed—

4 (1) by inserting "(1)" after "INVESTIGATION
5 OF COMPLAINTS.—";

6 (2) by striking "an agency" and inserting "the 7 Department of Defense, or the Inspector General of 8 the National Aeronautics and Space Administration 9 in the case of a complaint regarding the National 10 Aeronautics and Space Administration"; and

(3) by adding at the end the following newparagraph:

"(2)(A) Except as provided under subparagraph (B),
the Inspector General shall make a determination that a
complaint is frivolous or submit a report under paragraph
(1) within 180 days after receiving the complaint.

"(B) If the Inspector General is unable to complete 17 18 an investigation in time to submit a report within the 180-19 day period specified in subparagraph (A) and the person 20 submitting the complaint agrees to an extension of time, 21 the Inspector General shall submit a report under para-22 graph (1) within such additional period of time as shall 23 be agreed upon between the Inspector General and the 24 person submitting the complaint.".

(c) ACCELERATION OF SCHEDULE FOR DENYING RE LIEF OR PROVIDING REMEDY.—Subsection (c) of such
 section is amended—

(1) in paragraph (1), by striking "If the head 4 5 of the agency determines that a contractor has sub-6 jected a person to a reprisal prohibited by subsection (a), the head of the agency may" and inserting after 7 "(1)" the following: "Not later than 30 days after 8 9 receiving an Inspector General report pursuant to 10 subsection (b), the head of the agency concerned 11 shall determine whether there is sufficient basis to 12 conclude that the contractor concerned has subjected 13 the complainant to a reprisal prohibited by sub-14 section (a) and shall either issue an order denying 15 relief or shall";

16 (2) by redesignating paragraphs (2) and (3) as
17 paragraphs (4) and (5), respectively; and

18 (3) by inserting after paragraph (1) the fol-19 lowing new paragraphs:

"(2) If the head of an executive agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there

is no showing that such delay is due to the bad faith of 1 2 the complainant, the complainant shall be deemed to have 3 exhausted all administrative remedies with respect to the 4 complaint, and the complainant may bring a de novo ac-5 tion at law or equity against the contractor to seek compensatory damages and other relief available under this 6 7 section in the appropriate district court of the United 8 States, which shall have jurisdiction over such an action 9 without regard to the amount in controversy. Such an ac-10 tion shall, at the request of either party to the action, be tried by the court with a jury. 11

"(3) An Inspector General determination and an
agency head order denying relief under paragraph (2)
shall be admissible in evidence in any de novo action at
law or equity brought pursuant to this subsection.".

16 (d) DEFINITIONS.—Subsection (e) of such section is17 amended—

18 (1) in paragraph (4), by inserting "or a grant"19 after "a contract"; and

(2) by inserting before the period at the end the
following: "and any Inspector General that receives
funding from, or has oversight over contracts awarded for or on behalf of, the Secretary of Defense".

1SEC. 847. REQUIREMENTS FOR SENIOR DEPARTMENT OF2DEFENSE OFFICIALS SEEKING EMPLOYMENT3WITH DEFENSE CONTRACTORS.

4 (a) REQUIREMENT TO SEEK AND OBTAIN WRITTEN5 OPINION.—

6 (1) REQUEST.—An official or former official of 7 the Department of Defense described in subsection 8 (c) who, within two years after leaving service in the Department of Defense, expects to receive com-9 pensation from a Department of Defense contractor, 10 11 shall, prior to accepting such compensation, request 12 a written opinion regarding the applicability of post-13 employment restrictions to activities that the official 14 or former official may undertake on behalf of a con-15 tractor.

16 (2) SUBMISSION OF REQUEST.—A request for a 17 written opinion under paragraph (1) shall be sub-18 mitted in writing to an ethics official of the Depart-19 ment of Defense having responsibility for the organi-20 zation in which the official or former official serves 21 or served and shall set forth all information relevant 22 to the request, including information relating to gov-23 ernment positions held and major duties in those po-24 sitions, actions taken concerning future employment, 25 positions sought, and future job descriptions, if ap-26 plicable.

(3) WRITTEN OPINION.—Not later than 30 days after receiving a request by an official or

former official of the Department of Defense described in subsection (c), the appropriate ethics counselor shall provide such official or former official a written opinion regarding the applicability or inapplicability of post-employment restrictions to activities that the official or former official may undertake on behalf of a contractor.

10 (4) CONTRACTOR REQUIREMENT.—A Depart-11 ment of Defense contractor may not knowingly pro-12 vide compensation to a former Department of De-13 fense official described in subsection (c) within two 14 vears after such former official leaves service in the 15 Department of Defense, without first determining 16 that the former official has sought and received (or 17 has not received after 30 days of seeking) a written 18 opinion from the appropriate ethics counselor re-19 garding the applicability of post-employment restric-20 tions to the activities that the former official is ex-21 pected to undertake on behalf of the contractor.

(5) ADMINISTRATIVE ACTIONS.—In the event
that an official or former official of the Department
of Defense described in subsection (c), or a Department of Defense contractor, knowingly fails to com-

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ply with the requirements of this subsection, the
 Secretary of Defense may take any of the adminis trative actions set forth in section 27(e) of the Office
 of Federal Procurement Policy Act (41 U.S.C.
 423(e)) that the Secretary of Defense determines to
 be appropriate.

7 (b) RECORDKEEPING REQUIREMENT.—

8 (1) DATABASE.—Each request for a written 9 opinion made pursuant to this section, and each 10 written opinion provided pursuant to such a request, 11 shall be retained by the Department of Defense in 12 a central database or repository for not less than 13 five years beginning on the date on which the writ-14 ten opinion was provided.

(2) INSPECTOR GENERAL REVIEW.—The Inspector General of the Department of Defense shall
conduct periodic reviews to ensure that written opinions are being provided and retained in accordance
with the requirements of this section. The first such
review shall be conducted no later than two years
after the date of the enactment of this Act.

(c) COVERED DEPARTMENT OF DEFENSE OFFICIALS.—An official or former official of the Department
of Defense is covered by the requirements of this section
if such official or former official—

1	(1) participated personally and substantially in
2	an acquisition as defined in section $4(16)$ of the Of-
3	fice of Federal Procurement Policy Act with a value
4	in excess of \$10,000,000 and serves or served—
5	(A) in an Executive Schedule position
6	under subchapter II of chapter 53 of title 5,
7	United States Code;
8	(B) in a position in the Senior Executive
9	Service under subchapter VIII of chapter 53 of
10	title 5, United States Code; or
11	(C) in a general or flag officer position
12	compensated at a rate of pay for grade O–7 or
13	above under section 201 of title 37, United
14	States Code; or
15	(2) serves or served as a program manager,
16	deputy program manager, procuring contracting offi-
17	cer, administrative contracting officer, source selec-
18	tion authority, member of the source selection eval-
19	uation board, or chief of a financial or technical
20	evaluation team for a contract in an amount in ex-
21	cess of \$10,000,000.
22	(d) DEFINITION.—In this section, the term "post-em-
23	ployment restrictions" includes—
24	(1) section 27 of the Office of Federal Procure-
25	ment Policy Act (41 U.S.C. 423);

(2) section 207 of title 18, United States Code;
 and

3 (3) any other statute or regulation restricting
4 the employment or activities of individuals who leave
5 government service in the Department of Defense.

6 SEC. 848. REPORT ON CONTRACTOR ETHICS PROGRAMS OF 7 MAJOR DEFENSE CONTRACTORS.

8 (a) REPORT REQUIRED.—Not later than one year 9 after the date of the enactment of this Act, the Comp-10 troller General of the United States shall submit to the 11 Committees on Armed Services of the Senate and the 12 House of Representatives a report on the internal ethics 13 programs of major defense contractors.

14 (b) ELEMENTS.—The report required by subsection15 (a) shall address, at a minimum—

- 16 (1) the extent to which major defense contrac-17 tors have internal ethics programs in place;
- 18 (2) the extent to which the ethics programs de-19 scribed in paragraph (1) include—

20 (A) the availability of internal mechanisms,
21 such as hotlines, for contractor employees to re22 port conduct that may violate applicable re23 quirements of law or regulation;

24 (B) notification to contractor employees of25 the availability of external mechanisms, such as

1	the hotline of the Inspector General of the De-
2	partment of Defense, for the reporting of con-
3	duct that may violate applicable requirements of
4	law or regulation;
5	(C) notification to contractor employees of
6	their right to be free from reprisal for dis-
7	closing a substantial violation of law related to
8	a contract, in accordance with section 2409 of
9	title 10, United States Code;
10	(D) ethics training programs for con-
11	tractor officers and employees;
12	(E) internal audit or review programs to
13	identify and address conduct that may violate
14	applicable requirements of law or regulation;
15	(F) self-reporting requirements, under
16	which contractors report conduct that may vio-
17	late applicable requirements of law or regula-
18	tion to appropriate government officials;
19	(G) disciplinary action for contractor em-
20	ployees whose conduct is determined to have
21	violated applicable requirements of law or regu-
22	lation; and
23	(H) appropriate management oversight to
24	ensure the successful implementation of such
25	ethics programs;

(3) the extent to which the Department of De fense monitors or approves the ethics programs of
 major defense contractors; and
 (4) the advantages and disadvantages of legisla tion requiring that defense contractors develop inter-

6 nal ethics programs and requiring that specific ele7 ments be included in such ethics programs.

8 (c) ACCESS TO INFORMATION.—In accordance with 9 the contract clause required pursuant to section 2313(c) 10 of title 10, United States Code, each major defense con-11 tractor shall provide the Comptroller General access to in-12 formation requested by the Comptroller General that is 13 within the scope of the report required by this section.

(d) MAJOR DEFENSE CONTRACTOR DEFINED.—In
this section, the term "major defense contractor" means
any company that was awarded contracts by the Department of Defense during fiscal year 2006 in amounts totaling more than \$500,000,000.

19SEC. 849. CONTINGENCY CONTRACTING TRAINING FOR20PERSONNEL OUTSIDE THE ACQUISITION21WORKFORCE AND EVALUATIONS OF ARMY22COMMISSION RECOMMENDATIONS.

23 (a) TRAINING REQUIREMENT.—Section 2333 of title
24 10, United States Code is amended—

(1) by redesignating subsection (e) as sub section (f); and

3 (2) by inserting after subsection (d) the fol-4 lowing new subsection (e):

5 "(e) TRAINING FOR PERSONNEL OUTSIDE ACQUISI-TION WORKFORCE.—(1) The joint policy for requirements 6 7 definition, contingency program management, and contin-8 gency contracting required by subsection (a) shall provide 9 for training of military personnel outside the acquisition 10 workforce (including operational field commanders and officers performing key staff functions for operational field 11 12 commanders) who are expected to have acquisition respon-13 sibility, including oversight duties associated with contracts or contractors, during combat operations, post-con-14 15 flict operations, and contingency operations.

16 ((2) Training under paragraph (1) shall be sufficient to ensure that the military personnel referred to in that 17 paragraph understand the scope and scale of contractor 18 19 support they will experience in contingency operations and 20 are prepared for their roles and responsibilities with re-21 gard to requirements definition, program management (in-22 cluding contractor oversight), and contingency con-23 tracting.

24 "(3) The joint policy shall also provide for the incor-25 poration of contractors and contract operations in mission

readiness exercises for operations that will include con tracting and contractor support.".

3 (b) Organizational Requirements.—

4 (1) EVALUATION BY THE SECRETARY OF DE-5 FENSE.—The Secretary of Defense, in consultation 6 with the Chairman of the Joint Chiefs of Staff, shall 7 evaluate the recommendations included in the report 8 of the Commission on Army Acquisition and Pro-9 gram Management in Expeditionary Operations and 10 shall determine the extent to which such rec-11 ommendations are applicable to the other Armed 12 Forces. Not later than 120 days after the date of 13 the enactment of this Act, the Secretary of Defense 14 shall submit a report to the congressional defense 15 committees with the conclusions of this evaluation 16 and a description of the Secretary's plans for imple-17 menting the Commission's recommendations for 18 Armed Forces other than the Army.

(2) EVALUATION BY THE SECRETARY OF THE
ARMY.—The Secretary of the Army, in consultation
with the Chief of Staff of the Army, shall evaluate
the recommendations included in the report of the
Commission on Army Acquisition and Program
Management in Expeditionary Operations. Not later
than 120 days after the date of the enactment of

this Act, the Secretary of the Army shall submit to
the congressional defense committees a report detail-
ing the Secretary's plans for implementation of the
recommendations of the Commission. The report
shall include the following:
(A) For each recommendation that has
been implemented, or that the Secretary plans
to implement—
(i) a summary of all actions that have
been taken to implement such rec-
ommendation; and
(ii) a schedule, with specific mile-
stones, for completing the implementation
of such recommendation.
(B) For each recommendation that the
Secretary has not implemented and does not
plan to implement—
(i) the reasons for the decision not to
implement such recommendation; and
(ii) a summary of any alternative ac-
tions the Secretary plans to take to ad-
dress the purposes underlying such rec-
ommendation.

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1	(C) For each recommendation that would
2	require legislation to implement, the Secretary's
3	recommendations regarding such legislation.
4	(c) Comptroller General Report.—Section
5	854(c) of the John Warner National Defense Authoriza-
6	tion Act for Fiscal Year 2007 (Public Law 109–364; 120
7	Stat. 2346) is amended by adding at the end the following
8	new paragraph:
9	"(3) Comptroller general report.—Not
10	later than 180 days after the date on which the Sec-
11	retary of Defense submits the final report required
12	by paragraph (2), the Comptroller General of the
13	United States shall—
14	"(A) review the joint policies developed by
15	the Secretary, including the implementation of
16	such policies; and
17	"(B) submit to the Committees on Armed
18	Services of the Senate and the House of Rep-
19	resentatives a report on the extent to which
20	such policies, and the implementation of such
21	policies, comply with the requirements of sec-
22	tion 2333 of title 10, United States Code (as so
23	amended).".

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Subtitle E—Acquisition Workforce Provisions

3 SEC. 851. REQUIREMENT FOR SECTION ON DEFENSE ACQUISITION WORKFORCE IN STRATEGIC
5 HUMAN CAPITAL PLAN.

6 (a) IN GENERAL.—In the update of the strategic 7 human capital plan for 2008, and in each subsequent up-8 date, the Secretary of Defense shall include a separate sec-9 tion focused on the defense acquisition workforce, includ-10 ing both military and civilian personnel.

11 (b) FUNDING.—The section shall contain—

(1) an identification of the funding programmed
for defense acquisition workforce improvements, including a specific identification of funding provided
in the Department of Defense Acquisition Workforce
Fund established under section 1705 of title 10,
United States Code (as added by section 852 of this
Act);

(2) an identification of the funding programmed
for defense acquisition workforce training in the future-years defense program, including a specific
identification of funding provided by the acquisition
workforce training fund established under section
37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3));

1	(3) a description of how the funding identified
2	pursuant to paragraphs (1) and (2) will be imple-
3	mented during the fiscal year concerned to address
4	the areas of need identified in accordance with sub-
5	section (c);
6	(4) a statement of whether the funding identi-
7	fied under paragraphs (1) and (2) is being fully
8	used; and
9	(5) a description of any continuing shortfall in
10	funding available for the defense acquisition work-
11	force.
12	(c) AREAS OF NEED.—The section also shall identify
13	any areas of need in the defense acquisition workforce, in-
14	cluding—
15	(1) gaps in the skills and competencies of the
16	current or projected defense acquisition workforce;
17	(2) changes to the types of skills needed in the
18	current or projected defense acquisition workforce;
19	(3) incentives to retain in the defense acquisi-
20	tion workforce qualified, experienced defense acquisi-
21	tion workforce personnel; and
22	(4) incentives for attracting new, high-quality
23	personnel to the defense acquisition workforce.
24	(d) Strategic Human Capital Plan Defined.—
25	In this section, the term "strategic human capital plan"

means the strategic human capital plan required under
 section 1122 of the National Defense Authorization Act
 for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
 3452; 10 U.S.C. prec. 1580 note).

5 SEC. 852. DEPARTMENT OF DEFENSE ACQUISITION WORK6 FORCE DEVELOPMENT FUND.

7 (a) IN GENERAL.—

8 (1) ESTABLISHMENT OF FUND.—Chapter 87 of
9 title 10, United States Code, is amended by insert10 ing after section 1704 the following new section:

11 "§ 1705. Department of Defense Acquisition Work 12 force Development Fund

13 "(a) ESTABLISHMENT.—The Secretary of Defense 14 shall establish a fund to be known as the 'Department of 15 Defense Acquisition Workforce Fund' (in this section re-16 ferred to as the 'Fund') to provide funds, in addition to 17 other funds that may be available, for the recruitment, 18 training, and retention of acquisition personnel of the De-19 partment of Defense.

20 "(b) PURPOSE.—The purpose of the Fund is to en-21 sure that the Department of Defense acquisition work-22 force has the capacity, in both personnel and skills, needed 23 to properly perform its mission, provide appropriate over-24 sight of contractor performance, and ensure that the Department receives the best value for the expenditure of
 public resources.

3 "(c) MANAGEMENT.—The Fund shall be managed by
4 a senior official of the Department of Defense designated
5 by the Under Secretary of Defense for Acquisition, Tech6 nology, and Logistics for that purpose, from among per7 sons with an extensive background in management relat8 ing to acquisition and personnel.

9 "(d) ELEMENTS.—

10 "(1) IN GENERAL.—The Fund shall consist of11 amounts as follows:

12 "(A) Amounts credited to the Fund under13 paragraph (2).

14 "(B) Any other amounts appropriated to, 15 credited to, or deposited into the Fund by law. "(2) CREDITS TO THE FUND.—(A) There shall 16 17 be credited to the Fund an amount equal to the ap-18 plicable percentage for a fiscal year of all amounts 19 expended by the Department of Defense in such fis-20 cal year for contract services, other than services re-21 lating to research and development and services re-22 lating to military construction.

23 "(B) Not later than 30 days after the end of
24 the third fiscal year quarter of fiscal year 2008, and
25 30 days after the end of each fiscal year quarter

1	thereafter, the head of each military department and
2	Defense Agency shall remit to the Secretary of De-
3	fense an amount equal to the applicable percentage
4	for such fiscal year of the amount expended by such
5	military department or Defense Agency, as the case
6	may be, during such fiscal year quarter for services
7	covered by subparagraph (A). Any amount so remit-
8	ted shall be credited to the Fund under subpara-
9	graph (A).
10	"(C) For purposes of this paragraph, the appli-
11	cable percentage for a fiscal year is a percentage as
12	follows:
13	"(i) For fiscal year 2008, 0.5 percent.
13 14	"(i) For fiscal year 2008, 0.5 percent. "(ii) For fiscal year 2009, 1 percent.
14	"(ii) For fiscal year 2009, 1 percent.
14 15	"(ii) For fiscal year 2009, 1 percent."(iii) For fiscal year 2010, 1.5 percent.
14 15 16	"(ii) For fiscal year 2009, 1 percent."(iii) For fiscal year 2010, 1.5 percent."(iv) For any fiscal year after fiscal year
14 15 16 17	 "(ii) For fiscal year 2009, 1 percent. "(iii) For fiscal year 2010, 1.5 percent. "(iv) For any fiscal year after fiscal year 2010, 2 percent.
14 15 16 17 18	 "(ii) For fiscal year 2009, 1 percent. "(iii) For fiscal year 2010, 1.5 percent. "(iv) For any fiscal year after fiscal year 2010, 2 percent. "(D) The Secretary of Defense may reduce a
14 15 16 17 18 19	 "(ii) For fiscal year 2009, 1 percent. "(iii) For fiscal year 2010, 1.5 percent. "(iv) For any fiscal year after fiscal year 2010, 2 percent. "(D) The Secretary of Defense may reduce a percentage established in subparagraph (C) for any
14 15 16 17 18 19 20	 "(ii) For fiscal year 2009, 1 percent. "(iii) For fiscal year 2010, 1.5 percent. "(iv) For any fiscal year after fiscal year 2010, 2 percent. "(D) The Secretary of Defense may reduce a percentage established in subparagraph (C) for any fiscal year, if he determines that the application of
14 15 16 17 18 19 20 21	 "(ii) For fiscal year 2009, 1 percent. "(iii) For fiscal year 2010, 1.5 percent. "(iv) For any fiscal year after fiscal year 2010, 2 percent. "(D) The Secretary of Defense may reduce a percentage established in subparagraph (C) for any fiscal year, if he determines that the application of such percentage would result in the crediting of an

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1	centage that results in the deposit in a fiscal year
2	of an amount equal to the following:
3	"(i) For fiscal year 2008, \$300,000,000.
4	"(ii) For fiscal year 2009, \$400,000,000.
5	"(iii) For fiscal year 2010, \$500,000,000.
6	"(iv) For any fiscal year after fiscal year
7	2010, \$600,000,000.
8	"(e) Availability of Funds.—
9	"(1) IN GENERAL.—Subject to the provisions of
10	this subsection, amounts in the Fund shall be avail-
11	able to the Secretary of Defense for expenditure, or
12	for transfer to a military department or Defense
13	Agency, for the recruitment, training, and retention
14	of acquisition personnel of the Department of De-
15	fense for the purpose of the Fund, including for the
16	provision of training and retention incentives to the
17	acquisition workforce of the Department.
18	"(2) PROHIBITION.—Amounts in the Fund may
19	not be obligated for any purpose other than pur-
20	poses described in paragraph (1) or otherwise in ac-
21	cordance with this subsection.
22	"(3) GUIDANCE.—The Under Secretary of De-
23	fense for Acquisition, Technology, and Logistics, act-
24	ing through the senior official designated to manage
25	the Fund, shall issue guidance for the administra-

1	tion of the Fund. Such guidance shall include provi-
2	sions—
3	"(A) identifying areas of need in the acqui-
4	sition workforce for which amounts in the Fund
5	may be used, including—
6	"(i) changes to the types of skills
7	needed in the acquisition workforce;
8	"(ii) incentives to retain in the acqui-
9	sition workforce qualified, experienced ac-
10	quisition workforce personnel; and
11	"(iii) incentives for attracting new,
12	high-quality personnel to the acquisition
13	workforce;
14	"(B) describing the manner and timing for
15	applications for amounts in the Fund to be sub-
16	mitted;
17	"(C) describing the evaluation criteria to
18	be used for approving or prioritizing applica-
19	tions for amounts in the Fund in any fiscal
20	year; and
21	"(D) describing measurable objectives of
22	performance for determining whether amounts
23	in the Fund are being used in compliance with
24	this section.

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1	"(4) LIMITATION ON PAYMENTS TO OR FOR
2	CONTRACTORS.—Amounts in the Fund shall not be
3	available for payments to contractors or contractor
4	employees, other than for the purpose of providing
5	advanced training to Department of Defense employ-
6	ees.
7	"(5) Prohibition on payment of base sal-
8	ARY OF CURRENT EMPLOYEES.—Amounts in the
9	Fund may not be used to pay the base salary of any
10	person who was an employee of the Department as
11	of the date of the enactment of the National Defense
12	Authorization Act for Fiscal Year 2008.
13	"(6) DURATION OF AVAILABILITY.—Amounts
14	credited to the Fund under subsection $(d)(2)$ shall
15	remain available for expenditure in the fiscal year
16	for which credited and the two succeeding fiscal
17	years.
18	"(f) ANNUAL REPORT.—Not later than 60 days after
19	the end of each fiscal year beginning with fiscal year 2008,
20	the Secretary of Defense shall submit to the congressional
21	defense committees a report on the operation of the Fund
22	during such fiscal year. Each report shall include, for the
23	fiscal year covered by such report, the following:
24	"(1) A statement of the amounts remitted to
25	the Secretary for crediting to the Fund for such fis-

1	cal year by each military department and Defense
2	Agency, and a statement of the amounts credited to
3	the Fund for such fiscal year.
4	"(2) A description of the expenditures made
5	from the Fund (including expenditures following a
6	transfer of amounts in the Fund to a military de-
7	partment or Defense Agency) in such fiscal year, in-
8	cluding the purpose of such expenditures.
9	"(3) A description and assessment of improve-
10	ments in the Department of Defense acquisition
11	workforce resulting from such expenditures.
12	"(4) Recommendations for additional authori-
13	ties to fulfill the purpose of the Fund.
14	"(5) A statement of the balance remaining in
15	the Fund at the end of such fiscal year.
16	"(g) Acquisition Workforce Defined.—In this
17	section, the term 'acquisition workforce' means personnel
18	in positions designated under section 1721 of this title as
19	acquisition positions for purposes of this chapter.".
20	(2) CLERICAL AMENDMENT.—The table of sec-
21	tions at the beginning of subchapter I of such chap-
22	ter is amended by inserting after the item relating
23	to section 1704 the following new item:

"1705. Department of Defense Acquisition Workforce Development Fund.".

(b) EFFECTIVE DATE.—Section 1705 of title 10,
 United States Code, as added by subsection (a), shall take
 effect on the date of the enactment of this Act.

4 SEC. 853. EXTENSION OF AUTHORITY TO FILL SHORTAGE
5 CATEGORY POSITIONS FOR CERTAIN FED6 ERAL ACQUISITION POSITIONS.

7 Section 1413(b) of the National Defense Authoriza8 tion Act for Fiscal Year 2004 (Public Law 108–136; 117
9 Stat. 1665) is amended by striking "September 30, 2007"
10 and inserting "September 30, 2012".

11 SEC. 854. REPEAL OF SUNSET OF ACQUISITION WORK12 FORCE TRAINING FUND.

13 Section 37(h)(3) of the Office of Federal Procure14 ment Policy Act (41 U.S.C. 433(h)(3)) is amended by
15 striking subparagraph (H).

16SEC. 855. FEDERAL ACQUISITION WORKFORCE IMPROVE-17MENTS.

(a) ASSOCIATE ADMINISTRATOR FOR ACQUISITION
WORKFORCE PROGRAMS.—The Administrator for Federal
Procurement Policy shall designate a member of the Senior Executive Service as the Associate Administrator for
Acquisition Workforce Programs. The Associate Administrator for Acquisition Workforce Programs shall be located in the Federal Acquisition Institute (or its suc-

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cessor). The Associate Administrator shall be responsible

2 for— 3 (1) supervising the acquisition workforce train-4 ing fund established under section 37(h)(3) of the 5 Office of Federal Procurement Policy Act (41 U. S. 6 C. 433(h)(3)); 7 (2) developing, in coordination with Chief Ac-8 quisition Officers and Chief Human Capital Officers, 9 a strategic human capital plan for the acquisition 10 workforce of the Federal Government; 11 (3) reviewing and providing input to individual

11 (3) reviewing and providing input to individual
12 agency acquisition workforce succession plans;

(4) recommending to the Administrator and
other senior government officials appropriate programs, policies, and practices to increase the quantity and quality of the Federal acquisition workforce;
and

18 (5) carrying out such other functions as the Ad-19 ministrator may assign.

20 (b) Acquisition and Contracting Training Pro-21 Grams Within Executive Agencies.—

(1) REQUIREMENT.—The head of each executive agency, after consultation with the Associate
Administrator for Acquisition Workforce Programs,

1	shall establish and operate acquisition and con-
2	tracting training programs. Such programs shall—
3	(A) have curricula covering a broad range
4	of acquisition and contracting disciplines cor-
5	responding to the specific acquisition and con-
6	tracting needs of the agency involved;
7	(B) be developed and applied according to
8	rigorous standards; and
9	(C) be designed to maximize efficiency,
10	through the use of self-paced courses, online
11	courses, on-the-job training, and the use of re-
12	mote instructors, wherever such features can be
13	applied without reducing the effectiveness of the
14	training or negatively affecting academic stand-
15	ards.
16	(2) Chief acquisition officer authorities
17	AND RESPONSIBILITIES.—Subject to the authority,
18	direction, and control of the head of an executive
19	agency, the Chief Acquisition Officer for such agen-
20	cy shall carry out all powers, functions, and duties
21	of the head of the agency with respect to implemen-
22	tation of this subsection. The Chief Acquisition Offi-
23	cer shall ensure that the policies established by the
24	head of the agency in accordance with this sub-
25	section are implemented throughout the agency.

1 (c) GOVERNMENT-WIDE POLICIES AND EVALUA-2 TION.—The Administrator for Federal Procurement Pol-3 icy shall issue policies to promote the development of per-4 formance standards for training and uniform implementa-5 tion of this section by executive agencies, with due regard for differences in program requirements among agencies 6 7 that may be appropriate and warranted in view of the 8 agency mission. The Administrator shall evaluate the im-9 plementation of the provisions of subsection (b) by execu-10 tive agencies.

(d) ACQUISITION AND CONTRACTING TRAINING REPORTING.—The Administrator for Federal Procurement
Policy shall ensure that the heads of executive agencies
collect and maintain standardized information on the acquisition and contracting workforce related to the implementation of subsection (b).

17 (e) Acquisition Workforce Human Capital Suc-18 cession Plan.—

(1) IN GENERAL.—Not later than 1 year after
the date of the enactment of this Act, each Chief Acquisition Officer for an executive agency shall develop, in consultation with the Chief Human Capital
Officer for the agency and the Associate Administrator for Acquisition Workforce Programs, a succession plan consistent with the agency's strategic

1	human capital plan for the recruitment, develop-
2	ment, and retention of the agency's acquisition
3	workforce, with a particular focus on warranted con-
4	tracting officers and program managers of the agen-
5	cy.
6	(2) CONTENT OF PLAN.—The acquisition work-
7	force succession plan shall address—
8	(A) recruitment goals for personnel from
9	procurement intern programs;
10	(B) the agency's acquisition workforce
11	training needs;
12	(C) actions to retain high performing ac-
13	quisition professionals who possess critical rel-
14	evant skills;
15	(D) recruitment goals for personnel from
16	the Federal Career Intern Program; and
17	(E) recruitment goals for personnel from
18	the Presidential Management Fellows Program.
19	(f) TRAINING IN THE ACQUISITION OF ARCHITECT
20	AND ENGINEERING SERVICES.—The Administrator for
21	Federal Procurement Policy shall ensure that a sufficient
22	number of Federal employees are trained in the acquisi-
23	tion of architect and engineering services.
24	(g) UTILIZATION OF RECRUITMENT AND RETENTION
25	AUTHORITIES.—The Administrator for Federal Procure-

ment Policy, in coordination with the Director of the Of-1 2 fice of Personnel Management, shall encourage executive 3 agencies to utilize existing authorities, including direct 4 hire authority and tuition assistance programs, to recruit 5 and retain acquisition personnel and consider recruiting 6 acquisition personnel who may be retiring from the private 7 sector, consistent with existing laws and regulations. 8 (h) DEFINITIONS.—In this section: 9 (1) EXECUTIVE AGENCY.—The term "executive agency" has the meaning provided in section 4(1) of 10 11 the Office of Federal Procurement Policy Act (41 12 U.S.C. 403(1)). 13 (2) CHIEF ACQUISITION OFFICER.—The term "Chief Acquisition Officer" means a Chief Acquisi-14 15 tion Officer for an executive agency appointed pur-16 suant to section 16 of the Office of Federal Procure-17 ment Policy Act (41 U.S.C. 414). Subtitle F—Contracts in Iraq and 18 Afghanistan 19 20 SEC. 861. MEMORANDUM OF UNDERSTANDING ON MAT-21 TERS RELATING TO CONTRACTING. 22 (a) Memorandum OF UNDERSTANDING RE-23 QUIRED.—The Secretary of Defense, the Secretary of 24 State, and the Administrator of the United States Agency 25 for International Development shall, not later than July 1, 2008, enter into a memorandum of understanding re 2 garding matters relating to contracting for contracts in
 3 Iraq or Afghanistan.

4 (b) MATTERS COVERED.—The memorandum of un5 derstanding required by subsection (a) shall address, at
6 a minimum, the following:

7 (1) Identification of the major categories of
8 contracts in Iraq or Afghanistan being awarded by
9 the Department of Defense, the Department of
10 State, or the United States Agency for International
11 Development.

12 (2) Identification of the roles and responsibil13 ities of each department or agency for matters relat14 ing to contracting for contracts in Iraq or Afghani15 stan.

16 (3) Responsibility for establishing procedures
17 for, and the coordination of, movement of contractor
18 personnel in Iraq or Afghanistan.

(4) Identification of common databases that will
serve as repositories of information on contracts in
Iraq or Afghanistan and contractor personnel in
Iraq or Afghanistan, including agreement on the elements to be included in the databases, including, at
a minimum—

25 (A) with respect to each contract—

1	(i) a brief description of the contract
2	(to the extent consistent with security con-
3	siderations);
4	(ii) the total value of the contract;
5	and
6	(iii) whether the contract was awarded
7	competitively; and
8	(B) with respect to contractor personnel—
9	(i) the total number of personnel em-
10	ployed on contracts in Iraq or Afghanistan;
11	(ii) the total number of personnel per-
12	forming security functions under contracts
13	in Iraq or Afghanistan; and
14	(iii) the total number of personnel
15	working under contracts in Iraq or Af-
16	ghanistan who have been killed or wound-
17	ed.
18	(5) Responsibility for maintaining and updating
19	information in the common databases identified
20	under paragraph (4).
21	(6) Responsibility for the collection and referral
22	to the appropriate Government agency of any infor-
23	mation relating to offenses under chapter 47 of title
24	10, United States Code (the Uniform Code of Mili-
25	tary Justice) or chapter 212 of title 18, United

1 States Code (commonly referred to as the Military 2 Extraterritorial Jurisdiction Act), including a clari-3 fication of responsibilities under section 802(a)(10)4 of title 10, United States Code (article 2(a) of the 5 Uniform Code of Military Justice), as amended by 6 section 552 of the John Warner National Defense 7 Authorization Act for Fiscal Year 2007 (Public Law 8 109 - 364).

9 (c) IMPLEMENTATION OF MEMORANDUM OF UNDER-10 STANDING.—Not later than 120 days after the memorandum of understanding required by subsection (a) is 11 12 signed, the Secretary of Defense, the Secretary of State, 13 and the Administrator of the United States Agency for International Development shall issue such policies or 14 15 guidance and prescribe such regulations as are necessary to implement the memorandum of understanding for the 16 17 relevant matters pertaining to their respective agencies.

18 (d) COPIES PROVIDED TO CONGRESS.—

19 (1) MEMORANDUM OF UNDERSTANDING.—Cop20 ies of the memorandum of understanding required
21 by subsection (a) shall be provided to the relevant
22 committees of Congress within 30 days after the
23 memorandum is signed.

24 (2) REPORT ON IMPLEMENTATION.—Not later25 than 180 days after the memorandum of under-

standing required by subsection (a) is signed, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each provide a report to the relevant committees of Congress on the implementation of the memorandum of understanding.

8 (3) DATABASES.—The Secretary of Defense, 9 the Secretary of State, or the Administrator of the 10 United States Agency for International Development 11 shall provide access to the common databases identi-12 fied under subsection (b)(4) to the relevant commit-13 tees of Congress.

14 (4) CONTRACTS.—Effective on the date of the 15 enactment of this Act, copies of any contracts in 16 Iraq or Afghanistan awarded after December 1, 17 2007, shall be provided to any of the relevant com-18 mittees of Congress within 15 days after the submis-19 sion of a request for such contract or contracts from 20 such committee to the department or agency man-21 aging the contract.

4 (a) REGULATIONS ON CONTRACTORS PERFORMING
5 PRIVATE SECURITY FUNCTIONS.—

6 (1) IN GENERAL.—Not later than 120 days 7 after the date of the enactment of this Act, the Sec-8 retary of Defense, in coordination with the Secretary 9 of State, shall prescribe regulations on the selection, 10 training, equipping, and conduct of personnel per-11 forming private security functions under a covered 12 contract in an area of combat operations.

13 (2) ELEMENTS.—The regulations prescribed
14 under subsection (a) shall, at a minimum, estab15 lish—

16 (A) a process for registering, processing,
17 accounting for, and keeping appropriate records
18 of personnel performing private security func19 tions in an area of combat operations;

20 (B) a process for authorizing and account21 ing for weapons to be carried by, or available to
22 be used by, personnel performing private secu23 rity functions in an area of combat operations;

24 (C) a process for the registration and iden25 tification of armored vehicles, helicopters, and
26 other military vehicles operated by contractors

1	performing private security functions in an area
2	of combat operations;
3	(D) a process under which contractors are
4	required to report all incidents, and persons
5	other than contractors are permitted to report
6	incidents, in which—
7	(i) a weapon is discharged by per-
8	sonnel performing private security func-
9	tions in an area of combat operations;
10	(ii) personnel performing private secu-
11	rity functions in an area of combat oper-
12	ations are killed or injured; or
13	(iii) persons are killed or injured, or
14	property is destroyed, as a result of con-
15	duct by contractor personnel;
16	(E) a process for the independent review
17	and, if practicable, investigation of—
18	(i) incidents reported pursuant to sub-
19	paragraph (D); and
20	(ii) incidents of alleged misconduct by
21	personnel performing private security func-
22	tions in an area of combat operations;
23	(F) requirements for qualification, train-
24	ing, screening (including, if practicable, through
25	background checks), and security for personnel

1	performing private security functions in an area
2	of combat operations;
3	(G) guidance to the commanders of the
4	combatant commands on the issuance of—
5	(i) orders, directives, and instructions
6	to contractors performing private security
7	functions relating to equipment, force pro-
8	tection, security, health, safety, or relations
9	and interaction with locals;
10	(ii) predeployment training require-
11	ments for personnel performing private se-
12	curity functions in an area of combat oper-
13	ations, addressing the requirements of this
14	section, resources and assistance available
15	to contractor personnel, country informa-
16	tion and cultural training, and guidance on
17	working with host country nationals and
18	military; and
19	(iii) rules on the use of force for per-
20	sonnel performing private security func-
21	tions in an area of combat operations;
22	(H) a process by which a commander of a
23	combatant command may request an action de-
24	scribed in subsection $(b)(3)$; and

(I) a process by which the training require ments referred to in subparagraph (G)(ii) shall
 be implemented.

4 (3) AVAILABILITY OF ORDERS, DIRECTIVES, 5 AND INSTRUCTIONS.—The regulations prescribed 6 under subsection (a) shall include mechanisms to en-7 sure the provision and availability of the orders, di-8 rectives, and instructions referred to in paragraph 9 (2)(G)(i) to contractors referred to in that para-10 graph, including through the maintenance of a single 11 location (including an Internet website, to the extent 12 consistent with security considerations) at or 13 through which such contractors may access such or-14 ders, directives, and instructions.

15 (b) CONTRACT CLAUSE ON CONTRACTORS PER-16 FORMING PRIVATE SECURITY FUNCTIONS.—

17 REQUIREMENT UNDER FAR.—Not later (1)18 than 180 days after the date of the enactment of 19 this Act, the Federal Acquisition Regulation issued 20 in accordance with section 25 of the Office of Fed-21 eral Procurement Policy Act (41 U.S.C. 421) shall 22 be revised to require the insertion into each covered 23 contract (or, in the case of a task order, the contract 24 under which the task order is issued) of a contract 25 clause addressing the selection, training, equipping,

1	and conduct of personnel performing private security
2	functions under such contract.
3	(2) CLAUSE REQUIREMENT.—The contract
4	clause required by paragraph (1) shall require, at a
5	minimum, that the contractor concerned shall—
6	(A) comply with regulations prescribed
7	under subsection (a), including any revisions or
8	updates to such regulations, and follow the pro-
9	cedures established in such regulations for—
10	(i) registering, processing, accounting
11	for, and keeping appropriate records of
12	personnel performing private security func-
13	tions in an area of combat operations;
14	(ii) authorizing and accounting of
15	weapons to be carried by, or available to be
16	used by, personnel performing private se-
17	curity functions in an area of combat oper-
18	ations;
19	(iii) registration and identification of
20	armored vehicles, helicopters, and other
21	military vehicles operated by contractors
22	and subcontractors performing private se-
23	curity functions in an area of combat oper-
24	ations; and

1	(iv) the reporting of incidents in
2	which—
3	(I) a weapon is discharged by
4	personnel performing private security
5	functions in an area of combat oper-
6	ations;
7	(II) personnel performing private
8	security functions in an area of com-
9	bat operations are killed or injured; or
10	(III) persons are killed or in-
11	jured, or property is destroyed, as a
12	result of conduct by contractor per-
13	sonnel;
14	(B) ensure that all personnel performing
15	private security functions under such contract
16	are briefed on and understand their obligation
17	to comply with—
18	(i) qualification, training, screening
19	(including, if practicable, through back-
20	ground checks), and security requirements
21	established by the Secretary of Defense for
22	personnel performing private security func-
23	tions in an area of combat operations;
24	(ii) applicable laws and regulations of
25	the United States and the host country,

1 and applicable treaties and international 2 agreements, regarding the performance of the functions of the contractor; 3 4 (iii) orders, directives, and instruc-5 tions issued by the applicable commander 6 of a combatant command relating to equip-7 ment, force protection, security, health, 8 safety, or relations and interaction with 9 locals; and 10 (iv) rules on the use of force issued by 11 the applicable commander of a combatant 12 command for personnel performing private 13 security functions in an area of combat op-14 erations; and 15 (C) cooperate with any investigation con-16 ducted by the Department of Defense pursuant 17 to subsection (a)(2)(E) by providing access to 18 employees of the contractor and relevant infor-19 mation in the possession of the contractor re-20 garding the incident concerned. 21 NONCOMPLIANCE OF PERSONNEL WITH (3)22 CLAUSE.—The contracting officer for a covered con-23 tract may direct the contractor, at its own expense, 24 to remove or replace any personnel performing pri-25

vate security functions in an area of combat oper-

ations who violate or fail to comply with applicable
 requirements of the clause required by this sub section. If the violation or failure to comply is a
 gross violation or failure or is repeated, the contract
 may be terminated for default.

6 (4) APPLICABILITY.—The contract clause re-7 quired by this subsection shall be included in all cov-8 ered contracts awarded on or after the date that is 9 180 days after the date of the enactment of this Act. 10 Federal agencies shall make best efforts to provide 11 for the inclusion of the contract clause required by 12 this subsection in covered contracts awarded before 13 such date.

14 (5) INSPECTOR GENERAL REPORT ON PILOT 15 PROGRAM ON IMPOSITION OF FINES FOR NON-16 COMPLIANCE OF PERSONNEL WITH CLAUSE.-Not 17 later than March 30, 2008, the Inspector General of 18 the Department of Defense shall submit to Congress 19 a report assessing the feasibility and advisability of 20 carrying out a pilot program for the imposition of 21 fines on contractors for personnel who violate or fail 22 to comply with applicable requirements of the clause 23 required by this section as a mechanism for enhanc-24 ing the compliance of such personnel with the clause. 25 The report shall include—

1	(A) an assessment of the feasibility and
2	advisability of carrying out the pilot program;
3	and
4	(B) if the Inspector General determines
5	that carrying out the pilot program is feasible
6	and advisable—
7	(i) recommendations on the range of
8	contracts and subcontracts to which the
9	pilot program should apply; and
10	(ii) a schedule of fines to be imposed
11	under the pilot program for various types
12	of personnel actions or failures.
13	(c) Areas of Combat Operations.—
14	(1) DESIGNATION.—The Secretary of Defense
15	shall designate the areas constituting an area of
16	combat operations for purposes of this section by not
17	later than 120 days after the date of the enactment
18	of this Act.
19	(2) PARTICULAR AREAS.—Iraq and Afghanistan
20	shall be included in the areas designated as an area
21	of combat operations under paragraph (1).
22	(3) Additional areas.—The Secretary may
23	designate any additional area as an area constituting
24	an area of combat operations for purposes of this
25	section if the Secretary determines that the presence

or potential of combat operations in such area war rants designation of such area as an area of combat
 operations for purposes of this section.
 (4) MODIFICATION OR ELIMINATION OF DES-

IGNATION.—The Secretary may modify or cease the
designation of an area under this subsection as an
area of combat operations if the Secretary determines that combat operations are no longer ongoing
in such area.

10 (d) EXCEPTION.—The requirements of this section 11 shall not apply to contracts entered into by elements of 12 the intelligence community in support of intelligence ac-13 tivities.

14 SEC. 863. COMPTROLLER GENERAL REVIEWS AND RE-15PORTS ON CONTRACTING IN IRAQ AND AF-16GHANISTAN.

17 (a) REVIEWS AND REPORTS REQUIRED.—

18 (1) IN GENERAL.—Every 12 months, the
19 Comptroller General shall review contracts in Iraq or
20 Afghanistan and submit to the relevant committees
21 of Congress a report on such review.

(2) MATTERS COVERED.—A report under this
subsection shall cover the following with respect to
the contracts in Iraq or Afghanistan reviewed for the
report:

1	(A) Total number of contracts and task or-
2	ders awarded during the period covered by the
3	report.
4	(B) Total number of active contracts and
5	task orders.
6	(C) Total value of all contracts and task
7	orders awarded during the reporting period.
8	(D) Total value of active contracts and
9	task orders.
10	(E) The extent to which such contracts
11	have used competitive procedures.
12	(F) Total number of contractor personnel
13	working on contracts during the reporting pe-
14	riod.
15	(G) Total number of contractor personnel,
16	on average, who are performing security func-
17	tions during the reporting period.
18	(H) The number of contractor personnel
19	killed or wounded during the reporting period.
20	(I) Information on any specific contract or
21	class of contracts that the Comptroller General
22	determines raises issues of significant concern.
23	(3) SUBMISSION OF REPORTS.—The Comp-
24	troller General shall submit an initial report under
25	this subsection not later than October 1, 2008, and

1	shall submit an updated report every year thereafter
2	until October 1, 2010.

3 (b) ACCESS TO DATABASES ON CONTRACTS.—The
4 Secretary of Defense and the Secretary of State shall pro5 vide full access to the databases described in section
6 861(b)(4) to the Comptroller General for purposes of the
7 reviews carried out under this section.

8 SEC. 864. DEFINITIONS AND OTHER GENERAL PROVISIONS.

9 (a) DEFINITIONS.—In this subtitle:

10 (1) MATTERS RELATING TO CONTRACTING.—
11 The term "matters relating to contracting", with re12 spect to contracts in Iraq and Afghanistan, means
13 all matters relating to awarding, funding, managing,
14 tracking, monitoring, and providing oversight to con15 tracts and contractor personnel.

16 (2) CONTRACT IN IRAQ OR AFGHANISTAN.—The 17 term "contract in Iraq or Afghanistan" means a 18 contract with the Department of Defense, the De-19 partment of State, or the United States Agency for 20 International Development, a subcontract at any tier 21 issued under such a contract, or a task order or de-22 livery order at any tier issued under such a contract 23 (including a contract, subcontract, or task order or 24 delivery order issued by another Government agency 25 for the Department of Defense, the Department of

1	State, or the United States Agency for International
2	Development), if the contract, subcontract, or task
3	order or delivery order involves worked performed in
4	Iraq or Afghanistan for a period longer than 14
5	days.
6	(3) COVERED CONTRACT.—The term "covered
7	contract" means—
8	(A) a contract of a Federal agency for the
9	performance of services in an area of combat
10	operations, as designated by the Secretary of
11	Defense under subsection (c) of section 862;
12	(B) a subcontract at any tier under such
13	a contract; or
14	(C) a task order or delivery order issued
15	under such a contract or subcontract.
16	(4) CONTRACTOR.—The term "contractor",
17	with respect to a covered contract, means the con-
18	tractor or subcontractor carrying out the covered
19	contract.
20	(5) PRIVATE SECURITY FUNCTIONS.—The term
21	"private security functions" means activities en-
22	gaged in by a contractor under a covered contract as
23	follows:

1	(A) Guarding of personnel, facilities, or
2	property of a Federal agency, the contractor or
3	subcontractor, or a third party.
4	(B) Any other activity for which personnel
5	are required to carry weapons in the perform-
6	ance of their duties.
7	(6) Relevant committees of congress.—
8	The term "relevant committees of Congress" means
9	each of the following committees:
10	(A) The Committees on Armed Services of
11	the Senate and the House of Representatives.
12	(B) The Committee on Homeland Security
13	and Governmental Affairs of the Senate and the
14	Committee on Oversight and Government Re-
15	form of the House of Representatives.
16	(C) The Committee on Foreign Relations
17	of the Senate and the Committee on Foreign
18	Affairs of the House of Representatives.
19	(D) For purposes of contracts relating to
20	the National Foreign Intelligence Program, the
21	Select Committee on Intelligence of the Senate
22	and the Permanent Select Committee on Intel-
23	ligence of the House of Representatives.
24	(b) CLASSIFIED INFORMATION.—Nothing in this sub-
25	title shall be interpreted to require the handling of classi-

fied information or information relating to intelligence
 sources and methods in a manner inconsistent with any
 law, regulation, executive order, or rule of the House of
 Representatives or of the Senate relating to the handling
 or protection of such information.

6 Subtitle G—Defense Materiel 7 Readiness Board

8 SEC. 871. ESTABLISHMENT OF DEFENSE MATERIEL READI9 NESS BOARD.

(a) ESTABLISHMENT.—Not later than 6 months after
the date of the enactment of this Act, the Secretary of
Defense shall establish a Defense Materiel Readiness
Board (in this subtitle referred to as the "Board") within
the Office of the Secretary of Defense.

15 (b) MEMBERSHIP.—The Secretary shall appoint the chairman and the members of the Board from among offi-16 cers of the Armed Forces with expertise in matters rel-17 evant to the function of the Board to assess materiel readi-18 ness and evaluate plans and policies relating to materiel 19 readiness. At a minimum, the Board shall include rep-20 21 resentatives of the Joint Chiefs of Staff, each of the 22 Armed Forces, and each of the reserve components of the 23 Armed Forces.

24 (c) STAFF.—The Secretary of Defense shall assign25 staff, and request the Secretaries of the military depart-

1 ments to assign staff, as necessary to assist the Board2 in carrying out its duties.

3 (d) FUNCTIONS.—The Board shall provide inde4 pendent assessments of materiel readiness, materiel readi5 ness shortfalls, and materiel readiness plans to the Sec6 retary of Defense and the Congress. To carry out such
7 functions, the Board shall—

8 (1) monitor and assess the materiel readiness of
9 the Armed Forces;

(2) assist the Secretary of Defense in the identification of deficiencies in the materiel readiness of
the Armed Forces caused by shortfalls in weapons
systems, equipment, and supplies;

(3) identify shortfalls in materiel readiness, including critical materiel readiness shortfalls, for purposes of the Secretary's designations under section
872 and the funding needed to address such shortfalls;

(4) assess the adequacy of current Department
of Defense plans, policies, and programs to address
shortfalls in materiel readiness, including critical
materiel readiness shortfalls (as designated by the
Secretary under section 872), and to sustain and improve materiel readiness;

1	(5) assist the Secretary of Defense in deter-
2	mining whether the industrial capacity of the De-
3	partment of Defense and of the defense industrial
4	base is being best utilized to support the materiel
5	readiness needs of the Armed Forces;
6	(6) review and assess Department of Defense
7	systems for measuring the status of current materiel
8	readiness of the Armed Forces; and
9	(7) make recommendations with respect to ma-
10	teriel readiness funding, measurement techniques,
11	plans, policies, and programs.
12	(e) REPORTS.—The Board shall submit to the Sec-
13	retary of Defense a report summarizing its findings and
14	recommendations not less than once every six months.
15	Within 30 days after receiving a report from the Board,
16	the Secretary shall forward the report in its entirety, to-
17	gether with his comments, to the congressional defense
18	committees. The report shall be submitted in unclassified
19	form. To the extent necessary, the report may be accom-
20	panied by a classified annex.
21	SEC. 872. CRITICAL MATERIEL READINESS SHORTFALLS.
22	(a) Designation of Critical Materiel Readi-
23	NESS SHORTFALLS.—

24 (1) DESIGNATION.—The Secretary of Defense25 may designate any requirement of the Armed Forces

1	for equipment or supplies as a critical materiel read-
2	iness shortfall if there is a shortfall in the required
3	equipment or supplies that materially reduces readi-
4	ness of the Armed Forces and that—
5	(A) cannot be adequately addressed by
6	identifying acceptable substitute capabilities or
7	cross leveling of equipment that does not unac-
8	ceptably reduce the readiness of other Armed
9	Forces; and
10	(B) that is likely to persist for more than
11	two years based on currently projected budgets
12	and schedules for deliveries of equipment and
13	supplies.
14	(2) Consideration of board findings and
15	RECOMMENDATIONS.—In making any such designa-
16	tion, the Secretary shall take into consideration the
17	findings and recommendations of the Defense Mate-
18	riel Readiness Board.
19	(b) Measures to Address Critical Materiel
20	READINESS SHORTFALLS.—The Secretary of Defense
21	shall ensure that critical materiel readiness shortfalls des-
22	ignated pursuant to subsection $(a)(1)$ are transmitted to
23	the relevant officials of the Department of Defense respon-
24	sible for requirements, budgets, and acquisition, and that

	012
1	such officials prioritize and address such shortfalls in the
2	shortest time frame practicable.
3	(c) TRANSFER AUTHORITY.—
4	(1) IN GENERAL.—The amounts of authoriza-
5	tions that the Secretary may transfer under the au-
6	thority of section 1001 of this Act is hereby in-
7	creased by \$2,000,000,000.
8	(2) LIMITATIONS.—The additional transfer au-
9	thority provided by this section—
10	(A) may be made only from authorizations
11	to the Department of Defense for fiscal year
12	2008;
13	(B) may be exercised solely for the purpose
14	of addressing critical materiel readiness short-
15	falls as designated by the Secretary of Defense
16	under subsection (a); and
17	(C) is subject to the same terms, condi-
18	tions, and procedures as other transfer author-
19	ity under section 1001 of this Act.
20	(d) Strategic Readiness Fund.—
21	(1) ESTABLISHMENT.—There is established on
22	the books of the Treasury a fund to be known as the
23	Department of Defense Strategic Readiness Fund
24	(in this subsection referred to as the "Fund"), which

shall be administered by the Secretary of the Treas ury.

3 (2) PURPOSES.—The Fund shall be used to ad4 dress critical materiel readiness shortfalls as des5 ignated by the Secretary of Defense under sub6 section (a).

7 (3) ASSETS OF FUND.—There shall be depos8 ited into the Fund any amount appropriated to the
9 Fund, which shall constitute the assets of the Fund.

(4) LIMITATION.—The procurement unit cost
(as defined in section 2432(a) of title 10, United
States Code) of any item purchased using assets of
the Fund, whether such assets are in the Fund or
after such assets have been transferred from the
Fund using the authority provided in subsection (c),
shall not exceed \$30,000,000.

17 (e) MULTIYEAR CONTRACT NOTIFICATION.—

(1) NOTIFICATION.—If the Secretary of a military department makes the determination described
in paragraph (2) with respect to the use of a
multiyear contract, the Secretary shall notify the
congressional defense committees within 30 days of
the determination and provide a detailed description
of the proposed multiyear contract.

1	(2) DETERMINATION.—The determination re-
2	ferred to in paragraph (1) is a determination by the
3	Secretary of a military department that the use of
4	a multiyear contract to procure an item to address
5	a critical materiel readiness shortfall—
6	(A) will significantly accelerate efforts to
7	address a critical materiel readiness shortfall;
8	(B) will provide savings compared to the
9	total anticipated costs of carrying out the con-
10	tract through annual contracts; and
11	(C) will serve the interest of national secu-
12	rity.
13	(f) DEFINITION.—In this section, the term "critical
14	materiel readiness shortfall" means a critical materiel
15	readiness shortfall designated by the Secretary of Defense
16	under this section.
17	Subtitle H—Other Matters
18	SEC. 881. CLEARINGHOUSE FOR RAPID IDENTIFICATION
19	AND DISSEMINATION OF COMMERCIAL IN-
20	FORMATION TECHNOLOGIES.
21	(a) Requirement to Establish Clearing-
22	HOUSE.—Not later than 180 days after the date of the
23	enactment of this Act, the Secretary of Defense, acting
24	through the Assistant Secretary of Defense for Networks
25	and Information Integration, shall establish a clearing-

house for identifying, assessing, and disseminating knowl edge about readily available information technologies (with
 an emphasis on commercial off-the-shelf information tech nologies) that could support the warfighting mission of the
 Department of Defense.

6 (b) RESPONSIBILITIES.—The clearinghouse estab7 lished pursuant to subsection (a) shall be responsible for
8 the following:

9 (1) Developing a process to rapidly assess and 10 set priorities and needs for significant information 11 technology needs of the Department of Defense that 12 could be met by commercial technologies, including 13 a process for—

14 (A) aligning priorities and needs with the
15 requirements of the commanders of the combat16 ant command; and

17 (B) proposing recommendations to the 18 commanders of the combatant command of fea-19 sible technical solutions for further evaluation. 20 (2) Identifying and assessing emerging commer-21 cial technologies (including commercial off-the-shelf 22 technologies) that could support the warfighting mis-23 sion of the Department of Defense, including the 24 priorities and needs identified pursuant to para-25 graph (1).

(3) Disseminating information about commer cial technologies identified pursuant to paragraph
 (2) to commanders of combatant commands and
 other potential users of such technologies.

5 (4) Identifying gaps in commercial technologies
6 and working to stimulate investment in research and
7 development in the public and private sectors to ad8 dress those gaps.

9 (5) Enhancing internal data and communica-10 tions systems of the Department of Defense for 11 sharing and retaining information regarding com-12 mercial technology priorities and needs, technologies 13 available to meet such priorities and needs, and on-14 going research and development directed toward 15 gaps in such technologies.

16 (6) Developing mechanisms, including web17 based mechanisms, to facilitate communications with
18 industry regarding the priorities and needs of the
19 Department of Defense identified pursuant to para20 graph (1) and commercial technologies available to
21 address such priorities and needs.

(7) Assisting in the development of guides to
help small information technology companies with
promising technologies to understand and navigate

the funding and acquisition processes of the Depart ment of Defense.

3 (8) Developing methods to measure how well
4 processes developed by the clearinghouse are being
5 utilized and to collect data on an ongoing basis to
6 assess the benefits of commercial technologies that
7 are procured on the recommendation of the clearing8 house.

9 (c) PERSONNEL.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Networks 10 11 and Information Integration, shall provide for the hiring 12 and support of employees (including detailees from other 13 components of the Department of Defense and from other 14 Federal departments or agencies) to assist in identifying, 15 assessing, and disseminating information regarding commercial technologies under this section. 16

17 (d) REPORT TO CONGRESS.—Not later than one year
18 after the date of the enactment of this Act, the Secretary
19 of Defense shall submit to the congressional defense com20 mittees a report on the implementation of this section.

1SEC. 882. AUTHORITY TO LICENSE CERTAIN MILITARY DES-2IGNATIONS AND LIKENESSES OF WEAPONS3SYSTEMS TO TOY AND HOBBY MANUFACTUR-4ERS.

(a) AUTHORITY TO LICENSE CERTAIN ITEMS.—Section 2260 of title 10, United States Code, is amended—
(1) by redesignating subsections (c), (d), and
(e) as subsections (d), (e), and (f), respectively; and
(2) by inserting after subsection (b) the following new subsection:

11 "(c) LICENSES FOR QUALIFYING COMPANIES.—(1) 12 The Secretary concerned may license trademarks, service 13 marks, certification marks, and collective marks owned or 14 controlled by the Secretary relating to military designa-15 tions and likenesses of military weapons systems to any 16 qualifying company upon receipt of a request from the 17 company.

18 "(2) For purposes of paragraph (1), a qualifying19 company is any United States company that—

20 "(A) is a toy or hobby manufacturer; and

"(B) is determined by the Secretary concerned
to be qualified in accordance with such criteria as
determined appropriate by the Secretary of Defense.
"(3) The fee for a license under this subsection shall
not exceed by more than a nominal amount the amount
needed to recover all costs of the Department of Defense

in processing the request for the license and supplying the
 license.

3 "(4) A license to a qualifying company under this
4 subsection shall provide that the license may not be trans5 ferred, sold, or relicensed by the qualifying company.

6 "(5) A license under this subsection shall not be an7 exclusive license.".

8 (b) EFFECTIVE DATE.—The Secretary of Defense 9 shall prescribe regulations to implement the amendment 10 made by this section not later than 180 days after the 11 date of the enactment of this Act.

12 SEC. 883. MODIFICATIONS TO LIMITATION ON CONTRACTS

13

TO ACQUIRE MILITARY FLIGHT SIMULATOR.

(a) EFFECT ON EXISTING CONTRACTS.—Section 832
of the John Warner National Defense Authorization Act
for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
2331) is amended by adding at the end the following new
subsection:

"(e) EFFECT ON EXISTING CONTRACTS.—The limitation in subsection (a) does not apply to any service contract of a military department to acquire a military flight
simulator, or to any renewal or extension of, or followon contract to, such a contract, if—

24 "(1) the contract was in effect as of October
25 17, 2006;

((2)) the number of flight simulators to be ac-1 2 quired under the contract (or renewal, extension, or 3 follow-on) will not result in the total number of 4 flight simulators acquired by the military depart-5 ment concerned through service contracts to exceed 6 the total number of flight simulators to be acquired 7 under all service contracts of such department for 8 such simulators in effect as of October 17, 2006; 9 and

"(3) in the case of a renewal or extension of, 10 11 or follow-on contract to, the contract, the Secretary 12 of the military department concerned provides to the congressional defense committees a written notice of 13 14 the decision to exercise an option to renew or extend 15 the contract, or to issue a solicitation for bids or 16 proposals using competitive procedures for a follow-17 on contract, and an economic analysis as described 18 in subsection (c) supporting the decision, at least 30 19 days before carrying out such decision.".

(b) CHANGE IN GROUNDS FOR WAIVER.—Section
832(c)(1) of such Act, as redesignated by subsection (a),
is amend by striking "necessary for national security purposes" and inserting "in the national interest".

1SEC. 884. REQUIREMENTS RELATING TO WAIVERS OF CER-2TAIN DOMESTIC SOURCE LIMITATIONS RE-3LATING TO SPECIALTY METALS.

4 (a) NOTICE REQUIREMENT.—At least 30 days prior 5 to making a domestic nonavailability determination pursuant to section 2533b(b) of title 10, United States Code, 6 7 that would apply to more than one contract of the Depart-8 ment of Defense, the Secretary of Defense shall, to the 9 maximum extent practicable and in a manner consistent with the protection of national security information and 10 11 confidential business information—

(1) publish a notice on the website maintained
by the General Services Administration known as
FedBizOpps.gov (or any successor site) of the Secretary's intent to make the domestic nonavailability
determination; and

17 (2) solicit information relevant to such notice
18 from interested parties, including producers of spe19 cialty metal mill products.

(b) DETERMINATION.—(1) The Secretary shall take
into consideration all information submitted pursuant to
subsection (a) in making a domestic nonavailability determination pursuant to section 2533b(b) of title 10, United
States Code, that would apply to more than one contract
of the Department of Defense, and may also consider
other relevant information that cannot be made part of
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the public record consistent with the protection of national
 security information and confidential business informa tion.

4 (2) The Secretary shall ensure that any such deter-5 mination and the rationale for such determination is made 6 publicly available to the maximum extent consistent with 7 the protection of national security information and con-8 fidential business information.

9 SEC. 885. TELEPHONE SERVICES FOR MILITARY PER-10SONNEL SERVING IN COMBAT ZONES.

11 (a) Competitive Procedures Required.—

(1) REQUIREMENT.—When the Secretary of
Defense considers it necessary to provide morale,
welfare, and recreation telephone services for military personnel serving in combat zones, the Secretary shall use competitive procedures when entering into a contract to provide those services.

18 (2) REVIEW AND DETERMINATION.—Before so-19 liciting bids or proposals for new contracts, or con-20 sidering extensions to existing contracts, to provide 21 morale, welfare, and recreation telephone services for 22 military personnel serving in combat zones, the Sec-23 retary shall review and determine whether it is in 24 the best interest of the Department to require bids 25 or proposals, or adjustments for the purpose of ex1 tending a contract, to include options that minimize 2 the cost of the telephone services to individual users 3 while providing individual users the flexibility of 4 using phone cards from other than the prospective contractor. The Secretary shall submit the results of 5 6 this review and determination to the Committees on 7 Armed Services of the Senate and the House of Rep-8 resentatives.

9 (b) EFFECTIVE DATE.—

10 (1) REQUIREMENT.—Subsection (a)(1) shall
11 apply to any new contract to provide morale, wel12 fare, and recreation telephone services for military
13 personnel serving in combat zones that is entered
14 into after the date of the enactment of this Act.

(2) REVIEW AND DETERMINATION.—Subsection
(a)(2) shall apply to any new contract or extension
to an existing contract to provide morale, welfare,
and recreation telephone services for military personnel serving in combat zones that is entered into
or agreed upon after the date of the enactment of
this Act.

SEC. 886. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN IRAQ AND AF GHANISTAN.

4 (a) IN GENERAL.—In the case of a product or service
5 to be acquired in support of military operations or stability
6 operations in Iraq or Afghanistan (including security,
7 transition, reconstruction, and humanitarian relief activi8 ties) for which the Secretary of Defense makes a deter9 mination described in subsection (b), the Secretary may
10 conduct a procurement in which—

(1) competition is limited to products or serv-ices that are from Iraq or Afghanistan;

(2) procedures other than competitive procedures are used to award a contract to a particular
source or sources from Iraq or Afghanistan; or

16 (3) a preference is provided for products or17 services that are from Iraq or Afghanistan.

18 (b) DETERMINATION.—A determination described in19 this subsection is a determination by the Secretary that—

20 (1) the product or service concerned is to be
21 used only by the military forces, police, or other se22 curity personnel of Iraq or Afghanistan; or

(2) it is in the national security interest of the
United States to limit competition, use procedures
other than competitive procedures, or provide a preference as described in subsection (a) because—

1	(A) such limitation, procedure, or pref-
2	erence is necessary to provide a stable source of
3	jobs in Iraq or Afghanistan; and
4	(B) such limitation, procedure, or pref-
5	erence will not adversely affect—
6	(i) military operations or stability op-
7	erations in Iraq or Afghanistan; or
8	(ii) the United States industrial base.
9	(c) Products, Services, and Sources From Iraq
10	OR AFGHANISTAN.—For the purposes of this section:
11	(1) A product is from Iraq or Afghanistan if it
12	is mined, produced, or manufactured in Iraq or Af-
13	ghanistan.
14	(2) A service is from Iraq or Afghanistan if it
15	is performed in Iraq or Afghanistan by citizens or
16	permanent resident aliens of Iraq or Afghanistan.
17	(3) A source is from Iraq or Afghanistan if it—
18	(A) is located in Iraq or Afghanistan; and
19	(B) offers products or services that are
20	from Iraq or Afghanistan.

1	SEC. 887. DEFENSE SCIENCE BOARD REVIEW OF DEPART-
2	MENT OF DEFENSE POLICIES AND PROCE-
3	DURES FOR THE ACQUISITION OF INFORMA-
4	TION TECHNOLOGY.

5 (a) REVIEW REQUIRED.—Not later than 90 days
6 after the date of the enactment of this Act, the Secretary
7 of Defense shall direct the Defense Science Board to carry
8 out a review of Department of Defense policies and proce9 dures for the acquisition of information technology.

(b) MATTERS TO BE ADDRESSED.—The matters addressed by the review required by subsection (a) shall include the following:

(1) Department of Defense policies and procedures for acquiring national security systems, business information systems, and other information
technology.

- 17 (2) The roles and responsibilities in imple-18 menting such policies and procedures of—
- 19 (A) the Under Secretary of Defense for20 Acquisition, Technology, and Logistics;
- 21 (B) the Chief Information Officer of the22 Department of Defense;
- 23 (C) the Director of the Business Trans24 formation Agency;
- 25 (D) the service acquisition executives;

1	(E) the chief information officers of the
2	military departments;
3	(F) Defense Agency acquisition officials;
4	(G) the information officers of the Defense
5	Agencies; and
6	(H) the Director of Operational Test and
7	Evaluation and the heads of the operational
8	test organizations of the military departments
9	and the Defense Agencies.
10	(3) The application of such policies and proce-
11	dures to information technologies that are an inte-
12	gral part of weapons or weapon systems.
13	(4) The requirements of subtitle III of title 40,
14	United States Code, and chapter 35 of title 44,
15	United States Code, regarding performance-based
16	and results-based management, capital planning,
17	and investment control in the acquisition of informa-
18	tion technology.
19	(5) Department of Defense policies and proce-
20	dures for maximizing the usage of commercial infor-
21	mation technology while ensuring the security of the
22	microelectronics, software, and networks of the De-
23	partment.
24	(6) The suitability of Department of Defense
25	acquisition regulations, including Department of De-

1	fense Directive 5000.1 and the accompanying mile-
2	stones, to the acquisition of information technology
3	systems.
4	(7) The adequacy and transparency of metrics
5	used by the Department of Defense for the acquisi-
6	tion of information technology systems.
7	(8) The effectiveness of existing statutory and
8	regulatory reporting requirements for the acquisition
9	of information technology systems.
10	(9) The adequacy of operational and develop-
11	ment test resources (including infrastructure and
12	personnel), policies, and procedures to ensure appro-
13	priate testing of information technology systems
14	both during development and before operational use.
15	(10) The appropriate policies and procedures
16	for technology assessment, development, and oper-
17	ational testing for purposes of the adoption of com-
18	mercial technologies into information technology sys-
19	tems.
20	(c) REPORT REQUIRED.—Not later than one year
21	after the date of enactment of this Act, the Secretary shall
22	submit to the congressional defense committees a report
23	on the results of the review required by subsection (a).
24	The report shall include the findings and recommenda-
25	tions of the Defense Science Board pursuant to the review,

including such recommendations for legislative or adminis trative action as the Board considers appropriate, together
 with any comments the Secretary considers appropriate.

4 SEC. 888. GREEN PROCUREMENT POLICY.

5 (a) SENSE OF CONGRESS.—It is the sense of Con6 gress that the Department of Defense should establish a
7 system to document and track the use of environmentally
8 preferable products and services.

9 (b) REPORT.—Not later than 90 days after the date 10 of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on a plan to increase 11 12 the usage of environmentally friendly products that mini-13 mize potential impacts to human health and the environment at all Department of Defense facilities inside and 14 15 outside the United States, including through the direct purchase of products and the purchase of products by fa-16 17 cility maintenance contractors. The report shall also cover 18 consideration of the budgetary impact of implementation 19 of the plan.

20 SEC. 889. COMPTROLLER GENERAL REVIEW OF USE OF AU21 THORITY UNDER THE DEFENSE PRODUCTION 22 ACT OF 1950.

(a) THOROUGH REVIEW REQUIRED.—The Comptroller General of the United States (in this section referred to as the "Comptroller") shall conduct a thorough

1	review of the application of the Defense Production Act
2	of 1950, covering the period beginning on the date of the
3	enactment of the Defense Production Act Reauthorization
4	of 2003 (Public Law 108–195) and ending on the date
5	of the enactment of this Act.
6	(b) Considerations.—In conducting the review re-

7 quired by this section, the Comptroller shall examine—

(1) the relevance and utility of the authorities
provided under the Defense Production Act of 1950
to meet the security challenges of the 21st Century;
(2) the manner in which the authorities pro-
vided under such Act have been used by the Federal
Government—
(A) to meet security challenges;
(B) to meet current and future defense re-
quirements;
(C) to meet current and future energy re-
quirements;
(D) to meet current and future domestic
emergency and disaster response and recovery

21 requirements;

(E) to reduce the interruption of critical
infrastructure operations during a terrorist attack, natural catastrophe, or other similar national emergency; and

1	(F) to safeguard critical components of the
2	United States industrial base, including Amer-
3	ican aerospace and shipbuilding industries;
4	(3) the economic impact of foreign offset con-
5	tracts;
6	(4) the relative merit of developing rapid and
7	standardized systems for use of the authorities pro-
8	vided under the Defense Production Act of 1950, by
9	any Federal agency; and
10	(5) such other issues as the Comptroller deter-
11	mines relevant.
12	(c) REPORT TO CONGRESS.—Not later than 150 days
13	after the date of the enactment of this Act, the Comp-
14	troller shall submit to the Committees on Armed Services
15	and on Banking, Housing, and Urban Affairs of the Sen-
16	ate and the Committees on Armed Services and on Finan-
17	cial Services of the House of Representatives a report on
18	the review conducted under this section.
19	(d) Rules of Construction on Protection of
20	INFORMATION.—Notwithstanding any other provision of
21	law—
22	(1) the provisions of section 705(d) of the De-
23	fense Production Act of 1950 (50 U.S.C. App.
24	2155(d)) shall not apply to information sought or

obtained by the Comptroller for purposes of the re view required by this section; and

3 (2) provisions of law pertaining to the protec4 tion of classified information or proprietary informa5 tion otherwise applicable to information sought or
6 obtained by the Comptroller in carrying out this sec7 tion shall not be affected by any provision of this
8 section.

9 SEC. 890. PREVENTION OF EXPORT CONTROL VIOLATIONS.

10 (a) PREVENTION OF EXPORT CONTROL VIOLA-11 TIONS.—Not later than 180 days after the date of the en-12 actment of this Act, the Secretary of Defense shall pre-13 scribe regulations requiring any contractor under a contract with the Department of Defense to provide goods 14 15 or technology that is subject to export controls under the Arms Export Control Act or the Export Administration 16 17 of 1979 (as continued in effect under the International Emergency Economic Powers Act) to comply with those 18 19 Acts and applicable regulations with respect to such goods 20 and technology, including the International Traffic in 21 Arms Regulations and the Export Administration Regula-22 tions. Regulations prescribed under this subsection shall 23 include a contract clause enforcing such requirement.

(b) TRAINING ON EXPORT CONTROLS.—The Sec-retary of Defense shall ensure that any contractor under

a contract with the Department of Defense to provide 1 2 goods or technology that is subject to export controls 3 under the Arms Export Control Act or the Export Admin-4 istration of 1979 (as continued in effect under the Inter-5 national Emergency Economic Powers Act) is made aware of any relevant resources made available by the Depart-6 7 ment of State and the Department of Commerce to assist 8 in compliance with the requirement established by sub-9 section (a) and the need for a corporate compliance plan 10 and periodic internal audits of corporate performance under such plan. 11

12 (c) REPORT.—Not later than 180 days after the date 13 of the enactment of this Act, the Secretary of Defense 14 shall submit to the Committee on Armed Services of the 15 Senate and the Committee on Armed Services of the 16 House of Representatives a report assessing the utility 17 of—

(1) requiring defense contractors (or subcontractors at any tier) to periodically report on
measures taken to ensure compliance with the International Traffic in Arms Regulations and the Export
Administration Regulations;

(2) requiring periodic audits of defense contractors (or subcontractors at any tier) to ensure compliance with all provisions of the International Traffic

in Arms Regulations and the Export Administration
 Regulations;

3 (3) requiring defense contractors to maintain a
4 corporate training plan to disseminate information
5 to appropriate contractor personnel regarding the
6 applicability of the Arms Export Control Act and the
7 Export Administration Act of 1979; and

8 (4) requiring a designated corporate liaison,
9 available for training provided by the United States
10 Government, whose primary responsibility would be
11 contractor compliance with the Arms Export Control
12 Act and the Export Administration Act of 1979.

13 (d) DEFINITIONS.—In this section:

14 (1) EXPORT ADMINISTRATION REGULATIONS.—
15 The term "Export Administration Regulations"
16 means those regulations contained in sections 730
17 through 774 of title 15, Code of Federal Regulations
18 (or successor regulations).

(2) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term "International Traffic in Arms
Regulations" means those regulations contained in
sections 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

1	SEC. 891. PROCUREMENT GOAL FOR NATIVE HAWAIIAN-
2	SERVING INSTITUTIONS AND ALASKA NA-
3	TIVE-SERVING INSTITUTIONS.
4	Section 2323 of title 10, United States Code, is
5	amended—
6	(1) in subsection $(a)(1)$ —
7	(A) by striking "and" at the end of sub-
8	paragraph (C);
9	(B) by striking the period at the end of
10	subparagraph (D) and inserting "; and"; and
11	(C) by adding at the end the following new
12	subparagraph:
13	"(E) Native Hawaiian-serving institutions
14	and Alaska Native-serving institutions (as de-
15	fined in section 317 of the Higher Education
16	Act of 1965).";
17	(2) in subsection $(a)(2)$, by inserting after
18	"Hispanic-serving institutions," the following: "Na-
19	tive Hawaiian-serving institutions and Alaska Na-
20	tive-serving institutions,";
21	(3) in subsection (c)(1), by inserting after "His-
22	panic-serving institutions," the following: "Native
23	Hawaiian-serving institutions and Alaska Native-
24	serving institutions,"; and
25	(4) in subsection $(c)(3)$, by inserting after "His-
26	panic-serving institutions," the following: "to Native
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1 Hawaiian-serving institutions and Alaska Native-2 serving institutions,". 3 SEC. 892. COMPETITION FOR PROCUREMENT OF SMALL ARMS SUPPLIED TO IRAQ AND AFGHANISTAN. 4 5 (a) COMPETITION REQUIREMENT.—For the procurement of pistols and other weapons described in subsection 6 7 (b), the Secretary of Defense shall ensure, consistent with 8 the provisions of section 2304 of title 10, United States Code, that— 9 10 (1) full and open competition is obtained to the 11 maximum extent practicable; 12 (2) no responsible United States manufacturer 13 is excluded from competing for such procurements; 14 and 15 (3) products manufactured in the United States 16 are not excluded from the competition. 17 (b) **PROCUREMENTS** COVERED.—This section applies 18 to the procurement of the following: 19 (1) Pistols and other weapons less than 0.50 20 caliber for assistance to the Army of Iraq, the Iraqi 21 Police Forces, and other Iraqi security organiza-22 tions. 23 (2) Pistols and other weapons less than 0.5024 caliber for assistance to the Army of Afghanistan,

1 the Afghani Police Forces, and other Afghani secu-

2 rity organizations.

3 TITLE IX—DEPARTMENT OF DE-

4 FENSE ORGANIZATION AND

5 **MANAGEMENT**

Subtitle A—Department of Defense Management

- Sec. 901. Repeal of limitation on major Department of Defense headquarters activities personnel and related report.
- Sec. 902. Flexibility to adjust the number of deputy chiefs and assistant chiefs.
- Sec. 903. Change in eligibility requirements for appointment to Department of Defense leadership positions.
- Sec. 904. Management of the Department of Defense.
- Sec. 905. Revision in guidance relating to combatant command acquisition authority.
- Sec. 906. Department of Defense Board of Actuaries.
- Sec. 907. Modification of background requirement of individuals appointed as Under Secretary of Defense for Acquisition, Technology, and Logistics.
- Sec. 908. Assistant Secretaries of the military departments for acquisition matters; principal military deputies.
- Sec. 909. Sense of Congress on term of Office of the Director of Operational Test and Evaluation.

Subtitle B—Space Activities

- Sec. 911. Space protection strategy.
- Sec. 912. Biennial report on management of space cadre within the Department of Defense.
- Sec. 913. Additional report on oversight of acquisition for defense space programs.

Subtitle C—Chemical Demilitarization Program

- Sec. 921. Chemical demilitarization citizens advisory commissions.
- Sec. 922. Sense of Congress on completion of destruction of United States chemical weapons stockpile.
- Sec. 923. Repeal of certain qualifications requirement for director of chemical demilitarization management organization.
- Sec. 924. Modification of termination of assistance to State and local governments after completion of the destruction of the United States chemical weapons stockpile.

Subtitle D—Intelligence-Related Matters

Sec. 931. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

Subtitle E—Roles and Missions Analysis

	Sec. 941. Requirement for quadrennial roles and missions review.
	Sec. 942. Joint Requirements Oversight Council additional duties relating to core mission areas.
	Sec. 943. Requirement for certification of major systems prior to technology de-
	velopment. Sec. 944. Presentation of future-years mission budget by core mission area.
	Subtitle F—Other Matters
	Sec. 951. Department of Defense consideration of effect of climate change on
	Department facilities, capabilities, and missions.
	Sec. 952. Interagency policy coordination. Sec. 953. Expansion of employment creditable under service agreements under
	National Security Education Program.
	Sec. 954. Board of Regents for the Uniformed Services University of the Health Sciences.
	Sec. 955. Establishment of Department of Defense School of Nursing.
	Sec. 956. Inclusion of commanders of Western Hemisphere combatant com- mands in Board of Visitors of Western Hemisphere Institute
	for Security Cooperation. Sec. 957. Comptroller General assessment of reorganization of the Office of the
	Under Secretary of Defense for Policy.
	Sec. 958. Report on foreign language proficiency.
1	Subtitle A—Department of Defense
•	
2	Management
2 3	SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT
3	SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT
3 4 5	SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL AND RELATED REPORT.
3 4	SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES
3 4 5	SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL AND RELATED REPORT.
3 4 5 6	SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL AND RELATED REPORT. (a) REPEAL OF LIMITATION.—
3 4 5 6 7	 SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL AND RELATED REPORT. (a) REPEAL OF LIMITATION.— (1) REPEAL.—Section 130a of title 10, United
3 4 5 6 7 8	 SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL AND RELATED REPORT. (a) REPEAL OF LIMITATION.— (1) REPEAL.—Section 130a of title 10, United States Code, is repealed.
3 4 5 6 7 8 9	 SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL AND RELATED REPORT. (a) REPEAL OF LIMITATION.— (1) REPEAL.—Section 130a of title 10, United States Code, is repealed. (2) CLERICAL AMENDMENT.—The table of sec-
3 4 5 6 7 8 9 10 11	 SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL AND RELATED REPORT. (a) REPEAL OF LIMITATION.— (1) REPEAL.—Section 130a of title 10, United States Code, is repealed. (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section
3 4 5 6 7 8 9 10	 SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL AND RELATED REPORT. (a) REPEAL OF LIMITATION.— (1) REPEAL.—Section 130a of title 10, United States Code, is repealed. (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is
3 4 5 6 7 8 9 10 11	 SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL AND RELATED REPORT. (a) REPEAL OF LIMITATION.— (1) REPEAL.—Section 130a of title 10, United States Code, is repealed. (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section

1 for each fiscal year that includes the following informa-2 tion:

3 (1) The average number of military personnel
4 and civilian employees of the Department of Defense
5 assigned to major Department of Defense head6 quarters activities for each component of the De7 partment of Defense during the preceding fiscal
8 year.

9 (2) The total increase in personnel assigned to
10 major headquarters activities, if any, during the pre11 ceding fiscal year—

(A) attributable to the replacement of contract personnel with military personnel or civilian employees of the Department of Defense,
including the number of positions associated
with the replacement of contract personnel performing inherently governmental functions; and

(B) attributable to reasons other than the
replacement of contract personnel with military
personnel or civilian employees of the Department, such as workload or operational demand
increases.

23 (3) An estimate of the cost savings, if any, as24 sociated with the elimination of contracts for the
25 performance of major headquarters activities.

1	(4) The number of military personnel and civil-
2	ian employees of the Department of Defense as-
3	signed to major headquarters activities for each
4	component of the Department of Defense as of Octo-
5	ber 1 of the preceding fiscal year.
6	(c) DEFINITIONS.—In this section:
7	(1) Defense budget materials.—The term
8	"defense budget materials", with respect to a fiscal
9	year, means the materials submitted to Congress by
10	the Secretary of Defense in support of the budget
11	for that fiscal year that is submitted to Congress by
12	the President under section 1105 of title 31, United
13	States Code.
14	(2) CONTRACT PERSONNEL.—The term "con-
15	tract personnel" means persons hired under a con-
16	tract with the Department of Defense for the per-
17	formance of major Department of Defense head-
18	quarters activities.
19	SEC. 902. FLEXIBILITY TO ADJUST THE NUMBER OF DEP-
20	UTY CHIEFS AND ASSISTANT CHIEFS.
21	(a) ARMY.—Section 3035(b) of title 10, United
22	States Code, is amended to read as follows:
23	"(b) The Secretary of the Army shall prescribe the
24	number of Deputy Chiefs of Staff and Assistant Chiefs
25	of Staff, for a total of not more than eight positions.".

1 (b) NAVY.—

2 (1) DEPUTY CHIEFS OF NAVAL OPERATIONS.—
3 Section 5036(a) of title 10, United States Code, is
4 amended—

5 (A) by striking "There are in the Office of
6 the Chief of Naval Operations not more than
7 five Deputy Chiefs of Naval Operations," and
8 inserting "There are Deputy Chiefs of Naval
9 Operations in the Office of the Chief of Naval
10 Operations,"; and

(B) by adding at the end the following:
"The Secretary of the Navy shall prescribe the
number of Deputy Chiefs of Naval Operations
under this section and Assistant Chiefs of
Naval Operations under section 5037 of this
title, for a total of not more than eight positions.".

18 (2) ASSISTANT CHIEFS OF NAVAL OPER19 ATIONS.—Section 5037(a) of such title is amend20 ed—

(A) by striking "There are in the Office of
the Chief of Naval Operations not more than
three Assistant Chiefs of Naval Operations,"
and inserting "There are Assistant Chiefs of

	··-
1	Naval Operations in the Office of the Chief of
2	Naval Operations,"; and
3	(B) by adding at the end the following:
4	"The Secretary of the Navy shall prescribe the
5	number of Assistant Chiefs of Naval Operations
6	in accordance with section 5036(a) of this
7	title.".
8	(c) AIR FORCE.—Section 8035(b) of title 10, United
9	States Code, is amended to read as follows:
10	"(b) The Secretary of the Air Force shall prescribe
11	the number of Deputy Chiefs of Staff and Assistant Chiefs
12	of Staff, for a total of not more than eight positions.".
13	SEC. 903. CHANGE IN ELIGIBILITY REQUIREMENTS FOR AP-
14	POINTMENT TO DEPARTMENT OF DEFENSE
15	LEADERSHIP POSITIONS.
16	(a) Secretary of Defense.—Section 113(a) of
17	title 10, United States Code, is amended by striking "10"
18	and inserting "seven".
19	(b) Deputy Secretary of Defense.—Section
20	132(a) of such title is amended by striking "ten" and in-
21	serting "seven".
22	(c) Under Secretary of Defense for Policy.—
23	Section 134(a) of such title is amended by striking "10"
a 4	

24 and inserting "seven".

1	SEC. 904. MANAGEMENT OF THE DEPARTMENT OF DE-
2	FENSE.
3	(a) Assignment of Management Duties and
4	Designation of a Chief Management Officer and
5	DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPART-
6	ment of Defense.—
7	(1) ESTABLISHMENT OF POSITION.—Section
8	132 of title 10, United States Code is amended—
9	(A) by redesignating subsection (c) as sub-
10	section (d); and
11	(B) by inserting after subsection (b) the
12	following new subsection (c):
13	"(c) The Deputy Secretary serves as the Chief Man-
14	agement Officer of the Department of Defense. The Dep-
15	uty Secretary shall be assisted in this capacity by a Dep-
16	uty Chief Management Officer, who shall be appointed
17	from civilian life by the President, by and with the advice
18	and consent of the Senate.".
19	(2) Assignment of duties.—
20	(A) The Secretary of Defense shall assign
21	duties and authorities relating to the manage-
22	ment of the business operations of the Depart-
23	ment of Defense.
24	(B) The Secretary shall assign such duties
25	and authorities to the Chief Management Offi-
26	cer as are necessary for that official to effec-

1	tively and efficiently organize the business oper-
2	ations of the Department of Defense.
3	(C) The Secretary shall assign such duties
4	and authorities to the Deputy Chief Manage-
5	ment Officer as are necessary for that official
6	to assist the Chief Management Officer to effec-
7	tively and efficiently organize the business oper-
8	ations of the Department of Defense.
9	(D) The Deputy Chief Management Officer
10	shall perform the duties and have the authori-
11	ties assigned by the Secretary under subpara-
12	graph (C) and perform such duties and have
13	such authorities as are delegated by the Chief
14	Management Officer.
15	(3) EXECUTIVE SCHEDULE LEVEL III.—Section
16	5314 of title 5, United States Code, is amended by
17	inserting after the item relating to the Under Sec-
18	retary of Defense for Intelligence the following new
19	item:
20	"Deputy Chief Management Officer of the De-
21	partment of Defense.".
22	(4) Placement in OSD.—Section 131(b)(2) of
23	title 10, United States Code, is amended—

1	(A) by redesignating paragraphs (3)
2	through (8) as paragraphs (4) through (9) , re-
3	spectively; and
4	(B) by inserting after paragraph (2) the
5	following new paragraph (3):
6	"(3) The Deputy Chief Management Officer of
7	the Department of Defense.".
8	(b) Assignment of Management Duties and
9	DESIGNATION OF THE CHIEF MANAGEMENT OFFICERS
10	OF THE MILITARY DEPARTMENTS.—
11	(1) The Secretary of a military department
12	shall assign duties and authorities relating to the
13	management of the business operations of such mili-
14	tary department.
15	(2) The Secretary of a military department, in
16	assigning duties and authorities under paragraph
17	(1) shall designate the Under Secretary of such mili-
18	tary department to have the primary management
19	responsibility for business operations, to be known in
20	the performance of such duties as the Chief Manage-
21	ment Officer.
22	(3) The Secretary shall assign such duties and
23	authorities to the Chief Management Officer as are
24	necessary for that official to effectively and effi-

ciently organize the business operations of the mili tary department concerned.

3 (4) The Chief Management Officer of each mili4 tary department shall promptly provide such infor5 mation relating to the business operations of such
6 department to the Chief Management Officer and
7 Deputy Chief Management Officer of the Depart8 ment of Defense as is necessary to assist those offi9 cials in the performance of their duties.

10 (c) MANAGEMENT OF DEFENSE BUSINESS TRANS-11 FORMATION AGENCY.—Section 192(e)(2) of title 10, 12 United States Code, is amended by striking "that the 13 Agency" and all that follows and inserting "that the Di-14 rector of the Agency shall report directly to the Deputy 15 Chief Management Officer of the Department of De-16 fense.".

17 (d) Strategic Management Plan Required.—

(1) REQUIREMENT.—The Secretary of Defense,
acting through the Chief Management Officer of the
Department of Defense, shall develop a strategic
management plan for the Department of Defense.

(2) MATTERS COVERED.—Such plan shall include, at a minimum, detailed descriptions of—

24 (A) performance goals and measures for25 improving and evaluating the overall efficiency

1	and effectiveness of the business operations of
	-
2	the Department of Defense and achieving an in-
3	tegrated management system for business sup-
4	port areas within the Department of Defense;
5	(B) key initiatives to be undertaken by the
6	Department of Defense to achieve the perform-
7	ance goals under subparagraph (A), together
8	with related resource needs;
9	(C) procedures to monitor the progress of
10	the Department of Defense in meeting perform-
11	ance goals and measures under subparagraph
12	(A);
13	(D) procedures to review and approve
14	plans and budgets for changes in business oper-
15	ations, including any proposed changes to poli-
16	cies, procedures, processes, and systems, to en-
17	sure the compatibility of such plans and budg-
18	ets with the strategic management plan of the
19	Department of Defense; and
20	(E) procedures to oversee the development
21	of, and review and approve, all budget requests
22	for defense business systems.
23	(3) UPDATES.—The Secretary of Defense, act-
24	ing through the Chief Management Officer, shall up-
25	date the strategic management plan no later than

1	July 1, 2009, and every two years thereafter and
2	provide a copy to the Committees on Armed Services
3	of the Senate and the House of Representatives.
4	(e) REPORT.—Not later than 180 days after the date
5	of the enactment of this Act, the Secretary of Defense
6	shall provide to the Committees on Armed Services of the
7	Senate and the House of Representatives a report on the
8	implementation of this section and a copy of the strategic
9	management plan required by subsection (d).
10	SEC. 905. REVISION IN GUIDANCE RELATING TO COMBAT-
11	ANT COMMAND ACQUISITION AUTHORITY.
12	Subparagraph (B) of section $905(b)(1)$ of the John
13	Warner National Defense Authorization Act for Fiscal
15	
13	Year 2007 (Public Law 109–364; 120 Stat. 2353) is
14	Year 2007 (Public Law 109–364; 120 Stat. 2353) is
14 15	Year 2007 (Public Law 109–364; 120 Stat. 2353) is amended by striking "and mutually supportive of".
14 15 16	Year 2007 (Public Law 109–364; 120 Stat. 2353) is amended by striking "and mutually supportive of".SEC. 906. DEPARTMENT OF DEFENSE BOARD OF ACTU-
14 15 16 17	Year 2007 (Public Law 109–364; 120 Stat. 2353) is amended by striking "and mutually supportive of". SEC. 906. DEPARTMENT OF DEFENSE BOARD OF ACTU- ARIES.
14 15 16 17 18	Year 2007 (Public Law 109–364; 120 Stat. 2353) is amended by striking "and mutually supportive of". SEC. 906. DEPARTMENT OF DEFENSE BOARD OF ACTU- ARIES. (a) ESTABLISHMENT.—
14 15 16 17 18 19	 Year 2007 (Public Law 109–364; 120 Stat. 2353) is amended by striking "and mutually supportive of". SEC. 906. DEPARTMENT OF DEFENSE BOARD OF ACTU-ARIES. (a) ESTABLISHMENT.— (1) IN GENERAL.—Chapter 7 of title 10, United
 14 15 16 17 18 19 20 	 Year 2007 (Public Law 109–364; 120 Stat. 2353) is amended by striking "and mutually supportive of". SEC. 906. DEPARTMENT OF DEFENSE BOARD OF ACTU-ARIES. (a) ESTABLISHMENT.— (1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by inserting after section
 14 15 16 17 18 19 20 21 	 Year 2007 (Public Law 109–364; 120 Stat. 2353) is amended by striking "and mutually supportive of". SEC. 906. DEPARTMENT OF DEFENSE BOARD OF ACTU-ARIES. (a) ESTABLISHMENT.— (1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by inserting after section 182 the following new section:

1 aries (hereinafter in this section referred to as the2 'Board').

3 "(b) MEMBERS.—(1) The Board shall consist of
4 three members who shall be appointed by the Secretary
5 of Defense from among qualified professional actuaries
6 who are members of the Society of Actuaries.

7 "(2) The members of the Board shall serve for a term 8 of 15 years, except that a member of the Board appointed 9 to fill a vacancy occurring before the end of the term for 10 which the member's predecessor was appointed shall only 11 serve until the end of such term. A member may serve 12 after the end of the member's term until the member's 13 successor takes office.

14 "(3) A member of the Board may be removed by the
15 Secretary of Defense only for misconduct or failure to per16 form functions vested in the Board.

17 "(4) A member of the Board who is not an employee of the United States is entitled to receive pay at the daily 18 19 equivalent of the annual rate of basic pay of the highest 20 rate of basic pay then currently being paid under the Gen-21 eral Schedule of subchapter III of chapter 53 of title 5 22 for each day the member is engaged in the performance 23 of the duties of the Board and is entitled to travel ex-24 penses, including a per diem allowance, in accordance with 25 section 5703 of that title in connection with such duties.

"(c) DUTIES.—The Board shall have the following
 duties:

3 "(1) To review valuations of the Department of 4 Defense Military Retirement Fund in accordance 5 with section 1465(c) of this title and submit to the 6 President and Congress, not less often than once 7 every four years, a report on the status of that 8 Fund, including such recommendations for modifica-9 tions to the funding or amortization of that Fund as 10 the Board considers appropriate and necessary to 11 maintain that Fund on a sound actuarial basis.

12 "(2) To review valuations of the Department of 13 Defense Education Benefits Fund in accordance 14 with section 2006(e) of this title and make rec-15 ommendations to the President and Congress on 16 such modifications to the funding or amortization of 17 that Fund as the Board considers appropriate to 18 maintain that Fund on a sound actuarial basis.

"(3) To review valuations of such other funds
as the Secretary of Defense shall specify for purposes of this section and make recommendations to
the President and Congress on such modifications to
the funding or amortization of such funds as the
Board considers appropriate to maintain such funds
on a sound actuarial basis.

1	"(d) Records.—The Secretary of Defense shall en-
2	sure that the Board has access to such records regarding
3	the funds referred to in subsection (c) as the Board shall
4	require to determine the actuarial status of such funds.
5	"(e) REPORTS.—(1) The Board shall submit to the
6	Secretary of Defense on an annual basis a report on the
7	actuarial status of each of the following:
8	"(A) The Department of Defense Military Re-
9	tirement Fund.
10	"(B) The Department of Defense Education
11	Benefits Fund.
12	"(C) Each other fund specified by Secretary
13	under subsection $(c)(3)$.
14	"(2) The Board shall also furnish its advice and opin-
15	ion on matters referred to it by the Secretary.".
16	(2) CLERICAL AMENDMENT.—The table of sec-
17	tions at the beginning of chapter 7 of such title is
18	amended by inserting after the item relating to sec-
19	tion 182 the following new item: "183. Department of Defense Board of Actuaries".
20	(3) INITIAL SERVICE AS BOARD MEMBERS.—
21	Each member of the Department of Defense Retire-
22	ment Board of Actuaries or the Department of De-
23	fense Education Benefits Board of Actuaries as of
24	the date of the enactment of this Act shall serve as
25	an initial member of the Department of Defense
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1	Board of Actuaries under section 183 of title 10,
2	United States Code (as added by paragraph (1)),
3	from that date until the date otherwise provided for
4	the completion of such individual's term as a mem-
5	ber of the Department of Defense Retirement Board
6	of Actuaries or the Department of Defense Edu-
7	cation Benefits Board of Actuaries, as the case may
8	be, unless earlier removed by the Secretary of De-
9	fense.
10	(b) TERMINATION OF EXISTING BOARDS OF ACTU-
11	ARIES.—
12	(1) DEPARTMENT OF DEFENSE RETIREMENT
13	BOARD OF ACTUARIES.—(A) Section 1464 of title
14	10, United States Code, is repealed.
15	(B) The table of sections at the beginning of
16	chapter 74 of such title is amended by striking the
17	item relating to section 1464.
18	(2) DEPARTMENT OF DEFENSE EDUCATION
19	BENEFITS BOARD OF ACTUARIES.—Section 2006 of
20	such title is amended—
21	(A) in subsection $(c)(1)$, by striking "sub-
22	section (g)" and inserting "subsection (f)";
23	(B) by striking subsection (e);

1	(C) by redesignating subsections (f), (g),
2	and (h) as subsections (e), (f), and (g), respec-
3	tively;
4	(D) in subsection (e), as redesignated by
5	subparagraph (C), by striking "subsection (g)"
6	in paragraph (5) and inserting "subsection (f)";
7	and
8	(E) in subsection (f), as so redesignated—
9	(i) in paragraph (2)(A), by striking
10	"subsection $(f)(3)$ " and inserting "sub-
11	section $(e)(3)$ "; and
12	(ii) in paragraph (2)(B), by striking
13	"subsection $(f)(4)$ " and inserting "sub-
14	section $(e)(4)$ ".
15	(c) Conforming Amendments.—
16	(1) Section $1175(h)(4)$ of title 10, United
17	States Code, is amended by striking "Retirement"
18	the first place it appears.
19	(2) Section 1460(b) of such title is amended by
20	striking "Retirement".
21	(3) Section $1466(c)(3)$ of such title is amended
22	by striking "Retirement".
23	(4) Section $12521(6)$ of such title is amended
24	by striking "Department of Defense Education Ben-
25	efits Board of Actuaries referred to in section

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1	2006(e)(1) of this title" and inserting "Department
2	of Defense Board of Actuaries under section 183 of
3	this title".
4	SEC. 907. MODIFICATION OF BACKGROUND REQUIREMENT
5	OF INDIVIDUALS APPOINTED AS UNDER SEC-
6	RETARY OF DEFENSE FOR ACQUISITION,
7	TECHNOLOGY, AND LOGISTICS.
8	Section 133(a) of title 10, United States Code, is
9	amended by striking "in the private sector".
10	SEC. 908. ASSISTANT SECRETARIES OF THE MILITARY DE-
11	PARTMENTS FOR ACQUISITION MATTERS;
12	PRINCIPAL MILITARY DEPUTIES.
13	(a) Department of the Army.—Section 3016(b)
14	of title 10, United States Code, is amended by adding at
15	the end the following new paragraph:
16	"(5)(A) One of the Assistant Secretaries shall be the
17	Assistant Secretary of the Army for Acquisition, Tech-
18	nology, and Logistics. The principal duty of the Assistant
19	Secretary shall be the overall supervision of acquisition,
20	technology, and logistics matters of the Department of the
21	Army.
22	"(B) The Assistant Secretary shall have a Principal
23	Military Deputy, who shall be a lieutenant general of the
24	Army on active duty. The Principal Military Deputy shall
25	be appointed from among officers who have significant ex-

perience in the areas of acquisition and program manage ment. The position of Principal Military Deputy shall be
 designated as a critical acquisition position under section
 1733 of this title.".

5 (b) DEPARTMENT OF THE NAVY.—Section 5016(b)
6 of such title is amended by adding at the end the following
7 new paragraph:

8 "(4)(A) One of the Assistant Secretaries shall be the 9 Assistant Secretary of the Navy for Research, Develop-10 ment, and Acquisition. The principal duty of the Assistant 11 Secretary shall be the overall supervision of research, de-12 velopment, and acquisition matters of the Department of 13 the Navy.

14 "(B) The Assistant Secretary shall have a Principal 15 Military Deputy, who shall be a vice admiral of the Navy or a lieutenant general of the Marine Corps on active duty. 16 17 The Principal Military Deputy shall be appointed from 18 among officers who have significant experience in the 19 areas of acquisition and program management. The position of Principal Military Deputy shall be designated as 20 21 a critical acquisition position under section 1733 of this 22 title.".

23 (c) DEPARTMENT OF THE AIR FORCE.—Section
24 8016(b) of such title is amended by adding at the end
25 the following new paragraph:

"(4)(A) One of the Assistant Secretaries shall be the
 Assistant Secretary of the Air Force for Acquisition. The
 principal duty of the Assistant Secretary shall be the over all supervision of acquisition matters of the Department
 of the Air Force.

"(B) The Assistant Secretary shall have a Principal 6 7 Military Deputy, who shall be a lieutenant general of the Air Force on active duty. The Principal Military Deputy 8 9 shall be appointed from among officers who have signifi-10 cant experience in the areas of acquisition and program management. The position of Principal Military Deputy 11 12 shall be designated as a critical acquisition position under 13 section 1733 of this title.".

(d) DUTY OF PRINCIPAL MILITARY DEPUTIES TO IN15 FORM SERVICE CHIEFS ON MAJOR DEFENSE ACQUISI16 TION PROGRAMS.—Each Principal Military Deputy to a
17 service acquisition executive shall be responsible for keep18 ing the Chief of Staff of the Armed Forces concerned in19 formed of the progress of major defense acquisition pro20 grams.

1SEC. 909. SENSE OF CONGRESS ON TERM OF OFFICE OF2THE DIRECTOR OF OPERATIONAL TEST AND3EVALUATION.

4 It is the sense of Congress that the term of office
5 of the Director of Operational Test and Evaluation of the
6 Department of Defense should be not less than five years.

Subtitle B—Space Activities

8 SEC. 911. SPACE PROTECTION STRATEGY.

7

9 (a) SENSE OF CONGRESS.—It is the Sense of Con10 gress that the United States should place greater priority
11 on the protection of national security space systems.

(b) STRATEGY.—The Secretary of Defense, in conjunction with the Director of National Intelligence, shall
develop a strategy, to be known as the Space Protection
Strategy, for the development and fielding by the United
States of the capabilities that are necessary to ensure freedom of action in space for the United States.

18 (c) MATTERS INCLUDED.—The strategy required by19 subsection (b) shall include each of the following:

20 (1) An identification of the threats to, and the
21 vulnerabilities of, the national security space systems
22 of the United States.

(2) A description of the capabilities currently
contained in the program of record of the Department of Defense and the intelligence community that
ensure freedom of action in space.

1	(3) For each period covered by the strategy, a
2	description of the capabilities that are needed for the
3	period, including—
4	(A) the hardware, software, and other ma-
5	terials or services to be developed or procured;
6	(B) the management and organizational
7	changes to be achieved; and
8	(C) concepts of operations, tactics, tech-
9	niques, and procedures to be employed.
10	(4) For each period covered by the strategy, an
11	assessment of the gaps and shortfalls between the
12	capabilities that are needed for the period and the
13	capabilities currently contained in the program of
14	record.
15	(5) For each period covered by the strategy, a
16	comprehensive plan for investment in capabilities
17	that identifies specific program and technology in-
18	vestments to be made in that period.
19	(6) A description of the current processes by
20	which the systems protection requirements of the
21	Department of Defense and the intelligence commu-
22	nity are addressed in space acquisition programs
23	and during key milestone decisions, an assessment of
24	the adequacy of those processes, and an identifica-
25	tion of the actions of the Department and the intel-

ligence community for addressing any inadequacies
 in those processes.

(7) A description of the current processes by 3 4 which the Department of Defense and the intel-5 ligence community program and budget for capabili-6 ties (including capabilities that are incorporated into 7 single programs and capabilities that span multiple 8 programs), an assessment of the adequacy of those 9 processes, and an identification of the actions of the 10 Department and the intelligence community for ad-11 dressing any inadequacies in those processes.

12 (8) A description of the organizational and 13 management structure of the Department of De-14 fense and the intelligence community for addressing 15 policy, planning, acquisition, and operations with re-16 spect to capabilities, a description of the roles and 17 responsibilities of each organization, and an identi-18 fication of the actions of the Department and the in-19 telligence community for addressing any inadequa-20 cies in that structure.

21 (d) PERIODS COVERED.—The strategy required by22 subsection (b) shall cover the following periods:

- 23 (1) Fiscal years 2008 through 2013.
 24 (2) Fiscal years 2014 through 2019.
- 25 (3) Fiscal years 2020 through 2025.

1 (e) DEFINITIONS.—In	n this section—
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2 (1) the term "capabilities" means space, air3 borne, and ground systems and capabilities for space
4 situational awareness and for space systems protec5 tion; and

6 (2) the term "intelligence community" has the
7 meaning given such term in section 3(4) of the Na8 tional Security Act of 1947 (50 U.S.C. 401a(4)).

9 (f) REPORT; BIENNIAL UPDATE.—

(1) REPORT.—Not later than six months after
the date of the enactment of this Act, the Secretary
of Defense, in conjunction with the Director of National Intelligence, shall submit to Congress a report
on the strategy required by subsection (b), including
each of the matters required by subsection (c).

16 (2) BIENNIAL UPDATE.—Not later than March
17 15 of each even-numbered year after 2008, the Sec18 retary of Defense, in conjunction with the Director
19 of National Intelligence, shall submit to Congress an
20 update to the report required by paragraph (1).

(3) CLASSIFICATION.—The report required by
paragraph (1), and each update required by paragraph (2), shall be in unclassified form, but may include a classified annex.

(g) CONFORMING REPEAL.—Section 911 of the Na tional Defense Authorization Act for Fiscal Year 2006
 (Public Law 109–163; 119 Stat. 3405; 10 U.S.C. 2271
 note) is repealed.

5 SEC. 912. BIENNIAL REPORT ON MANAGEMENT OF SPACE
6 CADRE WITHIN THE DEPARTMENT OF DE7 FENSE.

8 (a) IN GENERAL.—Chapter 23 of title 10, United
9 States Code, is amended by adding at the end the fol10 lowing new section:

11 "§ 490. Space cadre management: biennial report

12 "(a) REQUIREMENT.—The Secretary of Defense and 13 each Secretary of a military department shall develop 14 metrics and use these metrics to identify, track, and man-15 age space cadre personnel within the Department of De-16 fense to ensure the Department has sufficient numbers of 17 personnel with the expertise, training, and experience to 18 meet current and future national security space needs.

19 "(b) BIENNIAL REPORT REQUIRED.—

20 "(1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this section, and
22 every even-numbered year thereafter, the Secretary
23 of Defense shall submit to the congressional defense
24 committees a report on the management of the space
25 cadre.

1	"(2) Matters included.—The report re-
2	quired by paragraph (1) shall include—
3	"(A) the number of active duty, reserve
4	duty, and government civilian space-coded bil-
5	lets that—
6	"(i) are authorized or permitted to be
7	maintained for each military department
8	and defense agency;
9	"(ii) are needed or required for each
10	military department and defense agency
11	for the year in which the submission of the
12	report is required; and
13	"(iii) are needed or required for each
14	military department and defense agency
15	for each of the five years following the date
16	of the submission of the report;
17	"(B) the actual number of active duty, re-
18	serve duty, and government civilian personnel
19	that are coded or classified as space cadre per-
20	sonnel within the Department of Defense, in-
21	cluding the military departments and defense
22	agencies;
23	"(C) the number of personnel recruited or
24	hired as accessions to serve in billets coded or

1	classified as space cadre personnel for each
2	military department and defense agency;
3	"(D) the number of personnel serving in
4	billets coded or classified as space cadre per-
5	sonnel that discontinued serving each military
6	department and defense agency during the pre-
7	ceding calendar year;
8	"(E) for each of the reporting require-
9	ments in subparagraphs (A) through (D), fur-
10	ther classification of the number of personnel
11	by—
12	"(i) space operators, acquisition per-
13	sonnel, engineers, scientists, program man-
14	agers, and other space-related areas identi-
15	fied by the Department;
16	"(ii) expertise or technical specializa-
17	tion area—
18	"(I) such as communications,
19	missile warning, spacelift, and any
20	other space-related specialties identi-
21	fied by the Department or classifica-
22	tions used by the Department; and
23	"(II) consistent with section
24	1721 of this title for acquisition per-
25	sonnel;

1	"(iii) rank for active duty and reserve
2	duty personnel and grade for government
3	civilian personnel;
4	"(iv) qualification, expertise, or pro-
5	ficiency level consistent with service and
6	agency-defined qualification, expertise, or
7	proficiency levels; and
8	"(v) any other such space-related clas-
9	sification categories used by the Depart-
10	ment or military departments; and
11	"(F) any other metrics identified by the
12	Department to improve the identification,
13	tracking, training, and management of space
14	cadre personnel.
15	"(3) Assessments.—The report required by
16	paragraph (1) shall also include the Secretary's as-
17	sessment of the state of the Department's space
18	cadre, the Secretary's assessment of the space cad-
19	res of the military departments, and a description of
20	efforts to ensure the Department has a space cadre
21	sufficient to meet current and future national secu-
22	rity space needs.".
23	(b) Clerical Amendment.—The table of sections
24	at the beginning of such chapter is amended by adding
25	at the end the following new item: "490. Space cadre management: biennial report.".

1 SEC. 913. ADDITIONAL REPORT ON OVERSIGHT OF ACQUI-2 SITION FOR DEFENSE SPACE PROGRAMS. 3 Section 911(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 4 5 107–314; 116 Stat. 2621) is amended by inserting ", and March 15, 2008," after "March 15, 2003,". 6 Subtitle C—Chemical 7 **Demilitarization Program** 8 9 SEC. 921. CHEMICAL DEMILITARIZATION CITIZENS ADVI-10 SORY COMMISSIONS. 11 (a) FUNCTIONS.—Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 12 1521 note) is amended— 13 14 (1) in each of subsections (b) and (f), by strik-15 ing "Assistant Secretary of the Army (Research, Development and Acquisition)" and inserting "Assist-16 ant Secretary of the Army (Acquisition, Logistics, 17 18 and Technology)"; and 19 (2) in subsection (g), by striking "Assistant 20 Secretary of the Army (Research, Development, and Acquisition)" and inserting "Assistant Secretary of 21 22 the Army (Acquisition, Logistics, and Technology)". 23 (b) **TERMINATION.**—Such section is further amended in subsection (h) by striking "after the stockpile located 24 in that commission's State has been destroyed" and in-25 serting "after the closure activities required pursuant to 26

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regulations promulgated by the Administrator of the Envi ronmental Protection Agency pursuant to the Solid Waste
 Disposal Act (42 U.S.C. 6901 et seq.) have been com pleted for the chemical agent destruction facility in the
 commission's State, or upon the request of the Governor
 of the commission's State, whichever occurs first".

7 SEC. 922. SENSE OF CONGRESS ON COMPLETION OF DE8 STRUCTION OF UNITED STATES CHEMICAL
9 WEAPONS STOCKPILE.

10 (a) FINDINGS.—Congress makes the following find-11 ings:

12 (1) The Convention on the Prohibition of the 13 Development, Production, Stockpiling and Use of 14 Chemical Weapons and on Their Destruction, done 15 at Paris on January 13, 1993 (commonly referred to 16 as the "Chemical Weapons Convention"), requires 17 that destruction of the entire United States chemical 18 weapons stockpile be completed by not later than 19 April 29, 2007.

20 (2) In 2006, under the terms of the Chemical
21 Weapons Convention, the United States requested
22 and received a one-time, 5-year extension of its
23 chemical weapons destruction deadline to April 29,
24 2012.

1 (3) On April 10, 2006, the Secretary of De-2 fense notified Congress that the United States would 3 not meet even the extended deadline under the 4 Chemical Weapons Convention for destruction of the 5 United States chemical weapons stockpile, but would 6 "continue working diligently to minimize the time to 7 complete destruction without sacrificing safety and 8 security" and would also "continue requesting re-9 sources needed to complete destruction as close to April 2012 as practicable". 10 11 (4) The United States chemical demilitarization 12 program has met its one percent, 20 percent, and 13 extended 45 percent destruction deadlines under the 14 Chemical Weapons Convention. 15 (5)Destroying the remaining stockpile of

16 United States chemical weapons is imperative for
17 public safety and homeland security, and doing so by
18 April 2012, in accordance with the current destruc19 tion deadline provided under the Chemical Weapons
20 Convention, is required by United States law.

(6) The elimination of chemical weapons anywhere they exist in the world, and the prevention of
their proliferation, is of utmost importance to the
national security of the United States.

1	(7) Section 921(b)(3) of the John Warner Na-
2	tional Defense Authorization Act for Fiscal Year
3	2007 (Public Law 109–364; 120 Stat. 2359) con-
4	tained a sense of Congress urging the Secretary of
5	Defense to ensure the elimination of the United
6	States chemical weapons stockpile in the shortest
7	time possible, consistent with the requirement to
8	protect public health, safety, and the environment.
9	(8) Section $921(b)(4)$ of that Act contained a
10	sense of Congress urging the Secretary of Defense
11	to propose a credible treatment and disposal process
12	with the support of affected communities. In this re-
13	gard, any such process should provide for sufficient
14	communication and consultation between representa-
15	tives of the Department of Defense and representa-
16	tives of affected States and communities.
17	(b) SENSE OF CONGRESS.—It is the sense of Con-
18	gress that—
19	(1) the United States is, and must remain,
20	committed to making every effort to safely dispose
21	of its entire chemical weapons stockpile by April
22	2012, the current destruction deadline provided
23	under the Chemical Weapons Convention, or as soon
24	thereafter as possible, and must carry out all of its
25	other obligations under the Convention; and

1	(2) the Secretary of Defense should make every
2	effort to plan for, and to request in the annual
3	budget of the President submitted to Congress ade-
4	quate funding to complete, the elimination of the
5	United States chemical weapons stockpile in accord-
6	ance with United States obligations under the Chem-
7	ical Weapons Convention and in a manner that will
8	protect public health, safety, and the environment,
9	as required by law.

10 (c) Reports Required.—

11 (1) IN GENERAL.—Not later than March 15, 12 2008, and every 180 days thereafter until the year 13 in which the United States completes the destruction 14 of its entire stockpile of chemical weapons under the 15 terms of the Chemical Weapons Convention, the Sec-16 retary of Defense shall submit to the members and 17 committees of Congress referred to in paragraph (3) 18 a report on the implementation by the United States 19 its chemical weapons destruction obligations of 20 under the Chemical Weapons Convention.

21 (2) ELEMENTS.—Each report under paragraph
22 (1) shall include the following:

23 (A) The anticipated schedule at the time of
24 such report for the completion of destruction of
25 chemical agents, munitions, and materiel at

1	each chemical weapons demilitarization facility
2	in the United States.
3	(B) A description of the options and alter-
4	natives for accelerating the completion of chem-
5	ical weapons destruction at each such facility,
6	particularly in time to meet the destruction
7	deadline of April 29, 2012, currently provided
8	by the Chemical Weapons Convention, and by
9	December 31, 2017.
10	(C) A description of the funding required
11	to achieve each of the options for destruction
12	described under subparagraph (B), and a de-
13	tailed life-cycle cost estimate for each of the af-
14	fected facilities included in each such funding
15	profile.
16	(D) A description of all actions being
17	taken by the United States to accelerate the de-
18	struction of its entire stockpile of chemical
19	weapons, agents, and materiel in order to meet
20	the current destruction deadline under the
21	Chemical Weapons Convention of April 29,
22	2012, or as soon thereafter as possible.
23	(3) Members and committees of con-
24	GRESS.—The members and committees of Congress
25	referred to in this paragraph are—

1	(A) the majority leader of the Senate, the
2	minority leader of the Senate, and the Commit-
3	tees on Armed Services and Appropriations of
4	the Senate; and
5	(B) the Speaker of the House of Rep-
6	resentatives, the majority leader of the House
7	of Representatives, the minority leader of the
8	House of Representatives, and the Committees
9	on Armed Services and Appropriations of the
10	House of Representatives.
11	SEC. 923. REPEAL OF CERTAIN QUALIFICATIONS REQUIRE-
12	MENT FOR DIRECTOR OF CHEMICAL DEMILI-
13	TARIZATION MANAGEMENT ORGANIZATION.
14	Section 1412(e)(3) of the Department of Defense Au-
15	thorization Act, 1986 (50 U.S.C. 1521(e)(3)) is amend-
16	ed—
17	(1) in subparagraph (A), by adding "and" at
18	the end;
19	(2) by striking subparagraph (B); and
20	(3) by redesignating subparagraph (C) as sub-
21	paragraph (B).

1	SEC. 924. MODIFICATION OF TERMINATION OF ASSISTANCE
2	TO STATE AND LOCAL GOVERNMENTS AFTER
3	COMPLETION OF THE DESTRUCTION OF THE
4	UNITED STATES CHEMICAL WEAPONS STOCK-
5	PILE.

6 Subparagraph (B) of section 1412(c)(5) of the De7 partment of Defense Authorization Act, 1986 (50 U.S.C.
8 1521(c)(5)) is amended to read as follows:

9 "(B) Assistance may be provided under this para-10 graph for capabilities to respond to emergencies involving 11 an installation or facility as described in subparagraph (A) 12 until the earlier of the following:

"(i) The date of the completion of all grants 13 14 and cooperative agreements with respect to the in-15 stallation or facility for purposes of this paragraph 16 between the Federal Emergency Management Agen-17 cy and the State and local governments concerned. 18 "(ii) The date that is 180 days after the date 19 of the completion of the destruction of lethal chem-20 ical agents and munitions at the installation or facil-21 ity.".

Subtitle D—Intelligence-Related Matters

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3 SEC. 931. TECHNICAL AMENDMENTS TO TITLE 10, UNITED
4 STATES CODE, ARISING FROM ENACTMENT
5 OF THE INTELLIGENCE REFORM AND TER6 RORISM PREVENTION ACT OF 2004.

7 (a) REFERENCES TO HEAD OF INTELLIGENCE COM8 MUNITY.—Title 10, United States Code, is amended by
9 striking "Director of Central Intelligence" each place it
10 appears in the following provisions and inserting "Director
11 of National Intelligence":

- 12 (1) Section 192(c)(2).
- 13 (2) Section 193(d)(2).
- 14 (3) Section 193(e).
- 15 (4) Section 201(a).
- 16 (5) Section 201(c)(1).
- 17 (6) Section 425(a).
- 18 (7) Section 426(a)(3).
- 19 (8) Section 426(b)(2).
- 20 (9) Section 441(c).
- 21 (10) Section 441(d).
- 22 (11) Section 443(d).
- 23 (12) Section 2273(b)(1).
- 24 (13) Section 2723(a).

1	(b) References to Head of Central Intel-
2	LIGENCE AGENCY.—Such title is further amended by
3	striking "Director of Central Intelligence" each place it
4	appears in the following provisions and inserting "Director
5	of the Central Intelligence Agency':
6	(1) Section $431(b)(1)$.
7	(2) Section 444.
8	(3) Section 1089(g).
9	(c) Other Amendments.—
10	(1) Subsection headings.—
11	(A) Section 441(c).—The heading of sub-
12	section (c) of section 441 of such title is amend-
13	ed by striking "Director of Central Intel-
14	LIGENCE" and inserting "DIRECTOR OF NA-
15	TIONAL INTELLIGENCE".
16	(B) SECTION 443(d).—The heading of
17	subsection (d) of section 443 of such title is
18	amended by striking "DIRECTOR OF CENTRAL
19	INTELLIGENCE" and inserting "DIRECTOR OF
20	NATIONAL INTELLIGENCE".
21	(2) Section 201.—Section 201 of such title is
22	further amended—
23	(A) in subsection $(b)(1)$, to read as follows:
24	"(1) In the event of a vacancy in a position re-
25	ferred to in paragraph (2), before appointing an in-

1	dividual to fill the vacancy or recommending to the
2	President an individual to be nominated to fill the
3	vacancy, the Secretary of Defense shall obtain the
4	concurrence of the Director of National Intelligence
5	as provided in section 106(b) of the National Secu-
6	rity Act of 1947 (50 U.S.C. 403–6(b))."; and
7	(B) in subsection (c)(1), by striking "Na-
8	tional Foreign Intelligence Program" and in-
9	serting "National Intelligence Program".
10	Subtitle E—Roles and Missions
11	Analysis
12	SEC. 941. REQUIREMENT FOR QUADRENNIAL ROLES AND
13	MISSIONS REVIEW.
14	(a) REQUIREMENT FOR REVIEW.—
15	(1) IN GENERAL.—Chapter 2 of title 10, United
16	
	States Code, is amended by inserting after section
17	States Code, is amended by inserting after section 118a the following new section:
17 18	
	118a the following new section:
18	118a the following new section: *§118b. Quadrennial roles and missions review
18 19	118a the following new section:"§ 118b. Quadrennial roles and missions review"(a) REVIEW REQUIRED.—The Secretary of Defense
18 19 20	 118a the following new section: "§ 118b. Quadrennial roles and missions review "(a) REVIEW REQUIRED.—The Secretary of Defense shall every four years conduct a comprehensive assessment
18 19 20 21	 118a the following new section: "§118b. Quadrennial roles and missions review "(a) REVIEW REQUIRED.—The Secretary of Defense shall every four years conduct a comprehensive assessment (to be known as the 'quadrennial roles and missions re-
18 19 20 21 22	118a the following new section: "§ 118b. Quadrennial roles and missions review "(a) REVIEW REQUIRED.—The Secretary of Defense shall every four years conduct a comprehensive assessment (to be known as the 'quadrennial roles and missions re- view') of the roles and missions of the armed forces and

1 "(b) INDEPENDENT MILITARY ASSESSMENT OF ROLES AND MISSIONS.—(1) In each year in which the 2 3 Secretary of Defense is required to conduct a comprehen-4 sive assessment pursuant to subsection (a), the Chairman 5 of the Joint Chiefs of Staff shall prepare and submit to the Secretary the Chairman's assessment of the roles and 6 7 missions of the armed forces and the assignment of func-8 tions to the armed forces, together with any recommenda-9 tions for changes in assignment that the Chairman con-10 siders necessary to achieve maximum efficiency and effectiveness of the armed forces. 11

12 "(2) The Chairman's assessment shall be conducted13 so as to—

14 "(A) organize the significant missions of the
15 armed forces into core mission areas that cover
16 broad areas of military activity;

"(B) ensure that core mission areas are defined
and functions are assigned so as to avoid unnecessary duplication of effort among the armed forces;
and

21 "(C) provide the Chairman's recommendations
22 with regard to issues to be addressed by the Sec23 retary of Defense under subsection (c).

24 "(c) IDENTIFICATION OF CORE MISSION AREAS AND25 CORE COMPETENCIES AND CAPABILITIES.—Upon receipt

of the Chairman's assessment, and after giving appro priate consideration to the Chairman's recommendations,
 the Secretary of Defense shall identify—

4 "(1) the core mission areas of the armed forces;
5 "(2) the core competencies and capabilities that
6 are associated with the performance or support of a
7 core mission area identified pursuant to paragraph
8 (1);

9 "(3) the elements of the Department of Defense 10 (including any other office, agency, activity, or com-11 mand described in section 111(b) of this title) that 12 are responsible for providing the core competencies 13 and capabilities required to effectively perform the 14 core missions identified pursuant to paragraph (1);

"(4) any gaps in the ability of the elements (or 15 16 other office, agency activity, or command) of the De-17 partment of Defense to provide core competencies 18 and capabilities required to effectively perform the 19 core missions identified pursuant to paragraph (1); 20 "(5) any unnecessary duplication of core com-21 petencies and capabilities between defense compo-22 nents; and

23 "(6) a plan for addressing any gaps or unneces24 sary duplication identified pursuant to paragraph
25 (4) or paragraph (5).

"(d) REPORT.—The Secretary shall submit a report 1 2 on the quadrennial roles and missions review to the Committees on Armed Services of the Senate and the House 3 4 of Representatives. The report shall be submitted in the 5 year following the year in which the review is conducted, 6 but not later than the date on which the President submits the budget for the next fiscal year to Congress under sec-7 8 tion 1105(a) of title 31.". 9 (b) REPEAL OF SUPERSEDED PROVISION.—Section 10 118(e) of title 10, United States Code, is amended— 11 (1) by striking paragraph (2); and 12 (2) by redesignating paragraph (3) as para-13 graph (2). 14 (c) TIMING OF QUADRENNIAL ROLES AND MISSIONS 15 REVIEW.— 16 (1) FIRST REVIEW.—The first quadrennial roles 17 and missions review under section 118b of title 10, 18 United States Code, as added by subsection (a), 19 shall be conducted during 2008. 20 (2) SUBSEQUENT REVIEWS.—Subsequent re-21 views shall be conducted every four years, beginning

in 2011.

1	SEC. 942. JOINT REQUIREMENTS OVERSIGHT COUNCIL AD-
2	DITIONAL DUTIES RELATING TO CORE MIS-
3	SION AREAS.
4	(a) REVISIONS IN MISSION.—Subsection (b) of sec-
5	tion 181 of title 10, United States Code, is amended to
6	read as follows:
7	"(b) MISSION.—In addition to other matters assigned
8	to it by the President or Secretary of Defense, the Joint
9	Requirements Oversight Council shall—
10	"(1) assist the Chairman of the Joint Chiefs of
11	Staff—
12	"(A) in identifying, assessing, and approv-
13	ing joint military requirements (including exist-
14	ing systems and equipment) to meet the na-
15	tional military strategy; and
16	"(B) in identifying the core mission area
17	associated with each such requirement;
18	((2) assist the Chairman in establishing and
19	assigning priority levels for joint military require-
20	ments;
21	"(3) assist the Chairman in reviewing the esti-
22	mated level of resources required in the fulfillment
23	of each joint military requirement and in ensuring
24	that such resource level is consistent with the level
25	of priority assigned to such requirement; and

1	"(4) assist acquisition officials in identifying al-
2	ternatives to any acquisition program that meet
3	joint military requirements for the purposes of sec-
4	tion $2366a(a)(4)$, section $2366b(b)$, and section
5	2433(e)(2) of this title.".
6	(b) ADVISORS.—Section 181 of such title is amend-
7	ed—
8	(1) by redesignating subsection (d) as sub-
9	section (f); and
10	(2) by inserting after subsection (c) the fol-
11	lowing new subsection (d):
12	"(d) Advisors.—The Under Secretary of Defense
13	for Acquisition, Technology, and Logistics, the Under Sec-
14	retary of Defense (Comptroller), and the Director of the
15	Office of Program Analysis and Evaluation shall serve as
16	advisors to the Council on matters within their authority
17	and expertise.".
18	(c) Organization.—Section 181 of such title is fur-
19	ther amended by inserting after subsection (d) (as inserted
20	by subsection (b)) the following new subsection (e):
21	"(e) Organization.—The Joint Requirements Over-
22	sight Council shall conduct periodic reviews of joint mili-
23	tary requirements within a core mission area of the De-
24	partment of Defense. In any such review of a core mission

area, the officer or official assigned to lead the review shall
 have a deputy from a different military department.".

3 (d) DEFINITIONS.—Section 181 of such title is fur4 ther amended by adding at the end the following new sub5 section:

6 "(g) DEFINITIONS.—In this section:

7 "(1) The term 'joint military requirement'
8 means a capability necessary to fulfill a gap in a
9 core mission area of the Department of Defense.

10 "(2) The term 'core mission area' means a core 11 mission area of the Department of Defense identi-12 fied under the most recent quadrennial roles and 13 missions review pursuant to section 118b of this 14 title.".

(e) CONSULTATION.—Section 2433(e)(2) of such title
is amended by inserting ", after consultation with the
Joint Requirements Oversight Council regarding program
requirements," after "Secretary of Defense" in the matter
preceding subparagraph (A).

(f) DEADLINES.—Effective June 1, 2009, all joint
military requirements documents of the Joint Requirements Oversight Council produced to carry out its mission
under section 181(b)(1) of title 10, United States Code,
shall reference the core mission areas organized and defined under section 118b of such title. Not later than Oc-

1	tober 1, 2009, all such documents produced before June
2	1, 2009, shall reference such structure.
3	SEC. 943. REQUIREMENT FOR CERTIFICATION OF MAJOR
4	SYSTEMS PRIOR TO TECHNOLOGY DEVELOP-
5	MENT.
6	(a) Requirement for Certification.—
7	(1) IN GENERAL.—Chapter 139 of title 10,
8	United States Code, is amended by inserting after
9	section 2366a the following new section:
10	"§2366b. Major defense acquisition programs: certifi-
11	cation required before Milestone A or
12	Key Decision Point A approval
13	"(a) CERTIFICATION.—A major defense acquisition
14	program may not receive Milestone A approval, or Key
15	Decision Point A approval in the case of a space program,
16	until the Milestone Decision Authority certifies, after con-
17	sultation with the Joint Requirements Oversight Council
18	on matters related to program requirements and military
19	needs—
20	((1) that the system fulfills an approved initial
21	capabilities document;
22	((2) that the system is being executed by an
23	entity with a relevant core competency as identified
24	by the Secretary of Defense under section 118b of
25	this title;

"(3) if the system duplicates a capability al ready provided by an existing system, the duplica tion provided by such system is necessary and ap propriate; and

5 "(4) that a cost estimate for the system has
6 been submitted and that the level of resources re7 quired to develop and procure the system is con8 sistent with the priority level assigned by the Joint
9 Requirements Oversight Council.

10 "(b) NOTIFICATION.—With respect to a major system certified by the Milestone Decision Authority under 11 12 subsection (a), if the projected cost of the system, at any 13 time prior to Milestone B approval, exceeds the cost estimate for the system submitted at the time of the certifi-14 15 cation by at least 25 percent, the program manager for the system concerned shall notify the Milestone Decision 16 17 Authority. The Milestone Decision Authority, in consulta-18 tion with the Joint Requirements Oversight Council on 19 matters related to program requirements and military 20 needs, shall determine whether the level of resources re-21 quired to develop and procure the system remains con-22 sistent with the priority level assigned by the Joint Re-23 quirements Oversight Council. The Milestone Decision Au-24 thority may withdraw the certification concerned or re-25 scind Milestone A approval (or Key Decision Point A ap-

1 proval in the case of a space program) if the Milestone Decision Authority determines that such action is in the 2 interest of national defense. 3 4 " (c)DEFINITIONS.—In this section: 5 "(1) The term 'major system' has the meaning 6 provided in section 2302(5) of this title. 7 "(2) The term 'initial capabilities document' 8 means any capabilities requirement document ap-9 proved by the Joint Requirements Oversight Council 10 that establishes the need for a materiel approach to 11 resolve a capability gap. 12 "(3) The term 'technology development program' means a coordinated effort to assess tech-13 14 nologies and refine user performance parameters to 15 fulfill a capability gap identified in an initial capa-16 bilities document. "(4) The term 'entity' means an entity listed in 17 18 section 125a(a) of this title. 19 "(5) The term 'Milestone B approval' has the 20 meaning provided that term in section 2366(e)(7) of 21 this title.". 22 (2) CLERICAL AMENDMENT.—The table of sec-23 tions at the beginning of such chapter is amended 24 by adding at the end the following new item: "2366b. Major defense acquisition programs: certification required before Mile-

stone A or Key Decision Point A approval.".

1 (b) REVIEW OF DEPARTMENT OF DEFENSE ACQUISI-2 TION DIRECTIVES.—Not later than 180 days after the 3 date of the enactment of this Act, the Secretary of Defense 4 shall review Department of Defense Directive 5000.1 and 5 associated guidance, and the manner in which such directive and guidance have been implemented, and take appro-6 7 priate steps to ensure that the Department does not com-8 mence a technology development program for a major 9 weapon system without Milestone A approval (or Key De-10 cision Point A approval in the case of a space program). 11 (c) EFFECTIVE DATE.—Section 2366b of title 10,

12 United States Code, as added by subsection (a), shall13 apply to major systems on and after March 1, 2008.

14 SEC. 944. PRESENTATION OF FUTURE-YEARS MISSION 15 BUDGET BY CORE MISSION AREA.

(a) TIME OF SUBMISSION OF FUTURE-YEARS MIS17 SION BUDGET.—The second sentence of section 222(a) of
18 title 10, United States Code, is amended to read as fol19 lows: "That budget shall be submitted for any fiscal year
20 with the future-years defense program submitted under
21 section 221 of this title.".

(b) ORGANIZATION OF FUTURE-YEARS MISSION
BUDGET.—The second sentence of section 222(b) of such
title is amended by striking "on the basis" and all that
follows through the end of the sentence and inserting the

following: "on the basis of both major force programs and
 the core mission areas identified under the most recent
 quadrennial roles and missions review pursuant to section
 118b of this title.".

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply with respect to the future-years
7 mission budget for fiscal year 2010 and each fiscal year
8 thereafter.

9 Subtitle F—Other Matters

10SEC. 951. DEPARTMENT OF DEFENSE CONSIDERATION OF11EFFECT OF CLIMATE CHANGE ON DEPART-12MENT FACILITIES, CAPABILITIES, AND MIS-13SIONS.

(a) CONSIDERATION OF CLIMATE CHANGE EF15 FECT.—Section 118 of title 10, United States Code, is
amended by adding at the end the following new subsection:

18 "(g) CONSIDERATION OF EFFECT OF CLIMATE 19 CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, 20 AND MISSIONS.—(1) The first national security strategy 21 and national defense strategy prepared after the date of 22 the enactment of the National Defense Authorization Act 23 for Fiscal Year 2008 shall include guidance for military 24 planners"(A) to assess the risks of projected climate
 change to current and future missions of the armed
 forces;

4 "(B) to update defense plans based on these as5 sessments, including working with allies and part6 ners to incorporate climate mitigation strategies, ca7 pacity building, and relevant research and develop8 ment; and

9 "(C) to develop the capabilities needed to re-10 duce future impacts.

11 "(2) The first quadrennial defense review prepared 12 after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 shall also examine 13 14 the capabilities of the armed forces to respond to the con-15 sequences of climate change, in particular, preparedness for natural disasters from extreme weather events and 16 17 other missions the armed forces may be asked to support inside the United States and overseas. 18

19 "(3) For planning purposes to comply with the re20 quirements of this subsection, the Secretary of Defense
21 shall use—

"(A) the mid-range projections of the fourth assessment report of the Intergovernmental Panel on
Climate Change;

1	"(B) subsequent mid-range consensus climate
2	projections if more recent information is available
3	when the next national security strategy, national
4	defense strategy, or quadrennial defense review, as
5	the case may be, is conducted; and
6	"(C) findings of appropriate and available esti-
7	mations or studies of the anticipated strategic, so-
8	cial, political, and economic effects of global climate
9	change and the implications of such effects on the
10	national security of the United States.
11	"(4) In this subsection, the term 'national security
12	strategy' means the annual national security strategy re-
13	port of the President under section 108 of the National
14	Security Act of 1947 (50 U.S.C. 404a).".
15	(b) IMPLEMENTATION.—The Secretary of Defense
16	shall ensure that subsection (g) of section 118 of title 10,
17	United States Code, as added by subsection (a), is imple-
18	mented in a manner that does not have a negative impact
19	on the national security of the United States.
20	SEC. 952. INTERAGENCY POLICY COORDINATION.
21	(a) PLAN REQUIRED.—Not later than 180 days after
22	the date of the enactment of this Act, the Secretary of
23	Defense shall develop and submit to Congress a plan to
24	improve and reform the Department of Defense's partici-

pation in and contribution to the interagency coordination
 process on national security issues.

3 (b) ELEMENTS.—The elements of the plan shall in-4 clude the following:

5 (1) Assigning either the Under Secretary of De-6 fense for Policy or another official to be the lead pol-7 icy official for improving and reforming the inter-8 agency coordination process on national security 9 issues for the Department of Defense, with an expla-10 nation of any decision to name an official other than 11 the Under Secretary and the relative advantages and 12 disadvantages of such decision.

13 (2) Giving the official assigned under para-14 graph (1) the following responsibilities:

15 (A) To be the lead person at the Depart16 ment of Defense for the development of policy
17 affecting the national security interagency proc18 ess.

(B) To serve, or designate a person to
serve, as the representative of the Department
of Defense in Federal Government forums established to address interagency policy, planning, or reforms.

24 (C) To advocate, on behalf of the Sec-25 retary, for greater interagency coordination and

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1	contributions in the execution of the National
2	Security Strategy and particularly specific oper-
3	ational objectives undertaken pursuant to that
4	strategy.
5	(D) To make recommendations to the Sec-
6	retary of Defense on changes to existing De-
7	partment of Defense regulations or laws to im-
8	prove the interagency process.
9	(E) To serve as the coordinator for all
10	planning and training assistance that is—
11	(i) designed to improve the inter-
12	agency process or the capabilities of other
13	agencies to work with the Department of
14	Defense; and
15	(ii) provided by the Department of
16	Defense at the request of other agencies.
17	(F) To serve as the lead official in Depart-
18	ment of Defense for the development of
19	deployable joint interagency task forces.
20	(c) FACTORS TO BE CONSIDERED.—In drafting the
21	plan, the Secretary of Defense shall also consider the fol-
22	lowing factors:
23	(1) How the official assigned under subsection
24	(b)(1) shall provide input to the Secretary of De-
25	fense on an ongoing basis on how to incorporate the

1	need to coordinate with other agencies into the es-
2	tablishment and reform of combatant commands.
3	(2) How such official shall develop and make
4	recommendations to the Secretary of Defense on a
5	regular or an ongoing basis on changes to military
6	and civilian personnel to improve interagency coordi-
7	nation.
8	(3) How such official shall work with the com-
9	batant command that has the mission for joint
10	warfighting experimentation and other interested
11	agencies to develop exercises to test and validate
12	interagency planning and capabilities.
13	(4) How such official shall lead, coordinate, or
14	participate in after-action reviews of operations,
15	tests, and exercises to capture lessons learned re-
16	

16 garding the functioning of the interagency process
17 and how those lessons learned will be disseminated.
18 (5) The role of such official in ensuring that fu19 ture defense planning guidance takes into account
20 the capabilities and needs of other agencies.

(d) RECOMMENDATION ON CHANGES IN LAW.—The
Secretary of Defense may submit with the plan or with
any future budget submissions recommendations for any
changes to law that are required to enhance the ability
of the official assigned under subsection (b)(1) in the De-

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partment of Defense to coordinate defense interagency ef forts or to improve the ability of the Department of De fense to work with other agencies.

4 (e) ANNUAL REPORT.—If an official is named by the 5 Secretary of Defense under subsection (b)(1), the official 6 shall annually submit to Congress a report, beginning in 7 the fiscal year following the naming of the official, on 8 those actions taken by the Department of Defense to en-9 hance national security interagency coordination, the 10 views of the Department of Defense on efforts and challenges in improving the ability of agencies to work to-11 12 gether, and suggestions on changes needed to laws or reg-13 ulations that would enhance the coordination of efforts of 14 agencies.

15 (f) DEFINITION.—In this section, the term "inter-16 agency coordination", within the context of Department 17 of Defense involvement, means the coordination that oc-18 curs between elements of the Department of Defense and 19 engaged Federal Government agencies for the purpose of 20 achieving an objective.

(g) CONSTRUCTION.—Nothing in this provision shall
be construed as preventing the Secretary of Defense from
naming an official with the responsibilities listed in subsection (b) before the submission of the report required
under this section.

1	SEC. 953. EXPANSION OF EMPLOYMENT CREDITABLE
2	UNDER SERVICE AGREEMENTS UNDER NA-
3	TIONAL SECURITY EDUCATION PROGRAM.
4	Paragraph (2) of subsection (b) of section 802 of the
5	David L. Boren National Security Education Act of 1991
6	(50 U.S.C. 1902), as most recently amended by section
7	945 of the John Warner National Defense Authorization
8	Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
9	2367), is amended—
10	(1) in subparagraph (A)—
11	(A) in clause (i) by striking "or" at the
12	end; and
13	(B) by adding at the end the following:
14	"(iii) for not less than one academic
15	year in a position in the field of education
16	in a discipline related to the study sup-
17	ported by the program if the recipient
18	demonstrates to the Secretary of Defense
19	that no position is available in the depart-
20	ments, agencies, and offices covered by
21	clauses (i) and (ii); or"; and
22	(2) in subparagraph (B)—
23	(A) in clause (i) by striking "or" at the
24	end;
25	(B) in clause (ii) by striking "and" at the
26	end and inserting "or"; and

1	(C) by adding at the end the following:
2	"(iii) for not less than one academic
3	year in a position in the field of education
4	in a discipline related to the study sup-
5	ported by the program if the recipient
6	demonstrates to the Secretary of Defense
7	that no position is available in the depart-
8	ments, agencies, and offices covered by
9	clauses (i) and (ii); and".
10	SEC. 954. BOARD OF REGENTS FOR THE UNIFORMED SERV-
11	ICES UNIVERSITY OF THE HEALTH SCIENCES.
12	(a) Reorganization and Amendment of Board
13	of Regents Provisions.—
14	(1) IN GENERAL.—Chapter 104 of title 10,
15	United States Code, is amended by inserting after
16	section 2113 the following new section:
17	"§2113a. Board of Regents
18	"(a) IN GENERAL.—To assist the Secretary of De-
19	fense in an advisory capacity, there is a Board of Regents
20	of the University.
21	"(b) Membership.—The Board shall consist of—
22	((1) nine persons outstanding in the fields of
23	health and health education who shall be appointed
24	from civilian life by the Secretary of Defense;

1	"(2) the Secretary of Defense, or his designee,
2	who shall be an ex officio member;
3	"(3) the surgeons general of the uniformed
4	services, who shall be ex officio members; and
5	"(4) the President of the University, who shall
6	be a nonvoting ex officio member.
7	"(c) TERM OF OFFICE.—The term of office of each
8	member of the Board (other than ex officio members) shall
9	be six years except that—
10	"(1) any member appointed to fill a vacancy oc-
11	curring before the expiration of the term for which
12	his predecessor was appointed shall be appointed for
13	the remainder of such term; and
14	((2) any member whose term of office has ex-
15	pired shall continue to serve until his successor is
16	appointed.
17	"(d) CHAIRMAN.—One of the members of the Board
18	(other than an ex officio member) shall be designated by
19	the Secretary as Chairman. He shall be the presiding offi-
20	cer of the Board.
21	"(e) Compensation.—Members of the Board (other
22	than ex officio members) while attending conferences or
23	meetings or while otherwise performing their duties as
24	members shall be entitled to receive compensation at a
25	rate to be fixed by the Secretary and shall also be entitled

	120
1	to receive an allowance for necessary travel expenses while
2	so serving away from their place of residence.
3	"(f) MEETINGS.—The Board shall meet at least once
4	a quarter.".
5	(2) CLERICAL AMENDMENT.—The table of sec-
6	tions at the beginning of such chapter is amended
7	by adding at the end the following new item: "2113a. Board of Regents.".
8	(3) Conforming Amendments.—
9	(A) Section 2113 of title 10, United States
10	Code, is amended—
11	(i) in subsection (a), by striking "To
12	assist" and all that follows through the
13	end of paragraph (4);
14	(ii) by striking subsections (b), (c),
15	and (e);
16	(iii) by redesignating subsections (d),
17	(f), (g), (h), (i), and (j) as subsections (b),
18	(c), (d), (e), (f), and (g), respectively; and
19	(iv) in subsection (b), as so redesig-
20	nated, by striking "who shall also serve as
21	a nonvoting ex officio member of the
22	Board".
23	(B) Section 2114(h) of such title is amend-
24	ed by striking "2113(h)" and inserting
25	''2113(e)''.

(b) STATUTORY REDESIGNATION OF DEAN AS PRESI DENT.—

3 (1) Subsection 2113 of such title is further
4 amended by striking "Dean" each place it appears
5 in subsections (b) and (c)(1), as redesignated by
6 subsection (a)(3), and inserting "President".

7 (2) Section 2114(e) of such title is amended by
8 striking "Dean" each place it appears in paragraphs
9 (3) and (5).

10SEC. 955. ESTABLISHMENT OF DEPARTMENT OF DEFENSE11SCHOOL OF NURSING.

12 (a) ESTABLISHMENT PLAN REQUIRED.—Not later 13 than February 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a plan to 14 15 establish a School of Nursing within the Uniformed Services University of the Health Sciences. The Secretary shall 16 17 develop the plan in consultation with the Board of Regents 18 of the Uniformed Services University of the Health 19 Sciences and submit the plan to the Board of Regents for review and to solicit the Board's recommendations. 20

(b) PROGRAMS OF INSTRUCTION.—In consultation
with the Secretaries of the military departments, the Secretary of Defense shall include in the plan required by subsection (a) programs of instruction for the School of Nursing that would lead to the award of a bachelor of science

in nursing and such other baccalaureate or graduate de-1 2 grees in nursing as the Secretary considers appropriate. 3 The plan shall also address the enrollment as students of 4 enlisted members and officers of the Armed Forces and 5 civilians for the purpose of commissioning them as military nursing officers upon graduation. The graduates of 6 7 such a program of instruction shall be fully eligible to meet 8 credentialing and licensing requirements of the military 9 departments and at least one State in their program of 10 study.

(c) CONSIDERATION OF CERTAIN PROGRAMS.—In
developing the plan under subsection (a), the Secretary
shall consider the inclusion of the following types of programs:

(1) A program to enroll students who already
possess an associate degree in nursing so that they
can earn a bachelor of science in nursing.

18 (2) A program to enroll students who already
19 possess other associate degrees so that they can earn
20 a bachelor of science in nursing.

(3) A program to enroll students who already
possess an associate degree in nursing so that they
can earn a master of science in nursing.

1	(4) A program to enroll students who already
2	possess a bachelor of science in nursing so that they
3	can earn a master of science in nursing.
4	(d) OTHER CONSIDERATIONS.—The plan required by
5	subsection (a) shall also include the following:
6	(1) The results of a study of the nursing short-
7	age in the Department of Defense and the reasons
8	for such shortages.
9	(2) Details of the curriculum and degree re-
10	quirements for each category of students at the
11	School of Nursing, if established.
12	(3) An analysis of the contributions to overall
13	medical readiness that will be made by the School of
14	Nursing.
15	(4) Proposals for the development of the School
16	of Nursing to be phased in over a period of time.
17	(5) Faculty requirements based on degree re-
18	quirements and numbers of projected students, to
19	include the source and number of faculty required.
20	(6) Projected number of graduates per year for
21	each of the first 15 years of operation.
22	(7) Predicted accession sources, military career
23	paths, and service commitments and retention rates
24	of School of Nursing graduates, to include the reten-
25	tion of enlisted personnel accessed into the school.

(8) Administrative and instructional facilities
 required, and the likely initial and final location of
 clinical training institutions.

4 (9) Plan for accreditation by a nationally recog-5 nized nursing school accrediting body.

6 (10) Projected faculty, administration, instruc-7 tion, and facilities costs for the School of Nursing 8 beginning in fiscal year 2009 and continuing 9 through fiscal year 2024, including the cost analysis 10 of developing the School of Nursing and the cost of 11 additional administrative support for the Uniformed 12 Services University of the Health Sciences on ac-13 count of the establishment of the school.

14 (e) EFFECT ON CURRENT PROGRAMS.—Notwith-15 standing the development of the plan under subsection (a), the Secretary shall ensure that graduate degree programs 16 in nursing, including advanced practice nursing, continue. 17 18 (f) EFFECT ON OTHER RECRUITMENT EFFORTS.— 19 Nothing in this section shall be construed as limiting or 20 terminating any current or future program related to the 21 recruitment, accession, training, or retention of military 22 nurses.

23 (g) ESTABLISHMENT AUTHORITY.—

1 (1) ESTABLISHMENT.—Chapter 104 of title 10, 2 United States Code, is amended by adding at the 3 end the following new section: 4 "§2117. School of Nursing 5 "(a) ESTABLISHMENT AUTHORIZED.—The Secretary 6 of Defense may establish a School of Nursing within the 7 University. The School of Nursing may include a program 8 that awards a bachelor of science in nursing. 9 "(b) PHASED DEVELOPMENT.—The School of Nursing may be developed in phases as determined appropriate 10 by the Secretary.". 11 12 (2) CLERICAL AMENDMENT.—The table of sec-13 tions at the beginning of such chapter is amended 14 by adding at the end the following new item: "2117. School of Nursing.". 15 SEC. 956. INCLUSION OF COMMANDERS OF WESTERN HEMI-16 SPHERE COMBATANT COMMANDS IN BOARD 17 OF VISITORS OF WESTERN HEMISPHERE IN-18 STITUTE FOR SECURITY COOPERATION. 19 Subparagraph (F) of section 2166(e)(1) of title 10, 20 United States Code, is amended to read as follows: 21 "(F) The commanders of the combatant com-22 mands having geographic responsibility for the 23 Western Hemisphere, or the designees of those offi-24 cers.".

SEC. 957. COMPTROLLER GENERAL ASSESSMENT OF REOR GANIZATION OF THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

4 (a) ASSESSMENT REQUIRED.—Not later than June 5 1, 2008, the Comptroller General of the United States 6 shall submit to the congressional defense committees a re-7 port containing an assessment of the most recent reorga-8 nization of the office of the Under Secretary of Defense 9 for Policy, including an assessment with respect to the 10 matters set forth in subsection (b).

(b) MATTERS TO BE ASSESSED.—The matters to be
included in the assessment required by subsection (a) are
as follows:

14 (1) The manner in which the reorganization of 15 the office furthers, or will further, its stated pur-16 poses in the short-term and long-term, including the 17 manner in which the reorganization enhances, or will 18 enhance, the ability of the Department of Defense-19 (A) to address current security priorities, 20 including on-going military operations in Iraq, 21 Afghanistan, and elsewhere; 22 (B) to manage geopolitical defense rela-23 tionships; and 24 (C) to anticipate future strategic shifts in

25 those relationships.

1	(2) The manner in which and the extent to
2	which the reorganization adheres to generally accept-
3	ed principles of effective organization, such as estab-
4	lishing clear goals, identifying clear lines of author-
5	ity and accountability, and developing an effective
6	human capital strategy.
7	(3) The extent to which the Department has de-
8	veloped detailed implementation plans for the reor-
9	ganization, and the current status of the implemen-
10	tation of all aspects of the reorganization.
11	(4) The extent to which the Department has
12	worked to mitigate congressional concerns and ad-
13	dress other challenges that have arisen since the re-
14	organization was announced.
15	(5) The manner in which the Department plans
16	to evaluate progress in achieving the stated goals of
17	the reorganization and what measurements, if any,
18	the Department has established to assess the results
19	of the reorganization.
20	(6) The impact of the large increase in respon-
21	sibilities for the Assistant Secretary of Defense for
22	Special Operations and Low Intensity Conflict and
23	Interdependent Capabilities under the reorganization
24	on the ability of the Assistant Secretary to carry out

1	the principal duties of the Assistant Secretary under
2	law.
3	(7) The possible decrease in attention given to
4	special operations issues resulting from the increase
5	in responsibilities for the Assistant Secretary of De-
6	fense for Special Operations and Low Intensity Con-
7	flict and Interdependent Capabilities, including re-
8	sponsibility under the reorganization for each of the
9	following:
10	(A) Strategic capabilities.
11	(B) Forces transformation.
12	(C) Major budget programs.
13	(8) The possible diffusion of attention from
14	counternarcotics, counterproliferation, and global
15	threat issues resulting from the merging of those re-
16	sponsibilities under a single Deputy Assistant Sec-
17	retary of Defense for Counternarcotics,
18	Counterproliferation, and Global Threats.
19	(9) The impact of the reorganization on coun-
20	ternarcotics program execution.
21	(10) The unique placement under the reorga-
22	nization of both functional and regional issue re-
23	sponsibilities under the Assistant Secretary of De-
24	fense for Homeland Defense and Americas' Security
25	Affairs.

(11) The differentiation between the respon sibilities of the Deputy Assistant Secretary of De fense for Partnership Strategy and the Deputy As sistant Secretary of Defense for Coalition Affairs
 and the relationship between such officials.

6 SEC. 958. REPORT ON FOREIGN LANGUAGE PROFICIENCY.

(a) IN GENERAL.—Not later than 240 days after the
date of the enactment of this Act, and annually thereafter
until the date referred to in subsection (d), the Secretary
of Defense, in conjunction with the Secretary of each military department, shall submit to the congressional defense
committees a report on the foreign language proficiency
of the personnel of the Department of Defense.

14 (b) CONTENTS.—Each report submitted under sub-15 section (a) shall include—

16 (1) the number of positions, identified by each
17 foreign language and dialect, for each military de18 partment and Defense Agency concerned that—

(A) require proficiency in that foreign language or dialect for the year in which the submission of the report is required;

(B) are anticipated to require proficiency
in that foreign language or dialect for each of
the five years following the date of the submission of the report; and

1	(C) are authorized in the future-years de-
2	fense plan to be maintained for proficiency in a
3	foreign language or dialect;
4	(2) the number of personnel for each military
5	department and Defense Agency, identified by each
6	foreign language and dialect, that are serving in a
7	position that requires proficiency in the foreign lan-
8	guage or dialect—
9	(A) to perform the primary duty of the po-
10	sition; and
11	(B) that meet the required level of pro-
12	ficiency of the Interagency Language Round-
13	table;
14	(3) the number of personnel for each military
15	department and Defense Agency, identified by each
16	foreign language and dialect, that are recruited or
17	hired as accessions to serve in a position that re-
18	quires proficiency in the foreign language or dialect;
19	(4) the number of personnel for each military
20	department and Defense Agency, identified by each
21	foreign language and dialect, that served in a posi-
22	tion that requires proficiency in the foreign language
23	or dialect and discontinued service during the pre-
24	ceding calendar year;

(5) the number of positions that require pro ficiency in a foreign language or dialect that are ful filled by contractors;

4 (6) the percentage of work requiring linguistic
5 skills that is fulfilled by personnel of the intelligence
6 community (as defined in section 3(4) of the Na7 tional Security Act of 1947 (50 U.S.C. 401a(4)));
8 and

9 (7) an assessment of the foreign language ca-10 pacity and capabilities of each military department 11 and Defense Agency and of the Department of De-12 fense as a whole.

(c) NON-MILITARY PERSONNEL.—Except as provided in paragraphs (6) and (7) of subsection (b), a report
submitted under subsection (a) shall cover only members
of the Armed Forces on active duty and reserve duty assigned to the military departments concerned or to the Department of Defense.

(d) TERMINATION OF REQUIREMENT.—The duty to
submit a report under subsection (a) shall terminate on
December 31, 2013.

22 TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

- Sec. 1002. United States contribution to NATO common-funded budgets in fiscal year 2008.
- Sec. 1003. Authorization of additional emergency supplemental appropriations for fiscal year 2007.

- Sec. 1004. Modification of fiscal year 2007 general transfer authority.
- Sec. 1005. Financial management transformation initiative for the Defense Agencies.
- Sec. 1006. Repeal of requirement for two-year budget cycle for the Department of Defense.

Subtitle B—Policy Relating to Vessels and Shipyards

- Sec. 1011. Limitation on leasing of vessels.
- Sec. 1012. Policy relating to major combatant vessels of the strike forces of the United States Navy.

Subtitle C—Counter-Drug Activities

- Sec. 1021. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
- Sec. 1022. Expansion of authority to provide additional support for counterdrug activities in certain foreign countries.
- Sec. 1023. Report on counternarcotics assistance for the Government of Haiti.

Subtitle D-Miscellaneous Authorities and Limitations

- Sec. 1031. Provision of Air Force support and services to foreign military and state aircraft.
- Sec. 1032. Department of Defense participation in Strategic Airlift Capability Partnership.
- Sec. 1033. Improved authority to provide rewards for assistance in combating terrorism.
- Sec. 1034. Support for non-Federal development and testing of material for chemical agent defense.
- Sec. 1035. Prohibition on sale of F-14 fighter aircraft and related parts.

Subtitle E—Reports

- Sec. 1041. Extension and modification of report relating to hardened and deeply buried targets.
- Sec. 1042. Report on joint modeling and simulation activities.
- Sec. 1043. Renewal of submittal of plans for prompt global strike capability.
- Sec. 1044. Report on workforce required to support the nuclear missions of the Navy and the Department of Energy.
- Sec. 1045. Comptroller General report on Defense Finance and Accounting Service response to Butterbaugh v. Department of Justice.
- Sec. 1046. Study on size and mix of airlift force.
- Sec. 1047. Report on feasibility of establishing a domestic military aviation national training center.
- Sec. 1048. Limited field user evaluations for combat helmet pad suspension systems.
- Sec. 1049. Study on national security interagency system.
- Sec. 1050. Report on solid rocket motor industrial base.
- Sec. 1051. Reports on establishment of a memorial for members of the Armed Forces who died in the air crash in Bakers Creek, Australia, and establishment of other memorials in Arlington National Cemetery.

Subtitle F—Other Matters

- Sec. 1061. Reimbursement for National Guard support provided to Federal agencies.
- Sec. 1062. Congressional Commission on the Strategic Posture of the United States.
- Sec. 1063. Technical and clerical amendments.
- Sec. 1064. Repeal of certification requirement.
- Sec. 1065. Maintenance of capability for space-based nuclear detection.
- Sec. 1066. Sense of Congress regarding detainees at Naval Station, Guantanamo Bay, Cuba.
- Sec. 1067. A report on transferring individuals detained at Naval Station, Guantanamo Bay, Cuba.
- Sec. 1068. Repeal of provisions in section 1076 of Public Law 109–364 relating to use of Armed Forces in major public emergencies.
- Sec. 1069. Standards required for entry to military installations in United States.
- Sec. 1070. Revised nuclear posture review.
- Sec. 1071. Termination of Commission on the Implementation of the New Strategic Posture of the United States.
- Sec. 1072. Security clearances; limitations.
- Sec. 1073. Improvements in the process for the issuance of security clearances.
- Sec. 1074. Protection of certain individuals.
- Sec. 1075. Modification of authorities on Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack.
- Sec. 1076. Sense of Congress on Small Business Innovation Research Program.
- Sec. 1077. Revision of proficiency flying definition.
- Sec. 1078. Qualifications for public aircraft status of aircraft under contract with the Armed Forces.
- Sec. 1079. Communications with the Committees on Armed Services of the Senate and the House of Representatives.
- Sec. 1080. Retention of reimbursement for provision of reciprocal fire protection services.
- Sec. 1081. Pilot program on commercial fee-for-service air refueling support for the Air Force.
- Sec. 1082. Advisory panel on Department of Defense capabilities for support of civil authorities after certain incidents.
- Sec. 1083. Terrorism exception to immunity.

Subtitle A—Financial Matters

2 SEC. 1001. GENERAL TRANSFER AUTHORITY.

- 3 (a) Authority To Transfer Authorizations.—
- 4 (1) AUTHORITY.—Upon determination by the
 - Secretary of Defense that such action is necessary in
- 6 the national interest, the Secretary may transfer
- 7 amounts of authorizations made available to the De-
- 8 partment of Defense in this division for fiscal year

1

5

1	2008 between any such authorizations for that fiscal
2	year (or any subdivisions thereof). Amounts of au-
3	thorizations so transferred shall be merged with and
4	be available for the same purposes as the authoriza-
5	tion to which transferred.
6	(2) LIMITATION.—Except as provided in para-
7	graph (3), the total amount of authorizations that
8	the Secretary may transfer under the authority of
9	this section may not exceed \$5,000,000,000.
10	(3) EXCEPTION FOR TRANSFERS BETWEEN
11	MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
12	fer of funds between military personnel authoriza-
13	tions under title IV shall not be counted toward the
14	dollar limitation in paragraph (2).
15	(b) LIMITATIONS.—The authority provided by this
16	section to transfer authorizations—
17	(1) may only be used to provide authority for
18	items that have a higher priority than the items
19	from which authority is transferred; and
20	(2) may not be used to provide authority for an
21	item that has been denied authorization by Con-
22	gress.
23	(c) Effect on Authorization Amounts.—A
24	transfer made from one account to another under the au-
25	thority of this section shall be deemed to increase the
	thority of this section shall be deemed to mercase the

amount authorized for the account to which the amount
 is transferred by an amount equal to the amount trans ferred.

4 (d) NOTICE TO CONGRESS.—The Secretary shall
5 promptly notify Congress of each transfer made under
6 subsection (a).

7 SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COM8 MON-FUNDED BUDGETS IN FISCAL YEAR 2008.

9 (a) FISCAL YEAR 2008 LIMITATION.—The total 10 amount contributed by the Secretary of Defense in fiscal year 2008 for the common-funded budgets of NATO may 11 12 be any amount up to, but not in excess of, the amount 13 specified in subsection (b) (rather than the maximum 14 amount that would otherwise be applicable to those con-15 tributions under the fiscal year 1998 baseline limitation). 16 (b) TOTAL AMOUNT.—The amount of the limitation 17 applicable under subsection (a) is the sum of the following: 18 (1) The amounts of unexpended balances, as of 19 the end of fiscal year 2007, of funds appropriated

20 for fiscal years before fiscal year 2008 for payments21 for those budgets.

(2) The amount specified in subsection (c)(1).
(3) The amount specified in subsection (c)(2).
(4) The total amount of the contributions authorized to be made under section 2501.

1 (c) AUTHORIZED AMOUNTS.—Amounts authorized to 2 be appropriated by titles II and III of this Act are avail-3 able for contributions for the common-funded budgets of 4 NATO as follows: 5 (1) Of the amount provided in section 201(1), 6 \$1,031,000 for the Civil Budget. 7 (2) Of the amount provided in section 301(1), 8 \$362,159,000 for the Military Budget. 9 (d) DEFINITIONS.—For purposes of this section: 10 (1) Common-funded budgets of nato.— 11 The term "common-funded budgets of NATO" 12 means the Military Budget, the Security Investment 13 Program, and the Civil Budget of the North Atlantic 14 Treaty Organization (and any successor or addi-15 tional account or program of NATO). 16 (2) FISCAL YEAR 1998 BASELINE LIMITATION.— 17 The term "fiscal year 1998 baseline limitation" 18 means the maximum annual amount of Department 19 of Defense contributions for common-funded budgets 20 of NATO that is set forth as the annual limitation 21 in section 3(2)(C)(ii) of the resolution of the Senate 22 giving the advice and consent of the Senate to the 23 ratification of the Protocols to the North Atlantic 24 Treaty of 1949 on the Accession of Poland, Hun-25 gary, and the Czech Republic (as defined in section

4(7) of that resolution), approved by the Senate on
 April 30, 1998.

3 SEC. 1003. AUTHORIZATION OF ADDITIONAL EMERGENCY 4 SUPPLEMENTAL APPROPRIATIONS FOR FIS5 CAL YEAR 2007.

6 Amounts authorized to be appropriated to the De-7 partment of Defense for fiscal year 2007 in the John War-8 ner National Defense Authorization Act for Fiscal Year 9 2007 (Public Law 109–364) are hereby adjusted, with re-10 spect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are 11 increased by a supplemental appropriation or by a transfer 12 13 of funds, or decreased by a rescission, or any thereof, pursuant to the U.S. Troop Readiness, Veterans' Care, 14 15 Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28). 16

17 SEC. 1004. MODIFICATION OF FISCAL YEAR 2007 GENERAL 18 TRANSFER AUTHORITY.

Section 1001(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law
109–364; 120 Stat. 2371) is amended by adding at the
end the following new paragraph:

23 "(3) EXCEPTION FOR CERTAIN TRANSFERS.—
24 The following transfers of funds shall be not be
25 counted toward the limitation in paragraph (2) on

1	the amount that may be transferred under this sec-
2	tion:
3	"(A) The transfer of funds to the Iraq Se-
4	curity Forces Fund under reprogramming
5	FY07–07–R PA.
6	"(B) The transfer of funds to the Joint
7	Improvised Explosive Device Defeat Fund
8	under reprogramming FY07–11 PA.
9	"(C) The transfer of funds back from the
10	accounts referred to in subparagraphs (A) and
11	(B) to restore the sources used in the
12	reprogrammings referred to in such subpara-
13	graphs.".
14	SEC. 1005. FINANCIAL MANAGEMENT TRANSFORMATION
15	INITIATIVE FOR THE DEFENSE AGENCIES.
16	(a) FINANCIAL MANAGEMENT TRANSFORMATION
17	INITIATIVE.—
18	(1) IN GENERAL.—The Director of the Busi-
19	ness Transformation Agency of the Department of
20	Defense shall carry out an initiative for financial
21	management transformation in the Defense Agen-
22	

Agencies Initiative" (in this section referred to as

24 the "Initiative").

23

(2) SCOPE OF AUTHORITY.—In carrying out the
 Initiative, the Director of the Business Trans formation Agency may require the heads of the De fense Agencies to carry out actions that are within
 the purpose and scope of the Initiative.

6 (b) PURPOSES.—The purposes of Initiative shall be7 as follows:

8 (1) To eliminate or replace financial manage-9 ment systems of the Defense Agencies that are du-10 plicative, redundant, or fail to comply with the 11 standards set forth in subsection (d).

(2) To transform the budget, finance, and accounting operations of the Defense Agencies to enable the Defense Agencies to achieve accurate and
reliable financial information needed to support financial accountability and effective and efficient
management decisions.

18 (c) REQUIRED ELEMENTS.—The Initiative shall in-19 clude, to the maximum extent practicable—

20 (1) the utilization of commercial, off-the-shelf
21 technologies and web-based solutions;

(2) a standardized technical environment andan open and accessible architecture; and

1	(3) the implementation of common business
2	processes, shared services, and common data struc-
3	tures.
4	(d) STANDARDS.—In carrying out the Initiative, the
5	Director of the Business Transformation Agency shall en-
6	sure that the Initiative is consistent with—
7	(1) the requirements of the Business Enterprise
8	Architecture and Transition Plan developed pursu-
9	ant to section 2222 of title 10, United States Code;
10	(2) the Standard Financial Information Struc-
11	ture of the Department of Defense;
12	(3) the Federal Financial Management Im-
13	provement Act of 1996 (and the amendments made
14	by that Act); and
15	(4) other applicable requirements of law and
16	regulation.
17	(e) SCOPE.—The Initiative shall be designed to pro-
18	vide, at a minimum, capabilities in the major process areas
19	for both general fund and working capital fund operations
20	of the Defense Agencies as follows:
21	(1) Budget formulation.
22	(2) Budget to report, including general ledger
23	and trial balance.
24	(3) Procure to pay, including commitments, ob-
25	ligations, and accounts payable.

1 (4) Order to fulfill, including billing and ac-2 counts receivable. 3 (5) Cost accounting. 4 (6) Acquire to retire (account management). 5 (7) Time and attendance and employee entitle-6 ment. 7 (8) Grants financial management. 8 (f) CONSULTATION.—In carrying out subsections (d) 9 and (e), the Director of the Business Transformation 10 Agency shall consult with the Comptroller of the Department of Defense to ensure that any financial management 11 systems developed for the Defense Agencies, and any 12 13 changes to the budget, finance, and accounting operations of the Defense Agencies, are consistent with the financial 14 15 standards and requirements of the Department of De-16 fense. 17 (g) PROGRAM CONTROL.—In carrying out the Initia-18 tive, the Director of the Business Transformation Agency 19 shall establish— 20 (1) a board (to be known as the "Configuration" 21 Control Board") to manage scope and cost changes 22 to the Initiative; and 23 (2) a program management office (to be known 24 as the "Program Management Office") to control 25 and enforce assumptions made in the acquisition plan, the cost estimate, and the system integration
 contract for the Initiative, as directed by the Con figuration Control Board.

4 (h) Plan on Development and Implementation OF INITIATIVE.—Not later than six months after the date 5 of the enactment of this Act, the Director of the Business 6 7 Transformation Agency shall submit to the congressional 8 defense committees a plan for the development and imple-9 mentation of the Initiative. The plan shall provide for the 10 implementation of an initial capability under the Initiative 11 as follows:

12 (1) In at least one Defense Agency by not later
13 than eight months after the date of the enactment
14 of this Act.

(2) In not less than five Defense Agencies by
not later than 18 months after the date of the enactment of this Act.

18SEC. 1006. REPEAL OF REQUIREMENT FOR TWO-YEAR19BUDGET CYCLE FOR THE DEPARTMENT OF

20 DEFENSE.

21 Section 1405 of the Department of Defense Author22 ization Act, 1986 (Public Law 99–145; 99 Stat. 744; 31
23 U.S.C. 1105 note) is repealed.

Subtitle B—Policy Relating to Vessels and Shipyards

3 SEC. 1011. LIMITATION ON LEASING OF VESSELS.

4 Section 2401 of title 10, United States Code, is
5 amended by adding at the end the following new sub6 section:

7 "(h) The Secretary of a military department may
8 make a contract for the lease of a vessel or for the provi9 sion of a service through use by a contractor of a vessel,
10 the term of which is for a period of greater than two years,
11 but less than five years, only if—

12 "(1) the Secretary has notified the Committee 13 on Armed Services and the Committee on Appro-14 priations of the Senate and the Committee on 15 Armed Services and the Committee on Appropria-16 tions of the House of Representatives of the pro-17 posed contract and included in such notification—

"(A) a detailed description of the terms of
the proposed contract and a justification for entering into the proposed contract rather than
obtaining the capability provided for by the
lease, charter, or services involved through purchase of the vessel;

24 "(B) a determination that entering into25 the proposed contract as a means of obtaining

1	the vessel is the most cost-effective means of
2	obtaining such vessel; and
3	"(C) a plan for meeting the requirement
4	provided by the proposed contract upon comple-
5	tion of the term of the lease contract; and
6	"(2) a period of 30 days of continuous session
7	of Congress has expired following the date on which
8	notice was received by such committees.".
9	SEC. 1012. POLICY RELATING TO MAJOR COMBATANT VES-
10	SELS OF THE STRIKE FORCES OF THE
11	UNITED STATES NAVY.
12	(a) INTEGRATED NUCLEAR POWER SYSTEMS.—It is
13	the policy of the United States to construct the major
14	combatant vessels of the strike forces of the United States
15	Navy, including all new classes of such vessels, with inte-
16	grated nuclear power systems.
17	(b) Requirement To Request Nuclear Ves-
18	SELS.—If a request is submitted to Congress in the budget
19	for a fiscal year for construction of a new class of major
20	combatant vessel for the strike forces of the United States,
21	the request shall be for such a vessel with an integrated
22	nuclear power system, unless the Secretary of Defense
23	submits with the request a notification to Congress that
24	the inclusion of an integrated nuclear power system in
25	such vessel is not in the national interest.

1	(c) DEFINITIONS.—In this section:
2	(1) Major combatant vessels of the
3	STRIKE FORCES OF THE UNITED STATES NAVY
4	The term "major combatant vessels of the strike
5	forces of the United States Navy' means the fol-
6	lowing:
7	(A) Submarines.
8	(B) Aircraft carriers.
9	(C) Cruisers, battleships, or other large
10	surface combatants whose primary mission in-
11	cludes protection of carrier strike groups, expe-
12	ditionary strike groups, and vessels comprising
13	a sea base.
14	(2) INTEGRATED NUCLEAR POWER SYSTEM.—
15	The term "integrated nuclear power system" means
16	a ship engineering system that uses a naval nuclear
17	reactor as its energy source and generates sufficient
18	electric energy to provide power to the ship's elec-
19	trical loads, including its combat systems and pro-
20	pulsion motors.
21	(3) BUDGET.—The term "budget" means the
22	budget that is submitted to Congress by the Presi-
23	dent under section 1105(a) of title 31, United States
24	Code.

Subtitle C—Counter-Drug Activities

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3 SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK
4 FORCES TO PROVIDE SUPPORT TO LAW EN5 FORCEMENT AGENCIES CONDUCTING
6 COUNTER-TERRORISM ACTIVITIES.

7 Section 1022(b) of the National Defense Authoriza8 tion Act for Fiscal Year 2004 (Public Law 108–136; 10
9 U.S.C. 371 note) is amended by striking "and 2007" and
10 inserting "through 2008".

11 SEC. 1022. EXPANSION OF AUTHORITY TO PROVIDE ADDI12 TIONAL SUPPORT FOR COUNTER-DRUG AC13 TIVITIES IN CERTAIN FOREIGN COUNTRIES.

14 Subsection (b) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 15 105–85; 111 Stat. 1881), as amended by section 1021(b) 16 of the National Defense Authorization Act for Fiscal Year 17 2004 (Public Law 108–136, 117 Stat. 1593) and section 18 19 1022(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 20 21 Stat. 2382), is further amended by adding at the end the 22 following new paragraphs:

23 "(17) The Government of Mexico.

24 "(18) The Government of the Dominican Re-25 public.".

1SEC. 1023. REPORT ON COUNTERNARCOTICS ASSISTANCE2FOR THE GOVERNMENT OF HAITI.

3 (a) REPORT REQUIRED.—Not later than 120 days
4 after the date of the enactment of this Act, the President
5 shall submit to Congress a report on counternarcotics as6 sistance for the Government of Haiti.

7 (b) MATTERS TO BE INCLUDED.—The report re-8 quired by subsection (a) shall include the following:

9 (1) A description and assessment of the coun-10 ternarcotics assistance provided to the Government 11 of Haiti by the Department of Defense, the Depart-12 ment of State, the Department of Homeland Secu-13 rity, and the Department of Justice.

14 (2) A description and assessment of any im15 pediments to increasing counternarcotics assistance
16 to the Government of Haiti.

17 (3) An assessment of the potential for the pro18 vision of counternarcotics assistance for the Govern19 ment of Haiti through the United Nations Stabiliza20 tion Mission in Haiti.

21 (c) FORM.—The report required by subsection (a)
22 shall be submitted in unclassified form, but may include
23 a classified annex.

1	Subtitle D—Miscellaneous
2	Authorities and Limitations
3	SEC. 1031. PROVISION OF AIR FORCE SUPPORT AND SERV-
4	ICES TO FOREIGN MILITARY AND STATE AIR-
5	CRAFT.
6	(a) Provision of Support and Services.—
7	(1) IN GENERAL.—Section 9626 of title 10,
8	United States Code, is amended to read as follows:
9	"§9626. Aircraft supplies and services: foreign mili-
10	tary or other state aircraft
11	"(a) Provision of Supplies and Services on Re-
12	IMBURSABLE BASIS.—(1) The Secretary of the Air Force
13	may, under such regulations as the Secretary may pre-
14	scribe and when in the best interests of the United States,
15	provide any of the supplies or services described in para-
16	graph (2) to military and other state aircraft of a foreign
17	country, on a reimbursable basis without an advance of
18	funds, if similar supplies and services are furnished on a
19	like basis to military aircraft and other state aircraft of
20	the United States by the foreign country concerned.
21	((2) The supplies and services described in this para-
22	graph are supplies and services as follows:
23	"(A) Routine airport services, including landing
24	and takeoff assistance, servicing aircraft with fuel,

1	use of runways, parking and servicing, and loading
2	and unloading of baggage and cargo.
3	"(B) Miscellaneous supplies, including Air
4	Force-owned fuel, provisions, spare parts, and gen-
5	eral stores, but not including ammunition.
6	"(b) Provision of Routine Airport Services on
7	Non-Reimbursable Basis.—(1) Routine airport serv-
8	ices may be provided under this section at no cost to a
9	foreign country—
10	"(A) if such services are provided by Air Force
11	personnel and equipment without direct cost to the
12	Air Force; or
13	"(B) if such services are provided under an
14	agreement with the foreign country that provides for
15	the reciprocal furnishing by the foreign country of
16	routine airport services, as defined in that agree-
17	ment, to military and other state aircraft of the
18	United States without reimbursement.
19	((2) If routine airport services are provided under
20	this section by a working-capital fund activity of the Air
21	Force under section 2208 of this title and such activity
22	is not reimbursed directly for the costs incurred by the
23	activity in providing such services by reason of paragraph

1	bursed for such costs out of funds currently available to
2	the Air Force for operation and maintenance.".
3	(2) CLERICAL AMENDMENT.—The table of sec-
4	tions at the beginning of chapter 939 of such title
5	is amended by striking the item relating to section
6	9626 and inserting the following new item: "9626. Aircraft supplies and services: foreign military or other state aircraft.".
7	(b) Conforming Amendment.—Section 9629(3) of
8	such title is amended by striking "for aircraft of a foreign
9	military or air attaché".
10	SEC. 1032. DEPARTMENT OF DEFENSE PARTICIPATION IN
11	STRATEGIC AIRLIFT CAPABILITY PARTNER-
12	SHIP.
13	(a) Authority To Participate in Partner-
13 14	(a) Authority To Participate in Partner- Ship.—
14	SHIP.—
14 15	SHIP.— (1) MEMORANDUM OF UNDERSTANDING.—The
14 15 16	SHIP.— (1) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense may enter into a multilateral
14 15 16 17	SHIP.— (1) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense may enter into a multilateral memorandum of understanding authorizing the Stra-
14 15 16 17 18	SHIP.— (1) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense may enter into a multilateral memorandum of understanding authorizing the Stra- tegic Airlift Capability Partnership to conduct activi-
14 15 16 17 18 19	SHIP.— (1) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense may enter into a multilateral memorandum of understanding authorizing the Stra- tegic Airlift Capability Partnership to conduct activi- ties necessary to accomplish its purpose, including—
 14 15 16 17 18 19 20 	 SHIP.— (1) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense may enter into a multilateral memorandum of understanding authorizing the Strategic Airlift Capability Partnership to conduct activities necessary to accomplish its purpose, including— (A) the acquisition, equipping, ownership,
 14 15 16 17 18 19 20 21 	 SHIP.— (1) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense may enter into a multilateral memorandum of understanding authorizing the Strategic Airlift Capability Partnership to conduct activities necessary to accomplish its purpose, including— (A) the acquisition, equipping, ownership, and operation of strategic airlift aircraft; and
 14 15 16 17 18 19 20 21 22 	 SHIP.— (1) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense may enter into a multilateral memorandum of understanding authorizing the Strategic Airlift Capability Partnership to conduct activities necessary to accomplish its purpose, including— (A) the acquisition, equipping, ownership, and operation of strategic airlift aircraft; and (B) the acquisition or transfer of airlift
 14 15 16 17 18 19 20 21 22 23 	 SHIP.— (1) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense may enter into a multilateral memorandum of understanding authorizing the Strategic Airlift Capability Partnership to conduct activities necessary to accomplish its purpose, including— (A) the acquisition, equipping, ownership, and operation of strategic airlift aircraft; and (B) the acquisition or transfer of airlift and airlift-related services and supplies among

1	non-member countries or international organi-
2	zations, on a reimbursable basis or by replace-
3	ment-in-kind or exchange of airlift or airlift-re-
4	lated services of an equal value.
5	(2) PAYMENTS.—From funds available to the
6	Department of Defense for such purpose, the Sec-
7	retary of Defense may pay the United States equi-
8	table share of the recurring and non-recurring costs
9	of the activities and operations of the Strategic Air-
10	lift Capability Partnership, including costs associ-
11	ated with procurement of aircraft components and
12	spare parts, maintenance, facilities, and training,
13	and the costs of claims.
14	(b) Authorities Under Partnership.—In car-
15	rying out the memorandum of understanding entered into
16	under subsection (a), the Secretary of Defense may do the
17	following:
18	(1) Waive reimbursement of the United States
19	for the cost of the following functions performed by
20	Department of Defense personnel with respect to the
21	Strategic Airlift Capability Partnership:
22	(A) Auditing.
23	(B) Quality assurance.
24	(C) Inspection.
25	(D) Contract administration.

1	(E) Acceptance testing.
2	(F) Certification services.
3	(G) Planning, programming, and manage-
4	ment services.
5	(2) Waive the imposition of any surcharge for
6	administrative services provided by the United
7	States that would otherwise be chargeable against
8	the Strategic Airlift Capability Partnership.
9	(3) Pay the salaries, travel, lodging, and sub-
10	sistence expenses of Department of Defense per-
11	sonnel assigned for duty to the Strategic Airlift Ca-
12	pability Partnership without seeking reimbursement
13	or cost-sharing for such expenses.
14	(c) Crediting of Receipts.—Any amount received
15	by the United States in carrying out the memorandum of
16	understanding entered into under subsection (a) shall be
17	credited, as elected by the Secretary of Defense, to the
18	following:
19	(1) The appropriation, fund, or account used in
20	incurring the obligation for which such amount is re-
21	ceived.
22	(2) An appropriation, fund, or account cur-
23	rently providing funds for the purposes for which
24	such obligation was made.
25	(d) Authority To Transfer Aircraft.—

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(1) TRANSFER AUTHORITY.—The Secretary of
 Defense may transfer one strategic airlift aircraft to
 the Strategic Airlift Capability Partnership in ac cordance with the terms and conditions of the
 memorandum of understanding entered into under
 subsection (a).

7 (2) REPORT.—Not later than 30 days before 8 the date on which the Secretary transfers a strategic 9 airlift aircraft under paragraph (1), the Secretary 10 shall submit to the congressional defense committees 11 a report on the strategic airlift aircraft to be trans-12 ferred, including the type of strategic airlift aircraft 13 to be transferred and the tail registration or serial 14 number of such aircraft.

(e) STRATEGIC AIRLIFT CAPABILITY PARTNERSHIP
DEFINED.—In this section the term "Strategic Airlift Capability Partnership" means the strategic airlift capability
consortium established by the United States and other
participating countries.

20SEC. 1033. IMPROVED AUTHORITY TO PROVIDE REWARDS21FOR ASSISTANCE IN COMBATING TER-22RORISM.

(a) INCREASED AMOUNTS.—Section 127b of title 10,
United States Code, is amended—

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1	(1) in subsection (b), by striking " $$200,000$ "
2	and inserting ''\$5,000,000'';
3	(2) in subsection $(c)(1)(B)$, by striking
4	"\$50,000" and inserting "\$1,000,000"; and
5	(3) in subsection $(d)(2)$, by striking
6	"\$100,000" and inserting "\$2,000,000".
7	(b) INVOLVEMENT OF ALLIED FORCES.—Such sec-
8	tion is further amended—
9	(1) in subsection (a)—
10	(A) in the matter preceding paragraph (1),
11	by inserting after "United States Government
12	personnel" the following: ", or government per-
13	sonnel of allied forces participating in a com-
14	bined operation with the armed forces,";
15	(B) in paragraph (1), by inserting after
16	"armed forces" the following: ", or of allied
17	forces participating in a combined operation
18	with the armed forces,"; and
19	(C) in paragraph (2), by inserting after
20	"armed forces" the following: ", or of allied
21	forces participating in a combined operation
22	with the armed forces"; and
23	(2) in subsection (c), by adding at the end the
24	following:

"(3)(A) Subject to subparagraphs (B) and (C), an
 official who has authority delegated under paragraph (1)
 or (2) may use that authority, acting through government
 personnel of allied forces, to offer and make rewards.

5 "(B) The Secretary of Defense shall prescribe policies and procedures for making rewards in the manner de-6 7 scribed in subparagraph (A), which shall include guidance 8 for the accountability of funds used for making rewards 9 in that manner. The policies and procedures shall not take 10 effect until 30 days after the date on which the Secretary submits the policies and procedures to the congressional 11 12 defense committees. Rewards may not be made in the 13 manner described in subparagraph (A) except under poli-14 cies and procedures that have taken effect.

15 "(C) Rewards may not be made in the manner described in subparagraph (A) after September 30, 2009. 16 17 "(D) Not later than April 1, 2008, the Secretary of 18 Defense shall submit to the congressional defense committees a report on the implementation of this paragraph. 19 20The report shall identify each reward made in the manner 21 described in subparagraph (A) and, for each such re-22 ward-

23 "(i) identify the type, amount, and recipient of24 the reward;

1 "(ii) explain the reason for making the reward; 2 and "(iii) assess the success of the reward in ad-3 4 vancing the effort to combat terrorism.". 5 (c) ANNUAL REPORT TO INCLUDE SPECIFIC INFOR-MATION ON ADDITIONAL AUTHORITY.—Section 127b of 6 7 title 10, United States Code, is further amended in sub-8 section (f)(2) by adding at the end the following new sub-9 paragraph: 10 "(D) Information on the implementation of 11 paragraph (3) of subsection (c).". 12 SEC. 1034. SUPPORT FOR NON-FEDERAL DEVELOPMENT 13 AND TESTING OF MATERIAL FOR CHEMICAL 14 AGENT DEFENSE. 15 (a) Authority to Provide Toxic Chemicals or 16 PRECURSORS.— 17 (1) IN GENERAL.—The Secretary of Defense, in 18 coordination with the heads of other elements of the 19 Federal Government, may make available, to a 20 State, a unit of local government, or a private entity 21 incorporated in the United States, small quantities 22 of a toxic chemical or precursor for the development 23 or testing, in the United States, of material that is 24 designed to be used for protective purposes.

(2) TERMS AND CONDITIONS.—Any use of the
 authority under paragraph (1) shall be subject to
 such terms and conditions as the Secretary considers
 appropriate.

5 (b) PAYMENT OF COSTS AND DISPOSITION OF6 FUNDS.—

(1) IN GENERAL.—The Secretary shall ensure,
through the advance payment required by paragraph
(2) and through any other payments that may be required, that a recipient of toxic chemicals or precursors under subsection (a) pays for all actual costs,
including direct and indirect costs, associated with
providing the toxic chemicals or precursors.

14 (2) ADVANCE PAYMENT.—In carrying out para15 graph (1), the Secretary shall require each recipient
16 to make an advance payment in an amount that the
17 Secretary determines will equal all such actual costs.

18 (3) CREDITS.—A payment received under this 19 subsection shall be credited to the account that was 20 used to cover the costs for which the payment was 21 provided. Amounts so credited shall be merged with 22 amounts in that account, and shall be available for 23 the same purposes, and subject to the same condi-24 tions and limitations, as other amounts in that ac-25 count.

1 (c) CHEMICAL WEAPONS CONVENTION.—The Secretary shall ensure that toxic chemicals and precursors are 2 3 made available under this section for uses and in quan-4 tities that comply with the Convention on the Prohibition 5 of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, signed at 6 7 Paris on January 13, 1993, and entered into force with 8 respect to the United States on April 29, 1997.

9 (d) Report.—

10 (1) Not later than March 15, 2008, and each 11 year thereafter, the Secretary shall submit to Con-12 gress a report on the use of the authority under sub-13 section (a) during the previous calendar year. The 14 report shall include a description of each use of the 15 authority and specify what material was made avail-16 able and to whom it was made available.

17 (2) Each report under paragraph (1) shall be
18 submitted in unclassified form, but may include a
19 classified annex.

(e) DEFINITIONS.—In this section, the terms "precursor", "protective purposes", and "toxic chemical" have
the meanings given those terms in the convention referred
to in subsection (c), in paragraph 2, paragraph 9(b), and
paragraph 1, respectively, of article II of that convention.

1SEC. 1035. PROHIBITION ON SALE OF F-14 FIGHTER AIR-2CRAFT AND RELATED PARTS.

3 (a) PROHIBITION ON SALE BY DEPARTMENT OF DE4 FENSE.—

5 (1) IN GENERAL.—Except as provided in para-6 graph (2), the Department of Defense may not sell 7 (whether directly or indirectly) any F-14 fighter air-8 craft, any parts unique to the F-14 fighter aircraft, 9 or any tooling or dies used in the manufacture of 10 such aircraft or parts, whether such sales occur 11 through the Defense Reutilization and Marketing 12 Service or through another agency or element of the 13 Department.

14 (2) EXCEPTION.—Paragraph (1) shall not
15 apply with respect to the sale of F-14 fighter air16 craft or parts for F-14 fighter aircraft to a museum
17 or similar organization located in the United States
18 that is involved in the preservation of F-14 fighter
19 aircraft for historical purposes.

(b) PROHIBITION ON EXPORT LICENSE.—No license
for the export of any F-14 fighter aircraft, any parts
unique to the F-14 fighter aircraft, or any tooling or dies
used in the manufacture of such aircraft or parts may be
issued by the United States Government to a non-United
States person or entity.

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1	Subtitle E—Reports
2	SEC. 1041. EXTENSION AND MODIFICATION OF REPORT RE-
3	LATING TO HARDENED AND DEEPLY BURIED
4	TARGETS.
5	Section 1032 of the Bob Stump National Defense
6	Authorization Act for Fiscal Year 2003 (Public Law 107–
7	314; 116 Stat. 2643; 10 U.S.C. 2358 note) is amended—
8	(1) in the heading, by striking "ANNUAL RE-
9	PORT ON WEAPONS" and inserting "REPORT ON
10	WEAPONS AND CAPABILITIES'';
11	(2) in subsection (a)—
12	(A) in the heading, by striking "ANNUAL";
13	(B) by striking "April 1 of each year" and
14	inserting "March 1, 2009, and every two years
15	thereafter,";
16	(C) by striking "Director of Central Intel-
17	ligence" and inserting "Director of National In-
18	telligence'';
19	(D) by striking "the preceding fiscal year"
20	and inserting "the preceding two fiscal years
21	and planned for the current fiscal year and the
22	next fiscal year''; and
23	(E) by striking "to develop weapons" and
24	inserting "to develop weapons and capabilities";
25	(3) in subsection (b)—

1	(A) in the matter preceding paragraph (1),
2	by striking "The report for a fiscal year" and
3	inserting "A report submitted";
4	(B) in paragraph (1), by striking "were
5	undertaken during that fiscal year" and insert-
6	ing "were or will be undertaken during the
7	four-fiscal-year period covered by the report";
8	and
9	(C) in paragraph (2) in the matter pre-
10	ceding subparagraph (A), by striking "were un-
11	dertaken during such fiscal year" and inserting
12	"were or will be undertaken during the four-fis-
13	cal-year period covered by the report"; and
14	(4) in subsection (d), by striking "April 1,
15	2007" and inserting "March 1, 2013".
16	SEC. 1042. REPORT ON JOINT MODELING AND SIMULATION
17	ACTIVITIES.
18	(a) REPORT REQUIRED.—Not later than December
19	31, 2008, the Secretary of Defense shall submit to the
20	congressional defense committees a report that describes
21	current and planned joint modeling and simulation activi-
22	ties within the Department of Defense.
23	(b) MATTERS TO BE INCLUDED.—The report under
24	subsection (a) shall include the following:

1	(1) An identification and description of how
2	joint modeling and simulation activities support the
3	development of capabilities to meet joint and service-
4	unique military requirements and needs, in areas in-
5	cluding but not limited to joint training, experimen-
6	tation, systems acquisition, test and evaluation, as-
7	sessment, and planning.
8	(2) A description of how joint modeling and
9	simulation activities are supportive of Department-
10	level strategies and goals.
11	(3) For each appropriate element of the De-
12	partment of Defense and each appropriate combat-
13	ant command—
14	(A) An identification of modeling and sim-
15	ulation capabilities; and
16	(B) A description of plans and programs to
17	continuously introduce new modeling and sim-
18	ulation technologies so as to enhance defense
19	capabilities.
20	(4) A description of incentives and plans to re-
21	duce or divest duplicative or outdated capabilities as
22	necessary.
23	(5) Plans or activities to allow non-defense
24	users to access defense joint modeling and simula-
25	tion activities, as appropriate.

1 (6) Budget and resource estimates, including 2 government and contractor personnel requirements, 3 for planned joint modeling and simulation activities. 4 (7) A description of the relationship and coordi-5 nation between and among joint modeling and sim-6 ulation activities and the modeling and simulation 7 activities of elements of the Department of Defense, 8 Federal agencies, State and local governments, aca-9 demia, private industry, United States and inter-10 national standards organizations, and international 11 partners.

12 (8) Any other matters the Secretary considers13 appropriate.

(c) CONSULTATION.—The report under (a) shall be
developed in consultation with appropriate military departments, Defense Agencies, combatant commands, and
other defense activities.

18 SEC. 1043. RENEWAL OF SUBMITTAL OF PLANS FOR 19 PROMPT GLOBAL STRIKE CAPABILITY.

Section 1032(b)(1) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136;
117 Stat. 1605; 10 U.S.C. 113 note) is amended by inserting "and each of 2007, 2008, and 2009," after "2004,
2005, and 2006,".

1SEC. 1044. REPORT ON WORKFORCE REQUIRED TO SUP-2PORT THE NUCLEAR MISSIONS OF THE NAVY3AND THE DEPARTMENT OF ENERGY.

4 (a) IN GENERAL.—Not later than one year after the 5 date of the enactment of this Act, the Secretary of Defense 6 and the Secretary of Energy shall each submit to Congress 7 a report on the requirements for a workforce to support 8 the nuclear missions of the Navy and the Department of 9 Energy during the 10-year period beginning on the date 10 of the report.

11 (b) ELEMENTS.—Each report shall include—

(1) a description of the projected nuclear missions of the Navy and the Department of Energy
during the 10-year period beginning on the date of
the report;

16 (2) an assessment of existing knowledge reten17 tion programs within the Department of Defense,
18 the Department of Energy, the national laboratories,
19 and federally funded research facilities that support
20 the nuclear missions of the Navy and the Depart21 ment of Energy, and any planned changes in those
22 programs; and

(3) a plan to address anticipated workforce attrition, retirement, and recruiting trends during that
period and ensure an adequate workforce in support

3	SEC. 1045. COMPTROLLER GENERAL REPORT ON DEFENSE
4	FINANCE AND ACCOUNTING SERVICE RE-
5	SPONSE TO BUTTERBAUGH V. DEPARTMENT
6	OF JUSTICE.
7	(a) IN GENERAL.—Not later than 180 days after the
8	date of the enactment of this Act, the Comptroller General
9	of the United States shall submit to the congressional de-
10	fense committees a report setting forth an assessment by
11	the Comptroller General of the response of the Defense
12	Finance and Accounting Service to the decision in
13	Butterbaugh v. Department of Justice (336 F.3d 1332
14	(2003)).
15	(b) ELEMENTS.—The report required by subsection
16	(a) shall include the following:
17	(1) An estimate of the number of members of
18	the reserve components of the Armed Forces, both
19	past and present, who are entitled to compensation
20	under the decision in Butterbaugh v. Department of

21 Justice.

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ment of Energy.

(2) An assessment of the current policies, procedures, and timeliness of the Defense Finance and
Accounting Service in implementing and resolving

of the nuclear missions of the Navy and the Depart-

claims under the decision in Butterbaugh v. Depart ment of Justice.

3 (3) An assessment whether or not the decisions
4 made by the Defense Finance and Accounting Serv5 ice in implementing the decision in Butterbaugh v.
6 Department of Justice follow a consistent pattern of
7 resolution.

8 (4) An assessment of whether or not the deci-9 sions made by the Defense Finance and Accounting 10 Service in implementing the decision in Butterbaugh 11 v. Department of Justice are resolving claims by 12 providing more compensation than an individual has 13 been able to prove, under the rule of construction 14 that laws providing benefits to veterans are liberally 15 construed in favor of the veteran.

16 (5) An estimate of the total amount of com-17 pensation payable to members of the reserve compo-18 nents of the Armed Forces, both past and present, 19 as a result of the recent decision in Hernandez v. 20 Department of the Air Force (No. 2006–3375, slip 21 op.) that leave can be reimbursed for Reserve service 22 before 1994, when Congress enacted chapter 43 of 23 title 38, United States Code (commonly referred to 24 as the "Uniformed Services Employment and Reem-25 ployment Rights Act").

1 (6) A comparative assessment of the handling 2 of claims by the Defense Finance and Accounting Service under the decision in Butterbaugh v. De-3 4 partment of Justice with the handling of claims by 5 other Federal agencies (selected by the Comptroller 6 General for purposes of the comparative assessment) 7 under that decision. 8 (7) A statement of the number of claims by 9 members of the reserve components of the Armed 10 Forces under the decision in Butterbaugh v. Depart-11 ment of Justice that have been adjudicated by the 12 Defense Finance and Accounting Service. 13 (8) A statement of the number of claims by 14 members of the reserve components of the Armed 15 Forces under the decision in Butterbaugh v. Depart-16 ment of Justice that have been denied by the De-17 fense Finance and Accounting Service. 18 (9) A comparative assessment of the average 19 amount of time required for the Defense Finance 20 and Accounting Service to resolve a claim under the 21 decision in Butterbaugh v. Department of Justice 22 with the average amount of time required by other

Federal agencies (as so selected) to resolve a claimunder that decision.

(10) A comparative statement of the backlog of
 claims with the Defense Finance and Accounting
 Service under the decision in Butterbaugh v. De partment of Justice with the backlog of claims of
 other Federal agencies (as so selected) under that
 decision.

7 (11) An estimate of the amount of time re8 quired for the Defense Finance and Accounting
9 Service to resolve all outstanding claims under the
10 decision in Butterbaugh v. Department of Justice.

11 (12) An assessment of the reasonableness of the 12 requirement of the Defense Finance and Accounting 13 Service for the submittal by members of the reserve 14 components of the Armed Forces of supporting doc-15 umentation for claims under the decision in 16 Butterbaugh v. Department of Justice.

17 (13) A comparative assessment of the require-18 ment of the Defense Finance and Accounting Serv-19 ice for the submittal by members of the reserve com-20 ponents of the Armed Forces of supporting docu-21 mentation for claims under the decision in 22 Butterbaugh v. Department of Justice with the re-23 quirement of other Federal agencies (as so selected) 24 for the submittal by such members of supporting 25 documentation for such claims.

(14) Such recommendations for legislative ac tion as the Comptroller General considers appro priate in light of the decision in Butterbaugh v. De partment of Justice and the decision in Hernandez
 v. Department of the Air Force.

6 SEC. 1046. STUDY ON SIZE AND MIX OF AIRLIFT FORCE.

7 (a) STUDY REQUIRED.—The Secretary of Defense
8 shall conduct a requirements-based study on alternatives
9 for the proper size and mix of fixed-wing intratheater and
10 intertheater airlift assets to meet the National Military
11 Strategy for each of the following timeframes: fiscal year
12 2012, 2018, and 2024. The study shall—

13 (1) focus on organic and commercially pro-14 grammed airlift capabilities;

(2) analyze the full-spectrum lifecycle costs of
the various alternatives for organic models of each
of the following aircraft: C-5A/B/C/M, C-17A, KCX, KC-10, KC-135R, C-130E/H/J, Joint Cargo
Aircraft; and

20 (3) incorporate the augmentation capability, vi21 ability, and feasibility of the Civil Reserve Air Fleet
22 during activation stages I, II, and III.

23 (b) USE OF FFRDC.—The Secretary shall select, to24 carry out the study required by subsection (a), a federally

funded research and development center that has experi ence and expertise in conducting similar studies.

- 3 (c) STUDY PLAN.—The study required by subsection
 4 (a) shall be carried out under a study plan. The study
 5 plan shall be developed as follows:
- 6 (1) The center selected under subsection (b) 7 shall develop the study plan and shall, not later than 8 60 days after the date of enactment of this Act, sub-9 mit the study plan to the congressional defense com-10 mittees, the Secretary, and the Comptroller General 11 of the United States.
- 12 (2) The Comptroller General shall review the 13 study plan to determine whether it is complete and 14 objective, and whether it has any flaws or weak-15 nesses in scope or methodology, and shall, not later 16 than 30 days after receiving the study plan, submit 17 to the Secretary and the center a report that con-18 tains the results of that review and provides any rec-19 ommendations that the Comptroller General con-20 siders appropriate for improvements to the study 21 plan.

(3) The center shall modify the study plan to
incorporate the recommendations under paragraph
(2) and shall, not later than 45 days after receiving
that report, submit to the Secretary and the con-

1	gressional defense committees a report on those
2	modifications. The report shall describe each modi-
3	fication and, if the modifications do not incorporate
4	one or more of the recommendations, shall explain
5	the reasons for not doing so.
6	(d) ELEMENTS OF STUDY PLAN.—The study plan re-
7	quired by subsection (c) shall address, at minimum, the
8	following:
9	(1) A description of lift requirements and oper-
10	ating profiles for airlift aircraft required to meet the
11	National Military Strategy, including assumptions
12	regarding the following:
13	(A) Current and future military combat
14	and support missions.
15	(B) The planned force structure growth of
16	the military services.
17	(C) Potential changes in lift requirements,
18	including the deployment of the Future Combat
19	Systems by the Army.
20	(D) New capability in airlift to be provided
21	by the KC(X) aircraft and the expected utiliza-
22	tion of such capability, including its use in
23	intratheater lift.

1	(E) The utilization of intertheater lift air-
2	craft in intratheater combat mission support
3	roles.
4	(F) The availability and application of
5	Civil Reserve Air Fleet assets in future military
6	scenarios.
7	(G) Air mobility requirements associated
8	with the Global Rebasing Initiative of the De-
9	partment of Defense.
10	(H) Air mobility requirements in support
11	of worldwide peacekeeping and humanitarian
12	missions.
13	(I) Air mobility requirements in support of
14	homeland defense and national emergencies.
15	(J) The viability and capability of the Civil
16	Reserve Air Fleet to augment organic forces in
17	both friendly and hostile environments.
18	(K) An assessment of the Civil Reserve Air
19	Fleet to adequately augment the organic fleet
20	as it relates to commercial inventory manage-
21	ment restructuring in response to future com-
22	mercial markets, streamlining of operations, ef-
23	ficiency measures, or downsizing of the partici-
24	pant.

(2) An evaluation of the state of the current airlift fleet of the Air Force, including assessments

(A) The extent to which the increased use of airlift aircraft in on-going operations is affecting the programmed service life of the aircraft of that fleet.

8 (B) The adequacy of the current airlift 9 force, including whether or not a minimum of 299 strategic airlift aircraft for the Air Force 10 11 is sufficient to support future expeditionary 12 combat and non-combat missions, as well as do-13 mestic and training mission demands consistent 14 with the requirements of meeting the National 15 Military Strategy.

16 (C) The optimal mix of C-5 and C-17 air17 craft for the strategic airlift fleet of the Air
18 Force, to include the following:

(i) The cost-effectiveness of modernizing various iterations of the C-5A and
C-5B/C aircraft fleet versus procuring additional C-17 aircraft.

23 (ii) The military capability, oper24 ational availability, usefulness, and service
25 life of the C-5A/B/C/M aircraft and the C-

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of the following:

17 aircraft. Such an assessment shall ex-
amine appropriate metrics, such as aircraft
availability rates, departure rates, and mis-
sion capable rates, in each of the following
cases:
(I) Completion of the Avionics
Modernization Program and the Reli-
ability Enhancement and Re-engining
Program.
(II) Partial completion of the
Avionics Modernization Program and
the Reliability Enhancement and Re-
engining Program, with partial com-
pletion of either such program being
considered the point at which the con-
tinued execution of each program is
no longer supported by the cost-effec-
tiveness analysis.
(iii) At what specific fleet inventory
for each organic aircraft, to include air re-
fueling aircraft used in the airlift role,
would it impede the ability of Civil Reserve
Air Fleet participants to remain a viable
augmentation option.

1	(D) An analysis and assessment of the les-
2	sons that may be learned from the experience of
3	the Air Force in restarting the production line
4	for the C–5 aircraft after having closed the line
5	for several years, and recommendations for the
6	actions that the Department of Defense should
7	take to ensure that the production line for the
8	C-17 aircraft could be restarted if necessary,
9	including—
10	(i) an analysis of the methods that
11	were used and costs that were incurred in
12	closing and re-opening the production line
13	for the C–5 aircraft;
14	(ii) an assessment of the methods and
15	actions that should be employed and the
16	expected costs and risks of closing and re-
17	opening the production line for the $C-17$
18	aircraft in view of that experience.
19	Such analysis and assessment should deal with
20	issues such as production work force, produc-
21	tion facilities, tooling, industrial base suppliers,
22	contractor logistics support versus organic
23	maintenance, and diminished manufacturing
24	sources.

1	(E) Assessing the military capability, oper-
2	ational availability, usefulness, service life and
3	optimal mix of intra-theater airlift aircraft, to
4	include—
5	(i) the cost-effectiveness of procuring
6	the Joint Cargo Aircraft versus procuring
7	additional C-130J or refurbishing C-
8	130E/H platforms to meet intra-theater
9	airlift requirements of the combatant com-
10	mander and component commands; and
11	(ii) the cost-effectiveness of procuring
12	additional C-17 aircraft versus procuring
13	additional C–130J platforms or refur-
14	bishing C-130E/H platforms to meet
15	intra-theater airlift requirements of the
16	combatant commander and component
17	commands.
18	(3) Each analysis required by paragraph (2)
19	shall include—
20	(A) a description of the assumptions and
21	sensitivity analysis utilized in the study regard-
22	ing aircraft performances and cargo loading
23	factors; and
24	(B) a comprehensive statement of the data
25	and assumptions utilized in making the pro-

gram life cycle cost estimates and a comparison of cost and risk associated with the optimally mixed fleet of airlift aircraft versus the program of record airlift aircraft fleet.

5 (e) UTILIZATION OF OTHER STUDIES.—The study required by subsection (a) shall build upon the results of 6 7 the 2005 Mobility Capabilities Studies, the on-going Intra-8 theater Airlift Fleet Mix Analysis, the Intra-theater Lift 9 Capabilities Study, the Joint Future Theater Airlift Capa-10 bilities Analysis, and other appropriate studies and analyses, such as Fleet Viability Board Reports or special air-11 12 craft assessments. The study shall also include any testing 13 data collected on modernization, recapitalization, and upgrade efforts of current organic aircraft. 14

15 (f) COLLABORATION WITH UNITED STATES TRANS-16 PORTATION COMMAND.—In conducting the study required 17 by subsection (a) and preparing the report required by 18 subsection (c)(3), the center shall collaborate with the 19 commander of the United States Transportation Com-20 mand.

(g) COLLABORATION WITH COST ANALYSIS IMPROVEMENT GROUP.—In conducting the study required
by subsection (a) and constructing the analysis required
by subsection (a)(2), the center shall collaborate with the

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Cost Analysis Improvement Group of the Department of
 Defense.

3 (h) REPORT.—Not later than January 10, 2009, the 4 center selected under subsection (b) shall submit to the 5 Secretary and the congressional defense committees a re-6 port on the study required by subsection (a). The report 7 shall be submitted in unclassified form, but shall include 8 a classified annex.

9 SEC. 1047. REPORT ON FEASIBILITY OF ESTABLISHING A 10 DOMESTIC MILITARY AVIATION NATIONAL 11 TRAINING CENTER.

12 (a) IN GENERAL.—Not later than June 1, 2008, the 13 Secretary of Defense shall submit to the congressional defense committees a report to determine the feasibility of 14 15 establishing a Border State Aviation Training Center (BSATC) to support the current and future requirements 16 17 of the existing RC–26 training site for counterdrug activities, located at the Fixed Wing Army National Guard 18 Aviation Training Site (FWAATS), including the domestic 19 reconnaissance and surveillance missions of the National 20 21 Guard in support of local, State, and Federal law enforce-22 ment agencies, provided that the activities to be conducted 23 at the BSATC shall not duplicate or displace any activity 24 or program at the RC–26 training site or the FWAATS.

(b) CONTENT.—The report required under subsection
 (a) shall—

3 (1) examine the current and past requirements
4 of RC-26 aircraft in support of local, State, and
5 Federal law enforcement and determine the number
6 of additional aircraft required to provide such sup7 port for each State that borders Canada, Mexico, or
8 the Gulf of Mexico;

9 (2) determine the number of military and civil-10 ian personnel required to run a RC-26 domestic 11 training center meeting the requirements identified 12 under paragraph (1);

(3) determine the requirements and cost of locating such a training center at a military installation for the purpose of preempting and responding
to security threats and responding to crises; and

17 (4) include a comprehensive review of the num-18 ber and type of intelligence, reconnaissance, and sur-19 veillance platforms needed for the National Guard to 20 effectively provide domestic operations and civil sup-21 port (including homeland defense and counterdrug) 22 to local, State, and Federal law enforcement and 23 first responder entities and how those platforms 24 would provide additional capabilities not currently available from the assets of other local, State, and
 Federal agencies.

3 (c) CONSULTATION.—In preparing the report re4 quired under subsection (a), the Secretary of Defense shall
5 consult with the Adjutant General of each State that bor6 ders Canada, Mexico, or the Gulf of Mexico, the Adjutant
7 General of the State of West Virginia, and the National
8 Guard Bureau.

9 SEC. 1048. LIMITED FIELD USER EVALUATIONS FOR COM10 BAT HELMET PAD SUSPENSION SYSTEMS.

(a) IN GENERAL.—The Secretary of Defense shall
carry out a limited field user evaluation and operational
assessment of qualified combat helmet pad suspension systems. The evaluation and assessment shall be carried out
using verified product representative samples from combat
helmet pad suspension systems that are qualified as of the
date of the enactment of this Act.

(b) REPORT.—Not later than September 30, 2008,
the Secretary shall submit to the congressional defense
committees a report on the results of the limited field user
evaluation and operational assessment.

(c) FUNDING.—The limited field user evaluation and
operational assessment required by subsection (a) shall be
conducted using funds appropriated pursuant to an authorization of appropriations or otherwise made available

for fiscal year 2008 for operation and maintenance, Army,
 for soldier protection and safety.

3 SEC. 1049. STUDY ON NATIONAL SECURITY INTERAGENCY 4 SYSTEM.

5 (a) STUDY REQUIRED.—Not later than 30 days after
6 the date of the enactment of this Act, the Secretary of
7 Defense shall enter into an agreement with an inde8 pendent, non-profit, non-partisan organization to conduct
9 a study on the national security interagency system.

10 (b) **REPORT.**—The agreement entered into under subsection (a) shall require the organization to submit to 11 12 Congress and the President a report containing the results 13 of the study conducted pursuant to such agreement and any recommendations for changes to the national security 14 15 interagency system (including legislative or regulatory changes) identified by the organization as a result of the 16 17 study.

(c) SUBMITTAL DATE.—The agreement entered into
under subsection (a) shall require the organization to submit the report required under subsection (a) not later than
September 1, 2008.

(d) NATIONAL SECURITY INTERAGENCY SYSTEM DEFINED.—In this section, the term "national security interagency system" means the structures, mechanisms, and
processes by which the departments, agencies, and ele-

ments of the Federal Government that have national secu rity missions coordinate and integrate their policies, capa bilities, expertise, and activities to accomplish such mis sions.

5 (e) FUNDING.—Of the amount authorized to be ap-6 propriated by section 301(5) for operation and mainte-7 nance for Defense-wide activities, not more than 8 \$3,000,000 may be available to carry out this section.

9 SEC. 1050. REPORT ON SOLID ROCKET MOTOR INDUSTRIAL 10 BASE.

(a) REPORT.—Not later than 190 days after the date
of the enactment of this Act, the Secretary of Defense
shall submit to the congressional defense committees a report on the status, capability, viability, and capacity of
the solid rocket motor industrial base in the United States.
(b) CONTENT.—The report required under subsection

17 (a) shall include the following:

18 (1) An assessment of the ability to maintain the
19 Minuteman III intercontinental ballistic missile
20 through its planned operational life.

(2) An assessment of the ability to maintain the
Trident II D-5 submarine launched ballistic missile
through its planned operational life.

24 (3) An assessment of the ability to maintain all25 other space launch, missile defense, and other vehi-

cles with solid rocket motors, through their planned
 operational lifetimes.

3 (4) An assessment of the ability to support pro4 jected future requirements for vehicles with solid
5 rocket motors to support space launch, missile de6 fense, or any range of ballistic missiles determined
7 to be necessary to meet defense needs or other re8 quirements of the United States Government.

9 (5) An assessment of the required materials, 10 the supplier base, the production facilities, and the 11 production workforce needed to ensure that current 12 and future requirements could be met.

(6) An assessment of the adequacy of the current and projected industrial base support programs
to support the full range of projected future requirements identified in paragraph (4).

17 SEC. 1051. REPORTS ON ESTABLISHMENT OF A MEMORIAL

18FOR MEMBERS OF THE ARMED FORCES WHO19DIED IN THE AIR CRASH IN BAKERS CREEK,20AUSTRALIA, AND ESTABLISHMENT OF OTHER21MEMORIALS IN ARLINGTON NATIONAL CEME-22TERY.

(a) BAKERS CREEK MEMORIAL.—Not later than
April 1, 2008, the Secretary of the Army shall submit to
the Committee on Armed Services and the Committee on

Veterans' Affairs of the House of Representatives and the 1 2 Committee on Armed Services and the Committee on Vet-3 erans' Affairs of the Senate a report containing a discus-4 sion of locations outside of Arlington National Cemetery 5 that would serve as a suitable location for the establishment of a memorial to honor the memory of the 40 mem-6 7 bers of the Armed Forces of the United States who lost 8 their lives in the air crash at Bakers Creek, Australia, on June 14, 1943. 9

(b) MEMORIALS IN ARLINGTON NATIONAL CEMETERY.—Not later than April 1, 2008, the Secretary of the
Army shall submit to the congressional committees specified in subsection (a) a report containing—

(1) recommendations to implement the results
of the study regarding proposals for the construction
of new memorials in Arlington National Cemetery
that was conducted pursuant to section 2897 of the
Ronald W. Reagan National Defense Authorization
Act for Fiscal Year 2005 (Public Law 108–375; 118
Stat. 2157); and

(2) proposed legislation, if necessary, to imple-ment the results of the study.

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1	Subtitle F—Other Matters
2	SEC. 1061. REIMBURSEMENT FOR NATIONAL GUARD SUP-
3	PORT PROVIDED TO FEDERAL AGENCIES.
4	Section 377 of title 10, United States Code, is
5	amended—
6	(1) in subsection (a), by striking "To the ex-
7	tent" and inserting "Subject to subsection (c), to the
8	extent"; and
9	(2) by striking subsection (b) and inserting the
10	following new subsections:
11	"(b)(1) Subject to subsection (c), the Secretary of
12	Defense shall require a Federal agency to which law en-
13	forcement support or support to a national special security
14	event is provided by National Guard personnel performing
15	duty under section 502(f) of title 32 to reimburse the De-
16	partment of Defense for the costs of that support, notwith-
17	standing any other provision of law. No other provision
18	of this chapter shall apply to such support.
19	"(2) Any funds received by the Department of De-
20	fense under this subsection as reimbursement for support
21	provided by personnel of the National Guard shall be cred-
22	ited, at the election of the Secretary of Defense, to the
23	following:
24	"(A) The appropriation, fund, or account used

24 "(A) The appropriation, fund, or account used25 to fund the support.

1	"(B) The appropriation, fund, or account cur-
2	rently available for reimbursement purposes.
3	"(c) An agency to which support is provided under
4	this chapter or section $502(f)$ of title 32 is not required
5	to reimburse the Department of Defense for such support
6	if the Secretary of Defense waives reimbursement. The
7	Secretary may waive the reimbursement requirement
8	under this subsection if such support—
9	"(1) is provided in the normal course of mili-
10	tary training or operations; or
11	((2)) results in a benefit to the element of the
12	Department of Defense or personnel of the National
13	Guard providing the support that is substantially
14	equivalent to that which would otherwise be obtained
15	from military operations or training.".
16	SEC. 1062. CONGRESSIONAL COMMISSION ON THE STRA-
17	TEGIC POSTURE OF THE UNITED STATES.
18	(a) ESTABLISHMENT.—There is hereby established a
19	commission to be known as the "Congressional Commis-
20	sion on the Strategic Posture of the United States". The
21	purpose of the commission is to examine and make rec-
22	ommendations with respect to the long-term strategic pos-
23	ture of the United States.
24	(b) Composition.—

1	(1) Membership.—The commission shall be
2	composed of 12 members appointed as follows:
3	(A) Three by the chairman of the Com-
4	mittee on Armed Services of the House of Rep-
5	resentatives.
6	(B) Three by the ranking minority member
7	of the Committee on Armed Services of the
8	House of Representatives.
9	(C) Three by the chairman of the Com-
10	mittee on Armed Services of the Senate.
11	(D) Three by the ranking minority member
12	of the Committee on Armed Services of the
	0
13	Senate.
13 14	Senate. (2) CHAIRMAN; VICE CHAIRMAN.—
14	(2) Chairman; vice chairman.—
14 15	(2) CHAIRMAN; VICE CHAIRMAN.—(A) CHAIRMAN.—The chairman of the
14 15 16	(2) CHAIRMAN; VICE CHAIRMAN.—(A) CHAIRMAN.—The chairman of the Committee on Armed Services of the House of
14 15 16 17	 (2) CHAIRMAN; VICE CHAIRMAN.— (A) CHAIRMAN.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Com-
14 15 16 17 18	 (2) CHAIRMAN; VICE CHAIRMAN.— (A) CHAIRMAN.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Armed Services of the Senate shall
14 15 16 17 18 19	 (2) CHAIRMAN; VICE CHAIRMAN.— (A) CHAIRMAN.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Armed Services of the Senate shall jointly designate one member of the commission
 14 15 16 17 18 19 20 	 (2) CHAIRMAN; VICE CHAIRMAN.— (A) CHAIRMAN.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Armed Services of the Senate shall jointly designate one member of the commission to serve as chairman of the commission.
 14 15 16 17 18 19 20 21 	 (2) CHAIRMAN; VICE CHAIRMAN.— (A) CHAIRMAN.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Armed Services of the Senate shall jointly designate one member of the commission to serve as chairman of the commission. (B) VICE CHAIRMAN.—The ranking minor-
 14 15 16 17 18 19 20 21 22 	 (2) CHAIRMAN; VICE CHAIRMAN.— (A) CHAIRMAN.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Armed Services of the Senate shall jointly designate one member of the commission to serve as chairman of the commission. (B) VICE CHAIRMAN.—The ranking minority member of the Committee on Armed Services on Armed Services of the Services of the Services (Service) (Ser

1	ignate one member of the commission to serve
2	as vice chairman of the commission.
3	(3) Period of appointment; vacancies.—
4	Members shall be appointed for the life of the com-
5	mission. Any vacancy in the commission shall be
6	filled in the same manner as the original appoint-
7	ment.
8	(c) DUTIES.—
9	(1) REVIEW.—The commission shall conduct a
10	review of the strategic posture of the United States,
11	including a strategic threat assessment and a de-
12	tailed review of nuclear weapons policy, strategy,
13	and force structure.
14	(2) Assessment and recommendations.—
15	(A) Assessment.—The commission shall
16	assess the benefits and risks associated with the
17	current strategic posture and nuclear weapons
18	policies of the United States.
19	(B) Recommendations.—The commis-
20	sion shall make recommendations as to the
21	most appropriate strategic posture and most ef-
22	fective nuclear weapons strategy.
23	(d) Cooperation From Government.—
24	(1) COOPERATION.—In carrying out its duties,
25	the commission shall receive the full and timely co-

operation of the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Director of National Intelligence, and any other United States Government official in providing the commission with analyses, briefings, and other information nec-

essary for the fulfillment of its responsibilities.

7 (2) LIAISON.—The Secretary of Defense, the 8 Secretary of Energy, the Secretary of State, and the 9 Director of National Intelligence shall each des-10 ignate at least one officer or employee of the De-11 partment of Defense, the Department of Energy, the 12 Department of State, and the intelligence commu-13 nity, respectively, to serve as a liaison officer be-14 tween the department (or the intelligence commu-15 nity, as the case may be) and the commission.

16 (e) REPORT.—Not later than December 1, 2008, the 17 commission shall submit to the President, the Secretary 18 of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, 19 and the Committee on Armed Services of the House of 20 21 Representatives a report on the commission's findings, 22 conclusions, and recommendations. The report shall iden-23 tify the strategic posture and nuclear weapons strategy 24 recommended under subsection (c)(2)(B) and shall include----25

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1	(1) the military capabilities and force structure
2	necessary to support the strategy, including both nu-
3	clear and non-nuclear capabilities that might sup-
4	port the strategy;
5	(2) the number of nuclear weapons required to
6	support the strategy, including the number of re-
7	placement warheads required, if any;
8	(3) the appropriate qualitative analysis, includ-
9	ing force-on-force exchange modeling, to calculate
10	the effectiveness of the strategy under various sce-
11	narios;
12	(4) the nuclear infrastructure (that is, the size
13	of the nuclear complex) required to support the
14	strategy;
15	(5) an assessment of the role of missile defenses
16	in the strategy;
17	(6) an assessment of the role of nonprolifera-
18	tion programs in the strategy;
19	(7) the political and military implications of the
20	strategy for the United States and its allies; and
21	(8) any other information or recommendations
22	relating to the strategy (or to the strategic posture)
23	that the commission considers appropriate.
24	(f) FUNDING.—Of the amounts appropriated or oth-
25	erwise made available pursuant to this Act to the Depart-

ment of Defense, \$5,000,000 is available to fund the ac tivities of the commission.

3 (g) TERMINATION.—The commission shall terminate4 on June 1, 2009.

5 SEC. 1063. TECHNICAL AND CLERICAL AMENDMENTS.

6 (a) TITLE 10, UNITED STATES CODE.—Title 10,
7 United States Code, is amended as follows:

8 (1) Chapter 3 is amended—

9 (A) by redesignating the section 127c 10 added by section 1201(a) of the John Warner 11 National Defense Authorization Act for Fiscal 12 Year 2007 (Public Law 109–364; 120 Stat. 13 2410) as section 127d and transferring that 14 section so as to appear immediately after the 15 section 127c added by section 1231(a) of the 16 National Defense Authorization Act for Fiscal 17 Year 2006 (Public Law 109–163; 119 Stat. 18 3467); and

(B) by revising the table of sections at the
beginning of such chapter to reflect the redesignation and transfer made by paragraph (1).

22 (2) Section 629(d)(1) is amended by inserting
23 a comma after "(a)".

24 (3) Section 662(b) is amended by striking
25 "paragraphs (1), (2), and (3) of subsection (a)" and

1	inserting "paragraphs (1) and (2) of subsection
2	(a)".
3	(4) Subsections (c) and (d) of section 948r are
4	each amended by striking "Defense Treatment Act
5	of 2005" each place it appears and inserting "De-
6	tainee Treatment Act of 2005".
7	(5) The table of sections at the beginning of
8	subchapter VI of chapter 47A is amended by strik-
9	ing the item relating to section 950j and inserting
10	the following: "950j. Finality of proceedings, findings, and sentences.".
11	(6) Section 950f(b) is amended by striking "No
12	person may be serve" and inserting "No person may
13	serve".
14	(7) The heading for section 950j is amended by
15	striking "Finality or" and inserting "Finality
16	of ''.
17	(8) Section $1034(b)(2)$ is amended by inserting
18	"unfavorable" before "action" the second place it
19	appears.
20	(9) Section $1588(d)(1)(B)$ is amended by strik-
21	ing "the Act of March 9, 1920, commonly known as
22	the 'Suits in Admiralty Act' (41 Stat. 525; 46
23	U.S.C. App. 741 et seq.) and the Act of March 3,
24	1925, commonly known as the 'Public Vessels Act'

1	(43 Stat. 1112; 46 U.S.C. App. 781 et seq.)" and
2	inserting "chapters 309 and 311 of title 46".
3	(10) The table of sections at the beginning of
4	chapter 137 is amended by striking the item relating
5	to section 2333 and inserting the following new
6	item: "2333. Joint policies on requirements definition, contingency program manage- ment, and contingency contracting.".
7	(11) The table of sections at the beginning of
8	chapter 141 is amended by inserting a period at the
9	end of the item relating to section 2410p.
10	(12) The table of sections at the beginning of
11	chapter 152 is amended by inserting a period at the
12	end of the item relating to section 2567.
13	(13) Section 2583(e) is amended by striking
14	"DOGS" and inserting "ANIMALS".
15	(14) Section 2668(e) is amended by striking
16	"and (d)" and inserting "and (e)".
17	(15) Section 12304(a) is amended by striking
18	the second period at the end.
19	(16) Section $14310(d)(1)$ is amended by insert-
20	ing a comma after "(a)".
21	(b) TITLE 37, UNITED STATES CODE.—Section
22	302c(d)(1) of title 37, United States Code, is amended
23	by striking "Services Corps" and inserting "Service
24	Corps".

1	(c) John Warner National Defense Author-
2	IZATION ACT FOR FISCAL YEAR 2007.—Effective as of
3	October 17, 2006, and as if included therein as enacted,
4	the John Warner National Defense Authorization Act for
5	Fiscal Year 2007 (Public Law 109–364) is amended as
6	follows:
7	(1) Section 333(a) (120 Stat. 2151) is amend-
8	ed—
9	(A) by striking "Section 332(c)" and in-
10	serting "Section 332"; and
11	(B) in paragraph (1), by inserting "in sub-
12	section (c)," after "(1)".
13	(2) Section 348(2) (120 Stat. 2159) is amended
14	by striking "60 days of" and inserting "60 days
15	after".
16	(3) Section $511(a)(2)(D)(i)$ (120 Stat. 2182) is
17	amended by inserting a comma after "title".
18	(4) Section $591(b)(1)$ (120 Stat. 2233) is
19	amended by inserting a period after "this title".
20	(5) Section $606(b)(1)(A)$ (120 Stat. 2246) is
21	amended by striking "in" and inserting "In".
22	(6) Section 670(b) (120 Stat. 2269) is amended
23	by striking "such title" and inserting "such chap-
24	ter".
25	(7) Section 673 (120 Stat. 2271) is amended—

1	(A) in subsection $(a)(1)$, by inserting "the
2	second place it appears" before "and inserting";
3	(B) in subsection $(b)(1)$ —
4	(i) by striking "Section" and inserting
5	"Subsection (a) of section"; and
6	(ii) by inserting "the second place it
7	appears" before "and inserting"; and
8	(C) in subsection $(c)(1)$, by inserting "the
9	second place it appears" before "and inserting".
10	(8) Section $842(a)(2)$ (120 Stat. 2337) is
11	amended by striking "adding at the end" and insert-
12	ing "inserting after the item relating to section
13	2533a".
14	(9) Section 1017(b)(2) (120 Stat. 2379; 10
15	U.S.C. 2631 note) is amended by striking "section
16	27" and all that follows through the period at the
17	end and inserting "sections 12112 and 50501 and
18	chapter 551 of title 46, United States Code.".
19	(10) Section 1071(f) (120 Stat. 2402) is
20	amended by striking "identical" both places it ap-
21	pears.
22	(11) Section 1231(d) (120 Stat. 2430; 22
23	U.S.C. 2776a(d)) is amended by striking "note".

1	(12) Section 2404(b)(2)(A)(ii) (120 Stat. 2459)
2	is amended by striking "2906 of such Act" and in-
3	serting "2906A of such Act".
4	(13) Section 2831 (120 Stat. 2480) is amend-
5	ed—
6	(A) by striking "Section 2667(d)" and in-
7	serting "Section 2667(e)"; and
8	(B) by inserting "as redesignated by sec-
9	tion 662(b)(1) of this Act," after "Code,".
10	(d) Public Law 109–366.—Effective as of October
11	17, 2006, and as if included therein as enacted, Public
12	Law 109–366 is amended as follows:
13	(1) Section 8(a)(3) (120 Stat. 2636) is amend-
14	ed by inserting a semicolon after "subsection".
15	(2) Section $9(1)$ (120 Stat. 2636) is amended
16	by striking "No. 1." and inserting "No. 1,".
17	(e) NATIONAL DEFENSE AUTHORIZATION ACT FOR
18	FISCAL YEAR 2006.—Effective as of January 6, 2006,
19	and as if included therein as enacted, the National De-
20	fense Authorization Act for Fiscal Year 2006 (Public Law
21	109–163) is amended as follows:
22	(1) Section 571 (119 Stat. 3270) is amended
23	by striking "931 et seq.)" and inserting "921 et
24	seq.)''.

(2) Section 1052(j) (119 Stat. 3435) is amend ed by striking "Section 1049" and inserting "Sec tion 1409".

4 (f) MILITARY COMMISSIONS ACT OF 2006.—Section
5 7 of the Military Commissions Act of 2006 (Public Law
6 109–366) is amended by striking "added by added by"
7 and inserting "added by".

8 (g) NATIONAL DEFENSE AUTHORIZATION ACT FOR
9 FISCAL YEAR 2004.—The National Defense Authoriza10 tion Act for Fiscal Year 2004 (Public Law 108–136) is
11 amended as follows:

(1) Section 706(a) (117 Stat. 1529; 10 U.S.C.
13 1076b note) is amended by striking "those pro14 gram" and inserting "those programs".

15 (2) Section 1413(a) (117 Stat. 1665; 41 U.S.C.
16 433 note) is amended by striking "(A))" and insert17 ing "(A)))".

18 (3) Section 1602(e)(3) (117 Stat. 1683; 10
19 U.S.C. 2302 note) is amended by inserting "Secu20 rity" after "Health".

(h) NATIONAL DEFENSE AUTHORIZATION ACT FOR
FISCAL YEAR 1994.—Section 845(a) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C.
2371 note) is amended—

1	(1) in paragraph (2)(A), by inserting "Re-
2	search" after "Defense Advanced"; and
3	(2) in paragraph (3), by inserting "Research"
4	after "Defense Advanced".
5	(i) NATIONAL DEFENSE AUTHORIZATION ACT FOR
6	FISCAL YEAR 1993.—Section 722(a)(1) of the National
7	Defense Authorization Act for Fiscal Year 1993 (Public
8	Law 102–484; 10 U.S.C. 1073 note) is amended by strik-
9	ing "155 Stat." and inserting "115 Stat.".
10	SEC. 1064. REPEAL OF CERTIFICATION REQUIREMENT.
11	Section 1063 of the National Defense Authorization
12	Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
13	3445) is repealed.
14	SEC. 1065. MAINTENANCE OF CAPABILITY FOR SPACE-
17	
15	BASED NUCLEAR DETECTION.
15	BASED NUCLEAR DETECTION.
15 16	BASED NUCLEAR DETECTION. The Secretary of Defense shall maintain the capa- bility for space-based nuclear detection at a level that
15 16 17	BASED NUCLEAR DETECTION. The Secretary of Defense shall maintain the capa- bility for space-based nuclear detection at a level that
15 16 17 18	BASED NUCLEAR DETECTION. The Secretary of Defense shall maintain the capa- bility for space-based nuclear detection at a level that meets or exceeds the level of capability as of the date of
15 16 17 18 19	BASED NUCLEAR DETECTION. The Secretary of Defense shall maintain the capa- bility for space-based nuclear detection at a level that meets or exceeds the level of capability as of the date of the enactment of this Act.
15 16 17 18 19 20	BASED NUCLEAR DETECTION. The Secretary of Defense shall maintain the capability for space-based nuclear detection at a level that meets or exceeds the level of capability as of the date of the enactment of this Act. SEC. 1066. SENSE OF CONGRESS REGARDING DETAINEES
15 16 17 18 19 20 21	BASED NUCLEAR DETECTION. The Secretary of Defense shall maintain the capa- bility for space-based nuclear detection at a level that meets or exceeds the level of capability as of the date of the enactment of this Act. SEC. 1066. SENSE OF CONGRESS REGARDING DETAINEES AT NAVAL STATION, GUANTANAMO BAY,
 15 16 17 18 19 20 21 22 	BASED NUCLEAR DETECTION. The Secretary of Defense shall maintain the capa- bility for space-based nuclear detection at a level that meets or exceeds the level of capability as of the date of the enactment of this Act. SEC. 1066. SENSE OF CONGRESS REGARDING DETAINEES AT NAVAL STATION, GUANTANAMO BAY, CUBA.
 15 16 17 18 19 20 21 22 23 	BASED NUCLEAR DETECTION. The Secretary of Defense shall maintain the capa- bility for space-based nuclear detection at a level that meets or exceeds the level of capability as of the date of the enactment of this Act. SEC. 1066. SENSE OF CONGRESS REGARDING DETAINEES AT NAVAL STATION, GUANTANAMO BAY, CUBA. It is the sense of Congress that—

1	the world's most dangerous men every day at Naval
2	Station, Guantanamo Bay, Cuba;
3	(2) the United States Government should urge
4	the international community, in general, and in par-
5	ticular, the home countries of the detainees who re-
6	main in detention despite having been ordered re-
7	leased by a Department of Defense administrative
8	review board, to work with the Department of De-
9	fense to facilitate and expedite the repatriation of
10	such detainees;
11	(3) detainees at Guantanamo Bay, to the max-
12	imum extent possible, should be charged and expedi-
13	tiously prosecuted for crimes committed against the
14	United States; and
15	(4) operations at Guantanamo Bay should be
16	carried out in a way that upholds the national inter-
17	est and core values of the American people.
18	SEC. 1067. A REPORT ON TRANSFERRING INDIVIDUALS DE-
19	TAINED AT NAVAL STATION, GUANTANAMO
20	BAY, CUBA.
21	(a) REPORT REQUIRED.—Not later than 60 days
22	after the date of the enactment of this Act, the Secretary
23	of Defense shall submit to the congressional defense com-
24	mittees a report that contains the Secretary's plan for
25	each individual presently detained at Naval Station, Guan-

1	tanamo Bay, Cuba, under the control of the Joint Task
2	Force Guantanamo, who is or has ever been classified as
3	an "enemy combatant" (referred to in this section as a
4	"detainee").
5	(b) CONTENTS OF REPORT.—The report required
6	under subsection (a) shall include each of the following:
7	(1) An identification of the number of detainees
8	who, as of December 31, 2007, the Department esti-
9	mates—
10	(A) will have been or will be charged with
11	one or more crimes and may, therefore, be tried
12	before a military commission;
13	(B) will be subject of an order calling for
14	the release or transfer of the detainee from the
15	Guantanamo Bay facility; or
16	(C) will not have been charged with any
17	crimes and will not be subject to an order call-
18	ing for the release or transfer of the detainee
19	from the Guantanamo Bay facility, but whom
20	the Department wishes to continue to detain.
21	(2) A description of the actions required to be
22	undertaken, by the Secretary of Defense, possibly
23	the heads of other Federal agencies, and Congress,
24	to ensure that detainees who are subject to an order

1	calling for their release or transfer from the Guanta-
2	namo Bay facility have, in fact, been released.
3	(c) FORM.—The report required by subsection (a)
4	shall be submitted in unclassified form but may contain
5	a classified annex.
6	SEC. 1068. REPEAL OF PROVISIONS IN SECTION 1076 OF
7	PUBLIC LAW 109-364 RELATING TO USE OF
8	ARMED FORCES IN MAJOR PUBLIC EMER-
9	GENCIES.
10	(a) INTERFERENCE WITH STATE AND FEDERAL
11	Laws.—
12	(1) IN GENERAL.—Section 333 of title 10,
13	United States Code, is amended to read as follows:
14	"§333. Interference with State and Federal law
15	"The President, by using the militia or the armed
16	forces, or both, or by any other means, shall take such
17	measures as he considers necessary to suppress, in a
18	State, any insurrection, domestic violence, unlawful com-
19	bination, or conspiracy, if it—
20	"(1) so hinders the execution of the laws of that
21	State, and of the United States within the State,
22	that any part or class of its people is deprived of a
23	right, privilege, immunity, or protection named in
24	the Constitution and secured by law, and the con-
25	stituted authorities of that State are unable, fail, or

1	refuse to protect that right, privilege, or immunity,
2	or to give that protection; or
3	((2) opposes or obstructs the execution of the
4	laws of the United States or impedes the course of
5	justice under those laws.
6	In any situation covered by clause (1), the State shall be
7	considered to have denied the equal protection of the laws
8	secured by the Constitution.".
9	(2) Proclamation to disperse.—Section 334
10	of such title is amended by striking "or those ob-
11	structing the enforcement of the laws" after "insur-
12	gents".
13	(3) Heading Amendment.—The heading of
14	chapter 15 of such title is amended to read as fol-
15	lows:
16	"CHAPTER 15—INSURRECTION".
17	(4) CLERICAL AMENDMENTS.—
18	(A) The table of sections at the beginning
19	of chapter 15 of such title is amended by strik-
20	ing the item relating to section 333 and insert-
21	ing the following new item: "333. Interference with State and Federal law.".
22	(B) The tables of chapters at the begin-
23	ning of subtitle A of title 10, United States
24	Code, and at the beginning of part I of such
25	subtitle, are each amended by striking the item

1	relating to chapter 15 and inserting the fol-
2	lowing new item:
	"15. Insurrection
3	(b) Repeal of Section Relating to Provision
4	OF SUPPLIES, SERVICES, AND EQUIPMENT.—
5	(1) IN GENERAL.—Section 2567 of title 10,
6	United States Code, is repealed.
7	(2) CLERICAL AMENDMENT.—The table of sec-
8	tions at the beginning of chapter 152 of such title
9	is amended by striking the item relating to section
10	2567.
11	(c) Conforming Amendment.—Section 12304(c) of
12	such title is amended by striking "Except to perform" and
13	all that follows through "this section" and inserting "No
14	unit or member of a reserve component may be ordered
15	to active duty under this section to perform any of the
16	functions authorized by chapter 15 or section 12406 of
17	this title or, except as provided in subsection (b),".
18	(d) EFFECTIVE DATE.—The amendments made by
19	this section shall take effect on the date of the enactment
20	of this Act.
21	SEC. 1069. STANDARDS REQUIRED FOR ENTRY TO MILI-
22	TARY INSTALLATIONS IN UNITED STATES.
23	(a) Development of Standards.—
24	(1) Access standards for visitors.—The
25	Secretary of Defense shall develop access standards
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1	applicable to all military installations in the United
2	States. The standards shall require screening stand-
3	ards appropriate to the type of installation involved,
4	the security level, category of individuals authorized
5	to visit the installation, and level of access to be
6	granted, including—
7	(A) protocols to determine the fitness of
8	the individual to enter an installation; and
9	(B) standards and methods for verifying
10	the identity of the individual.
11	(2) Additional Criteria.—The standards re-
12	quired under paragraph (1) may—
13	(A) provide for expedited access to a mili-
14	tary installation for Department of Defense
15	personnel and employees and family members of
16	personnel who reside on the installation;
17	(B) provide for closer scrutiny of cat-
18	egories of individuals determined by the Sec-
19	retary of Defense to pose a higher potential se-
20	curity risk; and
21	(C) in the case of an installation that the
22	Secretary determines contains particularly sen-
23	sitive facilities, provide additional screening re-
24	quirements, as well as physical and other secu-
25	rity measures for the installation.

1 (b) USE OF TECHNOLOGY.—The Secretary of De-2 fense is encouraged to procure and field existing identi-3 fication screening technology and to develop additional 4 technology only to the extent necessary to assist com-5 manders of military installations in implementing the 6 standards developed under this section at points of entry 7 for such installations.

8 (c) DEADLINES.—

9 (1) DEVELOPMENT AND IMPLEMENTATION.— 10 The Secretary of Defense shall develop the stand-11 ards required under this section by not later than 12 July 1, 2008, and implement such standards by not 13 later than January 1, 2009.

14 (2) SUBMISSION TO CONGRESS.—Not later than
15 August 1, 2009, the Secretary shall submit to the
16 Committees on Armed Services of the Senate and
17 House of Representatives the standards implemented
18 pursuant to paragraph (1).

19 SEC. 1070. REVISED NUCLEAR POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—
21 In order to clarify United States nuclear deterrence policy
22 and strategy for the near term, the Secretary of Defense
23 shall conduct a comprehensive review of the nuclear pos24 ture of the United States for the next 5 to 10 years. The

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1	Secretary shall conduct the review in consultation with the
2	Secretary of Energy and the Secretary of State.
3	(b) ELEMENTS OF REVIEW.—The nuclear posture re-
4	view shall include the following elements:
5	(1) The role of nuclear forces in United States
6	military strategy, planning, and programming.
7	(2) The policy requirements and objectives for
8	the United States to maintain a safe, reliable, and
9	credible nuclear deterrence posture.
10	(3) The relationship among United States nu-
11	clear deterrence policy, targeting strategy, and arms
12	control objectives.
13	(4) The role that missile defense capabilities
14	and conventional strike forces play in determining
15	the role and size of nuclear forces.
16	(5) The levels and composition of the nuclear
17	delivery systems that will be required for imple-
18	menting the United States national and military
19	strategy, including any plans for replacing or modi-
20	fying existing systems.
21	(6) The nuclear weapons complex that will be
22	required for implementing the United States na-
23	tional and military strategy, including any plans to
24	modernize or modify the complex.

1 (7) The active and inactive nuclear weapons 2 stockpile that will be required for implementing the 3 United States national and military strategy, includ-4 ing any plans for replacing or modifying warheads. 5 (c) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress, in unclassified and classi-6 7 fied forms as necessary, a report on the results of the nu-8 clear posture review conducted under this section. The re-9 port shall be submitted concurrently with the quadrennial 10 defense review required to be submitted under section 118 of title 10, United States Code, in 2009. 11

(d) SENSE OF CONGRESS.—It is the sense of Congress that the nuclear posture review conducted under this
section should be used as a basis for establishing future
United States arms control objectives and negotiating positions.

17 SEC. 1071. TERMINATION OF COMMISSION ON THE IMPLE-

18 MENTATION OF THE NEW STRATEGIC POS19 TURE OF THE UNITED STATES.

20 Section 1051 of the National Defense Authorization
21 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
22 3431) is repealed.

23 SEC. 1072. SECURITY CLEARANCES; LIMITATIONS.

(a) IN GENERAL.—Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C.

435b) is amended by adding at the end the following new
 section:
 "SEC. 3002. SECURITY CLEARANCES; LIMITATIONS. "(a) DEFINITIONS.—In this section:
 "(1) CONTROLLED SUBSTANCE.—The term

6 'controlled substance' has the meaning given that
7 term in section 102 of the Controlled Substances
8 Act (21 U.S.C. 802).

9 "(2) COVERED PERSON.—The term 'covered 10 person' means—

11 "(A) an officer or employee of a Federal
12 agency;

13 "(B) a member of the Army, Navy, Air
14 Force, or Marine Corps who is on active duty
15 or is in an active status; and

16 "(C) an officer or employee of a contractor17 of a Federal agency.

18 "(3) RESTRICTED DATA.—The term 'Restricted
19 Data' has the meaning given that term in section 11
20 of the Atomic Energy Act of 1954 (42 U.S.C.
21 2014).

"(4) SPECIAL ACCESS PROGRAM.—The term
"special access program' has the meaning given that
term in section 4.1 of Executive Order No. 12958
(60 Fed. Reg. 19825).

"(b) PROHIBITION.—After January 1, 2008, the
 head of a Federal agency may not grant or renew a secu rity clearance for a covered person who is an unlawful user
 of a controlled substance or an addict (as defined in sec tion 102(1) of the Controlled Substances Act (21 U.S.C.
 802)).

7 "(c) DISQUALIFICATION.—

8 "(1) IN GENERAL.—After January 1, 2008, ab-9 sent an express written waiver granted in accordance 10 with paragraph (2), the head of a Federal agency 11 may not grant or renew a security clearance de-12 scribed in paragraph (3) for a covered person who— 13 "(A) has been convicted in any court of the 14 United States of a crime, was sentenced to im-15 prisonment for a term exceeding 1 year, and 16 was incarcerated as a result of that sentence for 17 not less than 1 year; 18 "(B) has been discharged or dismissed

18 (B) has been discharged or dismissed
19 from the Armed Forces under dishonorable con20 ditions; or

21 "(C) is mentally incompetent, as deter22 mined by an adjudicating authority, based on
23 an evaluation by a duly qualified mental health
24 professional employed by, or acceptable to and
25 approved by, the United States Government

1	and in accordance with the adjudicative guide-
2	lines required by subsection (d).
3	"(2) WAIVER AUTHORITY.—In a meritorious
4	case, an exception to the disqualification in this sub-
5	section may be authorized if there are mitigating
6	factors. Any such waiver may be authorized only in
7	accordance with—
8	"(A) standards and procedures prescribed
9	by, or under the authority of, an Executive
10	order or other guidance issued by the President;
11	or
12	"(B) the adjudicative guidelines required
13	by subsection (d).
14	"(3) COVERED SECURITY CLEARANCES.—This
15	subsection applies to security clearances that provide
16	for access to—
17	"(A) special access programs;
18	"(B) Restricted Data; or
19	"(C) any other information commonly re-
20	ferred to as 'sensitive compartmented informa-
21	tion'.
22	"(4) ANNUAL REPORT.—
23	"(A) REQUIREMENT FOR REPORT.—Not
24	later than February 1 of each year, the head of
25	a Federal agency shall submit a report to the

1	appropriate committees of Congress if such
2	agency employs or employed a person for whom
3	a waiver was granted in accordance with para-
4	graph (2) during the preceding year. Such an-
5	nual report shall not reveal the identity of such
6	person, but shall include for each waiver issued
7	the disqualifying factor under paragraph (1)
8	and the reasons for the waiver of the disquali-
9	fying factor.
10	"(B) DEFINITIONS.—In this paragraph:
11	"(i) Appropriate committees of
12	CONGRESS.—The term 'appropriate com-
13	mittees of Congress' means, with respect
14	to a report submitted under subparagraph
15	(A) by the head of a Federal agency—
16	"(I) the congressional defense
17	committees;
18	"(II) the congressional intel-
19	ligence committees;
20	"(III) the Committee on Home-
21	land Security and Governmental Af-
22	fairs of the Senate;
23	"(IV) the Committee on Over-
24	sight and Government Reform of the
25	House of Representatives; and

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"(V) each Committee of the Sen-
ate or the House of Representatives
with oversight authority over such
Federal agency.
"(ii) Congressional defense com-
MITTEES.—The term 'congressional de-
fense committees' has the meaning given
that term in section $101(a)(16)$ of title 10,
United States Code.
"(iii) Congressional intelligence
COMMITTEES.—The term 'congressional in-
telligence committees' has the meaning
given that term in section 3 of the Na-
tional Security Act of 1947 (50 U.S.C.
401a).
"(d) Adjudicative Guidelines.—
"(1) REQUIREMENT TO ESTABLISH.—The
President shall establish adjudicative guidelines for
determining eligibility for access to classified infor-
mation.
"(2) Requirements related to mental
HEALTH.—The guidelines required by paragraph (1)
shall—
"(A) include procedures and standards
under which a covered person is determined to

1	be mentally incompetent and provide a means
2	to appeal such a determination; and
3	"(B) require that no negative inference
4	concerning the standards in the guidelines may
5	be raised solely on the basis of seeking mental
6	health counseling.".
7	(b) Conforming Amendments.—
8	(1) REPEAL.—Section 986 of title 10, United
9	States Code, is repealed.
10	(2) CLERICAL AMENDMENT.—The table of sec-
11	tions at the beginning of chapter 49 of such title is
12	amended by striking the item relating to section
13	986.
14	(3) EFFECTIVE DATE.—The amendments made
15	by this subsection shall take effect on January 1,
16	2008.
17	SEC. 1073. IMPROVEMENTS IN THE PROCESS FOR THE
18	ISSUANCE OF SECURITY CLEARANCES.
19	(a) DEMONSTRATION PROJECT.—Not later than 6
20	months after the date of the enactment of this Act, the
21	Secretary of Defense and the Director of National Intel-
22	ligence shall implement a demonstration project that ap-
23	plies new and innovative approaches to improve the proc-
24	

1 (b) EVALUATION.—Not later than 1 year after the 2 date of the enactment of this Act, the Secretary of Defense 3 and the Director of National Intelligence shall carry out 4 an evaluation of the process for issuing security clearances 5 and develop a specific plan and schedule for replacing such 6 process with an improved process.

7 (c) REPORT.—Not later than 30 days after the date
8 of the completion of the evaluation required by subsection
9 (b), the Secretary of Defense and the Director of National
10 Intelligence shall submit to Congress a report on—

(1) the results of the demonstration project carried out pursuant to subsection (a);

13 (2) the results of the evaluation carried out14 under subsection (b); and

(3) the recommended specific plan and schedule
for replacing the existing process for issuing security
clearances with an improved process.

18 SEC. 1074. PROTECTION OF CERTAIN INDIVIDUALS.

(a) PROTECTION FOR DEPARTMENT LEADERSHIP.—
The Secretary of Defense, under regulations prescribed by
the Secretary and in accordance with guidelines approved
by the Secretary and the Attorney General, may authorize
qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide
physical protection and personal security within the

1	United States to the following persons who, by nature of
2	their positions, require continuous security and protection:
3	(1) Secretary of Defense.
4	(2) Deputy Secretary of Defense.
5	(3) Chairman of the Joint Chiefs of Staff.
6	(4) Vice Chairman of the Joint Chiefs of Staff.
7	(5) Secretaries of the military departments.
8	(6) Chiefs of the Services.
9	(7) Commanders of combatant commands.
10	(b) PROTECTION FOR ADDITIONAL PERSONNEL.—
11	(1) AUTHORITY TO PROVIDE.—The Secretary of
12	Defense, under regulations prescribed by the Sec-
13	retary and in accordance with guidelines approved
14	by the Secretary and the Attorney General, may au-
15	thorize qualified members of the Armed Forces and
16	qualified civilian employees of the Department of
17	Defense to provide physical protection and personal
18	security within the United States to individuals
19	other than individuals described in paragraphs (1)
20	through (7) of subsection (a) if the Secretary deter-
21	mines that such protection and security are nec-
22	essary because—
23	(A) there is an imminent and credible
24	threat to the safety of the individual for whom
25	protection is to be provided; or

1	(B) compelling operational considerations
2	make such protection essential to the conduct of
3	official Department of Defense business.
4	(2) PERSONNEL.—Individuals authorized to re-
5	ceive physical protection and personal security under
6	this subsection include the following:
7	(A) Any official, military member, or em-
8	ployee of the Department of Defense.
9	(B) A former or retired official who faces
10	serious and credible threats arising from duties
11	performed while employed by the Department
12	for a period of up to two years beginning on the
13	date on which the official separates from the
14	Department.
15	(C) A head of a foreign state, an official
16	representative of a foreign government, or any
17	other distinguished foreign visitor to the United
18	States who is primarily conducting official busi-
19	ness with the Department of Defense.
20	(D) Any member of the immediate family
21	of a person authorized to receive physical pro-
22	tection and personal security under this section.
23	(E) An individual who has been designated
24	by the President, and who has received the ad-
25	vice and consent of the Senate, to serve as Sec-

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1	retary of Defense, but who has not yet been ap-
2	pointed as Secretary of Defense.
3	(3) LIMITATION ON DELEGATION.—The author-
4	ity of the Secretary of Defense to authorize the pro-
5	vision of physical protection and personal security
6	under this subsection may be delegated only to the
7	Deputy Secretary of Defense.
8	(4) Requirement for written determina-
9	TION.—A determination of the Secretary of Defense
10	to provide physical protection and personal security
11	under this subsection shall be in writing, shall be
12	based on a threat assessment by an appropriate law
13	enforcement, security, or intelligence organization,
14	and shall include the name and title of the officer,
15	employee, or other individual affected, the reason for
16	such determination, the duration of the authorized
17	protection and security for such officer, employee, or
18	individual, and the nature of the arrangements for
19	the protection and security.
20	(5) DURATION OF PROTECTION.—
21	(A) INITIAL PERIOD OF PROTECTION.—
22	After making a written determination under
23	paragraph (4), the Secretary of Defense may
24	provide protection and security to an individual

under this subsection for an initial period of not more than 90 calendar days.

(B) SUBSEQUENT PERIOD.—If, at the end 3 4 of the period that protection and security is 5 provided to an individual under subsection (A), 6 the Secretary determines that a condition de-7 scribed in subparagraph (A) or (B) of para-8 graph (1) continues to exist with respect to the 9 individual, the Secretary may extend the period 10 that such protection and security is provided for 11 additional 60-day periods. The Secretary shall 12 review such a determination at the end of each 13 60-day period to determine whether to continue 14 to provide such protection and security.

15 (C) REQUIREMENT FOR COMPLIANCE WITH
16 REGULATIONS.—Protection and personal secu17 rity provided under subparagraph (B) shall be
18 provided in accordance with the regulations and
19 guidelines referred to in paragraph (1).

20 (6) SUBMISSION TO CONGRESS.—

21 (A) IN GENERAL.—The Secretary of De22 fense shall submit to the congressional defense
23 committees each determination made under
24 paragraph (4) to provide protection and secu25 rity to an individual and of each determination

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1	under paragraph $(5)(B)$ to extend such protec-
2	tion and security, together with the justification
3	for such determination, not later than 15 days
4	after the date on which the determination is
5	made.
6	(B) FORM OF REPORT.—A report sub-
7	mitted under subparagraph (A) may be made in
8	classified form.
9	(C) REGULATIONS AND GUIDELINES.—The
10	Secretary of Defense shall submit to the con-
11	gressional defense committees the regulations
12	and guidelines prescribed pursuant to para-
13	graph (1) not less than 20 days before the date
14	on which such regulations take effect.
15	(c) DEFINITIONS.—In this section:
16	(1) Congressional defense committees.—
17	The term "congressional defense committees" means
18	the Committee on Appropriations and the Com-
19	mittee on Armed Services of the Senate and the
20	Committee on Appropriations and the Committee on
21	Armed Services of the House of Representatives.
22	(2) QUALIFIED MEMBERS OF THE ARMED
23	FORCES AND QUALIFIED CIVILIAN EMPLOYEES OF
24	THE DEPARTMENT OF DEFENSE.—The terms "quali-
25	fied members of the Armed Forces" and "qualified

1	civilian employees of the Department of Defense"
2	refer collectively to members or employees who are
3	assigned to investigative, law enforcement, or secu-
4	rity duties of any of the following:
5	(A) The Army Criminal Investigation Com-
6	mand.
7	(B) The Naval Criminal Investigative Serv-
8	ice.
9	(C) The Air Force Office of Special Inves-
10	tigations.
11	(D) The Defense Criminal Investigative
12	Service.
13	(E) The Pentagon Force Protection Agen-
14	cy.
15	(d) CONSTRUCTION.—
16	(1) NO ADDITIONAL LAW ENFORCEMENT OR
17	ARREST AUTHORITY.—Other than the authority to
18	provide protection and security under this section,
19	nothing in this section may be construed to bestow
20	any additional law enforcement or arrest authority
21	upon the qualified members of the Armed Forces
22	and qualified civilian employees of the Department
23	of Defense.

(2) POSSE COMITATUS.—Nothing in this section
 shall be construed to abridge section 1385 of title
 18, United States Code.

4 (3) AUTHORITIES OF OTHER DEPARTMENTS.— 5 Nothing in this section may be construed to preclude 6 or limit, in any way, the express or implied powers 7 of the Secretary of Defense or other Department of 8 Defense officials, or the duties and authorities of the 9 Secretary of State, the Director of the United States 10 Secret Service, the Director of the United States 11 Marshals Service, or any other Federal law enforce-12 ment agency.

13 SEC. 1075. MODIFICATION OF AUTHORITIES ON COMMIS-14SION TO ASSESS THE THREAT TO THE15UNITED STATES FROM ELECTROMAGNETIC16PULSE ATTACK.

(a) EXTENSION OF DATE OF SUBMITTAL OF FINAL
REPORT.—Section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as
enacted into law by Public Law 106–398; 50 U.S.C. 2301
note) is amended by striking "June 30, 2007" and inserting "November 30, 2008".

23 (b) COORDINATION OF WORK WITH DEPARTMENT24 OF HOMELAND SECURITY.—Section 1404 of such Act is

1 amended by adding at the end the following new sub-2 section:

"(c) COORDINATION WITH DEPARTMENT OF HOMELAND SECURITY.—The Commission and the Secretary of
Homeland Security shall jointly ensure that the work of
the Commission with respect to electromagnetic pulse attack on electricity infrastructure, and protection against
such attack, is coordinated with Department of Homeland
Security efforts on such matters.".

10 (c) LIMITATION ON DEPARTMENT OF DEFENSE FUNDING.—The aggregate amount of funds provided by 11 the Department of Defense to the Commission to Assess 12 13 the Threat to the United States from Electromagnetic Pulse Attack for purposes of the preparation and sub-14 15 mittal of the final report required by section 1403(a) of the Floyd D. Spence National Defense Authorization Act 16 17 for Fiscal Year 2001 (as amended by subsection (a)), whether by transfer or otherwise and including funds pro-18 vided the Commission before the date of the enactment 19 20 of this Act, shall not exceed \$5,600,000.

21 SEC. 1076. SENSE OF CONGRESS ON SMALL BUSINESS INNO-

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VATION RESEARCH PROGRAM.

23 It is the sense of Congress that—

24 (1) the Department of Defense's Small Busi-25 ness Innovation Research program has been effective

1	in supporting the performance of the missions of the
2	Department of Defense, by stimulating technological
3	innovation through investments in small business re-
4	search activities;
5	(2) the Department of Defense's Small Busi-
6	ness Innovation Research program has transitioned
7	a number of technologies and systems into oper-
8	ational use by warfighters; and
9	(3) the Department of Defense's Small Busi-
10	ness Innovation Research program should be reau-
11	thorized so as to ensure that the program's activities
12	can continue seamlessly, efficiently, and effectively.
13	SEC. 1077. REVISION OF PROFICIENCY FLYING DEFINITION.
14	Subsection (c) of section 2245 of title 10, United
15	States Code, is amended to read as follows:
16	"(c) In this section, the term 'proficiency flying'
17	means flying performed under competent orders by a rated
18	or designated member of the armed forces while serving
19	in a non-aviation assignment or in an assignment in which
20	skills would normally not be maintained in the perform-
21	ance of assigned duties.".

1SEC. 1078. QUALIFICATIONS FOR PUBLIC AIRCRAFT STA-2TUS OF AIRCRAFT UNDER CONTRACT WITH3THE ARMED FORCES.

4 (a) DEFINITION OF PUBLIC AIRCRAFT.—Section
5 40102(a)(41)(E) of title 49, United States Code, is
6 amended—

7 (1) by inserting "or other commercial air serv8 ice" after "transportation"; and

9 (2) by adding at the end the following: "In the 10 preceding sentence, the term 'other commercial air 11 service' means an aircraft operation that (i) is with-12 in the United States territorial airspace; (ii) the Ad-13 ministrator of the Federal Aviation Administration 14 determines is available for compensation or hire to 15 the public, and (iii) must comply with all applicable civil aircraft rules under title 14, Code of Federal 16 17 Regulations.".

(b) AIRCRAFT OPERATED BY THE ARMED FORCES.—
Section 40125(c)(1)(C) of such title is amended by inserting "or other commercial air service" after "transportation".

22 (c) Conforming Amendments.—

23 (1) Section 40125(b) of such title is amended
24 by striking "40102(a)(37)" and inserting
25 "40102(a)(41)".

(2) Section 40125(c)(1) of such title is amend ed by striking "40102(a)(37)(E)" and inserting
 "40102(a)(41)(E)".

4 SEC. 1079. COMMUNICATIONS WITH THE COMMITTEES ON 5 ARMED SERVICES OF THE SENATE AND THE 6 HOUSE OF REPRESENTATIVES.

7 (a) REQUESTS OF COMMITTEES.—The Director of 8 the National Counterterrorism Center, the Director of a 9 national intelligence center, or the head of any element 10 of the intelligence community shall, not later than 45 days after receiving a written request from the Chair or ranking 11 12 minority member of the Committee on Armed Services of the Senate or the Committee on Armed Services of the 13 House of Representatives for any existing intelligence as-14 15 sessment, report, estimate, or legal opinion relating to matters within the jurisdiction of such Committee, make 16 available to such committee such assessment, report, esti-17 18 mate, or legal opinion, as the case may be.

19 (b) Assertion of Privilege.—

(1) IN GENERAL.—In response to a request covered by subsection (a), the Director of the National
Counterterrorism Center, the Director of a national
intelligence center, or the head of any element of the
intelligence community shall provide to the Committee making such request the document or infor-

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1	mation covered by such request unless the President
2	determines that such document or information shall
3	not be provided because the President is asserting a
4	privilege pursuant to the Constitution of the United
5	States.
6	(2) SUBMISSION TO CONGRESS.—The White
7	House Counsel shall submit to Congress in writing
8	any assertion by the President under paragraph (1)
9	of a privilege pursuant to the Constitution.
10	(c) DEFINITIONS.—In this section:
11	(1) INTELLIGENCE COMMUNITY.—The term
12	"intelligence community" has the meaning given the
13	term in section $3(4)$ of the National Security Act of
14	1947 (50 U.S.C. 401a(4)).
15	(2) INTELLIGENCE ASSESSMENT.—The term
16	"intelligence assessment" means an intelligence-re-
17	lated analytical study of a subject of policy signifi-
18	cance and does not include building-block papers, re-
19	search projects, and reference aids.
20	(3) INTELLIGENCE ESTIMATE.—The term "in-
21	telligence estimate" means an appraisal of available
22	intelligence relating to a specific situation or condi-
23	tion with a view to determining the courses of action
24	open to an enemy or potential enemy and the prob-
25	able order of adoption of such courses of action.

1 SEC. 1080. RETENTION OF REIMBURSEMENT FOR PROVI-2 SION OF RECIPROCAL FIRE PROTECTION 3 SERVICES. 4 Section 5 of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d) is amended— 5 (1) by striking "Funds" and inserting "(a) 6 7 Funds"; and 8 (2) by adding at the end the following new sub-9 section: 10 "(b) Notwithstanding the provisions of subsection 11 (a), all sums received for any Department of Defense ac-12 tivity for fire protection rendered pursuant to this Act 13 shall be credited to the appropriation fund or account from which the expenses were paid. Amounts so credited shall 14 be merged with funds in such appropriation fund or ac-15 count and shall be available for the same purposes and 16 subject to the same limitations as the funds with which 17 18 the funds are merged.".

19SEC. 1081. PILOT PROGRAM ON COMMERCIAL FEE-FOR-20SERVICE AIR REFUELING SUPPORT FOR THE21AIR FORCE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of
the Air Force shall conduct, as soon as practicable after
the date of the enactment of this Act, a pilot program
to assess the feasibility and advisability of utilizing commercial fee-for-service air refueling tanker aircraft for Air

Force operations. The duration of the pilot program shall
 be at least five years after commencement of the program.
 (b) PURPOSE.—

4 (1) IN GENERAL.—The pilot program required
5 by subsection (a) shall evaluate the feasibility of fee6 for-service air refueling to support, augment, or en7 hance the air refueling mission of the Air Force by
8 utilizing commercial air refueling providers on a fee9 for-service basis.

10 (2) ELEMENTS.—In order to achieve the pur11 pose of the pilot program, the Secretary of the Air
12 Force shall—

(A) demonstrate and validate a comprehensive strategy for air refueling on a fee-for-service basis by evaluating all mission areas, including testing support, training support to receiving aircraft, homeland defense support, deployment support, air bridge support, aeromedical
evacuation, and emergency air refueling; and

20 (B) integrate fee-for-service air refueling
21 described in paragraph (1) into Air Mobility
22 Command operations during the evaluation and
23 execution phases of the pilot program.

24 (c) ANNUAL REPORT.—The Secretary of the Air25 Force shall provide to the congressional defense commit-

1	tees an annual report on the fee-for-service air refueling
2	program, which includes—
3	(1) information with respect to—
4	(A) missions flown;
5	(B) mission areas supported;
6	(C) aircraft number, type, model series
7	supported;
8	(D) fuel dispensed;
9	(E) departure reliability rates; and
10	(F) the annual and cumulative cost to the
11	Government for the program, including a com-
12	parison of costs of the same service provided by
13	the Air Force;
14	(2) an assessment of the impact of outsourcing
15	air refueling on the Air Force's flying hour program
16	and aircrew training; and
17	(3) any other data that the Secretary deter-
18	mines is appropriate for evaluating the performance
19	of the commercial air refueling providers partici-
20	pating in the pilot program.
21	(d) Comptroller General Review.—The Comp-
22	troller General shall submit to the congressional defense
23	committees—
24	(1) an annual review of the conduct of the pilot
25	program under this section and any recommenda-

tions of the Comptroller General for improving the
 program; and

3 (2) not later than 90 days after the completion
4 of the pilot program, a final assessment of the re5 sults of the pilot program and the recommendations
6 of the Comptroller General for whether the Sec7 retary of the Air Force should continue to utilize
8 fee-for-service air refueling.

9 SEC. 1082. ADVISORY PANEL ON DEPARTMENT OF DEFENSE
10 CAPABILITIES FOR SUPPORT OF CIVIL AU11 THORITIES AFTER CERTAIN INCIDENTS.

(a) IN GENERAL.—The Secretary of Defense shall establish an advisory panel to carry out an assessment of
the capabilities of the Department of Defense to provide
support to United States civil authorities in the event of
a chemical, biological, radiological, nuclear, or high-yield
explosive (CBRNE) incident.

18 (b) PANEL MATTERS.—

(1) IN GENERAL.—The advisory panel required
by subsection (a) shall consist of individuals appointed by the Secretary of Defense (in consultation
with the chairmen and ranking members of the
Committees on Armed Services of the Senate and
the House of Representatives) from among private
citizens of the United States with expertise in the

legal, operational, and organizational aspects of the
 management of the consequences of a chemical, bio logical, radiological, nuclear, or high-yield explosive
 incident.

5 (2) DEADLINE FOR APPOINTMENT.—All mem-6 bers of the advisory panel shall be appointed under 7 this subsection not later than 30 days after the date 8 on which the Secretary enters into the contract re-9 quired by subsection (c).

10 (3) INITIAL MEETING.—The advisory panel
11 shall conduct its first meeting not later than 30 days
12 after the date that all appointments to the panel
13 have been made under this subsection.

14 (4) PROCEDURES.—The advisory panel shall 15 carry out its duties under this section under proce-16 dures established under subsection (c) by the feder-17 ally funded research and development center with 18 which the Secretary contracts under that subsection. 19 Such procedures shall include procedures for the se-20 lection of a chairman of the advisory panel from 21 among its members.

22 (c) SUPPORT OF FEDERALLY FUNDED RESEARCH
23 AND DEVELOPMENT CENTER.—

24 (1) IN GENERAL.—The Secretary of Defense25 shall enter into a contract with a federally funded

1	research and development center for the provision of
2	support and assistance to the advisory panel re-
3	quired by subsection (a) in carrying out its duties
4	under this section. Such support and assistance shall
5	include the establishment of the procedures of the
6	advisory panel under subsection (b)(4).
7	(2) Deadline for contract.—The Secretary
8	shall enter into the contract required by this sub-
9	section not later than 60 days after the date of the
10	enactment of this Act.
11	(d) DUTIES OF PANEL.—The advisory panel required
12	by subsection (a) shall—
13	(1) evaluate the authorities and capabilities of
14	the Department of Defense to conduct operations in
15	support to United States civil authorities in the
16	event of a chemical, biological, radiological, nuclear,
17	or high-yield explosive incident, including the au-
18	thorities and capabilities of the military depart-
19	ments, the Defense Agencies, the combatant com-
20	mands, any supporting commands, and the reserve
21	components of the Armed Forces (including the Na-
22	tional Guard in a Federal and non-Federal status);
23	(2) assess the adequacy of existing plans and
24	programs of the Department of Defense for training
25	and equipping dedicated, special, and general pur-

poses forces for conducting operations described in
 paragraph (1) across a broad spectrum of scenarios,
 including current National Planning Scenarios as
 applicable;

5 (3) assess policies, directives, and plans of the
6 Department of Defense in support of civilian au7 thorities in managing the consequences of a chem8 ical, biological, radiological, nuclear, or high-yield ex9 plosive incident;

10 (4) assess the adequacy of policies and struc-11 tures of the Department of Defense for coordination 12 with other department and agencies of the Federal 13 Government, especially the Department of Homeland 14 Security, the Department of Energy, the Depart-15 ment of Justice, and the Department of Health and 16 Human Services, in the provision of support de-17 scribed in paragraph (1);

18 (5) assess the adequacy and currency of infor-19 mation available to the Department of Defense, 20 whether directly or through other departments and 21 agencies of the Federal Government, from State and 22 local governments in circumstances where the De-23 partment provides support described in paragraph 24 (1) because State and local response capabilities are 25 not fully adequate for a comprehensive response;

1	(6) assess the equipment capabilities and needs
2	of the Department of Defense to provide support de-
3	scribed in paragraph (1);
4	(7) develop recommendations for modifying the
5	capabilities, plans, policies, equipment, and struc-
6	tures evaluated or assessed under this subsection in
7	order to improve the provision by the Department of
8	Defense of the support described in paragraph (1) ;
9	and
10	(8) assess and make recommendations on—
11	(A) whether there should be any additional
12	Weapons of Mass Destruction Civil Support
13	Teams, beyond the 55 already authorized and,
14	if so, how many additional Civil Support
15	Teams, and where they should be located; and
16	(B) what criteria and considerations are
17	appropriate to determine whether additional
18	Civil Support Teams are needed and, if so,
19	where they should be located.
20	(e) Cooperation of Other Agencies.—
21	(1) IN GENERAL.—The advisory panel required
22	by subsection (a) may secure directly from the De-
23	partment of Defense, the Department of Homeland
24	Security, the Department of Energy, the Depart-
25	ment of Justice, the Department of Health and

Human Services, and any other department or agen cy of the Federal Government information that the
 panel considers necessary for the panel to carry out
 its duties.

5 (2) COOPERATION.—The Secretary of Defense, 6 the Secretary of Homeland Secretary, the Secretary 7 of Energy, the Attorney General, the Secretary of 8 Health and Human Services, and any other official 9 of the United States shall provide the advisory panel 10 with full and timely cooperation in carrying out its 11 duties under this section.

(f) REPORT.—Not later than 12 months after the
date of the initial meeting of the advisory panel required
by subsection (a), the advisory panel shall submit to the
Secretary of Defense, and to the Committees on Armed
Services of the Senate and the House of Representatives,
a report on activities under this section. The report shall
set forth—

(1) the findings, conclusions, and recommendations of the advisory panel for improving the capabilities of the Department of Defense to provide support to United States civil authorities in the event
of a chemical, biological, radiological, nuclear, or
high-yield explosive incident; and

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2 ommendations for improving the capabilities of the
3 Department for homeland defense as the advisory
4 panel considers appropriate.

5 SEC. 1083. TERRORISM EXCEPTION TO IMMUNITY.

6 (a) TERRORISM EXCEPTION TO IMMUNITY.—

7 (1) IN GENERAL.—Chapter 97 of title 28,
8 United States Code, is amended by inserting after
9 section 1605 the following:

10 "§1605A. Terrorism exception to the jurisdictional 11 immunity of a foreign state

12 "(a) IN GENERAL.—

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"(1) NO IMMUNITY.—A foreign state shall not 13 14 be immune from the jurisdiction of courts of the 15 United States or of the States in any case not other-16 wise covered by this chapter in which money dam-17 ages are sought against a foreign state for personal 18 injury or death that was caused by an act of torture, 19 extrajudicial killing, aircraft sabotage, hostage tak-20 ing, or the provision of material support or resources 21 for such an act if such act or provision of material 22 support or resources is engaged in by an official, 23 employee, or agent of such foreign state while acting 24 within the scope of his or her office, employment, or 25 agency.

1 "(2) CLAIM HEARD.—The court shall hear a 2 claim under this section if—

((A)(i)(I)) the foreign state was designated 3 4 as a state sponsor of terrorism at the time the 5 act described in paragraph (1) occurred, or was 6 so designated as a result of such act, and, sub-7 ject to subclause (II), either remains so des-8 ignated when the claim is filed under this sec-9 tion or was so designated within the 6-month 10 period before the claim is filed under this sec-11 tion; or

12 "(II) in the case of an action that is refiled 13 this section by reason of section under 14 1083(c)(2)(A) of the National Defense Author-15 ization Act for Fiscal Year 2008 or is filed 16 under this section by reason of section 17 1083(c)(3) of that Act, the foreign state was 18 designated as a state sponsor of terrorism when 19 the original action or the related action under 20 section 1605(a)(7) (as in effect before the en-21 actment of this section) or section 589 of the 22 Foreign Operations, Export Financing, and Re-23 lated Programs Appropriations Act, 1997 (as 24 contained in section 101(c) of division A of 25 Public Law 104–208) was filed;

1	"(ii) the claimant or the victim was, at the
2	time the act described in paragraph (1) oc-
3	curred—
4	"(I) a national of the United States;
5	"(II) a member of the armed forces;
6	or
7	"(III) otherwise an employee of the
8	Government of the United States, or of an
9	individual performing a contract awarded
10	by the United States Government, acting
11	within the scope of the employee's employ-
12	ment; and
13	"(iii) in a case in which the act occurred
14	in the foreign state against which the claim has
15	been brought, the claimant has afforded the
16	foreign state a reasonable opportunity to arbi-
17	trate the claim in accordance with the accepted
18	international rules of arbitration; or
19	"(B) the act described in paragraph (1) is
20	related to Case Number 1:00CV03110 (EGS)
21	in the United States District Court for the Dis-
22	trict of Columbia.
23	"(b) LIMITATIONS.—An action may be brought or
24	maintained under this section if the action is commenced,
25	or a related action was commenced under section

1 1605(a)(7) (before the date of the enactment of this sec 2 tion) or section 589 of the Foreign Operations, Export Fi 3 nancing, and Related Programs Appropriations Act, 1997
 4 (as contained in section 101(c) of division A of Public Law
 5 104–208) not later than the latter of—

6 "(1) 10 years after April 24, 1996; or

7 "(2) 10 years after the date on which the cause8 of action arose.

9 "(c) PRIVATE RIGHT OF ACTION.—A foreign state 10 that is or was a state sponsor of terrorism as described 11 in subsection (a)(2)(A)(i), and any official, employee, or 12 agent of that foreign state while acting within the scope 13 of his or her office, employment, or agency, shall be liable 14 to—

15 "(1) a national of the United States,

16 "(2) a member of the armed forces,

"(3) an employee of the Government of the
United States, or of an individual performing a contract awarded by the United States Government,
acting within the scope of the employee's employment, or

22 "(4) the legal representative of a person de23 scribed in paragraph (1), (2), or (3),

for personal injury or death caused by acts described insubsection (a)(1) of that foreign state, or of an official,

employee, or agent of that foreign state, for which the
 courts of the United States may maintain jurisdiction
 under this section for money damages. In any such action,
 damages may include economic damages, solatium, pain
 and suffering, and punitive damages. In any such action,
 a foreign state shall be vicariously liable for the acts of
 its officials, employees, or agents.

8 "(d) ADDITIONAL DAMAGES.—After an action has 9 been brought under subsection (c), actions may also be 10 brought for reasonably foreseeable property loss, whether 11 insured or uninsured, third party liability, and loss claims 12 under life and property insurance policies, by reason of 13 the same acts on which the action under subsection (c) 14 is based.

15 "(e) Special Masters.—

16 "(1) IN GENERAL.—The courts of the United
17 States may appoint special masters to hear damage
18 claims brought under this section.

"(2) TRANSFER OF FUNDS.—The Attorney
General shall transfer, from funds available for the
program under section 1404C of the Victims of
Crime Act of 1984 (42 U.S.C. 10603c), to the Administrator of the United States district court in
which any case is pending which has been brought
or maintained under this section such funds as may

be required to cover the costs of special masters appointed under paragraph (1). Any amount paid in
 compensation to any such special master shall constitute an item of court costs.

5 "(f) APPEAL.—In an action brought under this sec-6 tion, appeals from orders not conclusively ending the liti-7 gation may only be taken pursuant to section 1292(b) of 8 this title.

9 "(g) PROPERTY DISPOSITION.—

"(1) IN GENERAL.—In every action filed in a 10 11 United States district court in which jurisdiction is 12 alleged under this section, the filing of a notice of 13 pending action pursuant to this section, to which is 14 attached a copy of the complaint filed in the action, 15 shall have the effect of establishing a lien of lis 16 pendens upon any real property or tangible personal 17 property that is—

18 "(A) subject to attachment in aid of execu19 tion, or execution, under section 1610;

20 "(B) located within that judicial district;21 and

"(C) titled in the name of any defendant,
or titled in the name of any entity controlled by
any defendant if such notice contains a statement listing such controlled entity.

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1	"(2) NOTICE.—A notice of pending action pur-
2	suant to this section shall be filed by the clerk of the
3	district court in the same manner as any pending
4	action and shall be indexed by listing as defendants
5	all named defendants and all entities listed as con-
6	trolled by any defendant.
7	"(3) Enforceability.—Liens established by
8	reason of this subsection shall be enforceable as pro-
9	vided in chapter 111 of this title.
10	"(h) Definitions.—For purposes of this section—
11	((1) the term 'aircraft sabotage' has the mean-
12	ing given that term in Article 1 of the Convention
13	for the Suppression of Unlawful Acts Against the
14	Safety of Civil Aviation;
15	((2) the term 'hostage taking' has the meaning
16	given that term in Article 1 of the International
17	Convention Against the Taking of Hostages;
18	"(3) the term 'material support or resources'
19	has the meaning given that term in section 2339A
20	of title 18;
21	"(4) the term 'armed forces' has the meaning
22	given that term in section 101 of title 10;
23	"(5) the term 'national of the United States'
24	has the meaning given that term in section

101(a)(22) of the Immigration and Nationality Act
 (8 U.S.C. 1101(a)(22));

"(6) the term 'state sponsor of terrorism' 3 4 means a country the government of which the Sec-5 retary of State has determined, for purposes of sec-6 tion 6(j) of the Export Administration Act of 1979 7 (50 U.S.C. App. 2405(j)), section 620A of the For-8 eign Assistance Act of 1961 (22 U.S.C. 2371), sec-9 tion 40 of the Arms Export Control Act (22 U.S.C. 10 2780), or any other provision of law, is a govern-11 ment that has repeatedly provided support for acts 12 of international terrorism; and

"(7) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section
3 of the Torture Victim Protection Act of 1991 (28
U.S.C. 1350 note).".

17 (2) AMENDMENT TO CHAPTER ANALYSIS.—The
18 table of sections at the beginning of chapter 97 of
19 title 28, United States Code, is amended by insert20 ing after the item relating to section 1605 the fol21 lowing:
"1605A. Terrorism exception to the jurisdictional immunity of a foreign state.".

22 (b) Conforming Amendments.—

23 (1) GENERAL EXCEPTION.—Section 1605 of
24 title 28, United States Code, is amended—
25 (A) in subsection (a)—

1	(i) in paragraph (5)(B), by inserting
2	"or" after the semicolon;
3	(ii) in paragraph (6)(D), by striking
4	"; or" and inserting a period; and
5	(iii) by striking paragraph (7);
6	(B) by repealing subsections (e) and (f);
7	and
8	(C) in subsection $(g)(1)(A)$, by striking
9	", but for subsection $(a)(7)$ " and inserting "but
10	for section 1605A".
11	(2) Counterclaims.—Section 1607(a) of title
12	28, United States Code, is amended by inserting "or
13	1605A" after "1605".
14	(3) PROPERTY.—Section 1610 of title 28,
15	United States Code, is amended—
16	(A) in subsection $(a)(7)$, by striking
17	"1605(a)(7)" and inserting "1605A";
18	(B) in subsection $(b)(2)$, by striking "(5),
19	or (7) , or $1605(b)$ " and inserting "or (5) ,
20	1605(b), or 1605A'';
21	(C) in subsection (f), in paragraphs $(1)(A)$
22	and (2)(A), by inserting "(as in effect before
23	the enactment of section 1605A) or section
24	1605A'' after " $1605(a)(7)$ "; and
25	(D) by adding at the end the following:

1	"(g) PROPERTY IN CERTAIN ACTIONS.—
2	"(1) IN GENERAL.—Subject to paragraph (3),
3	the property of a foreign state against which a judg-
4	ment is entered under section 1605A, and the prop-
5	erty of an agency or instrumentality of such a state,
6	including property that is a separate juridical entity
7	or is an interest held directly or indirectly in a sepa-
8	rate juridical entity, is subject to attachment in aid
9	of execution, and execution, upon that judgment as
10	provided in this section, regardless of—
11	"(A) the level of economic control over the
12	property by the government of the foreign state;
13	"(B) whether the profits of the property go
14	to that government;
15	"(C) the degree to which officials of that
16	government manage the property or otherwise
17	control its daily affairs;
18	"(D) whether that government is the sole
19	beneficiary in interest of the property; or
20	"(E) whether establishing the property as
21	a separate entity would entitle the foreign state
22	to benefits in United States courts while avoid-
23	ing its obligations.
24	"(2) United states sovereign immunity in-
25	APPLICABLE.—Any property of a foreign state, or

1 agency or instrumentality of a foreign state, to 2 which paragraph (1) applies shall not be immune 3 from attachment in aid of execution, or execution, 4 upon a judgment entered under section 1605A be-5 cause the property is regulated by the United States 6 Government by reason of action taken against that 7 foreign state under the Trading With the Enemy 8 Act or the International Emergency Economic Pow-9 ers Act.

10 "(3) THIRD-PARTY JOINT PROPERTY HOLD-11 ERS.—Nothing in this subsection shall be construed 12 to supersede the authority of a court to prevent ap-13 propriately the impairment of an interest held by a 14 person who is not liable in the action giving rise to 15 a judgment in property subject to attachment in aid 16 of execution, or execution, upon such judgment.".

17 (4)VICTIMS \mathbf{OF} CRIME ACT.—Section 18 1404C(a)(3) of the Victims of Crime Act of 1984 19 (42 U.S.C. 10603c(a)(3)) is amended by striking 20 "December 21, 1988 with respect to which an inves-21 tigation or" and inserting "October 23, 1983, with 22 respect to which an investigation or civil or crimi-23 nal".

24 (c) Application to Pending Cases.—

1	(1) IN CENERAL The emendments made by
	(1) IN GENERAL.—The amendments made by
2	this section shall apply to any claim arising under
3	section 1605A of title 28, United States Code.
4	(2) Prior actions.—
5	(A) IN GENERAL.—With respect to any ac-
6	tion that—
7	(i) was brought under section
8	1605(a)(7) of title 28, United States Code,
9	or section 589 of the Foreign Operations,
10	Export Financing, and Related Programs
11	Appropriations Act, 1997 (as contained in
12	section 101(c) of division A of Public Law
13	104–208), before the date of the enact-
14	ment of this Act,
15	(ii) relied upon either such provision
16	as creating a cause of action,
17	(iii) has been adversely affected on the
18	grounds that either or both of these provi-
19	sions fail to create a cause of action
20	against the state, and
21	(iv) as of such date of enactment, is
22	before the courts in any form, including on
23	appeal or motion under rule 60(b) of the
24	Federal Rules of Civil Procedure,

1	that action, and any judgment in the action
2	shall, on motion made by plaintiffs to the
3	United States district court where the action
4	was initially brought, or judgment in the action
5	was initially entered, be given effect as if the
6	action had originally been filed under section
7	1605A(c) of title 28, United States Code.
8	(B) DEFENSES WAIVED.—The defenses of
9	res judicata, collateral estoppel, and limitation
10	period are waived—
11	(i) in any action with respect to which
12	a motion is made under subparagraph (A),
13	OF
14	(ii) in any action that was originally
15	brought, before the date of the enactment
16	of this Act, under section $1605(a)(7)$ of
17	title 28, United States Code, or section
18	589 of the Foreign Operations, Export Fi-
19	nancing, and Related Programs Appropria-
20	tions Act, 1997 (as contained in section
21	101(c) of division A of Public Law 104-
21 22	101(c) of division A of Public Law 104– 208), and is refiled under section 1605A(c)
22	208), and is refiled under section 1605A(c)

1	(C) TIME LIMITATIONS.—A motion may be
2	made or an action may be refiled under sub-
3	paragraph (A) only—
4	(i) if the original action was com-
5	menced not later than the latter of—
6	(I) 10 years after April 24, 1996;
7	Oľ
8	(II) 10 years after the cause of
9	action arose; and
10	(ii) within the 60-day period begin-
11	ning on the date of the enactment of this
12	Act.
13	(3) Related actions.—If an action arising
14	out of an act or incident has been timely commenced
15	under section 1605(a)(7) of title 28, United States
16	Code, or section 589 of the Foreign Operations, Ex-
17	port Financing, and Related Programs Appropria-
18	tions Act, 1997 (as contained in section 101(c) of
19	division A of Public Law 104–208), any other action
20	arising out of the same act or incident may be
21	brought under section 1605A of title 28, United
22	States Code, if the action is commenced not later
23	than the latter of 60 days after—
24	(A) the date of the entry of judgment in
25	the original action; or

1	(B) the date of the enactment of this Act.
2	(4) Preserving the jurisdiction of the
3	COURTS.—Nothing in section 1503 of the Emer-
4	gency Wartime Supplemental Appropriations Act,
5	2003 (Public Law 108–11, 117 Stat. 579) has ever
6	authorized, directly or indirectly, the making inappli-
7	cable of any provision of chapter 97 of title 28,
8	United States Code, or the removal of the jurisdic-
9	tion of any court of the United States.
10	(d) Applicability to Iraq.—
11	(1) Applicability.—The President may waive
12	any provision of this section with respect to Iraq, in-
13	sofar as that provision may, in the President's deter-
14	mination, affect Iraq or any agency or instrumen-
15	tality thereof, if the President determines that—
16	(A) the waiver is in the national security
17	interest of the United States;
18	(B) the waiver will promote the reconstruc-
19	tion of, the consolidation of democracy in, and
20	the relations of the United States with, Iraq;
21	and
22	(C) Iraq continues to be a reliable ally of
23	the United States and partner in combating
24	acts of international terrorism.

1	(2) TEMPORAL SCOPE.—The authority under
2	paragraph (1) shall apply—
3	(A) with respect to any conduct or event
4	occurring before or on the date of the enact-
5	ment of this Act;
6	(B) with respect to any conduct or event
7	occurring before or on the date of the exercise
8	of that authority; and
9	(C) regardless of whether, or the extent to
10	which, the exercise of that authority affects any
11	action filed before, on, or after the date of the
12	exercise of that authority or of the enactment
13	of this Act.
14	(3) NOTIFICATION TO CONGRESS.—A waiver by
15	the President under paragraph (1) shall cease to be
16	effective 30 days after it is made unless the Presi-
17	dent has notified Congress in writing of the basis for
18	the waiver as determined by the President under
19	paragraph (1).
20	(4) Sense of congress.—It is the sense of
21	the Congress that the President, acting through the
22	Secretary of State, should work with the Govern-
23	ment of Iraq on a state-to-state basis to ensure com-
24	pensation for any meritorious claims based on ter-
25	rorist acts committed by the Saddam Hussein re-

gime against individuals who were United States na tionals or members of the United States Armed
 Forces at the time of those terrorist acts and whose
 claims cannot be addressed in courts in the United
 States due to the exercise of the waiver authority
 under paragraph (1).

7 (e) SEVERABILITY.—If any provision of this section 8 or the amendments made by this section, or the applica-9 tion of such provision to any person or circumstance, is 10 held invalid, the remainder of this section and such 11 amendments, and the application of such provision to 12 other persons not similarly situated or to other cir-13 cumstances, shall not be affected by such invalidation.

14 TITLE XI—CIVILIAN PERSONNEL 15 MATTERS

- Sec. 1101. Extension of authority to waive annual limitation on total compensation paid to Federal civilian employees working overseas under areas of United States Central Command.
- Sec. 1102. Continuation of life insurance coverage for Federal employees called to active duty.
- Sec. 1103. Transportation of dependents, household effects, and personal property to former home following death of Federal employee where death resulted from disease or injury incurred in the Central Command area of responsibility.
- Sec. 1104. Special benefits for civilian employees assigned on deployment temporary change of station.
- Sec. 1105. Death gratuity authorized for Federal employees.
- Sec. 1106. Modifications to the National Security Personnel System.
- Sec. 1107. Requirement for full implementation of personnel demonstration project.
- Sec. 1108. Authority for inclusion of certain Office of Defense Research and Engineering positions in experimental personnel program for scientific and technical personnel.
- Sec. 1109. Pilot program for the temporary assignment of information technology personnel to private sector organizations.
- Sec. 1110. Compensation for Federal wage system employees for certain travel hours.

- Sec. 1111. Travel compensation for wage grade personnel.
- Sec. 1112. Accumulation of annual leave by senior level employees.
- Sec. 1113. Uniform allowances for civilian employees.
- Sec. 1114. Flexibility in setting pay for employees who move from a Department of Defense or Coast Guard nonappropriated fund instrumentality position to a position in the General Schedule pay system.
- Sec. 1115. Retirement service credit for service as cadet or midshipman at a military service academy.
- Sec. 1116. Authorization for increased compensation for faculty and staff of the Uniformed Services University of the Health Sciences.
- Sec. 1117. Report on establishment of a scholarship program for civilian mental health professionals.

SEC. 1101. EXTENSION OF AUTHORITY TO WAIVE ANNUAL

LIMITATION ON TOTAL COMPENSATION PAID
TO FEDERAL CIVILIAN EMPLOYEES WORKING
OVERSEAS UNDER AREAS OF UNITED STATES
CENTRAL COMMAND.

6 (a) EXTENSION.—Section 1105 of the National De7 fense Authorization Act for Fiscal Year 2006 (Public Law
8 109–163; 119 Stat. 3450), as amended by section 1105
9 of the John Warner National Defense Authorization Act
10 for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
11 2409), is amended—

12 (1) in subsection (a)—

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13 (A) by striking "and 2007" and inserting
14 ", 2007, and 2008"; and

(B) by striking "Code)." and inserting
"Code) or, during 2008, a military operation
(including a contingency operation, as so defined) or an operation in response to an emergency declared by the President."; and

(2) in subsection (b), by striking "2007." and 1 2 inserting "2007 or 2008.". 3 (b) RETROACTIVE EFFECTIVE DATE.—The amend-4 ments made by subsection (a) shall take effect as of De-5 cember 31, 2007. 6 SEC. 1102. CONTINUATION OF LIFE INSURANCE COVERAGE 7 FOR FEDERAL EMPLOYEES CALLED TO AC-8 TIVE DUTY. 9 Section 8706 of title 5, United States Code, is 10 amended-11 (1) by redesignating subsections (d) through (g) 12 as subsections (e) through (h), respectively; and 13 (2) by inserting after subsection (c) the fol-14 lowing: 15 (d)(1) An employee who enters on approved leave without pay in the circumstances described in paragraph 16 17 (2) may elect to have such employee's life insurance con-18 tinue (beyond the end of the 12 months of coverage provided for under subsection (a) for an additional 12 19 months and arrange to pay currently into the Employees' 20 21 Life Insurance Fund, through such employee's employing 22 agency, both employee and agency contributions, from the 23 beginning of that additional 12 months of coverage. The 24 employing agency shall forward the premium payments to 25 the Fund. If the employee does not so elect, such employee's insurance will continue during nonpay status and stop
 as provided by subsection (a). An individual making an
 election under this subsection may cancel that election at
 any time, in which case such employee's insurance will
 stop as provided by subsection (a) or upon receipt of notice
 of cancellation, whichever is later.

7 "(2) This subsection applies in the case of any em-8 ployee who—

9 "(A) is a member of a reserve component of the
10 armed forces called or ordered to active duty under
11 a call or order that does not specify a period of 30
12 days or less; and

13 "(B) enters on approved leave without pay to 14 perform active duty pursuant to such call or order.". 15 SEC. 1103. TRANSPORTATION OF DEPENDENTS, HOUSE-16 HOLD EFFECTS, AND PERSONAL PROPERTY 17 TO FORMER HOME FOLLOWING DEATH OF 18 FEDERAL EMPLOYEE WHERE DEATH RE-19 SULTED FROM DISEASE OR INJURY IN-20 CURRED IN THE CENTRAL COMMAND AREA 21 OF RESPONSIBILITY.

(a) IN GENERAL.—Paragraph (2) of section 5742(b)
of title 5, United States Code, is amended to read as follows:

1	((2) the expense of transporting his depend-
2	ents, including expenses of packing, crating, draying,
3	and transporting household effects and other per-
4	sonal property to his former home or such other
5	place as is determined by the head of the agency
6	concerned, if—
7	"(A) the employee died while performing
8	official duties outside the continental United
9	States or in transit thereto or therefrom; or
10	"(B) in the case of an employee who was
11	a party to a mandatory mobility agreement that
12	was in effect when the employee died—
13	"(i) the employee died in the cir-
14	cumstances described in subparagraph (A);
15	or
16	"(ii)(I) the employee died as a result
17	of disease or injury incurred while per-
18	forming official duties—
19	"(aa) in an overseas location
20	that, at the time such employee was
21	performing such official duties, was
22	within the area of responsibility of the
23	Commander of the United States Cen-
24	tral Command; and

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1	"(bb) in direct support of or di-
2	rectly related to a military operation,
3	including a contingency operation (as
4	defined in section $101(13)$ of title 10)
5	or an operation in response to an
6	emergency declared by the President;
7	and
8	"(II) the employee's dependents were
9	residing either outside the continental
10	United States or within the continental
11	United States when the employee died;
12	and".
13	(b) EFFECTIVE DATE.—The amendment made by
14	subsection (a) shall apply with respect to deaths occurring
15	on or after the date of the enactment of this Act.
16	SEC. 1104. SPECIAL BENEFITS FOR CIVILIAN EMPLOYEES
17	ASSIGNED ON DEPLOYMENT TEMPORARY
18	CHANGE OF STATION.
19	(a) AUTHORITY.—Subchapter II of chapter 57 of title
20	5, United States Code, is amended by inserting after sec-
21	tion 5737 the following:
22	"§ 5737a. Employees temporarily deployed in contin-
23	gency operations
24	"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'covered employee' means an indi-
vidual who—
"(A) is an employee of an Executive agen-
cy or a military department, excluding a Gov-

ernment controlled corporation; and

6	"(B) is assigned on a temporary change of
7	station in support of a contingency operation;
8	"(2) the term 'temporary change of station', as
9	used with respect to an employee, means an assign-
10	ment—

11	"(A) from the employee's official duty sta-
12	tion to a temporary duty station; and
13	"(B) for which such employee is eligible for
14	expenses under section 5737; and

"(3) the term 'contingency operation' has the 15 meaning given such term by section 1482a(c) of title 16 17 10.

18 "(b) QUARTERS AND RATIONS.—The head of an 19 agency may provide quarters and rations, without charge, 20 to any covered employee of such agency during the period of such employee's temporary assignment (as described in 21 22 subsection (a)(1)(B).

"(c) STORAGE OF MOTOR VEHICLE.—The head of an 23 agency may provide for the storage, without charge, or 24 for the reimbursement of the cost of storage, of a motor 25

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vehicle that is owned or leased by a covered employee of
 such agency (or by a dependent of such an employee) and
 that is for the personal use of the covered employee. This
 subsection shall apply—

- 5 "(1) with respect to storage during the period
 6 of the employee's temporary assignment (as de7 scribed in subsection (a)(1)(B)); and
- 8 "(2) in the case of a covered employee, with re9 spect to not more than one motor vehicle as of any
 10 given time.

11 "(d) RELATIONSHIP TO OTHER BENEFITS.—Any
12 benefits under this section shall be in addition to (and not
13 in lieu of) any other benefits for which the covered em14 ployee is otherwise eligible.".

15 (b) CLERICAL AMENDMENT.—The table of sections16 for chapter 57 of such title is amended by inserting after

17 the item relating to section 5737 the following: "5737a. Employees temporarily deployed in contingency operations.".

18 SEC. 1105. DEATH GRATUITY AUTHORIZED FOR FEDERAL

19 EMPLOYEES.

20 (a) DEATH GRATUITY AUTHORIZED.—Chapter 81 of
21 title 5, United States Code, is amended by inserting after

22 section 8102 the following:

1 "§ 8102a. Death gratuity for injuries incurred in con nection with employee's service with an Armed Force

4 "(a) DEATH GRATUITY AUTHORIZED.—The United 5 States shall pay a death gratuity of up to \$100,000 to 6 or for the survivor prescribed by subsection (d) imme-7 diately upon receiving official notification of the death of 8 an employee who dies of injuries incurred in connection 9 with the employee's service with an Armed Force in a con-10 tingency operation.

11 "(b) Retroactive Payment in Certain Cases.— At the discretion of the Secretary concerned, subsection 12 13 (a) may apply in the case of an employee who died, on or after October 7, 2001, and before the date of enactment 14 15 of this section, as a result of injuries incurred in connec-16 tion with the employee's service with an Armed Force in the theater of operations of Operation Enduring Freedom 17 18 or Operation Iraqi Freedom.

19 "(c) Relationship to Other Benefits.—The 20death gratuity payable under this section shall be reduced 21 by the amount of any death gratuity provided under sec-22 tion 413 of the Foreign Service Act of 1980, section 1603 of the Emergency Supplemental Appropriations Act for 23 24 Defense, the Global War on Terror, and Hurricane Recovery, 2006, or any other law of the United States based 25 on the same death. 26

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1	"(d) ELIGIBLE SURVIVORS.—
2	"(1) Subject to paragraph (5), a death gratuity
3	payable upon the death of a person covered by sub-
4	section (a) shall be paid to or for the living survivor
5	highest on the following list:
6	"(A) The employee's surviving spouse.
7	"(B) The employee's children, as pre-
8	scribed by paragraph (2), in equal shares.
9	"(C) If designated by the employee, any
10	one or more of the following persons:
11	"(i) The employee's parents or per-
12	sons in loco parentis, as prescribed by
13	paragraph (3).
14	"(ii) The employee's brothers.
15	"(iii) The employee's sisters.
16	"(D) The employee's parents or persons in
17	loco parentis, as prescribed by paragraph (3),
18	in equal shares.
19	"(E) The employee's brothers and sisters
20	in equal shares.
21	Subparagraphs (C) and (E) of this paragraph in-
22	clude brothers and sisters of the half blood and
23	those through adoption.
24	"(2) Paragraph $(1)(B)$ applies, without regard
25	to age or marital status, to—

1	"(A) legitimate children;
2	"(B) adopted children;
3	"(C) stepchildren who were a part of the
4	decedent's household at the time of death;
5	"(D) illegitimate children of a female dece-
6	dent; and
7	"(E) illegitimate children of a male dece-
8	dent—
9	"(i) who have been acknowledged in
10	writing signed by the decedent;
11	"(ii) who have been judicially deter-
12	mined, before the decedent's death, to be
13	his children;
14	"(iii) who have been otherwise proved,
15	by evidence satisfactory to the employing
16	agency, to be children of the decedent; or
17	"(iv) to whose support the decedent
18	had been judicially ordered to contribute.
19	"(3) Subparagraphs (C) and (D) of paragraph
20	(1), so far as they apply to parents and persons in
21	loco parentis, include fathers and mothers through
22	adoption, and persons who stood in loco parentis to
23	the decedent for a period of not less than one year
24	at any time before the decedent became an em-
25	ployee. However, only one father and one mother, or

their counterparts in loco parentis, may be recog nized in any case, and preference shall be given to
 those who exercised a parental relationship on the
 date, or most nearly before the date, on which the
 decedent became an employee.

6 "(4) Beginning on the date of the enactment of 7 this paragraph, a person covered by this section may 8 designate another person to receive not more than 9 50 percent of the amount payable under this section. 10 The designation shall indicate the percentage of the 11 amount, to be specified only in 10 percent incre-12 ments up to the maximum of 50 percent, that the 13 designated person may receive. The balance of the 14 amount of the death gratuity shall be paid to or for 15 the living survivors of the person concerned in ac-16 cordance with subparagraphs (A) through (E) of 17 paragraph (1).

"(5) If a person entitled to all or a portion of
a death gratuity under paragraph (1) or (4) dies before the person receives the death gratuity, it shall
be paid to the living survivor next in the order prescribed by paragraph (1).

23 "(e) DEFINITIONS.—(1) The term 'contingency oper24 ation' has the meaning given to that term in section
25 1482a(c) of title 10, United States Code.

"(2) The term 'employee' has the meaning provided
 in section 8101 of this title, but also includes a non appropriated fund instrumentality employee, as defined in
 section 1587(a)(1) of title 10.".

5 (b) CLERICAL AMENDMENT.—The table of sections 6 at the beginning of chapter 81 of such title is amended 7 by inserting after the item relating to section 8102 the 8 following:

9 SEC. 1106. MODIFICATIONS TO THE NATIONAL SECURITY 10 PERSONNEL SYSTEM.

(a) IN GENERAL.—Section 9902 of title 5, United
States Code, is amended to read as follows:

13 "§9902. Establishment of human resources manage-

14 ment system

15 "(a) IN GENERAL.—The Secretary may, in regula-16 tions prescribed jointly with the Director, establish, and 17 from time to time adjust, a human resources management 18 system for some or all of the organizational or functional 19 units of the Department of Defense. The human resources 20 management system established under authority of this section shall be referred to as the 'National Security Per-21 22 sonnel System'.

23 "(b) SYSTEM REQUIREMENTS.—Any system estab-24 lished under subsection (a) shall—

[&]quot;8102a. Death gratuity for injuries incurred in connection with employee's service with an Armed Force.".

1	"(1) be flexible;
2	"(2) be contemporary;
3	"(3) not waive, modify, or otherwise affect—
4	"(A) the public employment principles of
5	merit and fitness set forth in section 2301, in-
6	cluding the principles of hiring based on merit,
7	fair treatment without regard to political affili-
8	ation or other nonmerit considerations, equal
9	pay for equal work, and protection of employees
10	against reprisal for whistleblowing;
11	"(B) any provision of section 2302, relat-
12	ing to prohibited personnel practices;
13	"(C)(i) any provision of law referred to in
14	section $2302(b)(1)$, (8), and (9); or
15	"(ii) any provision of law implementing
16	any provision of law referred to in section
17	2302(b)(1), (8), and (9) by—
18	"(I) providing for equal employment
19	opportunity through affirmative action; or
20	"(II) providing any right or remedy
21	available to any employee or applicant for
22	employment in the public service;
23	"(D) any other provision of this part (as
24	described in subsection (d)); or

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1	"(E) any rule or regulation prescribed
2	under any provision of law referred to in this
3	paragraph;
4	"(4) not apply to any prevailing rate employees,
5	as defined in section 5342(a)(2);
6	"(5) ensure that employees may organize, bar-
7	gain collectively, and participate through labor orga-
8	nizations of their own choosing in decisions which
9	affect them, subject to any exclusion from coverage
10	or limitation on negotiability established pursuant to
11	law;
12	"(6) not be limited by any specific law or au-
13	thority under this title, or by any rule or regulation
14	prescribed under this title, that is waived in regula-
15	tions prescribed under this chapter, subject to para-
16	graph (3) ; and
17	"(7) include a performance management system
18	that incorporates the following elements:
19	"(A) Adherence to merit principles set
20	forth in section 2301.
21	"(B) A fair, credible, and transparent em-
22	ployee performance appraisal system.
23	"(C) A link between the performance man-
24	agement system and the agency's strategic
25	plan.

1	"(D) A means for ensuring employee in-
2	volvement in the design and implementation of
3	the system.
4	"(E) Adequate training and retraining for
5	supervisors, managers, and employees in the
6	implementation and operation of the perform-
7	ance management system.
8	"(F) A process for ensuring ongoing per-
9	formance feedback and dialogue between super-
10	visors, managers, and employees throughout the
11	appraisal period, and setting timetables for re-
12	view.
13	"(G) Effective safeguards to ensure that
14	the management of the system is fair and equi-
15	table and based on employee performance.
16	"(H) A means for ensuring that adequate
17	agency resources are allocated for the design,
18	implementation, and administration of the per-
19	formance management system.
20	"(I) A pay-for-performance evaluation sys-
21	tem to better link individual pay to perform-
22	ance, and provide an equitable method for ap-
23	praising and compensating employees.
24	"(c) Personnel Management at Defense Lab-
25	ORATORIES.—

1	"(1) The National Security Personnel System
2	shall not apply with respect to a laboratory under
3	paragraph (2) before October 1, 2011, and shall
4	apply on or after October 1, 2011, only to the extent
5	that the Secretary determines that the flexibilities
6	provided by the National Security Personnel System
7	are greater than the flexibilities provided to those
8	laboratories pursuant to section 342 of the National
9	Defense Authorization Act for Fiscal Year 1995
10	(Public Law 103–337; 108 Stat. 2721) and section
11	1101 of the Strom Thurmond National Defense Au-
12	thorization Act for Fiscal Year 1999 (5 U.S.C. 3104
13	note), respectively.
14	((2) The laboratories to which this subsection
15	applies are—
16	"(A) the Aviation and Missile Research
17	Development and Engineering Center;
18	"(B) the Army Research Laboratory;
19	"(C) the Medical Research and Materiel
20	Command;
21	"(D) the Engineer Research and Develop-
22	ment Command;
23	"(E) the Communications-Electronics
24	Command;

1	"(F) the Soldier and Biological Chemical
2	Command;
3	"(G) the Naval Sea Systems Command
4	Centers;
5	"(H) the Naval Research Laboratory;
6	"(I) the Office of Naval Research; and
7	"(J) the Air Force Research Laboratory.
8	"(d) Other Nonwaivable Provisions.—The other
9	provisions of this part referred to in subsection $(b)(3)(D)$
10	are—
11	"(1) subparts A, B, E, G, and H of this part;
12	and
13	"(2) chapters 41, 45, 47, 55 (except subchapter
14	V thereof, apart from section $5545b$), 57 , 59 , 71 ,
15	72, 73, 75, 77, and 79, and this chapter.
16	"(e) Limitations Relating to Pay.—
17	"(1) Nothing in this section shall constitute au-
18	thority to modify the pay of any employee who
19	serves in an Executive Schedule position under sub-
20	chapter II of chapter 53.
21	"(2) Except as provided for in paragraph (1) ,
22	the total amount in a calendar year of allowances,
23	differentials, bonuses, awards, or other similar cash
24	payments paid under this title to any employee who
25	is paid under section 5376 or 5383 or under title 10

or under other comparable pay authority established
 for payment of Department of Defense senior execu tive or equivalent employees may not exceed the
 total annual compensation payable to the Vice Presi dent under section 104 of title 3.

6 "(3) To the maximum extent practicable, the 7 rates of compensation for civilian employees at the 8 Department of Defense shall be adjusted at the 9 same rate, and in the same proportion, as are rates 10 of compensation for members of the uniformed serv-11 ices.

12 "(4) To the maximum extent practicable, for 13 fiscal years 2004 through 2012, the overall amount 14 allocated for compensation of the civilian employees 15 of an organizational or functional unit of the De-16 partment of Defense that is included in the National 17 Security Personnel System shall not be less than the 18 amount that would have been allocated for com-19 pensation of such employees for such fiscal year if 20 they had not been converted to the National Security 21 Personnel System, based on, at a minimum—

"(A) the number and mix of employees in
such organizational or functional unit prior to
the conversion of such employees to the National Security Personnel System; and

"(B) adjusted for normal step increases and rates of promotion that would have been expected, had such employees remained in their previous pay schedule.

"(5) To the maximum extent practicable, the 5 6 regulations implementing the National Security Per-7 sonnel System shall provide a formula for calcu-8 lating the overall amount to be allocated for fiscal 9 years after fiscal year 2012 for compensation of the 10 civilian employees of an organization or functional 11 unit of the Department of Defense that is included 12 in the National Security Personnel System. The for-13 mula shall ensure that in the aggregate, employees 14 are not disadvantaged in terms of the overall 15 amount of pay available as a result of conversion to 16 the National Security Personnel System, while pro-17 viding flexibility to accommodate changes in the 18 function of the organization, changes in the mix of 19 employees performing those functions, and other 20 changed circumstances that might impact pay levels.

"(6) Amounts allocated for compensation of civilian employees of the Department of Defense pursuant to paragraphs (4) and (5) shall be available
only for the purpose of providing such compensation.

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1 "(7) At the time of any annual adjustment to 2 pay schedules pursuant to section 5303, the rate of 3 basic pay for each employee of an organizational or 4 functional unit of the Department of Defense that is 5 included in the National Security Personnel System 6 who receives a performance rating above unaccept-7 able or who does not have a current rating of record 8 for the most recently completed appraisal period 9 shall be adjusted by no less than 60 percent of the 10 amount of such adjustment. The balance of the 11 amount that would have been available for an an-12 nual adjustment under section 5303 shall be allo-13 cated to pay pool funding, for the purpose of in-14 creasing rates of pay on the basis of employee per-15 formance.

16 "(8) Each employee of an organizational or 17 functional unit of the Department of Defense that is 18 included in the National Security Personnel System 19 who receives a performance rating above unaccept-20 able or who does not have a current rating of record 21 for the most recently completed appraisal period 22 shall receive—

23 "(A) locality-based comparability payments
24 under section 5304 and section 5304a in the

1	same manner and to the same extent as em-
2	ployees under the General Schedule; or
3	"(B) the full measure of any other local
4	market supplement applicable to the employee if
5	locality-based comparability payments referred
6	to in subparagraph (A) are not generally appli-
7	cable to the employee.
8	Nothing in this paragraph shall be construed to
9	make locality-based comparability payments or other
10	local market supplements payable to any category of
11	employees or positions which were ineligible for such
12	payments or supplements (as the case may be) as of
13	the day before the date of the enactment of the Na-
14	tional Defense Authorization Act for Fiscal Year
15	2004.
16	"(9) Any rate of pay established or adjusted in
17	accordance with the requirements of this section
18	shall be non-negotiable, but shall be subject to pro-
19	cedures and appropriate arrangements of para-
20	graphs (2) and (3) of section 7106(b), except that
21	nothing in this paragraph shall be construed to
22	eliminate the bargaining rights of any category of
23	employees who were authorized to negotiate rates of
24	pay as of the day before the date of the enactment

of the National Defense Authorization Act for Fiscal
 Year 2004.

3 "(f) Provisions Regarding National Level4 Bargaining.—

"(1) The Secretary may bargain with a labor 5 6 organization which has been accorded exclusive rec-7 ognition under chapter 71 at an organizational level 8 above the level of exclusive recognition. The decision 9 to bargain above the level of exclusive recognition 10 shall not be subject to review. The Secretary shall 11 consult with the labor organization before deter-12 mining the appropriate organizational level of bar-13 gaining. 14 "(2) Any such bargaining shall— "(A) address issues that are— 15

16 "(i) subject to bargaining under chap-

17 ter 71 and this chapter;

18 "(ii) applicable to multiple bargaining19 units; and

20 "(iii) raised by either party to the21 bargaining;

"(B) except as agreed by the parties or directed through an independent dispute resolution process agreed upon by the parties, be
binding on all affected subordinate bargaining

1	units of the labor organization at the level of
2	recognition and their exclusive representatives,
3	and the Department of Defense and its sub-
4	components, without regard to levels of recogni-
5	tion;
6	"(C) to the extent agreed by the parties or
7	directed through an independent dispute resolu-
8	tion process agreed upon by the parties, super-
9	sede conflicting provisions of all other collective
10	bargaining agreements of the labor organiza-
11	tion, including collective bargaining agreements
12	negotiated with an exclusive representative at
13	the level of recognition; and
14	"(D) except as agreed by the parties or di-
15	rected through an independent dispute resolu-
16	tion process agreed upon by the parties, not be
17	subject to further negotiations for any purpose,
18	including bargaining at the level of recognition.
19	"(3) Any independent dispute resolution process
20	agreed to by the parties for the purposes of para-
21	graph (2) shall have the authority to address all
22	issues on which the parties are unable to reach
23	agreement.

"(4) The National Guard Bureau and the Army
 and Air Force National Guard may be included in
 coverage under this subsection.

4 "(5) Any bargaining completed pursuant to this 5 subsection with a labor organization not otherwise 6 having national consultation rights with the Depart-7 ment of Defense or its subcomponents shall not cre-8 ate any obligation on the Department of Defense or 9 its subcomponents to confer national consultation 10 rights on such a labor organization.

11 "(g) PROVISIONS RELATED TO SEPARATION AND RE12 TIREMENT INCENTIVES.—

"(1) The Secretary may establish a program 13 14 within the Department of Defense under which em-15 ployees may be eligible for early retirement, offered 16 separation incentive pay to separate from service vol-17 untarily, or both. This authority may be used to re-18 duce the number of personnel employed by the De-19 partment of Defense or to restructure the workforce 20 to meet mission objectives without reducing the over-21 all number of personnel. This authority is in addi-22 tion to, and notwithstanding, any other authorities 23 established by law or regulation for such programs.

24 "(2)(A) The Secretary may not authorize the25 payment of voluntary separation incentive pay under

1 paragraph (1) to more than 25,000 employees in 2 any fiscal year, except that employees who receive voluntary separation incentive pay as a result of a 3 4 closure or realignment of a military installation 5 under the Defense Base Closure and Realignment 6 Act of 1990 (title XXIX of Public Law 101–510; 10 7 U.S.C. 2687 note) shall not be included in that 8 number.

9 "(B) The Secretary shall prepare a report each
10 fiscal year setting forth the number of employees
11 who received such pay as a result of a closure or re12 alignment of a military base as described under sub13 paragraph (A).

"(C) The Secretary shall submit the report
under subparagraph (B) to the Committee on Armed
Services and the Committee on Governmental Affairs of the Senate, and the Committee on Armed
Services and the Committee on Government Reform
of the House of Representatives.

"(3) For purposes of this section, the term 'employee' means an employee of the Department of Defense, serving under an appointment without time
limitation, except that such term does not include—

24 "(A) a reemployed annuitant under sub25 chapter III of chapter 83 or chapter 84, or an-

1	other retirement system for employees of the
2	Federal Government;
3	"(B) an employee having a disability on
4	the basis of which such employee is or would be
5	eligible for disability retirement under any of
6	the retirement systems referred to in subpara-
7	graph (A); or
8	"(C) for purposes of eligibility for separa-
9	tion incentives under this section, an employee
10	who is in receipt of a decision notice of involun-
11	tary separation for misconduct or unacceptable
12	performance.
13	((4) An employee who is at least 50 years of
14	age and has completed 20 years of service, or has
14 15	age and has completed 20 years of service, or has at least 25 years of service, may, pursuant to regula-
15	at least 25 years of service, may, pursuant to regula-
15 16	at least 25 years of service, may, pursuant to regula- tions promulgated under this section, apply and be
15 16 17	at least 25 years of service, may, pursuant to regula- tions promulgated under this section, apply and be retired from the Department of Defense and receive
15 16 17 18	at least 25 years of service, may, pursuant to regula- tions promulgated under this section, apply and be retired from the Department of Defense and receive benefits in accordance with chapter 83 or 84 if the
15 16 17 18 19	at least 25 years of service, may, pursuant to regula- tions promulgated under this section, apply and be retired from the Department of Defense and receive benefits in accordance with chapter 83 or 84 if the employee has been employed continuously within the
15 16 17 18 19 20	at least 25 years of service, may, pursuant to regula- tions promulgated under this section, apply and be retired from the Department of Defense and receive benefits in accordance with chapter 83 or 84 if the employee has been employed continuously within the Department of Defense for more than 30 days be-
15 16 17 18 19 20 21	at least 25 years of service, may, pursuant to regula- tions promulgated under this section, apply and be retired from the Department of Defense and receive benefits in accordance with chapter 83 or 84 if the employee has been employed continuously within the Department of Defense for more than 30 days be- fore the date on which the determination to conduct

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"(5)(A) Separation pay shall be paid in a lump
 sum or in installments and shall be equal to the less er of —

4 "(i) an amount equal to the amount the
5 employee would be entitled to receive under sec6 tion 5595(c), if the employee were entitled to
7 payment under such section; or

8 "(ii) \$25,000.

9 "(B) Separation pay shall not be a basis for 10 payment, and shall not be included in the computa-11 tion, of any other type of Government benefit. Sepa-12 ration pay shall not be taken into account for the 13 purpose of determining the amount of any severance 14 pay to which an individual may be entitled under 15 section 5595, based on any other separation.

"(C) Separation pay, if paid in installments,
shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or
commencement of work under a personal services
contract as described in paragraph (6).

21 "(6)(A) An employee who receives separation
22 pay under such program may not be reemployed by
23 the Department of Defense for a 12-month period
24 beginning on the effective date of the employee's

separation, unless this prohibition is waived by the
 Secretary on a case-by-case basis.

3 "(B) An employee who receives separation pay 4 under this section on the basis of a separation occur-5 ring on or after the date of the enactment of the 6 Federal Workforce Restructuring Act of 1994 (Pub-7 lic Law 103–226; 108 Stat. 111) and accepts em-8 ployment with the Government of the United States, 9 or who commences work through a personal services 10 contract with the United States within 5 years after 11 the date of the separation on which payment of the 12 separation pay is based, shall be required to repay 13 the entire amount of the separation pay to the De-14 partment of Defense. If the employment is with an 15 Executive agency (as defined by section 105) other 16 than the Department of Defense, the Director may, 17 at the request of the head of that agency, waive the 18 repayment if the individual involved possesses 19 unique abilities and is the only qualified applicant 20 available for the position. If the employment is with-21 in the Department of Defense, the Secretary may 22 waive the repayment if the individual involved is the 23 only qualified applicant available for the position. If 24 the employment is with an entity in the legislative 25 branch, the head of the entity or the appointing offi-

1	cial may waive the repayment if the individual in-
2	volved possesses unique abilities and is the only
3	qualified applicant available for the position. If the
4	employment is with the judicial branch, the Director
5	of the Administrative Office of the United States
6	Courts may waive the repayment if the individual in-
7	volved possesses unique abilities and is the only
8	qualified applicant available for the position.
9	"(7) Under this program, early retirement and
10	separation pay may be offered only pursuant to reg-
11	ulations established by the Secretary, subject to such
12	limitations or conditions as the Secretary may re-
13	quire.
14	"(h) Provisions Relating to Reemployment.—
15	((1) Except as provided under paragraph (2) ,
16	if an annuitant receiving an annuity from the Civil
17	Service Retirement and Disability Fund becomes
18	employed in a position within the Department of De-
19	fense, his annuity shall continue. An annuitant so
20	reemployed shall not be considered an employee for
21	purposes of subchapter III of chapter 83 or chapter
22	84.
\mathbf{a}	$((0)(\Lambda) \land A \rightarrow (1 + 1 + 1)) = 1 + (1 + 1)$

23 "(2)(A) An annuitant retired under section
24 8336(d)(1) or 8414(b)(1)(A) receiving an annuity
25 from the Civil Service Retirement and Disability

1	Fund, who becomes employed in a position within
2	the Department of Defense after the date of enact-
3	ment of the National Defense Authorization Act for
4	Fiscal Year 2004 (Public Law 108–136), may elect
5	to be subject to section 8344 or 8468 (as the case
6	may be).
7	"(B) An election for coverage under this para-
8	graph shall be filed not later than the later of 90
9	days after the date the Department of Defense—
10	"(i) prescribes regulations to carry out this
11	subsection; or
12	"(ii) takes reasonable actions to notify em-
13	ployees who may file an election.
14	"(C) If an employee files an election under this
15	paragraph, coverage shall be effective beginning on
16	the first day of the first applicable pay period begin-
17	ning on or after the date of the filing of the election.
18	"(D) Paragraph (1) shall apply to an individual
19	who is eligible to file an election under subparagraph
20	(A) and does not file a timely election under sub-
21	paragraph (B).
22	"(3) The Secretary shall prescribe regulations
23	to carry out this subsection.
24	"(i) Additional Provisions Relating to Per-
25	sonnel Management.—

1	"(1) Subject to the requirements of chapter 71
2	and the limitations in subsection $(b)(3)$, the Sec-
3	retary of Defense, in establishing and implementing
4	the National Security Personnel System under sub-
5	section (a), shall not be limited by any provision of
6	this title or any rule or regulation prescribed under
7	this title in establishing and implementing regula-
8	tions relating to—
9	"(A) the methods of establishing qualifica-
10	tion requirements for, recruitment for, and ap-
11	pointments to positions; and
12	"(B) the methods of assigning, reas-
13	signing, detailing, transferring, or promoting
14	employees.
15	((2) In implementing this subsection, the Sec-
16	retary shall comply with the provisions of section
17	2302(b)(11), regarding veterans' preference require-
18	ments, as provided for in subsection $(b)(3)$.
19	"(j) Phase-in.—The Secretary may not, in any cal-
20	endar year, add any organizational or functional unit to
21	the National Security Personnel System which would
22	cause the total number of employees added to such System
23	in such year to exceed 100,000.".
• •	

24 (b) Implementation.—

1 (1) The requirements of section 9902 of title 5, 2 United States Code, as amended by this section, 3 may be implemented through rules promulgated 4 jointly by the Secretary of Defense and the Director 5 of the Office of Personnel Management after notice 6 and opportunity for public comment or through De-7 partment of Defense rules or internal agency imple-8 menting issuances. Rules promulgated jointly by the 9 Secretary and the Director under this paragraph 10 shall be treated as major rules for the purposes of 11 section 801 of title 5, United States Code.

12 (2) Both rules and implementing issuances shall 13 be subject to collective bargaining consistent with 14 the requirements of chapter 71 of title 5, United 15 States Code. Rules promulgated jointly by the Sec-16 retary of Defense and the Director of the Office of 17 Personnel Management after notice and opportunity 18 for public comment and in accordance with the re-19 quirements of section 801 of such title 5 for a major 20 rule shall be treated in the same manner as govern-21 ment-wide rules for the purpose of such collective bargaining, if such rules are uniformly applicable to 22 23 all organizational or functional units included in the 24 National Security Personnel System.

1	(3) Any rules and implementing issuances that
2	were adopted prior to the date of the enactment of
3	this Act—
4	(A) shall be invalid to the extent that they
5	are inconsistent with the requirements of sec-
6	tion 9902 of title 5, United States Code, as
7	amended by this section;
8	(B) shall not supersede a collective bar-
9	gaining agreement that was in place prior to
10	the date on which the rule or implementing
11	issuance was promulgated; and
12	(C) shall be subject to collective bar-
13	gaining—
14	(i) in the case of rules which are uni-
15	formly applicable to all organizational or
16	functional units included in the National
17	Security Personnel System and issued
18	jointly by the Secretary of Defense and the
19	Director of the Office of Personnel Man-
20	agement pursuant to subsection $9902(f)(1)$
21	of title 5, United States Code (as in effect
22	prior to the enactment of this section),
23	only as to impact and implementation,
24	when applied to employees of the Depart-
25	ment of Defense from any bargaining unit;

1 (ii) in the case of any other rules or 2 implementing issuances, to the extent pro-3 vided in chapter 71 of title 5, United 4 States Code. (4) The availability of judicial review of any 5 6 rules or implementing issuances that were adopted 7 prior to the date of the enactment of this Act shall 8 not be affected by the enactment of this section. 9 (c) COMPTROLLER GENERAL REVIEWS.— 10 (1) The Comptroller General shall conduct an-11 nual reviews in calendar years 2008, 2009 and 2010 12 of— 13 (A) employee satisfaction with the Na-14 tional Security Personnel System established 15 pursuant to section 9902 of title 5, United 16 States Code, as amended by this section; and 17 (B) the extent to which the Department of 18 Defense has effectively implemented account-19 ability mechanisms, including those established 20 in section 9902(b)(7) of title 5, United States 21 Code, and internal safeguards for the National 22 Security Personnel System. 23 (2) To the extent that the Department of De-

fense undertakes internal assessments or employee
surveys to assess employee satisfaction with the Na-

1	tional Security Personnel System in any such cal-
2	endar year, the Comptroller General shall—
3	(A) determine whether such assessments or
4	surveys are appropriately designed and statis-
5	tically valid; and
6	(B) provide an independent evaluation of
7	the results of such assessments or surveys.
8	(3) To the extent that the Department of De-
9	fense does not undertake appropriately designed and
10	statistically valid employee surveys, the Comptroller
11	General shall conduct such a survey and provide an
12	independent evaluation of the results.
13	(4) The Comptroller General shall report the
14	results of each annual review conducted under this
15	subsection to the Committees on Armed Services of
16	the Senate and the House of Representatives, the
17	Committee on Homeland Security and Governmental
18	Affairs of the Senate, and the Committee on Over-
19	sight and Government Reform of the House of Rep-
20	resentatives.
21	SEC. 1107. REQUIREMENT FOR FULL IMPLEMENTATION OF
22	PERSONNEL DEMONSTRATION PROJECT.
23	(a) REQUIREMENT.—The Secretary of Defense shall
24	take all necessary actions to fully implement and use the
25	authorities provided to the Secretary under section 342(b)

of the National Defense Authorization Act for Fiscal Year 1 1995 (Public Law 103–337; 108 Stat. 2721), as amended 2 3 by section 1114 of the Floyd D. Spence National Defense 4 Authorization Act for Fiscal Year 2001 (as enacted into 5 law by Public Law 106–398; 114 Stat. 1654A–315), to 6 carry out personnel management demonstration projects 7 at Department of Defense laboratories that are exempted 8 by section 9902(c) of title 5, United States Code, from 9 inclusion in the Department of Defense National Security 10 Personnel System.

(b) PROCESS FOR FULL IMPLEMENTATION.—The
Secretary of Defense shall also implement a process and
implementation plan to fully utilize the authorities described in subsection (a) to enhance the performance of
the missions of the laboratories.

(c) OTHER LABORATORIES.—Any flexibility available
to any demonstration laboratory shall be available for use
at any other laboratory as enumerated in section
9902(c)(2) of title 5, United States Code.

(d) SUBMISSION OF LIST AND DESCRIPTION.—Not
later than March 1 of each year, beginning with March
1, 2008, the Secretary of Defense shall submit to Congress
a list and description of the demonstration project notices,
amendments, and changes requested by the laboratories
during the preceding calendar year. The list shall include

all approved and disapproved notices, amendments, and
 changes, and the reasons for disapproval or delay in ap proval.

4	SEC. 1108. AUTHORITY FOR INCLUSION OF CERTAIN OF-
5	FICE OF DEFENSE RESEARCH AND ENGI-
6	NEERING POSITIONS IN EXPERIMENTAL PER-
7	SONNEL PROGRAM FOR SCIENTIFIC AND
8	TECHNICAL PERSONNEL.

9 Section 1101(b)(1) of the Strom Thurmond National
10 Defense Authorization Act for Fiscal Year 1999 (5 U.S.C.
11 3104 note) is amended—

12 (1) in subparagraph (B), by striking "and" at13 the end;

14 (2) in subparagraph (C), by adding "and" at15 the end; and

16 (3) by adding after subparagraph (C) the fol-17 lowing:

18 "(D) not more than a total of 10 scientific
19 and engineering positions in the Office of the
20 Director of Defense Research and Engineer21 ing;".

1	SEC. 1109. PILOT PROGRAM FOR THE TEMPORARY ASSIGN-
2	MENT OF INFORMATION TECHNOLOGY PER-
3	SONNEL TO PRIVATE SECTOR ORGANIZA-
4	TIONS.

5 (a) ASSIGNMENT AUTHORITY.—The Secretary of De-6 fense may, with the agreement of the private sector orga-7 nization and the Department of Defense employee con-8 cerned, arrange for the temporary assignment of such em-9 ployee to such private sector organization under this sec-10 tion. An employee shall be eligible for such an assignment 11 only if—

12 (1) the employee— 13 (A) works in the field of information tech-14 nology management; 15 (B) is considered to be an exceptional em-16 ployee; (C) is expected to assume increased infor-17 18 mation technology management responsibilities 19 in the future; 20 (D) is compensated at not less than the 21 GS-11 level (or the equivalent); and 22 (E) is serving under a career or career-23 conditional appointment or an appointment of

24 equivalent tenure in the excepted service; and

(2) the proposed assignment meets applicable
 requirements of section 209(b) of the E-Government
 Act of 2002 (44 U.S.C. 3501 note).

4 (b) AGREEMENTS.—The Secretary of Defense shall
5 provide for a written agreement between the Department
6 of Defense and the employee concerned regarding the
7 terms and conditions of the employee's assignment under
8 this section. The agreement—

9 (1) shall require that, upon completion of the 10 assignment, the employee will serve in the civil serv-11 ice for a period equal to the length of the assign-12 ment; and

(2) shall provide that if the employee fails to
carry out the agreement, such employee shall be liable to the United States for payment of all expenses
of the assignment, unless that failure was for good
and sufficient reason (as determined by the Secretary of Defense).

19 An amount for which an employee is liable under para-20 graph (2) shall be treated as a debt due the United States.

(c) TERMINATION.—An assignment under this section may, at any time and for any reason, be terminated
by the Department of Defense or the private sector organization concerned.

1 (d) DURATION.—An assignment under this section 2 shall be for a period of not less than 3 months and not 3 more than 1 year, and may be extended in 3-month incre-4 ments for a total of not more than 1 additional year; how-5 ever, no assignment under this section may commence 6 after September 30, 2010.

7 (e) CONSIDERATIONS.—In carrying out this section,8 the Secretary of Defense—

9 (1) shall ensure that, of the assignments made
10 under this section each year, at least 20 percent are
11 to small business concerns (as defined by section
12 3703(e)(2)(A) of title 5, United States Code); and

(2) shall take into consideration the question of
how assignments under this section might best be
used to help meet the needs of the Department of
Defense with respect to the training of employees in
information technology management.

(f) NUMERICAL LIMITATION.—In no event may more
than 10 employees be participating in assignments under
this section as of any given time.

21 (g) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than 6 months
after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on
Armed Services of the Senate and House of Rep-

1	resentatives a report on the potential benefits of a
2	program under which employees specializing in in-
3	formation technology may be temporarily assigned
4	from private sector organizations to the Department
5	of Defense.
6	(2) CONTENTS.—The report shall include—
7	(A) a statement of findings and an expla-
8	nation of the bases for those findings;
9	(B) an assessment of the laws, rules, and
10	processes relating to the prevention of conflicts
11	of interest and abuse which would apply to pri-
12	vate sector employees during the period of their
13	assignment to the Department of Defense, and
14	whether they need to be strengthened or other-
15	wise changed;
16	(C) mechanisms proposed for the govern-
17	ance and oversight of the program; and
18	(D) recommendations for any legislation
19	which may be necessary.
20	SEC. 1110. COMPENSATION FOR FEDERAL WAGE SYSTEM
21	EMPLOYEES FOR CERTAIN TRAVEL HOURS.
22	Section 5544(a) of title 5, United States Code, is
23	amended in clause (iv) (in the third sentence following
24	paragraph (3)), by striking "administratively." and insert-
25	ing "administratively (including travel by the employee to

such event and the return of the employee from such event
 to the employee's official duty station).".

3 SEC. 1111. TRAVEL COMPENSATION FOR WAGE GRADE PER4 SONNEL.

5 (a) ELIGIBILITY FOR COMPENSATORY TIME OFF FOR
6 TRAVEL.—Section 5550b(a) of title 5, United States
7 Code, is amended by striking "section 5542(b)(2)," and
8 inserting "any provision of section 5542(b)(2) or
9 5544(a),".

10 (b) CONFORMING AMENDMENT.—Section
11 5541(2)(xi) of such title is amended by striking "section
12 5544" and inserting "section 5544 or 5550b".

13 (c) EFFECTIVE DATE.—The amendments made by14 this section shall take effect on the earlier of—

15 (1) the effective date of any regulations pre-16 scribed to carry out such amendments; or

17 (2) the 90th day after the date of the enact-18 ment of this Act.

19 SEC. 1112. ACCUMULATION OF ANNUAL LEAVE BY SENIOR
20 LEVEL EMPLOYEES.

21 Section 6304(f)(1) of title 5, United States Code, is
22 amended—

(1) in the matter before subparagraph (A), by
striking "in a position in—" and inserting "in—";

1	(2) in subparagraphs (A) through (E), by in-
2	serting "a position in" before "the";
3	(3) in subparagraph (D), by striking "or" at
4	the end;
5	(4) in subparagraph (E), by striking the period
6	and inserting a semicolon; and
7	(5) by adding after subparagraph (E) the fol-
8	lowing:
9	"(F) a position to which section 5376 applies;
10	or
11	"(G) a position designated under section
12	1607(a) of title 10 as an Intelligence Senior Level
13	position.".
14	SEC. 1113. UNIFORM ALLOWANCES FOR CIVILIAN EMPLOY-
15	EES.
16	Section 1593(b) of title 10, United States Code, is
17	amended by striking "\$400 per year." and inserting
18	"\$400 per year (or such higher maximum amount as the
19	Secretary of Defense may by regulation prescribe).".

1	SEC. 1114. FLEXIBILITY IN SETTING PAY FOR EMPLOYEES
2	WHO MOVE FROM A DEPARTMENT OF DE-
3	FENSE OR COAST GUARD NON-
4	APPROPRIATED FUND INSTRUMENTALITY
5	POSITION TO A POSITION IN THE GENERAL
6	SCHEDULE PAY SYSTEM.
7	Section 5334(f) of title 5, United States Code, is
8	amended—
9	(1) by striking "(f)" and inserting "(f)(1)";
10	(2) in the first sentence, by striking "does not
11	exceed" and all that follows through " $2105(c)$." and
12	inserting the following: "does not exceed—
13	"(A) if the highest previous rate of basic pay
14	received by that employee during the employee's
15	service described in section 2105(c) is equal to a
16	rate of the appropriate grade, such rate of the ap-
17	propriate grade;
18	"(B) if the employee's highest previous rate of
19	basic pay (as described in subparagraph (A)) is be-
20	tween two rates of the appropriate grade, the higher
21	of those two rates; or
22	"(C) if the employee's highest previous rate of
23	basic pay (as described in subparagraph (A)) ex-
24	ceeds the maximum rate of the appropriate grade,
25	the maximum rate of the appropriate grade."; and

(3) in the second sentence, by striking "In the
 case of" and inserting the following:
 "(2) In the case of".

4 SEC. 1115. RETIREMENT SERVICE CREDIT FOR SERVICE AS
5 CADET OR MIDSHIPMAN AT A MILITARY
6 SERVICE ACADEMY.

7 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
8 8331(13) of title 5, United States Code, is amended by
9 striking "but" and inserting "and includes service as a
10 cadet at the United States Military Academy, the United
11 States Air Force Academy, or the United States Coast
12 Guard Academy, or as a midshipman at the United States
13 Naval Academy, but".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—
15 Section 8401(31) of such title is amended by striking
16 "but" and inserting "and includes service as a cadet at
17 the United States Military Academy, the United States
18 Air Force Academy, or the United States Coast Guard
19 Academy, or as a midshipman at the United States Naval
20 Academy, but".

21 (c) APPLICABILITY.—The amendments made by this
22 section shall apply to—

(1) any annuity, eligibility for which is based
upon a separation occurring before, on, or after the
date of enactment of this Act; and

1	(2) any period of service as a cadet at the
2	United States Military Academy, the United States
3	Air Force Academy, or the United States Coast
4	Guard Academy, or as a midshipman at the United
5	States Naval Academy, occurring before, on, or after
6	the date of enactment of this Act.
7	SEC. 1116. AUTHORIZATION FOR INCREASED COMPENSA-
8	TION FOR FACULTY AND STAFF OF THE UNI-
9	FORMED SERVICES UNIVERSITY OF THE
10	HEALTH SCIENCES.
11	Section 2113(c) of title 10, United States Code, as
12	redesignated by section $954(a)(3)$ of this Act, is amend-
13	ed—
14	(1) in paragraph (1)—
15	(A) by inserting "(after due consideration
16	by the Secretary)" before "so as"; and
17	(B) by striking "within the vicinity of the
18	District of Columbia" and inserting "identified
19	by the Secretary for purposes of this para-
20	graph"; and
21	(2) in paragraph (4)—
22	(A) by striking "section 5373" and insert-
23	ing "sections 5307 and 5373"; and
23 24	ing "sections 5307 and 5373"; and (B) by adding at the end the following new

compensation paid to an employee under para graph (1) in any year (including salary, allow ances, differentials, bonuses, awards, and other
 similar cash payments) exceed the total amount
 of annual compensation (excluding expenses)
 specified in section 102 of title 3.".

7 SEC. 1117. REPORT ON ESTABLISHMENT OF A SCHOLAR8 SHIP PROGRAM FOR CIVILIAN MENTAL
9 HEALTH PROFESSIONALS.

10 (a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary 11 12 of Defense shall, in consultation with the Assistant Secretary of Defense for Health Affairs and each of the Sur-13 geons General of the Armed Forces, submit to Congress 14 15 a report on the feasibility and advisability of establishing a scholarship program for civilian mental health profes-16 17 sionals.

18 (b) ELEMENTS.—The report shall include the fol-19 lowing:

20 (1) An assessment of a potential scholarship
21 program that provides certain educational funding to
22 students seeking a career in mental health services
23 in exchange for service in the Department of De24 fense.

(2) An assessment of current scholarship pro grams which may be expanded to include mental
 health professionals.

4 (3) Recommendations regarding the establish5 ment or expansion of scholarship programs for men6 tal health professionals.

7 (4) A plan to implement, or reasons for not im8 plementing, recommendations that will increase men9 tal health staffing across the Department of De10 fense.

11 TITLE XII—MATTERS RELATING 12 TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Military-to-military contacts and comparable activities.

- Sec. 1202. Authority for support of military operations to combat terrorism.
- Sec. 1203. Medical care and temporary duty travel expenses for liaison officers of certain foreign nations.
- Sec. 1204. Extension and expansion of Department of Defense authority to participate in multinational military centers of excellence.
- Sec. 1205. Reauthorization of Commanders' Emergency Response Program.
- Sec. 1206. Authority to build the capacity of the Pakistan Frontier Corps.
- Sec. 1207. Authority to equip and train foreign personnel to assist in accounting for missing United States Government personnel.

Sec. 1208. Authority to provide automatic identification system data on maritime shipping to foreign countries and international organizations.

- Sec. 1209. Report on foreign-assistance related programs carried out by the Department of Defense.
- Sec. 1210. Extension and enhancement of authority for security and stabilization assistance.
- Sec. 1211. Government Accountability Office report on Global Peace Operations Initiative.
- Sec. 1212. Repeal of limitations on military assistance under the American Servicemembers' Protection Act of 2002.

Subtitle B—Matters Relating to Iraq and Afghanistan

Sec. 1221. Modification of authorities relating to the Office of the Special Inspector General for Iraq Reconstruction.

- Sec. 1222. Limitation on availability of funds for certain purposes relating to Iraq.
- Sec. 1223. Report on United States policy and military operations in Iraq.
- Sec. 1224. Report on a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.
- Sec. 1225. Report on support from Iran for attacks against coalition forces in Iraq.
- Sec. 1226. Sense of Congress on the consequences of a failed state in Iraq.
- Sec. 1227. Sense of Congress on federalism in Iraq.
- Sec. 1228. Tracking and monitoring of defense articles provided to the Government of Iraq and other individuals and groups in Iraq.
- Sec. 1229. Special Inspector General for Afghanistan Reconstruction.
- Sec. 1230. Report on progress toward security and stability in Afghanistan.
- Sec. 1231. United States plan for sustaining the Afghanistan National Security Forces.
- Sec. 1232. Report on enhancing security and stability in the region along the border of Afghanistan and Pakistan.
- Sec. 1233. Reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1234. Logistical support for coalition forces supporting operations in Iraq and Afghanistan.

Subtitle C—Iraq Refugee Crisis

- Sec. 1241. Short title.
- Sec. 1242. Processing mechanisms.
- Sec. 1243. United States refugee program processing priorities.
- Sec. 1244. Special immigrant status for certain Iraqis.
- Sec. 1245. Senior Coordinator for Iraqi Refugees and Internally Displaced Persons.
- Sec. 1246. Countries with significant populations of Iraqi refugees.
- Sec. 1247. Motion to reopen denial or termination of asylum.
- Sec. 1248. Reports.
- Sec. 1249. Authorization of appropriations.

Subtitle D—Other Authorities and Limitations

- Sec. 1251. Cooperative opportunities documents under cooperative research and development agreements with NATO organizations and other allied and friendly foreign countries.
- Sec. 1252. Extension and expansion of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
- Sec. 1253. Acceptance of funds from the Government of Palau for costs of United States military Civic Action Team in Palau.
- Sec. 1254. Repeal of requirement relating to North Korea.
- Sec. 1255. Justice for Osama bin Laden and other leaders of al Qaeda.
- Sec. 1256. Extension of Counterproliferation Program Review Committee.
- Sec. 1257. Sense of Congress on the Western Hemisphere Institute for Security Cooperation.
- Sec. 1258. Sense of Congress on Iran.

Subtitle E—Reports

Sec. 1261. One-year extension of update on report on claims relating to the bombing of the Labelle Discotheque.

Sec. 1262. Report on United States policy toward Darfur, Sudan.

- Sec. 1263. Inclusion of information on asymmetric capabilities in annual report on military power of the People's Republic of China.
- Sec. 1264. Report on application of the Uniform Code of Military Justice to civilians accompanying the Armed Forces during a time of declared war or contingency operation.
- Sec. 1265. Report on family reunions between United States citizens and their relatives in North Korea.
- Sec. 1266. Reports on prevention of mass atrocities.

Sec. 1267. Report on threats to the United States from ungoverned areas.

Subtitle A—Assistance and Training 2

3 SEC. 1201. MILITARY-TO-MILITARY CONTACTS AND COM-4 PARABLE ACTIVITIES.

5 Section 168(c) of title 10, United States Code, is amended by adding at the end the following new para-6 7 graph:

8 "(9) The assignment of personnel described in 9 paragraph (3) or (4) on a non-reciprocal basis if the 10 Secretary of Defense determines that such an as-11 signment, rather than an exchange of personnel, is 12 in the interests of the United States.".

13 SEC. 1202. AUTHORITY FOR SUPPORT OF MILITARY OPER-

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ATIONS TO COMBAT TERRORISM.

15 (a) Modification of Reporting Requirement.— 16 Subsection (f) of section 1208 of the Ronald W. Reagan 17 National Defense Authorization Act for Fiscal Year 2005 18 (Public Law 108–375; 118 Stat. 2086–2087) is amended to read as follows: 19

"(f) ANNUAL REPORT.— 20

1	"(1) Report Required.—Not later than 120
2	days after the close of each fiscal year during which
3	subsection (a) is in effect, the Secretary of Defense
4	shall submit to the congressional defense committees
5	a report on support provided under that subsection
6	during that fiscal year.
7	"(2) MATTERS TO BE INCLUDED.—Each report
8	required by paragraph (1) shall describe the support
9	provided, including—
10	"(A) the country involved in the activity,
11	the individual or force receiving the support,
12	and, to the maximum extent practicable, the
13	specific region of each country involved in the
14	activity;
15	"(B) the respective dates and a summary
16	of congressional notifications for each activity;
17	"(C) the unified commander for each activ-
18	ity, as well as the related objectives, as estab-
19	lished by that commander;
20	"(D) the total amount obligated to provide
21	the support;
22	"(E) for each activity that amounts to
23	more than \$500,000, specific budget details
24	that explain the overall funding level for that
25	activity; and

1	"(F) a statement providing a brief assess-
2	ment of the outcome of the support, including
3	specific indications of how the support
4	furthered the mission objective of special oper-
5	ations forces and the types of follow-on support,
6	if any, that may be necessary.".
7	(b) ANNUAL LIMITATION.—Subsection (g) of such
8	section is amended—
9	(1) in the heading, by striking "FISCAL YEAR
10	2005" and inserting "ANNUAL"; and
11	(2) by striking "fiscal year 2005" and inserting
12	"each fiscal year during which subsection (a) is in
13	effect''.
14	(c) EXTENSION OF PERIOD OF AUTHORITY.—Sub-
15	section (h) of such section is amended by striking "2007"
16	and inserting "2010".
17	SEC. 1203. MEDICAL CARE AND TEMPORARY DUTY TRAVEL
18	EXPENSES FOR LIAISON OFFICERS OF CER-
19	TAIN FOREIGN NATIONS.
20	(a) AUTHORITY.—Subsection (a) of section 1051a of
21	title 10, United States Code, is amended—
22	(1) by striking "involved in a coalition" and in-
23	serting "involved in a military operation"; and
24	(2) by striking "coalition operation" and insert-
25	ing "military operation".

1	(b) Medical Care and Temporary Duty Travel
2	EXPENSES.—Subsection (b) of such section is amended—
3	(1) in the heading, by striking "AND SUBSIST-
4	ENCE" inserting ", SUBSISTENCE, AND MEDICAL
5	CARE'';
6	(2) in paragraph (2), by adding at the end the
7	following:
8	"(C) Expenses for medical care at a civilian
9	medical facility if—
10	"(i) adequate medical care is not available
11	to the liaison officer at a local military medical
12	treatment facility;
13	"(ii) the Secretary determines that pay-
14	ment of such medical expenses is necessary and
15	in the best interests of the United States; and
16	"(iii) medical care is not otherwise avail-
17	able to the liaison officer pursuant to any treaty
18	or other international agreement."; and
19	(3) by adding at the end the following:
20	"(3) The Secretary may pay the mission-related
21	travel expenses of a liaison officer described in sub-
22	section (a) if such travel is in support of the na-
23	tional interests of the United States and the com-
24	mander of the headquarters to which the liaison offi-
25	cer is temporarily assigned directs round-trip travel

1 from the assigned headquarters to one or more loca-2 tions.". 3 (c) DEFINITION.—Subsection (d) of such section is amended-4 (1) by striking "(d) DEFINITIONS.—" and all 5 that follows through ((1)) The term' and inserting 6 7 "(d) DEFINITION.—In this section, the term"; and 8 (2) by striking paragraph (2). 9 (d) EXPIRATION OF AUTHORITY.—Such section is further amended by striking subsection (e). 10 11 (e) Conforming and Clerical Amendments.— 12 (1) The heading for such section is amended to read as 13 follows: 14 "§ 1051a. Liaison officers of certain foreign nations; 15 administrative services and support; 16 travel, subsistence, medical care, and 17 other personal expenses". 18 (2) The table of sections at the beginning of chapter 19 53 of title 10, United States Code, is amended by striking the item relating to section 1051a and inserting the fol-20

21 lowing:

"1051a. Liaison officers of certain foreign nations; administrative services and support; travel, subsistence, medical care, and other personal expenses.".

1	SEC. 1204. EXTENSION AND EXPANSION OF DEPARTMENT
2	OF DEFENSE AUTHORITY TO PARTICIPATE IN
3	MULTINATIONAL MILITARY CENTERS OF EX-
4	CELLENCE.
5	(a) EXTENSION OF AUTHORITY.—Subsection (a) of
6	section 1205 of the John Warner National Defense Au-
7	thorization Act for Fiscal Year 2007 (Public Law 109–
8	364; 1202 Stat. 2416) is amended by striking "fiscal year
9	2007" and inserting "fiscal years 2007 and 2008".
10	(b) Limitation on Amounts Available for Par-
11	TICIPATION.—Subsection (e) of such section is amended
12	by striking paragraph (2) and inserting the following new
13	paragraph:
14	"(2) LIMITATION ON AMOUNT.—The amount
15	available under paragraph $(1)(A)$ for the expenses
16	referred to in that paragraph may not exceed—
17	"(A) in fiscal year 2007, \$3,000,000; and
18	"(B) in fiscal year 2008, \$5,000,000.".
19	(c) REPORTS.—Subsection (g) of such section is
20	amended—
21	(1) in paragraph (1) —

(A) by inserting "and October 31, 2008,"
after "October 31, 2007,"; and
(B) by striking "fiscal year 2007" and inserting "fiscal years 2007 and 2008"; and

1	(2) in paragraph (2)(A), by striking "during
2	fiscal year 2007" and inserting "during the pre-
2	
	ceding fiscal year".
4	SEC. 1205. REAUTHORIZATION OF COMMANDERS' EMER-
5	GENCY RESPONSE PROGRAM.
6	(a) AUTHORITY.—Subsection (a) of section 1202 of
7	the National Defense Authorization Act for Fiscal Year
8	2006 (Public Law 109–163; 119 Stat. 3455–3456) is
9	amended—
10	(1) in the heading, by striking "FISCAL YEARS
11	2006 AND 2007" and inserting "FISCAL YEARS
12	2008 AND 2009"; and
13	(2) in the matter preceding paragraph (1) —
14	(A) by striking "fiscal years 2006 and
15	2007" and inserting "fiscal years 2008 and
16	2009"; and
17	(B) by striking "\$500,000,000" and in-
18	serting ''\$977,441,000''.
19	(b) Quarterly Reports.—Subsection (b) of such
20	section is amended by striking "fiscal years 2006 and
21	2007" and inserting "fiscal years 2008 and 2009".
22	SEC. 1206. AUTHORITY TO BUILD THE CAPACITY OF THE
23	PAKISTAN FRONTIER CORPS.
24	(a) AUTHORITY.—The Secretary of Defense, with the
25	concurrence of the Secretary of State, is authorized during

1	fiscal year 2008 to provide assistance to enhance the abil-
2	ity of the Pakistan Frontier Corps to conduct
3	counterterrorism operations along the border between
4	Pakistan and Afghanistan.
5	(b) Types of Assistance.—
6	(1) AUTHORIZED ELEMENTS.—Assistance
7	under subsection (a) may include the provision of
8	equipment, supplies, and training.
9	(2) REQUIRED ELEMENTS.—Assistance under
10	subsection (a) shall be provided in a manner that
11	promotes—
12	(A) observance of and respect for human
13	rights and fundamental freedoms; and
14	(B) respect for legitimate civilian authority
15	within Pakistan.
16	(c) LIMITATIONS.—
17	(1) FUNDING LIMITATION.—The Secretary of
18	Defense may use up to \$75,000,000 of funds avail-
19	able to the Department of Defense for operation and
20	maintenance for fiscal year 2008 to provide the as-
21	sistance under subsection (a).
22	(2) Assistance otherwise prohibited by
23	LAW.—The Secretary of Defense may not use the
24	authority in subsection (a) to provide any type of as-

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1	sistance described in subsection (b) that is otherwise
2	prohibited by any provision of law.
3	(d) Congressional Notification.—
4	(1) IN GENERAL.—Not less than 15 days before
5	providing assistance under subsection (a), the Sec-
6	retary of Defense shall submit to the congressional
7	committees specified in paragraph (2) a notice of the
8	following:
9	(A) The budget, types of assistance, and
10	completion date for providing the assistance
11	under subsection (a).
12	(B) The source and planned expenditure of
13	funds for the assistance under subsection (a).
14	(2) Specified congressional commit-
15	TEES.—The congressional committees specified in
16	this paragraph are the following:
17	(A) The Committee on Armed Services, the
18	Committee on Foreign Relations, and the Com-
19	mittee on Appropriations of the Senate.
20	(B) The Committee on Armed Services,
21	the Committee on Foreign Affairs, and the
22	Committee on Appropriations of the House of
23	Representatives.

917 1 SEC. 1207. AUTHORITY TO EQUIP AND TRAIN FOREIGN PER-2 SONNEL TO ASSIST IN ACCOUNTING FOR 3 MISSING UNITED STATES GOVERNMENT PER-4 SONNEL. 5 (a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding at the end the fol-6 7 lowing new section: "§ 408. Equipment and training of foreign personnel 8 9 to assist in Department of Defense ac-10 counting for missing United States Gov-11 ernment personnel "(a) IN GENERAL.—The Secretary of Defense may 12 provide assistance to any foreign nation to assist the De-13 14 partment of Defense with recovery of and accounting for missing United States Government personnel. 15 16 "(b) Types of Assistance.—The assistance provided under subsection (a) may include the following: 17 18 "(1) Equipment. "(2) Supplies. 19 "(3) Services. 20 21 "(4) Training of personnel. "(c) APPROVAL BY SECRETARY OF STATE.—Assist-22 23 ance may not be provided under this section to any foreign 24 nation unless the Secretary of State specifically approves

25 the provision of such assistance.

"(d) LIMITATION.—The amount of assistance pro vided under this section in any fiscal year may not exceed
 \$1,000,000.

4 "(e) CONSTRUCTION WITH OTHER ASSISTANCE.—
5 The authority to provide assistance under this section is
6 in addition to any other authority to provide assistance
7 to foreign nations under law.

8 "(f) ANNUAL REPORTS.—(1) Not later than Decem-9 ber 31 each year, the Secretary of Defense shall submit 10 to the congressional defense committees a report on the 11 assistance provided under this section during the fiscal 12 year ending in such year.

"(2) Each report under paragraph (1) shall include,
for the fiscal year covered by such report, the following:
"(A) A listing of each foreign nation provided
assistance under this section.

17 "(B) For each nation so provided assistance, a
18 description of the type and amount of such assist19 ance.".

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 20 of such title is amended
22 by adding at the end the following new item:

[&]quot;408. Equipment and training of foreign personnel to assist in Department of Defense accounting for missing United States Government personnel.".

NATIONAL ORGANIZATIONS.

5 (a) AUTHORITY TO PROVIDE DATA.—The Secretary of Defense, with the concurrence of the Secretary of State, 6 7 may authorize the Secretary of a military department or 8 a commander of a combatant command to exchange or 9 furnish automatic identification system data broadcast by 10 merchant or private ships and collected by the United 11 States to a foreign country or international organization pursuant to an agreement for the exchange or production 12 13 of such data. Such data may be transferred pursuant to this section without cost to the recipient country or inter-14 national organization. 15

16 (b) DEFINITIONS.—In this section:

(1) AUTOMATIC IDENTIFICATION SYSTEM.—The
term "automatic identification system" means a system that is used to satisfy the requirements of the
Automatic Identification System under the International Convention for the Safety of Life at Sea,
signed at London on November 1, 1974 (TIAS
9700).

24 (2) GEOGRAPHIC COMBATANT COMMANDER.—
25 The term "commander of a combatant command"
26 means a commander of a combatant command (as
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such term is defined in section 161(c) of title 10,
 United States Code) with a geographic area of re sponsibility.

4 SEC. 1209. REPORT ON FOREIGN-ASSISTANCE RELATED 5 PROGRAMS CARRIED OUT BY THE DEPART6 MENT OF DEFENSE.

7 (a) REPORT REQUIRED.—Not later than 180 days 8 after the date of the enactment of this Act, the Secretary 9 of Defense shall submit to the appropriate congressional 10 committees a report that specifies, on a country-by-coun-11 try basis, each foreign-assistance related program carried 12 out by the Department of Defense during the prior fiscal 13 year under the authorities described in subsection (b).

14 (b) MATTERS TO BE INCLUDED.—The report re-15 quired under subsection (a) shall include—

16 (1) a description of the dollar amount, type of
17 support, and purpose of each foreign-assistance re18 lated program carried out by the Department of De19 fense under—

20 (A) section 1206 of the National Defense
21 Authorization Act for Fiscal Year 2006 (Public
22 Law 109–163; 119 Stat. 3456), relating to au23 thority to build the capacity of foreign military
24 forces;

1	(B) section 1207 of the National Defense
2	Authorization Act for Fiscal Year 2006 (Public
3	Law 109–163; 119 Stat. 3458), relating to au-
4	thority to provide security and stabilization as-
5	sistance to foreign countries;
6	(C) section 1208 of the National Defense
7	Authorization Act for Fiscal Year 2006 (Public
8	Law 109–163; 119 Stat. 3459), relating to au-
9	thority to reimburse certain coalition nations
10	for support provided to United States military
11	operations;
12	(D) section 1033 of the National Defense
13	Authorization Act for Fiscal Year 1998 (Public
14	Law 105–85; 111 Stat. 1881), relating to au-
15	thority to provide additional support for
16	counter-drug activities of Peru and Colombia;
17	(E) section 1004 of the National Defense
18	Authorization Act for Fiscal Year 1991 (Public
19	Law 101–510; 10 U.S.C. 374 note), relating to
20	additional support for counter-drug activities;
21	(F) section 127d of title 10, United States
22	Code, relating to authority to provide logistic
23	support, supplies, and services to allied forces
24	participating in a combined operation with the
25	Armed Forces;

1	(G) section 2249c of title 10, United
2	States Code, relating to authority to use appro-
3	priated funds for costs associated with edu-
4	cation and training of foreign officials under
5	the Regional Defense Combating Terrorism
6	Fellowship Program; and
7	(H) section 2561 of title 10, United States
8	Code, relating to authority to provide humani-
9	tarian assistance; and
10	(2) a description of each foreign-assistance re-
11	lated program that the Department of Defense un-
12	dertakes or implements on behalf of any other de-
13	partment or agency of the United States Govern-
14	ment, including programs under the Foreign Assist-
15	ance Act of 1961 (22 U.S.C. 2151 et seq.) and the
16	Arms Export Control Act (22 U.S.C. 2751 et seq.).
17	(c) FORM.—The report required under subsection (a)
18	shall be submitted in unclassified form, but may contain
19	a classified annex.
20	(d) Appropriate Congressional Committees
21	DEFINED.—In this section, the term "appropriate con-
22	gressional committees" means—
23	(1) the Committee on Appropriations, the Com-
24	mittee on Armed Services, and the Committee on

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2 and 3 (2) the Committee on Appropriations, the Com-4 mittee on Armed Services, and the Committee on 5 Foreign Relations of the Senate. 6 SEC. 1210. EXTENSION AND ENHANCEMENT OF AUTHORITY 7 FOR SECURITY AND STABILIZATION ASSIST-8 ANCE. 9 (a) PROGRAM FOR ASSISTANCE.—Section 1207 of 10 the National Defense Authorization Act for Fiscal Year 11 2006 (Public Law 109–163; 119 Stat. 3458) is amend-12 ed— 13 (1) by redesignating subsections (d), (e), and 14 (f) as subsections (e), (f), and (g), respectively; and 15 (2) by inserting after subsection (c) the fol-16 lowing: 17 "(d) FORMULATION AND IMPLEMENTATION OF PRO-GRAM FOR ASSISTANCE.—The Secretary of State shall co-18 19 ordinate with the Secretary of Defense in the formulation 20 and implementation of a program of reconstruction, secu-21 rity, or stabilization assistance to a foreign country that 22 involves the provision of services or transfer of defense ar-23 ticles or funds under subsection (a).".

24 (b) ONE-YEAR EXTENSION.—Subsection (g) of such
25 section, as redesignated by subsection (a) of this section,

is amended by striking "September 30, 2007" and insert ing "September 30, 2008".

3 SEC. 1211. GOVERNMENT ACCOUNTABILITY OFFICE RE-4 PORT ON GLOBAL PEACE OPERATIONS INI-5 TIATIVE.

6 (a) REPORT REQUIRED.—Not later than June 1, 7 2008, the Comptroller General of the United States shall 8 submit to the congressional defense committees, the Com-9 mittee on Foreign Relations of the Senate, and the Com-10 mittee on Foreign Affairs of the House of Representatives a report assessing the Global Peace Operations Initiative. 11 12 (b) CONTENT.—The report required under subsection (a) shall include the following: 13

(1) An assessment of whether, and to what extent, the Global Peace Operations Initiative has met
the goals set by the President at the inception of the
program in 2004.

18 (2) Which goals, if any, remain unfulfilled.

(3) A description of activities conducted by each
member state of the Group of Eight (G-8), including the approximate cost of the activities, and the
approximate percentage of the total monetary value
of the activities conducted by each G-8 member, including the United States, as well as efforts by the

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1	President to seek contributions or participation by
2	other G–8 members.
3	(4) A description of any activities conducted by
4	non-G–8 members, or other organizations and insti-
5	tutions, as well as any efforts by the President to so-
6	licit contributions or participation.
7	(5) A description of the extent to which the
8	Global Peace Operations Initiative has had global
9	participation.
10	(6) A description of the administration of the
11	program by the Department of State and Depart-
12	ment of Defense, including—
13	(A) whether each Department should con-
14	centrate administration in one office or bureau,
15	and if so, which one;
16	(B) the extent to which the two Depart-
17	ments coordinate and the quality of their co-
18	ordination; and
19	(C) the extent to which contractors are
20	used and an assessment of the quality and
21	timeliness of the results achieved by the con-
22	tractors, and whether the United States Gov-
23	ernment might have achieved similar or better
24	results without contracting out functions.

1	(7) A description of the metrics, if any, that are
2	used by the President and the G–8 to measure
3	progress in implementation of the Global Peace Op-
4	erations Initiative, including—
5	(A) assessments of the quality and sustain-
6	ability of the training of individual soldiers and
7	units;
8	(B) the extent to which the G-8 and par-
9	ticipating countries maintain records or data-
10	bases of trained individuals and units and con-
11	duct inspections to measure and monitor the
12	continued readiness of such individuals and
13	units;
14	(C) the extent to which the individuals and
15	units are equipped and remain equipped to de-
16	ploy in peace operations; and
17	(D) the extent to which, the timeline by
18	which, and how individuals and units can be
19	mobilized for peace operations.
20	(8) The extent to which, the timeline by which,
21	and how individuals and units can be and are being
22	deployed to peace operations.
23	(9) An assessment of whether individuals and
24	units trained under the Global Peace Operations Ini-
25	tiative have been utilized in peace operations subse-

1	quent to receiving training under the Initiative,
2	whether they will be deployed to upcoming oper-
3	ations in Africa and elsewhere, and the extent to
4	which such individuals and units would be prepared
5	to deploy and participate in such peace operations.
6	(10) Recommendations as to whether participa-
7	tion in the Global Peace Operations Initiative should
8	require reciprocal participation by countries in peace
9	operations.
10	(11) Any additional measures that could be
11	taken to enhance the effectiveness of the Global
12	Peace Operations Initiative in terms of—
13	(A) achieving its stated goals; and
14	(B) ensuring that individuals and units
15	trained as part of the Initiative are regularly
16	participating in peace operations.
17	(c) FORM.—To the maximum extent practicable, the
18	report required under subsection (a) shall be submitted
19	in unclassified form, but may include a classified annex,
20	if necessary.

1	SEC. 1212. REPEAL OF LIMITATIONS ON MILITARY ASSIST-
2	ANCE UNDER THE AMERICAN
3	SERVICEMEMBERS' PROTECTION ACT OF
4	2002.
5	(a) Repeal of Limitations.—Section 2007 of the
6	American Service members' Protection Act of 2002 (22
7	U.S.C. 7426) is repealed.
8	(b) Conforming Amendments.—Such Act is fur-
9	ther amended—
10	(1) in section 2003 (22 U.S.C. 7422)—
11	(A) in subsection (a)—
12	(i) in the heading, by striking "SEC-
13	TIONS 5 AND 7" and inserting "SECTION
14	2005"; and
15	(ii) by striking "sections 2005 and
16	2007" and inserting "section 2005";
17	(B) in subsection (b)—
18	(i) in the heading, by striking "SEC-
19	TIONS 5 AND 7" and inserting "SECTION
20	2005"; and
21	(ii) by striking "sections 2005 and
22	2007" and inserting "section 2005";
23	(C) in subsection $(c)(2)(A)$, by striking
24	"sections 2005 and 2007" and inserting "sec-
25	tion 2005";

1	(D) in subsection (d), by striking "sections
2	2005 and 2007" and inserting "section 2005";
3	and
4	(E) in subsection (e), by striking "2006,
5	and 2007" and inserting "and 2006"; and
6	(2) in section 2013 (22 U.S.C. 7432), by strik-
7	ing paragraph (13).
8	Subtitle B—Matters Relating to
9	Iraq and Afghanistan
10	SEC. 1221. MODIFICATION OF AUTHORITIES RELATING TO
11	THE OFFICE OF THE SPECIAL INSPECTOR
12	GENERAL FOR IRAQ RECONSTRUCTION.
13	(a) PURPOSES.—Subsection (a)(1) of section 3001 of
14	the Emergency Supplemental Appropriations Act for De-
15	fense and for the Reconstruction of Iraq and Afghanistan,
16	2004 (Public Law 108–106; 117 Stat. 1234–1238; 5
17	U.S.C. App., note to section 8G of Public Law 95–452)
18	is amended by striking "to the Iraq Relief and Reconstruc-
19	tion Fund" and inserting "for the reconstruction of Iraq".
20	(b) Assistant Inspectors General.—Subsection
21	(d)(1) of such section is amended by striking "the Iraq
22	Relief and Reconstruction Fund" and inserting "amounts
23	appropriated or otherwise made available for the recon-

(c) SUPERVISION.—Subsection (e)(2) of such section

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is amended by striking "the Iraq Relief and Reconstruc-2 tion Fund" and inserting "amounts appropriated or other-3 4 wise made available for the reconstruction of Iraq". 5 (d) DUTIES.—Subsection (f)(1) of such section is 6 amended by striking "to the Iraq Relief and Reconstruction Fund" and inserting "for the reconstruction of Iraq". 7 8 (e) PERSONNEL, FACILITIES, AND OTHER RE-9 SOURCES.—Subsection (h) of such section is amended— 10 (1) in paragraph (1), by inserting after "pay rates" the following: ", and may exercise the au-11 12 thorities of subsections (b) through (i) of section 13 3161 of title 5, United States Code (without regard 14 to subsection (a) of such section)"; and (2) in paragraph (3), by striking "my enter" 15 and inserting "may enter". 16 17 (f) REPORTS.—Subsection (i) of such section is amended by striking "to the Iraq Relief and Reconstruc-18 tion Fund" each place it appears and inserting "for the 19 reconstruction of Iraq". 20 21 (g) DEFINITIONS.—Subsection (m) of such section is 22 amended-(1) in the heading, by striking "APPROPRIATE 23 COMMITTEES OF CONGRESS DEFINED" and insert-24 ing "DEFINITIONS"; 25

1	(2) by striking "In this section, the term" and
2	inserting the following: "In this section—
3	"(1) the term";
4	(3) by redesignating paragraphs (1) and (2) as
5	subparagraphs (A) and (B), respectively;
6	(4) in paragraph $(1)(B)$ (as redesignated by
7	paragraph (3) of this subsection), by striking "and
8	International Relations" and inserting "Foreign Af-
9	fairs, and Oversight and Government Reform";
10	(5) by striking the period at the end and insert-
11	ing "; and"; and
12	(6) by adding at the end the following:
13	"(2) the term 'amounts appropriated or other-
14	wise made available for the reconstruction of Iraq'
15	means amounts appropriated or otherwise made
16	available for any fiscal year—
17	"(A) to the Iraq Relief and Reconstruction
18	Fund, the Iraq Security Forces Fund, and the
19	Commanders' Emergency Response Program
20	authorized under section 1202 of the National
21	Defense Authorization for Fiscal Year 2006
22	(Public Law 109–163; 119 Stat. 3455–3456);
23	or
24	"(B) for assistance for the reconstruction
25	of Iraq under—

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1	"(i) the Economic Support Fund au-
2	thorized under chapter 4 of part II of the
3	Foreign Assistance Act of 1961 (22 U.S.C.
4	2346 et seq.);
5	"(ii) the International Narcotics Con-
6	trol and Law Enforcement account author-
7	ized under section 481 of the Foreign As-
8	sistance Act of 1961 (22 U.S.C. 2291); or
9	"(iii) any other provision of law.".
10	(h) TERMINATION DATE.—Subsection (o) of such
11	section is amended—
12	(1) in paragraph (1), to read as follows:
13	"(1) The Office of the Inspector General shall termi-
13 14	"(1) The Office of the Inspector General shall termi- nate 180 days after the date on which amounts appro-
14	nate 180 days after the date on which amounts appro-
14 15	nate 180 days after the date on which amounts appro- priated or otherwise made available for the reconstruction
14 15 16	nate 180 days after the date on which amounts appro- priated or otherwise made available for the reconstruction of Iraq that are unexpended are less than \$250,000,000.";
14 15 16 17	nate 180 days after the date on which amounts appro- priated or otherwise made available for the reconstruction of Iraq that are unexpended are less than \$250,000,000."; and
14 15 16 17 18	nate 180 days after the date on which amounts appro- priated or otherwise made available for the reconstruction of Iraq that are unexpended are less than \$250,000,000."; and (2) in paragraph (2)—
14 15 16 17 18 19	nate 180 days after the date on which amounts appro- priated or otherwise made available for the reconstruction of Iraq that are unexpended are less than \$250,000,000."; and (2) in paragraph (2)— (A) by striking "funds deemed to be"; and

1	SEC. 1222. LIMITATION ON AVAILABILITY OF FUNDS FOR
2	CERTAIN PURPOSES RELATING TO IRAQ.
3	No funds appropriated pursuant to an authorization
4	of appropriations in this Act may be obligated or expended
5	for a purpose as follows:
6	(1) To establish any military installation or
7	base for the purpose of providing for the permanent
8	stationing of United States Armed Forces in Iraq.
9	(2) To exercise United States control of the oil
10	resources of Iraq.
11	SEC. 1223. REPORT ON UNITED STATES POLICY AND MILI-
12	TARY OPERATIONS IN IRAQ.
13	(a) Report.—
14	(1) IN GENERAL.—Subsection (c) of section
15	1227 of the National Defense Authorization Act for
16	Fiscal Year 2006 (Public Law 109–163; 119 Stat.
17	3465; 50 U.S.C. 1541 note) is amended—
18	(A) in paragraph (2), by striking "Iraq."
19	and inserting the following: "Iraq, including—
20	"(A) enacting a broadly-accepted hydro-
21	carbon law that equitably shares revenue among
22	all Iraqis;
23	"(B) adopting laws necessary for the con-
24	duct of provincial and local elections, taking
25	steps to implement such laws, and setting a

1	schedule to conduct provincial and local elec-
2	tions;
3	"(C) reforming current laws governing the
4	de-Baathification process in a manner that en-
5	courages national reconciliation;
6	"(D) amending the Constitution of Iraq in
7	a manner that encourages national reconcili-
8	ation;
9	"(E) allocating and beginning expenditure
10	of \$10 billion in Iraqi revenues for reconstruc-
11	tion projects, including delivery of essential
12	services, and implementing such reconstruction
13	projects on an equitable basis; and
14	"(F) making significant efforts to plan and
15	implement disarmament, demobilization, and re-
16	integration programs relating to Iraqi mili-
17	tias.";
18	(B) by striking paragraph (3) and insert-
19	ing the following:
20	"(3) A detailed description of the Joint Cam-
21	paign Plan, or any subsequent revisions, updates, or
22	documents that replace or supersede the Joint Cam-
23	paign Plan, including goals, phases, or other mile-
24	stones contained in the Joint Campaign Plan. Spe-
25	cifically, the description shall include the following:

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1	"(A) An explanation of conditions required
2	to move through phases of the Joint Campaign
3	Plan, in particular those conditions that must
4	be met in order to provide for the transition of
5	additional security responsibility to the Iraqi
6	Security Forces, and the measurements used to
7	determine progress.
8	"(B) An assessment of which conditions in
9	the Joint Campaign Plan have been achieved
10	and which conditions have not been achieved.
11	The assessment of those conditions that have
12	not been achieved shall include a discussion of
13	the factors that have precluded progress.
14	"(C) A description of any companion or
15	equivalent plan of the Government of Iraq used
16	to measure progress for Iraqi Security Forces
17	undertaking joint operations with Coalition
18	Forces."; and
19	(C) by adding at the end the following:
20	"(7) An assessment of the levels of United
21	States Armed Forces required in Iraq for the six-
22	month period following the date of the report, the
23	missions to be undertaken by the Armed Forces in
24	Iraq for such period, and the incremental costs or

savings of any proposed changes to such levels or
 missions.

"(8) A description of the range of conditions 3 4 that could prompt changes to the levels of United 5 States Armed Forces required in Iraq for the six-6 month period following the date of the report or the 7 missions to be undertaken by the Armed Forces in 8 Iraq for such period, including the status of plan-9 ning for such changes to the levels or missions of the 10 Armed Forces in Iraq.".

(2) EFFECTIVE DATE.—The amendments made
by paragraph (1) shall apply with respect to each report required to be submitted to Congress under section 1227(c) of the National Defense Authorization
Act for Fiscal Year 2006 on or after the date of the
enactment of this Act.

17 (b) CONGRESSIONAL BRIEFINGS REQUIRED.—Such18 section is further amended by adding at the end the fol-19 lowing:

"(d) CONGRESSIONAL BRIEFINGS REQUIRED.—Not
later than 30 days after the submission of the first report
under subsection (c) on or after the date of the enactment
of the National Defense Authorization Act for Fiscal Year
2008, the Secretary of Defense and the Chairman of the
Joint Chiefs of Staff shall meet with the congressional de-

1	fense committees to brief such committees on the matters
2	described in paragraphs (7) and (8) of subsection (c) con-
3	tained in the report. Not later than 30 days after the sub-
4	mission of each subsequent report under subsection (c),
5	appropriate senior officials of the Department of Defense
6	shall meet with the congressional defense committees to
7	brief such committees on the matters described in para-
8	graphs (7) and (8) of subsection (c) contained in the re-
9	port.".
10	SEC. 1224. REPORT ON A COMPREHENSIVE SET OF PER-
11	FORMANCE INDICATORS AND MEASURES FOR
12	PROGRESS TOWARD MILITARY AND POLIT-
13	ICAL STABILITY IN IRAQ.
15	ICAL STADILITT IN IRAQ.
13	(a) REPORT.—Section 9010(c) of the Department of
14	(a) REPORT.—Section 9010(c) of the Department of
14 15	(a) REPORT.—Section 9010(c) of the Department of Defense Appropriations Act, 2007 (division A of Public
14 15 16	 (a) REPORT.—Section 9010(c) of the Department of Defense Appropriations Act, 2007 (division A of Public Law 109–289; 120 Stat. 1307) is amended—
14 15 16 17	 (a) REPORT.—Section 9010(c) of the Department of Defense Appropriations Act, 2007 (division A of Public Law 109–289; 120 Stat. 1307) is amended— (1) in paragraph (1)(B)—
14 15 16 17 18	 (a) REPORT.—Section 9010(c) of the Department of Defense Appropriations Act, 2007 (division A of Public Law 109–289; 120 Stat. 1307) is amended— (1) in paragraph (1)(B)— (A) by striking "and trends" and inserting
14 15 16 17 18 19	 (a) REPORT.—Section 9010(c) of the Department of Defense Appropriations Act, 2007 (division A of Public Law 109–289; 120 Stat. 1307) is amended— (1) in paragraph (1)(B)— (A) by striking "and trends" and inserting "trends"; and
 14 15 16 17 18 19 20 	 (a) REPORT.—Section 9010(c) of the Department of Defense Appropriations Act, 2007 (division A of Public Law 109–289; 120 Stat. 1307) is amended— (1) in paragraph (1)(B)— (A) by striking "and trends" and inserting "trends"; and (B) by adding at the end before the period
 14 15 16 17 18 19 20 21 	 (a) REPORT.—Section 9010(c) of the Department of Defense Appropriations Act, 2007 (division A of Public Law 109–289; 120 Stat. 1307) is amended— (1) in paragraph (1)(B)— (A) by striking "and trends" and inserting "trends"; and (B) by adding at the end before the period the following: ", and progress made in the tran-
 14 15 16 17 18 19 20 21 22 	 (a) REPORT.—Section 9010(c) of the Department of Defense Appropriations Act, 2007 (division A of Public Law 109–289; 120 Stat. 1307) is amended— (1) in paragraph (1)(B)— (A) by striking "and trends" and inserting "trends"; and (B) by adding at the end before the period the following: ", and progress made in the transition of responsibility for the security of Iraqi

1	(A) in subparagraph (C)(i), by adding at
2	the end before the semicolon the following: ",
3	without any support from Coalition Forces";
4	(B) by redesignating subparagraphs (D)
5	through (J) as subparagraphs (F) through (L) ,
6	respectively;
7	(C) by inserting after subparagraph (C)
8	the following:
9	"(D) The amount and type of support pro-
10	vided by Coalition Forces to the Iraqi Security
11	Forces at each level of operational readiness.
12	"(E) The number of Iraqi battalions in the
13	Iraqi Army currently conducting operations and
14	the type of operations being conducted.";
15	(D) by redesignating subparagraphs (H)
16	through (L) (as redesignated by subparagraph
17	(B) of this paragraph) as subparagraphs (I)
18	through (M), respectively;
19	(E) by inserting after subparagraph (G)
20	(as redesignated by subparagraph (B) of this
21	paragraph) the following:
22	"(H) The level and effectiveness of the
23	Iraqi Security Forces under the Ministry of De-
24	fense in provinces where the United States has
25	formally transferred responsibility for the secu-

1	rity of the province to the Iraqi Security Forces
2	under the Provincial Iraqi Control (PIC) proc-
3	ess."; and
4	(F) in subparagraph (I) (as redesignated
5	by subparagraphs (B) and (D) of this para-
6	graph)—
7	(i) in clause (iv), by striking "and" at
8	the end;
9	(ii) in clause (v), by striking the pe-
10	riod at the end and inserting "; and"; and
11	(iii) by adding at the end the fol-
12	lowing:
13	"(vi) the level and effectiveness of the
14	Iraqi Police and other Ministry of Interior
15	Forces in provinces where the United
16	States has formally transferred responsi-
17	bility for the security of the province to the
18	Iraqi Security Forces under the Provincial
19	Iraqi Control (PIC) process.".
20	(b) EFFECTIVE DATE.—The amendments made by
21	subsection (a) shall apply with respect to each report re-
22	quired to be submitted to Congress under section 9010
23	of the Department of Defense Appropriations Act, 2007

24 on or after the date of the enactment of this Act.

1SEC. 1225. REPORT ON SUPPORT FROM IRAN FOR ATTACKS2AGAINST COALITION FORCES IN IRAQ.

3 (a) REPORT REQUIRED.—Not later than 60 days
4 after the date of the enactment of this Act, and every 180
5 days thereafter, the Secretary of Defense, in coordination
6 with the Director of National Intelligence, shall submit to
7 the congressional defense committees a report describing
8 and assessing in detail—

9 (1) any support or direction provided to anti-co10 alition forces in Iraq by the Government of Iran or
11 its agents;

(2) the strategy and ambitions in Iraq of theGovernment of Iran; and

(3) any strategy or efforts by the United States
Government to counter the activities of agents of the
Government of Iran in Iraq.

(b) FORM.—Each report required under subsection
(a) shall be submitted in unclassified form, to the maximum extent practicable, but may contain a classified
annex, if necessary.

(c) TERMINATION.—The requirement to submit reports under subsection (a) shall terminate on the date on
which the Secretary of Defense, in coordination with the
Director of National Intelligence, submits to the congressional defense committees a certification in writing that
the Government of Iran has ceased to provide military
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1	support to anti-coalition forces that conduct attacks
2	against coalition forces in Iraq.
3	(d) RULE OF CONSTRUCTION.—Nothing in this sec-
4	tion shall be construed to authorize or otherwise speak to
5	the use of the Armed Forces against Iran.
6	SEC. 1226. SENSE OF CONGRESS ON THE CONSEQUENCES
7	OF A FAILED STATE IN IRAQ.
8	It is the sense of Congress that—
9	(1) a failed state in Iraq will have a negative
10	impact on the Middle East and United States inter-
11	ests in the region; and
12	(2) the United States should pursue strategies
13	to prevent a failed state in Iraq or to contain the
14	negative effects of a failed state in Iraq.
15	SEC. 1227. SENSE OF CONGRESS ON FEDERALISM IN IRAQ.
16	It is the sense of Congress that—
17	(1) policies supported by the United States in
18	the pursuit of a political settlement in Iraq should
19	be consistent with the wishes of the Iraqi people and
20	should not violate the sovereignty of the nation of
21	Iraq;
22	(2) if the Iraqi people support a political settle-
23	ment in Iraq based on the final provisions of the
24	Constitution of Iraq that create a federal system of
25	government and allow for the creation of federal re-

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1	gions, consistent with the wishes of the Iraqi people
2	and their elected leaders, the United States should
3	actively support such a political settlement in Iraq;
4	(3) the active support referred to in paragraph
5	(2) should include—
6	(A) calling on the international community,
7	including countries with troops in Iraq, the per-
8	manent 5 members of the United Nations Secu-
9	rity Council, members of the Gulf Cooperation
10	Council, and Iraq's neighbors—
11	(i) to support an Iraqi political settle-
12	ment based on federalism;
13	(ii) to acknowledge the sovereignty
14	and territorial integrity of Iraq; and
15	(iii) to fulfill commitments for the ur-
16	gent delivery of significant assistance and
17	debt relief to Iraq, especially those made
18	by the member states of the Gulf Coopera-
19	tion Council; and
20	(B) convening a conference for Iraqis to
21	reach an agreement on a comprehensive polit-
22	ical settlement based on the federalism law ap-
23	proved by the Iraqi Parliament on October 11,
24	2006;

1	(4) the United States should urge the Govern-
2	ment of Iraq to quickly agree upon and implement
3	a law providing for the equitable distribution of oil
4	revenues, which is a critical component of a com-
5	prehensive political settlement in Iraq, including a
6	potential settlement based upon federalism;
7	(5) the steps described in paragraphs (2) , (3) ,
8	and (4) could lead to an Iraq that is stable, not a
9	haven for terrorists, and not a threat to its neigh-
10	bors;
11	(6) in pursuit of a political settlement in Iraq,
11 12	(6) in pursuit of a political settlement in Iraq, whether based on federalism or not, the United
12	whether based on federalism or not, the United
12 13	whether based on federalism or not, the United States should call on Iraq's neighbors to pledge not
12 13 14	whether based on federalism or not, the United States should call on Iraq's neighbors to pledge not to militarily intervene in or destabilize Iraq; and
12 13 14 15	 whether based on federalism or not, the United States should call on Iraq's neighbors to pledge not to militarily intervene in or destabilize Iraq; and (7) nothing in this Act should be construed in
12 13 14 15 16	 whether based on federalism or not, the United States should call on Iraq's neighbors to pledge not to militarily intervene in or destabilize Iraq; and (7) nothing in this Act should be construed in any way to infringe on the sovereign rights of the
12 13 14 15 16 17	 whether based on federalism or not, the United States should call on Iraq's neighbors to pledge not to militarily intervene in or destabilize Iraq; and (7) nothing in this Act should be construed in any way to infringe on the sovereign rights of the nation of Iraq or to imply that the United States

1SEC. 1228. TRACKING AND MONITORING OF DEFENSE ARTI-2CLES PROVIDED TO THE GOVERNMENT OF3IRAQ AND OTHER INDIVIDUALS AND GROUPS4IN IRAQ.

5 (a) EXPORT AND TRANSFER CONTROL POLICY.—
6 The President shall implement a policy to control the ex7 port and transfer of defense articles into Iraq, including
8 implementation of the registration and monitoring system
9 under subsection (c).

10 (b) REQUIREMENT TO IMPLEMENT CONTROL SYS-11 TEM.—No defense articles may be provided to the Govern-12 ment of Iraq or any other group, organization, citizen, or 13 resident of Iraq until the President certifies to the speci-14 fied congressional committees that a registration and mon-15 itoring system meeting the requirements set forth in sub-16 section (c) has been established.

17 (c) REGISTRATION AND MONITORING SYSTEM.—The
18 registration and monitoring system required under this
19 subsection shall include—

(1) the registration of the serial numbers of all
small arms to be provided to the Government of Iraq
or to other groups, organizations, citizens, or residents of Iraq;

24 (2) a program of end-use monitoring of all le25 thal defense articles provided to such entities or in26 dividuals; and

(3) a detailed record of the origin, shipping,
 and distribution of all defense articles transferred
 under the Iraq Security Forces Fund or any other
 security assistance program to such entities or indi viduals.

6 (d) REVIEW; EXEMPTION.—

(1) REVIEW.—The President shall periodically 7 8 review the items subject to the registration and mon-9 itoring requirements under subsection (c) to deter-10 mine what items, if any, should no longer be subject 11 to such registration and monitoring requirements. 12 The President shall transmit to the specified con-13 gressional committees the results of each review con-14 ducted under this paragraph.

15 (2) EXEMPTION.—The President may exempt 16 an item from the registration and monitoring re-17 quirements under subsection (c) beginning on the 18 date that is 30 days after the date on which the 19 President provides notice of the proposed exemption 20 to the specified congressional committees in accord-21 ance with the procedures applicable to reprogram-22 ming notifications under section 634A(a) of the For-23 eign Assistance Act of 1961 (22 U.S.C. 2394–1(a)). 24 Such notice shall describe any controls to be im-25 posed on such item under any other provision of law.

1	(e) DEFINITIONS.—In this section:
2	(1) DEFENSE ARTICLE.—The term "defense ar-
3	ticle" has the meaning given the term in section
4	644(d) of the Foreign Assistance Act of 1961 (22)
5	U.S.C. 2403(d)).
6	(2) SMALL ARMS.—The term "small arms"
7	means—
8	(A) handguns;
9	(B) shoulder-fired weapons;
10	(C) light automatic weapons up to and in-
11	cluding .50 caliber machine guns;
12	(D) recoilless rifles up to and including
13	106mm;
14	(E) mortars up to and including 81mm;
15	(F) rocket launchers, man-portable;
16	(G) grenade launchers, rifle and shoulder
17	fired; and
18	(H) individually-operated weapons which
19	are portable or can be fired without special
20	mounts or firing devices and which have poten-
21	tial use in civil disturbances and are vulnerable
22	to theft.
23	(3) Specified congressional commit-
24	TEES.—The term "specified congressional commit-
25	tees" means—

1	(A) the Committee on Foreign Affairs and
2	the Committee on Armed Services of the House
3	of Representatives; and
4	(B) the Committee on Foreign Relations,
5	the Committee on Armed Services, and the
6	Committee on Banking, Housing, and Urban
7	Affairs of the Senate.
8	(f) Effective Date.—
9	(1) IN GENERAL.—Except as provided in para-
10	graph (2), this section shall take effect 180 days
11	after the date of the enactment of this Act.
12	(2) EXCEPTION.—The President may delay the
13	effective date of this section by an additional period
14	of up to 90 days if the President certifies in writing
15	to the specified congressional committees for such
16	additional period that it is in the vital interest of the
17	United States to do so and includes in the certifi-
18	cation a description of such vital interest.
19	SEC. 1229. SPECIAL INSPECTOR GENERAL FOR AFGHANI-
20	STAN RECONSTRUCTION.
21	(a) PURPOSES.—The purposes of this section are as
22	follows:
23	(1) To provide for the independent and objec-
24	tive conduct and supervision of audits and investiga-
25	tions relating to the programs and operations funded

with amounts appropriated or otherwise made avail-
able for the reconstruction of Afghanistan.
(2) To provide for the independent and objec-
tive leadership and coordination of, and rec-
ommendations on, policies designed to—
(A) promote economy efficiency, and effec-
tiveness in the administration of the programs
and operations described in paragraph (1); and
(B) prevent and detect waste, fraud, and
abuse in such programs and operations.
(3) To provide for an independent and objective
means of keeping the Secretary of State and the
Secretary of Defense fully and currently informed
about problems and deficiencies relating to the ad-
ministration of such programs and operations and
the necessity for and progress on corrective action.
(b) Office of Inspector General.—There is
hereby established the Office of the Special Inspector Gen-
eral for Afghanistan Reconstruction to carry out the pur-
poses of subsection (a).
(c) Appointment of Inspector General; Re-
MOVAL.—
(1) APPOINTMENT.—The head of the Office of
the Special Inspector General for Afghanistan Re-
construction is the Special Inspector General for Af-

1 ghanistan Reconstruction (in this section referred to 2 as the "Inspector General"), who shall be appointed 3 by the President. The President may appoint the Special Inspector General for Iraq Reconstruction to 4 5 serve as the Special Inspector General for Afghani-6 stan Reconstruction, in which case the Special In-7 spector General for Iraq Reconstruction shall have 8 all of the duties, responsibilities, and authorities set 9 forth under this section with respect to such ap-10 pointed position for the purpose of carrying out this 11 section.

(2) QUALIFICATIONS.—The appointment of the
Inspector General shall be made solely on the basis
of integrity and demonstrated ability in accounting,
auditing, financial analysis, law, management analysis, public administration, or investigations.

17 (3) DEADLINE FOR APPOINTMENT.—The appointment of an individual as Inspector General
19 shall be made not later than 30 days after the date
20 of the enactment of this Act.

(4) COMPENSATION.—The annual rate of basic
pay of the Inspector General shall be the annual rate
of basic pay provided for positions at level IV of the
Executive Schedule under section 5315 of title 5,
United States Code.

1	(5) Prohibition on political activities.—
2	For purposes of section 7324 of title 5, United
3	States Code, the Inspector General shall not be con-
4	sidered an employee who determines policies to be
5	pursued by the United States in the nationwide ad-
6	ministration of Federal law.
7	(6) REMOVAL.—The Inspector General shall be
8	removable from office in accordance with the provi-
9	sions of section 3(b) of the Inspector General Act of
10	1978 (5 U.S.C. App.).
11	(d) Assistant Inspectors General.—The Inspec-
12	tor General shall, in accordance with applicable laws and
13	regulations governing the civil service—
14	(1) appoint an Assistant Inspector General for
15	Auditing who shall have the responsibility for super-
16	vising the performance of auditing activities relating
17	to programs and operations supported by amounts
18	appropriated or otherwise made available for the re-
19	
	construction of Afghanistan; and
20	(2) appoint an Assistant Inspector General for
20 21	
	(2) appoint an Assistant Inspector General for
21	(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for

(1) IN GENERAL.—Except as provided in para graph (2), the Inspector General shall report directly
 to, and be under the general supervision of, the Sec retary of State and the Secretary of Defense.

5 (2) INDEPENDENCE TO CONDUCT INVESTIGA-6 TIONS AND AUDITS.—No officer of the Department 7 of Defense, the Department of State, or the United 8 States Agency for International Development shall 9 prevent or prohibit the Inspector General from initi-10 ating, carrying out, or completing any audit or in-11 vestigation related to amounts appropriated or oth-12 erwise made available for the reconstruction of Af-13 ghanistan or from issuing any subpoena during the 14 course of any such audit or investigation.

15 (f) DUTIES.—

16 (1)OVERSIGHT \mathbf{OF} AFGHANISTAN **RECON-**17 STRUCTION.—It shall be the duty of the Inspector 18 General to conduct, supervise, and coordinate audits 19 and investigations of the treatment, handling, and 20 expenditure of amounts appropriated or otherwise 21 made available for the reconstruction of Afghani-22 stan, and of the programs, operations, and contracts 23 carried out utilizing such funds, including—

24 (A) the oversight and accounting of the ob-25 ligation and expenditure of such funds;

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1	(B) the monitoring and review of recon-
2	struction activities funded by such funds;
3	(C) the monitoring and review of contracts
4	funded by such funds;
5	(D) the monitoring and review of the
6	transfer of such funds and associated informa-
7	tion between and among departments, agencies,
8	and entities of the United States and private
9	and nongovernmental entities;
10	(E) the maintenance of records on the use
11	of such funds to facilitate future audits and in-
12	vestigations of the use of such fund;
13	(F) the monitoring and review of the effec-
14	tiveness of United States coordination with the
15	Government of Afghanistan and other donor
16	countries in the implementation of the Afghani-
17	stan Compact and the Afghanistan National
18	Development Strategy; and
19	(G) the investigation of overpayments such
20	as duplicate payments or duplicate billing and
21	any potential unethical or illegal actions of Fed-
22	eral employees, contractors, or affiliated entities
23	and the referral of such reports, as necessary,
24	to the Department of Justice to ensure further

1	investigations, prosecutions, recovery of further
2	funds, or other remedies.
3	(2) Other duties related to oversight.—
4	The Inspector General shall establish, maintain, and
5	oversee such systems, procedures, and controls as
6	the Inspector General considers appropriate to dis-
7	charge the duties under paragraph (1).
8	(3) DUTIES AND RESPONSIBILITIES UNDER IN-
9	SPECTOR GENERAL ACT OF 1978.—In addition to the
10	duties specified in paragraphs (1) and (2) , the In-
11	spector General shall also have the duties and re-
12	sponsibilities of inspectors general under the Inspec-
13	tor General Act of 1978.
14	(4) Coordination of efforts.—In carrying
15	out the duties, responsibilities, and authorities of the
16	Inspector General under this section, the Inspector
17	General shall coordinate with, and receive the co-
18	operation of each of the following:
19	(A) The Inspector General of the Depart-
20	ment of Defense.
21	(B) The Inspector General of the Depart-
22	ment of State.
23	(C) The Inspector General of the United
24	States Agency for International Development.
25	(g) Powers and Authorities.—

1	(1) Authorities under inspector general
2	ACT OF 1978.—In carrying out the duties specified in
3	subsection (f), the Inspector General shall have the
4	authorities provided in section 6 of the Inspector
5	General Act of 1978, including the authorities under
6	subsection (e) of such section.
7	(2) Audit standards.—The Inspector General
8	shall carry out the duties specified in subsection
9	(f)(1) in accordance with section $4(b)(1)$ of the In-
10	spector General Act of 1978.
11	(h) PERSONNEL, FACILITIES, AND OTHER RE-
12	SOURCES.—
13	(1) PERSONNEL.—The Inspector General may
14	select, appoint, and employ such officers and em-
15	ployees as may be necessary for carrying out the du-
16	ties of the Inspector General, subject to the provi-
17	sions of title 5, United States Code, governing ap-
18	pointments in the competitive service, and the provi-
19	sions of chapter 51 and subchapter III of chapter 53
20	of such title, relating to classification and General
21	Schedule pay rates.
22	(2) Employment of experts and consult-
23	ANTS.—The Inspector General may obtain services

as authorized by section 3109 of title 5, UnitedStates Code, at daily rates not to exceed the equiva-

lent rate prescribed for grade GS-15 of the General
 Schedule by section 5332 of such title.

3 (3) CONTRACTING AUTHORITY.—To the extent 4 and in such amounts as may be provided in advance 5 by appropriations Acts, the Inspector General may 6 enter into contracts and other arrangements for au-7 dits, studies, analyses, and other services with public 8 agencies and with private persons, and make such 9 payments as may be necessary to carry out the du-10 ties of the Inspector General.

11 (4) RESOURCES.—The Secretary of State or the 12 Secretary of Defense, as appropriate, shall provide 13 the Inspector General with appropriate and adequate 14 office space at appropriate locations of the Depart-15 ment of State or the Department of Defense, as the 16 case may be, in Afghanistan, together with such 17 equipment, office supplies, and communications fa-18 cilities and services as may be necessary for the op-19 eration of such offices, and shall provide necessary 20 maintenance services for such offices and the equip-21 ment and facilities located therein.

22 (5) Assistance from federal agencies.—

23 (A) IN GENERAL.—Upon request of the In24 spector General for information or assistance
25 from any department, agency, or other entity of

1	the Federal Government, the head of such enti-
2	ty shall, insofar as is practicable and not in
3	contravention of any existing law, furnish such
4	information or assistance to the Inspector Gen-
5	eral, or an authorized designee.
6	(B) Reporting of refused assist-
7	ANCE.—Whenever information or assistance re-
8	quested by the Inspector General is, in the
9	judgment of the Inspector General, unreason-
10	ably refused or not provided, the Inspector Gen-
11	eral shall report the circumstances to the Sec-
12	retary of State or the Secretary of Defense, as
13	appropriate, and to the appropriate congres-
14	sional committees without delay.
15	(6) USE OF PERSONNEL, FACILITIES, AND
16	OTHER RESOURCES OF THE OFFICE OF THE SPE-
17	CIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUC-
18	TION.—Upon the request of the Inspector General,
19	the Special Inspector General for Iraq Reconstruc-
20	tion—
21	(A) may detail, on a reimbursable basis,
22	any of the personnel of the Office of the Special
23	Inspector General for Iraq Reconstruction to
24	the Office of the Inspector General for Afghani-

1	stan Reconstruction for the purpose of carrying
2	out this section; and
3	(B) may provide, on a reimbursable basis,
4	any of the facilities or other resources of the
5	Office of the Special Inspector General for Iraq
6	Reconstruction to the Office of the Inspector
7	General for Afghanistan Reconstruction for the
8	purpose of carrying out this section.
9	(i) Reports.—
10	(1) QUARTERLY REPORTS.—Not later than 30
11	days after the end of each fiscal-year quarter, the
12	Inspector General shall submit to the appropriate
13	congressional committees a report summarizing, for
14	the period of that quarter and, to the extent pos-
15	sible, the period from the end of such quarter to the
16	time of the submission of the report, the activities
17	during such period of the Inspector General and the
18	activities under programs and operations funded
19	with amounts appropriated or otherwise made avail-
20	able for the reconstruction of Afghanistan. Each re-
21	port shall include, for the period covered by such re-
22	port, a detailed statement of all obligations, expendi-
23	tures, and revenues associated with reconstruction
24	and rehabilitation activities in Afghanistan, includ-
25	ing the following:

(A) Obligations and expenditures of appro-2 priated funds.

(B) A project-by-project and program-by-3 4 program accounting of the costs incurred to 5 date for the reconstruction of Afghanistan, to-6 gether with the estimate of the Department of 7 Defense, the Department of State, and the 8 United States Agency for International Devel-9 opment, as applicable, of the costs to complete 10 each project and each program.

11 (C) Revenues attributable to or consisting 12 of funds provided by foreign nations or inter-13 national organizations to programs and projects 14 funded by any department or agency of the 15 United States Government, and any obligations 16 or expenditures of such revenues.

17 (D) Revenues attributable to or consisting 18 of foreign assets seized or frozen that con-19 tribute to programs and projects funded by any 20 department or agency of the United States Gov-21 ernment, and any obligations or expenditures of 22 such revenues.

23 (E) Operating expenses of agencies or entities receiving amounts appropriated or other-24

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1	wise made available for the reconstruction of
2	Afghanistan.
3	(F) In the case of any contract, grant,
4	agreement, or other funding mechanism de-
5	scribed in paragraph (2)—
6	(i) the amount of the contract, grant,
7	agreement, or other funding mechanism;
8	(ii) a brief discussion of the scope of
9	the contract, grant, agreement, or other
10	funding mechanism;
11	(iii) a discussion of how the depart-
12	ment or agency of the United States Gov-
13	ernment involved in the contract, grant,
14	agreement, or other funding mechanism
15	identified, and solicited offers from, poten-
16	tial individuals or entities to perform the
17	contract, grant, agreement, or other fund-
18	ing mechanism, together with a list of the
19	potential individuals or entities that were
20	issued solicitations for the offers; and
21	(iv) the justification and approval doc-
22	uments on which was based the determina-
23	tion to use procedures other than proce-
24	dures that provide for full and open com-
25	petition.

1	(2) COVERED CONTRACTS, GRANTS, AGREE-
2	MENTS, AND FUNDING MECHANISMS.—A contract,
3	grant, agreement, or other funding mechanism de-
4	scribed in this paragraph is any major contract,
5	grant, agreement, or other funding mechanism that
6	is entered into by any department or agency of the
7	United States Government that involves the use of
8	amounts appropriated or otherwise made available
9	for the reconstruction of Afghanistan with any pub-
10	lic or private sector entity for any of the following
11	purposes:
12	(A) To build or rebuild physical infrastruc-
13	ture of Afghanistan.
14	(B) To establish or reestablish a political
15	or societal institution of Afghanistan.
16	(C) To provide products or services to the
17	people of Afghanistan.
18	(3) Public availability.—The Inspector
19	General shall publish on a publically-available Inter-
20	net website each report under paragraph (1) of this
21	subsection in English and other languages that the
22	Inspector General determines are widely used and
23	understood in Afghanistan.
24	(4) FORM.—Each report required under this
25	subsection shall be submitted in unclassified form,

1	but may include a classified annex if the Inspector
2	General considers it necessary.
3	(5) RULE OF CONSTRUCTION.—Nothing in this
4	subsection shall be construed to authorize the public
5	disclosure of information that is—
6	(A) specifically prohibited from disclosure
7	by any other provision of law;
8	(B) specifically required by Executive order
9	to be protected from disclosure in the interest
10	of national defense or national security or in
11	the conduct of foreign affairs; or
12	(C) a part of an ongoing criminal inves-
13	tigation.
14	(j) Report Coordination.—
15	(1) SUBMISSION TO SECRETARIES OF STATE
16	AND DEFENSE.—The Inspector General shall also
16 17	AND DEFENSE.—The Inspector General shall also submit each report required under subsection (i) to
	_
17	submit each report required under subsection (i) to
17 18	submit each report required under subsection (i) to the Secretary of State and the Secretary of Defense.
17 18 19	submit each report required under subsection (i) to the Secretary of State and the Secretary of Defense. (2) SUBMISSION TO CONGRESS.—Not later than
17 18 19 20	 submit each report required under subsection (i) to the Secretary of State and the Secretary of Defense. (2) SUBMISSION TO CONGRESS.—Not later than 30 days after receipt of a report under paragraph
17 18 19 20 21	 submit each report required under subsection (i) to the Secretary of State and the Secretary of Defense. (2) SUBMISSION TO CONGRESS.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of State or the Secretary of De-
17 18 19 20 21 22	 submit each report required under subsection (i) to the Secretary of State and the Secretary of Defense. (2) SUBMISSION TO CONGRESS.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of State or the Secretary of Defense may submit to the appropriate congressional

priate. Any comments on the matters covered by the
 report shall be submitted in unclassified form, but
 may include a classified annex if the Secretary of
 State or the Secretary of Defense, as the case may
 be, considers it necessary.

6 (k) TRANSPARENCY.—

7 (1) REPORT.—Not later than 60 days after
8 submission to the appropriate congressional commit9 tees of a report under subsection (i), the Secretary
10 of State and the Secretary of Defense shall jointly
11 make copies of the report available to the public
12 upon request, and at a reasonable cost.

13 (2) Comments on matters covered by re-14 PORT.—Not later than 60 days after submission to 15 the appropriate congressional committees under sub-16 section (j)(2) of comments on a report under sub-17 section (i), the Secretary of State and the Secretary 18 of Defense shall jointly make copies of the comments 19 available to the public upon request, and at a rea-20 sonable cost.

21 (1) WAIVER.—

(1) AUTHORITY.—The President may waive the
requirement under paragraph (1) or (2) of subsection (k) with respect to availability to the public
of any element in a report under subsection (i), or

any comment under subsection (j)(2), if the Presi dent determines that the waiver is justified for na tional security reasons.

(2) NOTICE OF WAIVER.—The President shall 4 5 publish a notice of each waiver made under this sub-6 section in the Federal Register no later than the 7 date on which a report required under subsection (i), 8 or any comment under subsection (j)(2), is sub-9 mitted to the appropriate congressional committees. 10 The report and comments shall specify whether 11 waivers under this subsection were made and with 12 respect to which elements in the report or which 13 comments, as appropriate.

14 (m) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE
MADE AVAILABLE FOR THE RECONSTRUCTION OF
AFGHANISTAN.—The term "amounts appropriated
or otherwise made available for the reconstruction of
Afghanistan" means—

20 (A) amounts appropriated or otherwise
21 made available for any fiscal year—

22 (i) to the Afghanistan Security Forces23 Fund; or

24 (ii) to the program to assist the peo-25 ple of Afghanistan established under sub-

1	section $(a)(2)$ of section 1202 of the Na-
2	tional Defense Authorization for Fiscal
3	Year 2006 (Public Law 109–163; 119
4	Stat. 3455–3456); and
5	(B) amounts appropriated or otherwise
6	made available for any fiscal year for the recon-
7	struction of Afghanistan under—
8	(i) the Economic Support Fund;
9	(ii) the International Narcotics Con-
10	trol and Law Enforcement account; or
11	(iii) any other provision of law.
12	(2) Appropriate congressional commit-
13	TEES.—The term "appropriate congressional com-
14	mittees" means—
15	(A) the Committees on Appropriations,
16	Armed Services, and Foreign Relations of the
17	Senate; and
18	(B) the Committees on Appropriations,
19	Armed Services, and Foreign Affairs of the
20	House of Representatives.
21	(n) AUTHORIZATION OF APPROPRIATIONS.—
22	(1) IN GENERAL.—There is authorized to be
23	appropriated $$20,000,000$ for fiscal year 2008 to
24	carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by section 1513 for the Afghanistan Security Forces Fund is hereby reduced by \$20,000,000.

5 (o) TERMINATION.—

6 (1) IN GENERAL.—The Office of the Special In-7 spector General for Afghanistan Reconstruction shall 8 terminate 180 days after the date on which amounts 9 appropriated or otherwise made available for the re-10 construction of Afghanistan that are unexpended are 11 less than \$250,000,000.

12 (2) FINAL REPORT.—The Inspector General 13 shall, prior to the termination of the Office of the 14 Special Inspector General for Afghanistan Recon-15 struction under paragraph (1), prepare and submit 16 to the appropriate congressional committees a final 17 forensic audit report on programs and operations 18 funded with amounts appropriated or otherwise 19 made available for the reconstruction of Afghani-20 stan.

21 SEC. 1230. REPORT ON PROGRESS TOWARD SECURITY AND 22 STABILITY IN AFGHANISTAN.

(a) REPORT REQUIRED.—Not later than 90 days
after the date of the enactment of this Act, and every 180
days thereafter through the end of fiscal year 2010, the

President, acting through the Secretary of Defense, shall
 submit to the appropriate congressional committees a re port on progress toward security and stability in Afghani stan.

5 (b) COORDINATION.—The report required under subsection (a) shall be prepared in coordination with the Sec-6 7 retary of State, the Director of National Intelligence, the 8 Attorney General, the Administrator of the Drug Enforce-9 ment Administration, the Administrator of the United 10 States Agency for International Development, the Secretary of Agriculture, and the head of any other depart-11 ment or agency of the Government of the United States 12 13 involved with activities relating to security and stability in Afghanistan. 14

15 (c) MATTERS TO BE INCLUDED: STRATEGIC DIREC-TION OF UNITED STATES ACTIVITIES RELATING TO SE-16 CURITY AND STABILITY IN AFGHANISTAN.—The report 17 required under subsection (a) shall include a description 18 19 of a comprehensive strategy of the United States for secu-20rity and stability in Afghanistan. The description of such 21 strategy shall consist of a general overview and a separate 22 detailed section for each of the following:

23 (1) NORTH ATLANTIC TREATY ORGANIZATION
24 INTERNATIONAL SECURITY ASSISTANCE FORCE.—A
25 description of the following:

1	(A) Efforts of the United States to work
2	with countries participating in the North Atlan-
3	tic Treaty Organization (NATO) International
4	Security Assistance Force (ISAF) in Afghani-
5	stan (hereafter in this section referred to as
6	"NATO ISAF countries").
7	(B) Any actions by the United States to
8	achieve the following goals relating to strength-
9	ening the NATO ISAF, and the results of such
10	actions:
11	(i) Encourage NATO ISAF countries
12	to fulfill commitments to the NATO ISAF
13	mission in Afghanistan, and ensure ade-
14	quate contributions to efforts to build the
15	capacity of the Afghanistan National Secu-
16	rity Forces (ANSF), counter-narcotics ef-
17	forts, and reconstruction and development
18	activities in Afghanistan.
19	(ii) Remove national caveats on the
20	use of forces deployed as part of the
21	NATO ISAF.
22	(iii) Reduce the number of civilian
23	casualties resulting from military oper-
24	ations of NATO ISAF countries and miti-

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1	gate the impact of such casualties on the
2	Afghan people.
3	(2) AFGHANISTAN NATIONAL SECURITY
4	FORCES.—A description of the following:
5	(A) A comprehensive and effective long-
6	term strategy and budget, with defined objec-
7	tives, for activities relating to strengthening the
8	resources, capabilities, and effectiveness of the
9	Afghanistan National Army (ANA) and the Af-
10	ghanistan National Police (ANP) of the ANSF,
11	with the goal of ensuring that a strong and
12	fully-capable ANSF is able to independently
13	and effectively conduct operations and maintain
14	security and stability in Afghanistan.
15	(B) Any actions by the United States to
16	achieve the following goals relating to building
17	the capacity of the ANSF, and the results of
18	such actions:
19	(i) Improve coordination with all rel-
20	evant departments and agencies of the
21	Government of the United States, as well
22	as NATO ISAF countries and other inter-
23	national partners.

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(ii) Improve ANSF recruitment and 1 2 retention, including through improved vetting and salaries for the ANSF. 3 4 (iii) Increase and improve ANSF training and mentoring. 5 6 (iv) Strengthen the partnership be-7 tween the Government of the United 8 States and the Government of Afghani-9 stan. 10 (3) PROVINCIAL RECONSTRUCTION TEAMS AND 11 OTHER RECONSTRUCTION AND DEVELOPMENT AC-12 TIVITIES.—A description of the following: 13 (A) A comprehensive and effective long-14 term strategy and budget, with defined objec-15 tives, for reconstruction and development in Af-16 ghanistan, including a long-term strategy with 17 a mission and objectives for each United States-18 led Provincial Reconstruction Team (PRT) in 19 Afghanistan. 20 (B) Any actions by the United States to 21 achieve the following goals with respect to re-22 construction and development in Afghanistan, 23 and the results of such actions:

24 (i) Improve coordination with all rel-25 evant departments and agencies of the

1	Government of the United States, as well
2	as NATO ISAF countries and other inter-
3	national partners.
4	(ii) Clarify the chain of command, and
5	operations plans for United States-led
6	PRTs that are appropriate to meet the
7	needs of the relevant local communities.
8	(iii) Promote coordination among
9	PRTs.
10	(iv) Ensure that each PRT is ade-
11	quately staffed, particularly with civilian
12	specialists, and that such staff receive ap-
13	propriate training.
14	(v) Expand the ability of the Afghan
15	people to assume greater responsibility for
16	their own reconstruction and development
17	projects.
18	(vi) Strengthen the partnership be-
19	tween the Government of the United
20	States and the Government of Afghani-
21	stan.
22	(vii) Ensure proper reconstruction and
23	development oversight activities, including
24	implementation, where appropriate, of rec-
25	ommendations of any United States in-

1	spectors general, including the Special In-
2	spector General for Afghanistan Recon-
3	struction appointed pursuant to section
4	1229.
5	(4) Counter-narcotics activities.—A de-
6	scription of the following:
7	(A) A comprehensive and effective long-
8	term strategy and budget, with defined objec-
9	tives, for the activities of the Department of
10	Defense relating to counter-narcotics efforts in
11	Afghanistan, including—
12	(i) roles and missions of the Depart-
13	ment of Defense within the overall counter-
14	narcotics strategy for Afghanistan of the
15	Government of the United States, includ-
16	ing a statement of priorities;
17	(ii) a detailed, comprehensive, and ef-
18	fective strategy with defined one-year,
19	three-year, and five-year objectives and a
20	description of the accompanying allocation
21	of resources of the Department of Defense
22	to accomplish such objectives;
23	(iii) in furtherance of the strategy de-
24	scribed in clause (i), actions that the De-

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1	partment of Defense is taking and has
2	planned to take to—
3	(I) improve coordination within
4	the Department of Defense and with
5	all relevant departments and agencies
6	of the Government of the United
7	States;
8	(II) strengthen significantly the
9	Afghanistan National Counter-nar-
10	cotics Police;
11	(III) build the capacity of local
12	and provincial governments of Af-
13	ghanistan and the national Govern-
14	ment of Afghanistan to assume great-
15	er responsibility for counter-narcotics-
16	related activities, including interdic-
17	tion; and
18	(IV) improve counter-narcotics-
19	related intelligence capabilities and
20	tactical use of such capabilities by the
21	Department of Defense and other ap-
22	propriate departments and agencies of
23	the Government of the United States;
24	and

- 1 (iv) the impact, if any, including the 2 disadvantages and advantages, if any, on 3 the primary counter-terrorism mission of 4 the United States military of providing en-5 hanced logistical support to departments 6 and agencies of the Government of the 7 United States and counter-narcotics part-8 ners of the United States in their interdic-9 tion efforts, including apprehending or 10 eliminating major drug traffickers in Af-11 ghanistan.
- 12 (B) The counter-narcotics roles and mis-13 sions assumed by the local and provincial gov-14 ernments of Afghanistan and the national Gov-15 ernment of Afghanistan, appropriate depart-16 ments and agencies of the Government of the 17 United States (other than the Department of 18 Defense), the NATO ISAF, and the govern-19 ments of other countries.

20 (C) The plan and efforts to coordinate the
21 counter-narcotics strategy and activities of the
22 Department of Defense with the counter-nar23 cotics strategy and activities of the Government
24 of Afghanistan, the NATO-led interdiction and
25 security forces, other appropriate countries, and

1	other counter-narcotics partners of the United
2	States, and the results of such efforts.
3	(D) The progress made by the govern-
4	ments, organizations, and entities specified in
5	subparagraph (B) in executing designated roles
6	and missions, and in coordinating and imple-
7	menting counternarcotics plans and activities,
8	and based on the results of this progress wheth-
9	er, and to what extent, roles and missions for
10	the Department of Defense should be altered in
11	the future, or should remain unaltered.
12	(5) Public corruption and rule of LAW.—
13	A description of any actions, and the results of such
14	actions, to help the Government of Afghanistan fight
15	public corruption and strengthen governance and the
16	rule of law at the local, provincial, and national lev-
17	els.
18	(6) REGIONAL CONSIDERATIONS.—A descrip-
19	tion of any actions and the results of such actions
20	to increase cooperation with countries geographically
21	located around Afghanistan's border, with a par-
22	ticular focus on improving security and stability in
23	the Afghanistan-Pakistan border areas.
24	(d) Matters to Be Included: Performance In-
25	DICATORS AND MEASURES OF PROGRESS TOWARD SUS-

TAINABLE LONG-TERM SECURITY AND STABILITY IN AF GHANISTAN.—

3 (1) IN GENERAL.—The report required under 4 subsection (a) shall set forth a comprehensive set of 5 performance indicators and measures of progress to-6 ward sustainable long-term security and stability in 7 Afghanistan, as specified in paragraph (2), and shall 8 include performance standards and progress goals, 9 together with a notional timetable for achieving such 10 goals.

(2) PERFORMANCE INDICATORS AND MEASURES
OF PROGRESS SPECIFIED.—The performance indicators and measures of progress specified in this paragraph shall include, at a minimum, the following:

15 (A) With respect to the NATO ISAF, an
16 assessment of unfulfilled NATO ISAF mission
17 requirements and contributions from individual
18 NATO ISAF countries, including levels of
19 troops and equipment, the effect of contribu20 tions on operations, and unfulfilled commit21 ments.

(B) An assessment of military operations
of the NATO ISAF, including of NATO ISAF
countries, and an assessment of separate mili-

1	tary operations by United States forces. Such
2	assessments shall include—
3	(i) indicators of a stable security envi-
4	ronment in Afghanistan, such as number
5	of engagements per day, and trends relat-
6	ing to the numbers and types of hostile en-
7	counters; and
8	(ii) the effects of national caveats that
9	limit operations, geographic location of op-
10	erations, and estimated number of civilian
11	casualties.
12	(C) For the Afghanistan National Army
13	(ANA), and separately for the Afghanistan Na-
14	tional Police (ANP), of the Afghanistan Na-
15	tional Security Forces (ANSF) an assessment
16	of the following:
17	(i) Recruitment and retention num-
18	bers, rates of absenteeism, vetting proce-
19	dures, and salary scale.
20	(ii) Numbers trained, numbers receiv-
21	ing mentoring, the type of training and
22	mentoring, and number of trainers, men-
23	tors, and advisers needed to support the
24	ANA and ANP and associated ministries.
25	(iii) Type of equipment used.

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1	(iv) Operational readiness status of
2	ANSF units, including the type, number,
3	size, and organizational structure of ANA
4	and ANP units that are—
5	(I) capable of conducting oper-
6	ations independently;
7	(II) capable of conducting oper-
8	ations with the support of the United
9	States, NATO ISAF forces, or other
10	coalition forces; or
11	(III) not ready to conduct oper-
12	ations.
13	(v) Effectiveness of ANA and ANP
14	officers and the ANA and ANP chain of
15	command.
16	(vi) Extent to which insurgents have
17	infiltrated the ANA and ANP.
18	(vii) Estimated number and capability
19	level of the ANA and ANP needed to per-
20	form duties now undertaken by NATO
21	ISAF countries, separate United States
22	forces and other coalition forces, including
23	defending the borders of Afghanistan and
24	providing adequate levels of law and order
25	throughout Afghanistan.

1	(D) An assessment of the estimated
2	strength of the insurgency in Afghanistan and
3	the extent to which it is composed of non-Af-
4	ghan fighters and utilizing weapons or weapons-
5	related materials from countries other than Af-
6	ghanistan.
7	(E) A description of all terrorist and insur-
8	gent groups operating in Afghanistan, including
9	the number, size, equipment strength, military
10	effectiveness, sources of support, legal status,
11	and any efforts to disarm or reintegrate each
12	such group.
13	(F) An assessment of security and sta-
14	bility, including terrorist and insurgent activity,
15	in Afghanistan-Pakistan border areas and in
16	Pakistan's Federally Administered Tribal
17	Areas.
18	(G) An assessment of United States mili-
19	tary requirements, including planned force rota-
20	tions, for the twelve-month period following the
21	date of the report required under subsection
22	(a).
23	(H) For reconstruction and development,
24	an assessment of the following:

1	(i) The location, funding (including
2	the sources of funding), staffing require-
3	ments, current staffing levels, and activi-
4	ties of each United States-led Provincial
5	Reconstruction Team.
6	(ii) Key indicators of economic activ-
7	ity that should be considered the most im-
8	portant for determining the prospects of
9	stability in Afghanistan, including—
10	(I) the indicators set forth in the
11	Afghanistan Compact, which consist
12	of roads, education, health, agri-
13	culture, and electricity; and
14	(II) unemployment and poverty
15	levels.
16	(I) For counter-narcotics efforts, an as-
17	sessment of the activities of the Department of
18	Defense in Afghanistan, as described in sub-
19	section $(c)(4)$, and the effectiveness of such ac-
20	tivities.
21	(J) Key measures of political stability re-
22	lating to both central and local Afghan govern-
23	ance.
24	(K) For public corruption and rule of law,
25	an assessment of anti-corruption and law en-

forcement activities at the local, provincial, and
 national levels and the effectiveness of such ac tivities.

4 (e) FORM.—The report required under subsection (a)
5 shall be submitted in unclassified form, but may include
6 a classified annex, if necessary.

7 (f) CONGRESSIONAL BRIEFINGS.—The Secretary of
8 Defense shall supplement the report required under sub9 section (a) with regular briefings to the appropriate con10 gressional committees on the subject matter of the report.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES
DEFINED.—In this section, the term "appropriate congressional committees" means—

14 (1) the Committee on Armed Services, the
15 Committee on Appropriations, and the Committee on
16 Foreign Affairs of the House of Representatives;
17 and

18 (2) the Committee on Armed Services, the
19 Committee on Appropriations, and the Committee on
20 Foreign Relations of the Senate.

21 SEC. 1231. UNITED STATES PLAN FOR SUSTAINING THE AF-

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GHANISTAN NATIONAL SECURITY FORCES.

(a) PLAN REQUIRED.—Not later than 90 days after
the date of the enactment of this Act, and annually thereafter through the end of fiscal year 2010, the Secretary

of Defense shall submit to the appropriate congressional 1 2 committees a report on a long-term detailed plan for sus-3 taining the Afghanistan National Army (ANA) and the 4 Afghanistan National Police (ANP) of the Afghanistan 5 National Security Forces (ANSF), with the objective of ensuring that a strong and fully-capable ANSF will be 6 7 able to independently and effectively conduct operations 8 and maintain long-term security and stability in Afghani-9 stan.

(b) COORDINATION.—The report required under subsection (a) shall be prepared in coordination with the Secretary of State.

(c) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include a description of
the following matters relating to the plan for sustaining
the ANSF:

17 (1) A comprehensive and effective long-term18 strategy and budget, with defined objectives.

(2) A mechanism for tracking funding, equipment, training, and services provided for the ANSF
by the United States, countries participating in the
North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) in Afghanistan (hereafter in this section referred to as

	001
1	"NATO ISAF countries"), and other coalition forces
2	that are not part of the NATO ISAF.
3	(3) Any actions to assist the Government of Af-
4	ghanistan achieve the following goals, and the re-
5	sults of such actions:
6	(A) Build and sustain effective Afghan se-
7	curity institutions with fully-capable leadership
8	and staff, including a reformed Ministry of In-
9	terior, a fully-established Ministry of Defense,
10	and logistics, intelligence, medical, and recruit-
11	ing units (hereafter in this section referred to
12	as "ANSF-sustaining institutions").
13	(B) Train and equip fully-capable ANSF
14	that are capable of conducting operations inde-
15	pendently and in sufficient numbers.
16	(C) Establish strong ANSF-readiness as-
17	sessment tools and metrics.
18	(D) Build and sustain strong, professional
19	ANSF officers at the junior-, mid-, and senior-
20	levels.
21	(E) Develop strong ANSF communication
22	and control between central command and re-
23	gions, provinces, and districts.
24	(F) Establish a robust mentoring and ad-
25	vising program, and a strong professional mili-

1	tary training and education program, for all
2	ANSF officials.
3	(G) Establish effective merit-based salary,
4	rank, promotion, and incentive structures for
5	the ANSF.
6	(H) Develop mechanisms for incorporating
7	lessons learned and best practices into ANSF
8	operations.
9	(I) Establish an ANSF personnel account-
10	ability system with effective internal discipline
11	procedures and mechanisms, and a system for
12	addressing ANSF personnel complaints.
13	(J) Ensure effective ANSF oversight
14	mechanisms, including a strong record-keeping
15	system to track ANSF equipment and per-
16	sonnel.
17	(4) Coordination with all relevant departments
18	and agencies of the Government of the United
19	States, as well as NATO ISAF countries and other
20	international partners, including on—
21	(A) funding;
22	(B) reform and establishment of ANSF-
23	sustaining institutions; and
24	(C) efforts to ensure that progress on sus-
25	taining the ANSF is reinforced with progress in

1	other pillars of the Afghan security sector, par-
2	ticularly progress on building an effective judi-
3	ciary, curbing production and trafficking of il-
4	licit narcotics, and demobilizing, disarming, and
5	reintegrating militia fighters.
6	(d) Appropriate Congressional Committees
7	DEFINED.—In this section, the term "appropriate con-
8	gressional committees" means—
9	(1) the Committee on Armed Services, the
10	Committee on Appropriations, and the Committee on
11	Foreign Affairs of the House of Representatives;
12	and
13	(2) the Committee on Armed Services, the
14	Committee on Appropriations, and the Committee on
15	Foreign Relations of the Senate.
16	SEC. 1232. REPORT ON ENHANCING SECURITY AND STA-
17	BILITY IN THE REGION ALONG THE BORDER
18	OF AFGHANISTAN AND PAKISTAN.
19	(a) REPORT REQUIRED.—
20	(1) IN GENERAL.—Not later than March 31,
21	2008, the Secretary of Defense, in consultation with
22	the Secretary of State, shall submit to the appro-
23	priate congressional committees a report on enhanc-
24	ing security and stability in the region along the bor-
25	der of Afghanistan and Pakistan.

1	(2) MATTERS TO BE INCLUDED.—The report
2	required under paragraph (1) shall include the fol-
3	lowing:
4	(A) A detailed description of the efforts by
5	the Government of Pakistan to achieve the fol-
6	lowing objectives:
7	(i) Eliminate safe havens for Taliban,
8	Al Qaeda, and other violent extremist
9	forces on the national territory of Paki-
10	stan.
11	(ii) Prevent the movement of such
12	forces across the border of Pakistan into
13	Afghanistan to engage in insurgent or ter-
14	rorist activities.
15	(B) An assessment of the Secretary of De-
16	fense as to whether Pakistan is making sub-
17	stantial and sustained efforts to achieve the ob-
18	jectives specified in subparagraph (A).
19	(3) FORM.—The report required under para-
20	graph (1) shall be submitted in unclassified form,
21	but may include a classified annex.
22	(4) LIMITATION.—
23	(A) IN GENERAL.—If the Secretary of De-
24	fense does not submit the report required under
25	paragraph (1) by March 31, 2008, then after

1	such date the Government of Pakistan may not
2	be reimbursed under the authority of any provi-
3	sion of law described in subparagraph (B) for
4	logistical, military, or other support provided by
5	Pakistan to the United States until the Sec-
6	retary submits to the appropriate congressional
7	committees the report required by such para-
8	graph.
9	(B) Provisions of LAW.—The provisions
10	of law referred to in subparagraph (A) are the
11	following:
12	(i) Section 1233.
13	(ii) Any other provision of law under
14	which payments are authorized to reim-
15	burse key cooperating nations for
16	logistical, military, or other support pro-
17	vided by that nation to or in connection
18	with United States military operations.
19	(5) Appropriate congressional commit-
20	TEES DEFINED.—In this subsection, the term "ap-
21	propriate congressional committees" means—
22	(A) the Committee on Armed Services, the
23	Committee on Appropriations, and the Com-
24	mittee on Foreign Affairs of the House of Rep-
25	resentatives; and

(B) the Committee on Armed Services, the
Committee on Appropriations, and the Com-
mittee on Foreign Relations of the Senate.
(b) NOTIFICATION RELATING TO DEPARTMENT OF
Defense Coalition Support Funds for Pakistan.—
(1) NOTIFICATION.—
(A) IN GENERAL.—Not less than 15 days
before making any reimbursement to the Gov-
ernment of Pakistan under the authority of any
provision of law described in subparagraph (B)
for logistical, military, or other support pro-
vided by Pakistan to the United States, the
Secretary of Defense shall submit to the con-
gressional defense committees a written notifi-
cation that contains a detailed description of
such logistical, military, or other support.
(B) Provisions of LAW.—The provisions
of law referred to in subparagraph (A) are the
following:
(i) Section 1233.
(ii) Any other provision of law under
which payments are authorized to reim-
burse key cooperating nations for
logistical, military, or other support pro-

1	vided by that nation to or in connection
2	with United States military operations.
3	(2) MATTERS TO BE INCLUDED.—Each notifi-
4	cation required under paragraph (1) shall include an
5	itemized description of the following support pro-
6	vided by Pakistan to the United States for which the
7	United States will provide reimbursement:
8	(A) Logistic support, supplies, and serv-
9	ices, as such term is defined in section $2350(1)$
10	of title 10, United States Code.
11	(B) Military support.
12	(C) Any other support or services.
13	(3) FORM.—Each notification required under
14	paragraph (1) shall be submitted in unclassified
15	form, but may include a classified annex.
16	(4) Relationship to other notification
17	REQUIREMENTS.—Each notification required under
18	paragraph (1) shall be in addition to any notification
19	requirements under any provision of law described in
20	subparagraph (B) of such paragraph.
21	(5) EFFECTIVE DATE.—The requirement to
22	submit notifications under paragraph (1) shall apply
23	with respect to reimbursements to the Government
24	of Pakistan for logistical, military, or other support
25	provided by Pakistan to the United States during

1 the period beginning on February 1, 2008, and end-2 ing on September 30, 2009. 3 SEC. 1233. REIMBURSEMENT OF CERTAIN COALITION NA-4 TIONS FOR SUPPORT PROVIDED TO UNITED 5 STATES MILITARY OPERATIONS. 6 (a) AUTHORITY.—From funds made available for the 7 Department of Defense by section 1508 for operation and 8 maintenance, Defense-wide activities, the Secretary of De-9 fense may reimburse any key cooperating nation for 10 logistical and military support provided by that nation to or in connection with United States military operations 11 in Operation Iraqi Freedom or Operation Enduring Free-12

13 dom.

14 (b) Amounts of Reimbursement.—

(1) IN GENERAL.—Reimbursement authorized 15 16 by subsection (a) may be made in such amounts as 17 the Secretary of Defense, with the concurrence of 18 the Secretary of State and in consultation with the 19 Director of the Office of Management and Budget, 20 may determine, based on documentation determined 21 by the Secretary of Defense to adequately account 22 for the support provided.

23 (2) STANDARDS.—Not later than 30 days after
24 the date of the enactment of this Act, the Secretary
25 of Defense shall prescribe standards for determining

the kinds of logistical and military support to the United States that shall be considered reimbursable under the authority in subsection (a). Such standards may not take effect until 15 days after the date on which the Secretary submits to the congressional defense committees a report setting forth such standards.

8 (c) LIMITATIONS.—

9 (1) LIMITATION ON AMOUNT.—The total
10 amount of reimbursements made under the authority
11 in subsection (a) during fiscal year 2008 may not
12 exceed \$1,200,000,000.

(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary of Defense may not enter into any contractual obligation
to make a reimbursement under the authority in
subsection (a).

18 (d) NOTICE TO CONGRESS.—The Secretary of De-19 fense shall—

(1) notify the congressional defense committees
not less than 15 days before making any reimbursement under the authority in subsection (a); and

(2) submit to the congressional defense commit-tees on a quarterly basis a report on any reimburse-

1	ments made under the authority in subsection (a)
2	during such quarter.
3	SEC. 1234. LOGISTICAL SUPPORT FOR COALITION FORCES

SUPPORTING OPERATIONS IN IRAQ AND AF-GHANISTAN.

6 (a) Availability of Funds for Logistical Sup-7 PORT.—Subject to the provisions of this section, amounts 8 available to the Department of Defense for fiscal year 9 2008 for operation and maintenance may be used to pro-10 vide supplies, services, transportation (including airlift 11 and sealift), and other logistical support to coalition forces 12 supporting United States military and stabilization operations in Iraq and Afghanistan. 13

(b) REQUIRED DETERMINATION.—The Secretary
may provide logistical support under the authority in subsection (a) only if the Secretary determines that the coalition forces to be provided the logistical support—

18 (1) are essential to the success of a United19 States military or stabilization operation; and

20 (2) would not be able to participate in such op21 eration without the provision of the logistical sup22 port.

23 (c) COORDINATION WITH EXPORT CONTROL
24 LAWS.—Logistical support may be provided under the au25 thority in subsection (a) only in accordance with applicable

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provisions of the Arms Export Control Act and other ex port control laws of the United States.

3 (d) LIMITATION ON VALUE.—The total amount of 4 logistical support provided under the authority in sub-5 section (a) in fiscal year 2008 may not exceed 6 \$400,000,000.

7 (e) QUARTERLY REPORTS.—

8 (1) REPORTS REQUIRED.—Not later than 15 9 days after the end of each fiscal-year quarter of fis-10 cal year 2008, the Secretary shall submit to the con-11 gressional defense committees a report on the provi-12 sion of logistical support under the authority in sub-13 section (a) during such fiscal-year quarter.

14 (2) ELEMENTS.—Each report under paragraph
15 (1) shall include, for the fiscal-year quarter covered
16 by such report, the following:

17 (A) Each nation provided logistical support18 under the authority in subsection (a).

19 (B) For each such nation, a description of
20 the type and value of logistical support so pro21 vided.

22 Subtitle C—Iraq Refugee Crisis

23 SEC. 1241. SHORT TITLE.

This subtitle may be cited as the "Refugee Crisis inIraq Act of 2007".

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1 SEC. 1242. PROCESSING MECHANISMS.

2 (a) IN GENERAL.—The Secretary of State, in con3 sultation with the Secretary of Homeland Security, shall
4 establish or use existing refugee processing mechanisms
5 in Iraq and in countries, where appropriate, in the region
6 in which—

7 (1) aliens described in section 1243 may apply
8 and interview for admission to the United States as
9 refugees; and

10 (2) aliens described in section 1244(b) may
11 apply and interview for admission to United States
12 as special immigrants.

13 (b) SUSPENSION.—If such is determined necessary, the Secretary of State, in consultation with the Secretary 14 of Homeland Security, may suspend in-country processing 15 16 under subsection (a) for a period not to exceed 90 days. Such suspension may be extended by the Secretary of 17 18 State upon notification to the Committee on the Judiciary 19 of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, the Com-20 mittee on the Judiciary of the Senate, and the Committee 21 22 on Foreign Relations of the Senate. The Secretary of 23 State shall submit to such committees a report outlining 24 the basis of any such suspension and any extensions there-25 of.

1	(c) REPORT.—Not later than 90 days after the date
2	of the enactment of this Act, the Secretary of State, in
3	consultation with the Secretary of Homeland Security,
4	shall submit to the committees specified in subsection (b)
5	a report that—
6	(1) describes the Secretary of State's plans to
7	establish the processing mechanisms required under
8	subsection (a);
9	(2) contains an assessment of in-country proc-
10	essing that makes use of videoconferencing; and
11	(3) describes the Secretary of State's diplomatic
12	efforts to improve issuance of exit permits to Iraqis
13	who have been provided special immigrant status
14	under section 1244 and Iraqi refugees under section
15	1243.
16	SEC. 1243. UNITED STATES REFUGEE PROGRAM PROC-
17	ESSING PRIORITIES.
18	(a) IN GENERAL.—Refugees of special humanitarian
19	concern eligible for Priority 2 processing under the refugee
20	resettlement priority system who may apply directly to the
21	United States Admission Program shall include—
22	(1) Iraqis who were or are employed by the
23	United States Government, in Iraq;

1	(2) Iraqis who establish to the satisfaction of
2	the Secretary of State that they are or were em-
3	ployed in Iraq by—
4	(A) a media or nongovernmental organiza-
5	tion headquartered in the United States; or
6	(B) an organization or entity closely asso-
7	ciated with the United States mission in Iraq
8	that has received United States Government
9	funding through an official and documented
10	contract, award, grant, or cooperative agree-
11	ment; and
12	(3) spouses, children, and parents whether or
13	not accompanying or following to join, and sons,
14	daughters, and siblings of aliens described in para-
15	graph (1), paragraph (2), or section $1244(b)(1)$; and
16	(4) Iraqis who are members of a religious or
17	minority community, have been identified by the
18	Secretary of State, or the designee of the Secretary,
19	as a persecuted group, and have close family mem-
20	bers (as described in section $201(b)(2)(A)(i)$ or
21	203(a) of the Immigration and Nationality Act (8)
22	U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United
23	States.
24	(b) Identification of Other Persecuted

24 (b) IDENTIFICATION OF OTHER PERSECUTED25 GROUPS.—The Secretary of State, or the designee of the

Secretary, is authorized to identify other Priority 2 groups
 of Iraqis, including vulnerable populations.

3 (c) INELIGIBLE ORGANIZATIONS AND ENTITIES.— 4 Organizations and entities described in subsection (a)(2)5 shall not include any that appear on the Department of the Treasury's list of Specially Designated Nationals or 6 7 any entity specifically excluded by the Secretary of Home-8 land Security, after consultation with the Secretary of 9 State and the heads of relevant elements of the intelligence 10 community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)). 11

(d) APPLICABILITY OF OTHER REQUIREMENTS.—
Aliens under this section who qualify for Priority 2 processing under the refugee resettlement priority system shall
satisfy the requirements of section 207 of the Immigration
and Nationality Act (8 U.S.C. 1157) for admission to the
United States.

18 (e) NUMERICAL LIMITATIONS.—In determining the 19 number of Iraqi refugees who should be resettled in the 20United States under paragraphs (2), (3), and (4) of sub-21 section (a) and subsection (b) of section 207 of the Immi-22 gration and Nationality Act (8 U.S.C. 1157), the Presi-23 dent shall consult with the heads of nongovernmental or-24 ganizations that have a presence in Iraq or experience in 25 assessing the problems faced by Iraqi refugees.

(f) ELIGIBILITY FOR ADMISSION AS REFUGEE.—No
 alien shall be denied the opportunity to apply for admis sion under this section solely because such alien qualifies
 as an immediate relative or is eligible for any other immi grant classification.

6 SEC. 1244. SPECIAL IMMIGRANT STATUS FOR CERTAIN 7 IRAQIS.

(a) IN GENERAL.—Subject to subsection (c), the Sec-8 9 retary of Homeland Security, or, notwithstanding any 10 other provision of law, the Secretary of State in consultation with the Secretary of Homeland Security, may pro-11 12 vide an alien described in subsection (b) with the status 13 of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if 14 15 the alien—

16 (1) or an agent acting on behalf of the alien,
17 submits a petition for classification under section
18 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

19 (2) is otherwise eligible to receive an immigrant20 visa;

(3) is otherwise admissible to the United States
for permanent residence (excluding the grounds for
inadmissibility specified in section 212(a)(4) of such
Act (8 U.S.C. 1182(a)(4)); and

1	(4) cleared a background check and appropriate
2	screening, as determined by the Secretary of Home-
3	land Security.
4	(b) ALIENS DESCRIBED.—
5	(1) PRINCIPAL ALIENS.—An alien is described
6	in this subsection if the alien—
7	(A) is a citizen or national of Iraq;
8	(B) was or is employed by or on behalf of
9	the United States Government in Iraq, on or
10	after March 20, 2003, for not less than one
11	year;
12	(C) provided faithful and valuable service
13	to the United States Government, which is doc-
14	umented in a positive recommendation or eval-
15	uation, subject to paragraph (4), from the em-
16	ployee's senior supervisor or the person cur-
17	rently occupying that position, or a more senior
18	person, if the employee's senior supervisor has
19	left the employer or has left Iraq; and
20	(D) has experienced or is experiencing an
21	ongoing serious threat as a consequence of the
22	alien's employment by the United States Gov-
23	ernment.
24	(2) Spouses and Children.—An alien is de-
25	scribed in this subsection if the alien—

1	(A) is the spouse or child of a principal
2	alien described in paragraph (1); and
3	(B) is accompanying or following to join
4	the principal alien in the United States.
5	(3) TREATMENT OF SURVIVING SPOUSE OR
6	CHILD.—An alien is described in subsection (b) if
7	the alien—
8	(A) was the spouse or child of a principal
9	alien described in paragraph (1) who had a pe-
10	tition for classification approved pursuant to
11	this section or section 1059 of the National De-
12	fense Authorization Act for Fiscal Year 2006
13	(Public Law 109–163; 8 U.S.C. 1101 note),
14	which included the alien as an accompanying
15	spouse or child; and
16	(B) due to the death of the principal
17	alien—
18	(i) such petition was revoked or termi-
19	nated (or otherwise rendered null); and
20	(ii) such petition would have been ap-
21	proved if the principal alien had survived.
22	(4) APPROVAL BY CHIEF OF MISSION RE-
23	QUIRED.—A recommendation or evaluation required
24	under paragraph $(1)(C)$ shall be accompanied by ap-
25	proval from the Chief of Mission, or the designee of

the Chief of Mission, who shall conduct a risk as-
sessment of the alien and an independent review of
records maintained by the United States Govern-
ment or hiring organization or entity to confirm em-
ployment and faithful and valuable service to the
United States Government prior to approval of a pe-
tition under this section.
(c) NUMERICAL LIMITATIONS.—
(1) IN GENERAL.—The total number of prin-
cipal aliens who may be provided special immigrant
status under this section may not exceed 5,000 per
year for each of the five fiscal years beginning after
the date of the enactment of this Act.
(2) Exclusion from numerical limita-

EXCLUSION FROM NUMERICAL LIMITA-(2)TIONS.—Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(3) CARRY FORWARD.—

(A) FISCAL YEARS ONE THROUGH FOUR.— If the numerical limitation specified in para-graph (1) is not reached during a given fiscal year referred to in such paragraph (with re-spect to fiscal years one through four), the nu-

1	merical limitation specified in such paragraph
2	for the following fiscal year shall be increased
3	by a number equal to the difference between—
4	(i) the numerical limitation specified
5	in paragraph (1) for the given fiscal year;
6	and
7	(ii) the number of principal aliens pro-
8	vided special immigrant status under this
9	section during the given fiscal year.
10	(B) FISCAL YEARS FIVE AND SIX.—If the
11	numerical limitation specified in paragraph (1)
12	is not reached in the fifth fiscal year beginning
13	after the date of the enactment of this Act, the
14	total number of principal aliens who may be
15	provided special immigrant status under this
16	section for the sixth fiscal year beginning after
17	such date shall be equal to the difference be-
18	tween—
19	(i) the numerical limitation specified
20	in paragraph (1) for the fifth fiscal year;
21	and
22	(ii) the number of principal aliens pro-
23	vided such status under this section during
24	the fifth fiscal year.

1 (d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland 2 3 Security may charge an alien described in subsection (b) 4 any fee in connection with an application for, or issuance 5 of, a special immigrant visa. The Secretary of State shall make a reasonable effort to ensure that aliens described 6 7 in this section who are issued special immigrant visas are 8 provided with the appropriate series Iraqi passport nec-9 essary to enter the United States.

(e) PROTECTION OF ALIENS.—The Secretary of 10 State, in consultation with the heads of other relevant 11 12 Federal agencies, shall make a reasonable effort to provide 13 an alien described in this section who is applying for a special immigrant visa with protection or the immediate 14 15 removal from Iraq, if possible, of such alien if the Secretary determines after consultation that such alien is in 16 imminent danger. 17

(f) ELIGIBILITY FOR ADMISSION UNDER OTHER
CLASSIFICATION.—No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is
eligible for any other immigrant classification.

(g) RESETTLEMENT SUPPORT.—Iraqi aliens granted
special immigrant status described in section 101(a)(27)
of the Immigration and Nationality Act (8 U.S.C.

1101(a)(27)) shall be eligible for resettlement assistance,
 entitlement programs, and other benefits available to refu gees admitted under section 207 of such Act (8 U.S.C.
 1157) for a period not to exceed eight months.

5 (h) RULE OF CONSTRUCTION.—Nothing in this sec6 tion may be construed to affect the authority of the Sec7 retary of Homeland Security under section 1059 of the
8 National Defense Authorization Act for Fiscal Year 2006.
9 SEC. 1245. SENIOR COORDINATOR FOR IRAQI REFUGEES
10 AND INTERNALLY DISPLACED PERSONS.

(a) DESIGNATION IN IRAQ.—The Secretary of State
shall designate in the embassy of the United States in
Baghdad, Iraq, a Senior Coordinator for Iraqi Refugees
and Internally Displaced Persons (referred to in this section as the "Senior Coordinator").

16 **RESPONSIBILITIES.**—The Senior Coordinator (b) shall be responsible for the oversight of processing for the 17 resettlement in the United States of refugees of special 18 humanitarian concern, special immigrant visa programs in 19 20 Iraq, and the development and implementation of other 21 appropriate policies and programs concerning Iraqi refu-22 gees and internally displaced persons. The Senior Coordi-23 nator shall have the authority to refer persons to the 24 United States refugee resettlement program.

1 (c) DESIGNATION OF ADDITIONAL SENIOR COORDI-NATORS.—The Secretary of State shall designate in the 2 3 embassies of the United States in Cairo, Egypt, Amman, 4 Jordan, Damascus, Syria, and Beirut, Lebanon, a Senior 5 Coordinator to oversee resettlement in the United States of refugees of special humanitarian concern in those coun-6 7 tries to ensure their applications to the United States ref-8 ugee resettlement program are processed in an orderly 9 manner and without delay.

10SEC. 1246. COUNTRIES WITH SIGNIFICANT POPULATIONS11OF IRAQI REFUGEES.

With respect to each country with a significant population of Iraqi refugees, including Iraq, Jordan, Egypt,
Syria, Turkey, and Lebanon, the Secretary of State
shall—

16 (1) as appropriate, consult with the appropriate
17 government officials of such countries and other
18 countries and the United Nations High Commis19 sioner for Refugees regarding resettlement of the
20 most vulnerable members of such refugee popu21 lations; and

(2) as appropriate, except where otherwise prohibited by the laws of the United States, develop
mechanisms in and provide assistance to countries
with a significant population of Iraqi refugees to en-

1	sure the well-being and safety of such populations in
2	their host environments.

3 SEC. 1247. MOTION TO REOPEN DENIAL OR TERMINATION 4 OF ASYLUM.

5 An alien who applied for asylum or withholding of removal and whose claim was denied on or after March 6 7 1, 2003, by an asylum officer or an immigration judge 8 solely, or in part, on the basis of changed country condi-9 tions may, notwithstanding any other provision of law, file 10 a motion to reopen such claim in accordance with subparagraphs (A) and (B) of section 240(c)(7) of the Immigra-11 tion and Nationality Act (8 U.S.C. 1229a(c)(7)) not later 12 13 than six months after the date of the enactment of the Refugee Crisis in Iraq Act if the alien— 14

15 (1) is a citizen or national of Iraq; and

16 (2) has remained in the United States since the17 date of such denial.

18 SEC. 1248. REPORTS.

(a) SECRETARY OF HOMELAND SECURITY.—Not
later than 120 days after the date of the enactment of
this Act, the Secretary of Homeland Security shall submit
to the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the
House of Representatives, the Committee on the Judiciary
of the Senate, and the Committee on Foreign Relations

of the Senate a report containing plans to expedite the
 processing of Iraqi refugees for resettlement, including in formation relating to—

4 (1) expediting the processing of Iraqi refugees
5 for resettlement, including through temporary ex6 pansion of the Refugee Corps of United States Citi7 zenship and Immigration Services;

8 (2) increasing the number of personnel of the
9 Department of Homeland Security devoted to ref10 ugee processing in Iraq, Jordan, Egypt, Syria, Tur11 key, and Lebanon;

12 (3) enhancing existing systems for conducting 13 background and security checks of persons applying 14 for special immigrant status and of persons consid-15 ered Priority 2 refugees of special humanitarian con-16 cern under the refugee resettlement priority system, 17 which enhancements shall support immigration secu-18 rity and provide for the orderly processing of such 19 applications without delay; and

20 (4) the projections of the Secretary, per country
21 and per month, for the number of refugee interviews
22 that will be conducted in fiscal year 2008 and fiscal
23 year 2009.

(b) PRESIDENT.—Not later than 120 days after thedate of the enactment of this Act, and annually thereafter

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2 unclassified report, with a classified annex if necessary, 3 which includes— 4 (1) an assessment of the financial, security, and 5 personnel considerations and resources necessary to 6 carry out the provisions of this subtitle; 7 (2) the number of aliens described in section 1243(a)(1);8 9 (3) the number of such aliens who have applied 10 for special immigrant visas; 11 (4) the date of such applications; and 12 (5) in the case of applications pending for 13 longer than six months, the reasons that such visas 14 have not been expeditiously processed. 15 (c) REPORT ON IRAQI CITIZENS AND NATIONALS EM-PLOYED BY THE UNITED STATES GOVERNMENT OR FED-16 ERAL CONTRACTORS IN IRAQ.— 17 18 (1) IN GENERAL.—Not later than 120 days 19 after the date of the enactment of this Act, the Sec-20 retary of Defense, the Secretary of State, the Ad-21 ministrator of the United States Agency for Inter-22 national Development, the Secretary of the Treas-23 ury, and the Secretary of Homeland Security shall— 24 (A) review internal records and databases 25 of their respective agencies for information that

	1000
1	can be used to verify employment of Iraqi na-
2	tionals by the United States Government; and
3	(B) request from each prime contractor or
4	grantee that has performed work in Iraq since
5	March 20, 2003, under a contract, grant, or co-
6	operative agreement with their respective agen-
7	cies that is valued in excess of \$25,000 infor-
8	mation that can be used to verify the employ-
9	ment of Iraqi nationals by such contractor or
10	grantee.
11	(2) INFORMATION REQUIRED.—To the extent
12	data is available, the information referred to in
13	paragraph (1) shall include the name and dates of
14	employment of, biometric data for, and other data
15	that can be used to verify the employment of each
16	Iraqi citizen or national who has performed work in
17	Iraq since March 20, 2003, under a contract, grant,
18	or cooperative agreement with an executive agency.
19	(3) EXECUTIVE AGENCY DEFINED.—In this
20	subsection, the term "executive agency" has the
21	meaning given the term in section $4(1)$ of the Office
22	of Federal Procurement Policy Act (41 U.S.C.
23	403(1)).
24	(d) Report on Establishment of Database.—

Not later than 120 days after the date of the enactment

of this Act, the Secretary of Defense, in consultation with 1 the Secretary of State, the Administrator of the United 2 3 States Agency for International Development, the Sec-4 retary of the Treasury, and the Secretary of Homeland 5 Security, shall submit to Congress a report examining the options for establishing a unified, classified database of 6 7 information related to contracts, grants, or cooperative 8 agreements entered into by executive agencies for the per-9 formance of work in Iraq since March 20, 2003, including 10 the information described and collected under subsection (c), to be used by relevant Federal departments and agen-11 12 cies to adjudicate refugee, asylum, special immigrant visa, 13 and other immigration claims and applications.

(e) NONCOMPLIANCE REPORT.—Not later than 180
days after the date of the enactment of this Act, the President shall submit a report to Congress that describes—

(1) the inability or unwillingness of any contractor or grantee to provide the information requested under subsection (c)(1)(B); and

20 (2) the reasons for failing to provide such infor-21 mation.

22 SEC. 1249. AUTHORIZATION OF APPROPRIATIONS.

23 There are authorized to be appropriated such sums24 as may be necessary to carry out this subtitle.

Subtitle D—Other Authorities and Limitations

1010

SEC. 1251. COOPERATIVE OPPORTUNITIES DOCUMENTS 3 4 UNDER COOPERATIVE RESEARCH AND DE-5 VELOPMENT AGREEMENTS WITH NATO OR-6 GANIZATIONS AND OTHER ALLIED AND 7 FRIENDLY FOREIGN COUNTRIES. 8 Section 2350a(e) of title 10, United States Code, is 9 amended-10 (1) in paragraph (1)— 11 (A) by striking "(A)"; (B) by striking "an arms cooperation op-12 portunities document" and inserting "a cooper-13 ative opportunities document before the first 14 milestone or decision point"; and 15 16 (C) by striking subparagraph (B); and (2) in paragraph (2), by striking "An arms co-17

18 operation opportunities document" and inserting "A19 cooperative opportunities document".

1SEC. 1252. EXTENSION AND EXPANSION OF TEMPORARY2AUTHORITY TO USE ACQUISITION AND3CROSS-SERVICING AGREEMENTS TO LEND4MILITARY EQUIPMENT FOR PERSONNEL PRO-5TECTION AND SURVIVABILITY.

6 (a) EXPANSION TO NATIONS ENGAGED IN CERTAIN
7 PEACEKEEPING OPERATIONS.—Subsection (a) of section
8 1202 of the John Warner National Defense Authorization
9 Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
10 2412) is amended—

(1) in paragraph (1), by inserting "or participating in combined operations with the United
States as part of a peacekeeping operation under the
Charter of the United Nations or another international agreement" after "Iraq or Afghanistan";
and

17 (2) in paragraph (3) by inserting ", or in a
18 peacekeeping operation described in paragraph (1),
19 as applicable," after "Iraq or Afghanistan".

(b) ONE-YEAR EXTENSION.—Subsection (e) of such
section is amended by striking "September 30, 2008" and
inserting "September 30, 2009".

23 (c) CONFORMING AMENDMENT.—The heading of
24 such section is amended by striking "FOREIGN FORCES
25 IN IRAQ AND AFGHANISTAN" and inserting "CERTAIN
26 FOREIGN FORCES".

1 SEC. 1253. ACCEPTANCE OF FUNDS FROM THE GOVERN-2 MENT OF PALAU FOR COSTS OF UNITED 3 STATES MILITARY CIVIC ACTION TEAM IN 4 PALAU. 5 Section 104(a) of Public Law 99–658 (48 U.S.C. 1933(a)) is amended— 6 (1) by striking "In recognition" and inserting 7 8 "(1) In recognition"; and 9 (2) by adding at the end the following: 10 "(2) For expenditures that the Department of De-11 fense makes pursuant to paragraph (1), the Secretary of 12 Defense may accept up to the amount of \$250,000 in an-13 nual funds from the Government of Palau as specified in paragraph (1). Funds accepted by the Secretary from the 14 15 Government of Palau under this paragraph shall be cred-16 ited to and merged with appropriations available to the Department of Defense and shall be used to defray ex-17 18 penditures attendant to the operation of the United States 19 military Civic Action Team in Palau. Funds so credited 20and merged shall be available for the same time period 21 as the appropriations to which the funds are credited and 22 merged.".

23 SEC. 1254. REPEAL OF REQUIREMENT RELATING TO NORTH

24 KOREA.

25 Section 1211 of the John Warner National Defense
 26 Authorization Act for Fiscal Year 2007 (Public Law 109–
 •HR 4986 CPH

1 364; 120 Stat. 2420) is amended by striking subsection2 (a).

3 SEC. 1255. JUSTICE FOR OSAMA BIN LADEN AND OTHER 4 LEADERS OF AL QAEDA.

(a) ENHANCED REWARD FOR CAPTURE OF OSAMA
BIN LADEN.—Section 36(e)(1) of the State Department
Basic Authorities Act of 1956 (22 U.S.C. 2708(e)(1)) is
amended by adding at the end the following new sentence:
"The Secretary shall authorize a reward of \$50,000,000
for the capture or death or information leading to the capture or death of Osama bin Laden.".

12 (b) STATUS OF EFFORTS TO BRING OSAMA BIN
13 LADEN AND OTHER LEADERS OF AL QAEDA TO JUS14 TICE.—

(1) REPORT REQUIRED.—Not later than 90
days after the date of the enactment of this Act, the
Secretary of State and the Secretary of Defense
shall, in coordination with the Director of National
Intelligence, jointly submit to Congress a report on
the progress made in bringing Osama bin Laden and
other leaders of al Qaeda to justice.

22 (2) ELEMENTS.—The report required under23 paragraph (1) shall include the following:

24 (A) An assessment of the likely current lo25 cation of terrorist leaders, including Osama bin

1	Laden, Ayman al-Zawahiri, and other key lead-
2	ers of al Qaeda.
3	(B) A description of ongoing efforts to
4	bring to justice such terrorist leaders, particu-
5	larly those who have been directly implicated in
6	attacks in the United States and its embassies.
7	(C) An assessment of whether the govern-
8	ment of each country assessed as a likely loca-
9	tion of top leaders of al Qaeda has fully cooper-
10	ated in efforts to bring those leaders to justice.
11	(D) A description of diplomatic efforts cur-
12	rently being made to improve the cooperation of
13	the governments described in subparagraph (C).
14	(E) A description of the current status of
15	the top leadership of al Qaeda and the strategy
16	for locating them and bringing them to justice.
17	(F) An assessment of whether al Qaeda re-
18	mains the terrorist organization that poses the
19	greatest threat to United States interests, in-
20	cluding the greatest threat to the territorial
21	United States.
22	(3) UPDATE OF REPORT.—Not later than one
23	year after the submission of the report required
24	under paragraph (1), the Secretary of State and the
25	Secretary of Defense shall, in coordination with the

1	Director of National Intelligence, jointly submit to
2	Congress an update of the report required under
3	paragraph (1).
4	(4) FORM.—The report required under para-
5	graph (1) and the update of the report required
6	under paragraph (3) shall be submitted in unclassi-
7	fied form, but may contain a classified annex, if nec-
8	essary.
9	SEC. 1256. EXTENSION OF COUNTERPROLIFERATION PRO-
10	GRAM REVIEW COMMITTEE.
11	(a) Members.—Section 1605 of the National De-
12	fense Authorization Act for Fiscal Year 1994 (22 U.S.C.
13	2751 note) is amended in subsection $(a)(1)$ —
14	(1) in subparagraph (C) by striking "Director
15	of Central Intelligence" and inserting "Director of
16	National Intelligence"; and
17	(2) by adding at the end the following:
18	"(E) The Secretary of State.
19	"(F) The Secretary of Homeland Secu-
20	rity.".
21	(b) Access to Information.—Subsection (d) of
22	such section is amended by inserting after "Department
23	of Energy," the following: "the Department of State, the

1	(c) TERMINATION.—Subsection (f) of such section is
2	amended by striking "2008" and inserting "2013".
3	(d) SUBMISSION OF REPORT.—Section 1503 of the
4	National Defense Authorization Act for Fiscal Year 1995
5	(22 U.S.C. 2751 note) is amended—
6	(1) in subsection (a)—
7	(A) by striking "ANNUAL" and inserting
8	"BIENNIAL"; and
9	(B) by striking "each year" and inserting
10	"each odd-numbered year"; and
11	(2) in subsection (b)(5)—
12	(A) by striking "fiscal year preceding" and
13	inserting "two fiscal years preceding"; and
14	(B) by striking "preceding fiscal year" and
15	inserting "preceding fiscal years".
16	SEC. 1257. SENSE OF CONGRESS ON THE WESTERN HEMI-
17	SPHERE INSTITUTE FOR SECURITY CO-
18	OPERATION.
19	It is the sense of Congress that—
20	(1) the education and training facility of the
21	Department of Defense known as the Western
22	Hemisphere Institute for Security Cooperation has
23	the mission of providing professional education and
24	training to eligible military personnel, law enforce-
25	ment officials, and civilians of nations of the West-

1	ern Hemisphere that support the democratic prin-
2	ciples set forth in the Inter-American Democratic
3	Charter of the Organization of American States,
4	while fostering mutual knowledge, transparency,
5	confidence, and cooperation among the participating
6	nations and promoting democratic values and re-
7	spect for human rights; and
8	(2) therefore, the Institute is an invaluable edu-
9	cation and training facility which the Department of
10	Defense should continue to utilize in order to help
11	foster a spirit of partnership and interoperability
12	among the United States military and the militaries
13	of participating nations.
13 14	of participating nations. SEC. 1258. SENSE OF CONGRESS ON IRAN.
14	SEC. 1258. SENSE OF CONGRESS ON IRAN.
14 15	SEC. 1258. SENSE OF CONGRESS ON IRAN. It is the sense of Congress that—
14 15 16	SEC. 1258. SENSE OF CONGRESS ON IRAN. It is the sense of Congress that— (1) the manner in which the United States
14 15 16 17	SEC. 1258. SENSE OF CONGRESS ON IRAN. It is the sense of Congress that— (1) the manner in which the United States transitions and structures its military presence in
14 15 16 17 18	SEC. 1258. SENSE OF CONGRESS ON IRAN. It is the sense of Congress that— (1) the manner in which the United States transitions and structures its military presence in Iraq will have critical long-term consequences for the
14 15 16 17 18 19	SEC. 1258. SENSE OF CONGRESS ON IRAN. It is the sense of Congress that— (1) the manner in which the United States transitions and structures its military presence in Iraq will have critical long-term consequences for the future of the Persian Gulf and the Middle East, in
 14 15 16 17 18 19 20 	SEC. 1258. SENSE OF CONGRESS ON IRAN. It is the sense of Congress that— (1) the manner in which the United States transitions and structures its military presence in Iraq will have critical long-term consequences for the future of the Persian Gulf and the Middle East, in particular with regard to the ability of the Govern-
 14 15 16 17 18 19 20 21 	SEC. 1258. SENSE OF CONGRESS ON IRAN. It is the sense of Congress that— (1) the manner in which the United States transitions and structures its military presence in Iraq will have critical long-term consequences for the future of the Persian Gulf and the Middle East, in particular with regard to the ability of the Government of Iran to pose a threat to the security of the
 14 15 16 17 18 19 20 21 22 	SEC. 1258. SENSE OF CONGRESS ON IRAN. It is the sense of Congress that— (1) the manner in which the United States transitions and structures its military presence in Iraq will have critical long-term consequences for the future of the Persian Gulf and the Middle East, in particular with regard to the ability of the Government of Iran to pose a threat to the security of the region, the prospects for democracy for the people of

1	extremists in Iraq to subvert or co-opt the institu-
2	tions of the legitimate Government of Iraq;
3	(3) the United States should designate Iran's
4	Islamic Revolutionary Guards Corps as a foreign
5	terrorist organization under section 219 of the Im-
6	migration and Nationality Act (8 U.S.C. 1189) and
7	place the Islamic Revolutionary Guards Corps on the
8	list of Specially Designated Global Terrorists, as es-
9	tablished under the International Emergency Eco-
10	nomic Powers Act (50 U.S.C. 1701 et seq.) and ini-
11	tiated under Executive Order 13224 (September 23,
12	2001); and
13	(4) the United States should act with all pos-
14	sible expediency to complete the listing of those enti-
15	ties targeted under United Nations Security Council
16	Resolutions 1737 and 1747, adopted unanimously on
17	December 23, 2006, and March 24, 2007, respec-
18	tively.
19	Subtitle E—Reports
20	SEC. 1261. ONE-YEAR EXTENSION OF UPDATE ON REPORT
21	ON CLAIMS RELATING TO THE BOMBING OF
22	THE LABELLE DISCOTHEQUE.
23	Section 1225 of the National Defense Authorization
24	Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
25	3465) is amended—

	1019
1	(1) in subsection $(b)(2)$ —
2	(A) in the heading, by striking "UPDATE"
3	and inserting "UPDATES"; and
4	(B) by inserting "and not later than two
5	years after enactment of this Act," after "Not
6	later than one year after enactment of this
7	Act,"; and
8	(2) in subsection (c), by striking "Committee on
9	International Relations" and inserting "Committee
10	on Foreign Affairs''.
11	SEC. 1262. REPORT ON UNITED STATES POLICY TOWARD
12	DARFUR, SUDAN.
12 13	DARFUR, SUDAN. (a) REQUIREMENT FOR REPORT.—
13	(a) Requirement for Report.—
13 14	(a) REQUIREMENT FOR REPORT.—(1) IN GENERAL.—Not later than 120 days
13 14 15	 (a) REQUIREMENT FOR REPORT.— (1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Sec-
13 14 15 16	 (a) REQUIREMENT FOR REPORT.— (1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall
13 14 15 16 17	 (a) REQUIREMENT FOR REPORT.— (1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional com-
 13 14 15 16 17 18 	 (a) REQUIREMENT FOR REPORT.— (1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the policy of the United States
 13 14 15 16 17 18 19 	 (a) REQUIREMENT FOR REPORT.— (1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the policy of the United States to address the crisis in the Darfur region of Sudan,
 13 14 15 16 17 18 19 20 	(a) REQUIREMENT FOR REPORT.— IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the policy of the United States to address the crisis in the Darfur region of Sudan, eastern Chad, and north-eastern Central African Re-
 13 14 15 16 17 18 19 20 21 	 (a) REQUIREMENT FOR REPORT.— (1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the policy of the United States to address the crisis in the Darfur region of Sudan, eastern Chad, and north-eastern Central African Republic, and on the contributions of the Department

1	the current African Union Mission in Sudan (AMIS)
2	or any covered United Nations mission.
3	(2) UPDATE OF REPORT.—Not later than 180
4	days after the submission of the report required
5	under paragraph (1), the Secretary of Defense and
6	the Secretary of State shall jointly submit to the ap-
7	propriate congressional committees an update of the
8	report.
9	(b) ELEMENTS.—The report required under sub-
10	section (a) shall include the following:
11	(1) An assessment of the extent to which the
12	Government of Sudan is in compliance with its obli-
13	gations under international law and as a member of
14	the United Nations, including under United Nations
15	Security Council Resolutions 1591 (2005), 1706
16	(2006), 1769 (2007), and 1784 (2007) and a de-
17	scription of any violations of such obligations, in-
18	cluding violations relating to the denial of or delay
19	in facilitating access by AMIS and United Nations
20	peacekeeping forces to conflict areas, failure to im-
21	plement responsibilities to demobilize and disarm the
22	Janjaweed militias, obstruction of the voluntary safe
23	return of internally displaced persons and refugees,
24	and degradation of security of and access to humani-
25	tarian supply routes.

1 (2) An assessment of the role played by rebel 2 forces in contributing to violence being carried out 3 against civilians and humanitarian organizations and 4 of the impact of such activities on international ef-5 forts to create conditions of peace and security on 6 the ground. 7 (3) A comprehensive explanation of the policy 8 of the United States to address the crisis in the 9 Darfur region, including the activities undertaken by 10 the Department of Defense and the Department of 11 State in support of that policy. 12 (4) A comprehensive assessment of the poten-13 tial impact of a no-fly zone for the Darfur region, 14 including an assessment of the impact of such a no-15 fly zone on humanitarian efforts in Darfur and the 16 region and a plan to minimize any negative impact 17 on such humanitarian efforts during the implemen-18 tation of such a no-fly zone. 19 (5) A description of contributions made by the 20 Department of Defense and the Department of State 21 in support of NATO assistance to AMIS and any 22 covered United Nations mission. 23 (6) An assessment of the extent to which addi-24 tional United States Government resources are nec-

1	essary to meet its obligations to AMIS and any cov-
2	ered United Nations mission.

(7) An assessment of the force size and composition of an international effort estimated to be
necessary to provide protection to civilian populations currently displaced in the Darfur region, as
well as the force size and composition of an international effort estimated to be necessary to provide
broader stability within that region.

10 (8) An examination of the current capacity of
11 the existing airfield in Abeche, Chad, including the
12 scope of its current use by the international commu13 nity in response to the crisis in the Darfur region.

14 (9) An analysis of the upgrades, and their asso-15 ciated costs, necessary to enable the airfield in 16 Abeche, Chad, to be improved to be fully capable of 17 accommodating a humanitarian, peacekeeping, or 18 other force deployment of the size foreseen by 19 United Nations Security Council Resolution 1769 20 calling for a United Nations deployment to Chad 21 and a hybrid force of the United Nations and Afri-22 can Union operating under Chapter VII of the 23 United Nations Charter for Sudan.

24 (c) FORM AND AVAILABILITY OF REPORTS.—

1	(1) FORM.—The report and update of the re-
2	port required under subsection (a) shall be sub-
3	mitted in an unclassified form, but may include a
4	classified annex.
5	(2) AVAILABILITY.—The unclassified portion of
6	the report and update of the report required under
7	subsection (a) shall be made available to the public.
8	(d) Repeal of Superseded Report Require-
9	MENT.—Section 1227 of the John Warner National De-
10	fense Authorization Act for Fiscal Year 2007 (Public Law
11	109–364; 120 Stat. 2426) is repealed.
12	(e) DEFINITIONS.—In this section:
13	(1) Appropriate congressional commit-
14	TEES.—The term "appropriate congressional com-
15	mittees" means—
16	(A) the Committee on Armed Services and
17	the Committee on Foreign Relations of the Sen-
18	ate; and
19	(B) the Committee on Armed Services and
20	the Committee on Foreign Affairs of the House
21	of Representatives.
22	(2) Covered united nations mission.—The
23	term "covered United Nations mission" means any
24	United Nations-African Union hybrid peacekeeping
25	operation in the Darfur region of Sudan, and any

1	United Nations peacekeeping operation in the
2	Darfur region, eastern Chad, or northern Central
3	African Republic, that is deployed on or after the
4	date of the enactment of this Act.
5	SEC. 1263. INCLUSION OF INFORMATION ON ASYMMETRIC
6	CAPABILITIES IN ANNUAL REPORT ON MILI-
7	TARY POWER OF THE PEOPLE'S REPUBLIC OF
8	CHINA.
9	Section 1202(b) of the National Defense Authoriza-
10	tion Act for Fiscal Year 2000 (Public Law 106–65; 10
11	U.S.C. 113 note) is amended by adding at the end the
12	following new paragraph:
13	"(9) Developments in China's asymmetric capa-
14	bilities, including efforts to acquire, develop, and de-
15	ploy cyberwarfare capabilities.".
16	SEC. 1264. REPORT ON APPLICATION OF THE UNIFORM
17	CODE OF MILITARY JUSTICE TO CIVILIANS
18	ACCOMPANYING THE ARMED FORCES DUR-
19	ING A TIME OF DECLARED WAR OR CONTIN-
20	GENCY OPERATION.
21	(a) REPORT REQUIRED.—Not later than 60 days
22	after the date of the enactment of this Act, the Secretary
23	of Defense shall submit to the Committees on Armed Serv-
24	ices of the Senate and the House of Representatives a re-

port on the status of implementing paragraph (10) of sec-

tion 802(a) of title 10, United States Code (article 2(a)1 of the Uniform Code of Military Justice), as amended by 2 3 section 552 of the John Warner National Defense Author-4 ization Act for Fiscal Year 2007 (Public Law 109–364), 5 related to the application of chapter 47 of such title (the Uniform Code of Military Justice) to persons serving with 6 7 or accompanying an armed force in the field during a time 8 of declared war or contingency operation.

9 (b) CONTENTS OF REPORT.—The report required by10 subsection (a) shall include each of the following:

11 (1) A discussion of how the Secretary has re-12 solved issues related to establishing jurisdiction 13 under such chapter over persons referred to in para-14 graph (10) of section 802(a) of title 10, United 15 States Code (article 2(a) of the Uniform Code of 16 Military Justice), specifically with respect to persons 17 under contract with the Department of Defense or 18 with other Federal agencies.

19 (2) An identification of any outstanding issues
20 that remain to be resolved with respect to imple21 menting such paragraph and a timetable for resolv22 ing such issues.

23 (3) A description of key implementing steps24 that have been taken or remain to be taken to assert

1	jurisdiction under chapter 47 of such title over such
2	persons.
3	(4) An explanation of the Secretary's approach
4	to identifying factors that commanders should con-
5	sider in determining whether to seek prosecution of
6	such a person under such chapter or under chapter
7	212 of title 18, United States Code.
8	SEC. 1265. REPORT ON FAMILY REUNIONS BETWEEN
9	UNITED STATES CITIZENS AND THEIR REL-
10	ATIVES IN NORTH KOREA.
11	(a) REPORT REQUIRED.—Not later than 180 days
12	after the date of the enactment of this Act, the President
13	shall transmit to Congress a report on family reunions be-
14	tween United States citizens and their relatives in the
15	Democratic People's Republic of Korea.
16	(b) ELEMENTS.—The report under subsection (a)
17	shall include the following:
18	(1) A description of the efforts, if any, of the
19	United States Government to facilitate family re-
20	unions between United States citizens and their rel-
21	atives in North Korea, including the following:
22	(A) Discussing with North Korea family
23	reunions between United States citizens and

1	(B) Planning, in the event of a normaliza-
2	tion of relations between the United States and
3	North Korea, for the appropriate role of the
4	United States embassy in Pyongyang, North
5	Korea, in facilitating family reunions between
6	United States citizens and their relatives in
7	North Korea.
8	(2) A description of additional efforts, if any, of
9	the United States Government to facilitate family re-
10	unions between United States citizens and their rel-
11	atives in North Korea that the President considers
12	to be desirable and feasible.
13	SEC. 1266. REPORTS ON PREVENTION OF MASS ATROC-
13 14	SEC. 1266. REPORTS ON PREVENTION OF MASS ATROC- ITIES.
14	ITIES.
14 15	ITIES. (a) Department of State Report.—
14 15 16	ITIES. (a) Department of State Report.— (1) Report Required.—Not later than 180
14 15 16 17	ITIES. (a) DEPARTMENT OF STATE REPORT.— (1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the
14 15 16 17 18	ITIES. (a) DEPARTMENT OF STATE REPORT.— (1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the congressional
14 15 16 17 18 19	ITIES. (a) DEPARTMENT OF STATE REPORT.— (1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Rela-
 14 15 16 17 18 19 20 	THES. (a) DEPARTMENT OF STATE REPORT.— (1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Rela- tions of the Senate, and the Committee on Foreign
 14 15 16 17 18 19 20 21 	THES. (a) DEPARTMENT OF STATE REPORT.— (1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Rela- tions of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report as-
 14 15 16 17 18 19 20 21 22 	THES. (a) DEPARTMENT OF STATE REPORT.— (1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Rela- tions of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report as- sessing the capability of the Department of State to

1	(2) CONTENT.—The report required under
2	paragraph (1) shall include the following:
3	(A) An evaluation of any doctrine currently
4	used by the Secretary of State to prepare for
5	the training and guidance of the command of
6	an international intervention force.
7	(B) An assessment of the role played by
8	the United States in developing the "responsi-
9	bility to protect" doctrine described in para-
10	graphs 138 through 140 of the outcome docu-
11	ment of the High-level Plenary Meeting of the
12	General Assembly adopted by the United Na-
13	tions in September 2005, and an update on ac-
14	tions taken by the United States Mission to the
15	United Nations to discuss, promote, and imple-
16	ment such doctrine.
17	(C) An assessment of the potential capa-
18	bility of the Department of State and other
19	Federal departments and agencies to support
20	the development of new doctrines for the train-
21	ing and guidance of an international interven-
22	tion force in keeping with the "responsibility to
23	protect" doctrine.

24 (D) Recommendations as to the steps nec-25 essary to allow the Secretary of State to provide

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1	more effective training and guidance to an
2	international intervention force.
3	(b) Department of Defense Report.—
4	(1) REPORT REQUIRED.—Not later than 180
5	days after the date of the enactment of this Act, the
6	Secretary of Defense shall submit to the congres-
7	sional defense committees, the Committee on For-
8	eign Relations of the Senate, and the Committee on
9	Foreign Affairs of the House of Representatives a
10	report assessing the capability of the Department of
11	Defense to provide training and guidance to the
12	command of an international intervention force that
13	seeks to prevent mass atrocities.
14	(2) CONTENT.—The report required under
15	paragraph (1) shall include the following:
16	(A) An evaluation of any doctrine currently
17	used by the Secretary of Defense to prepare for
18	the training and guidance of the command of
19	an international intervention force.
20	(B) An assessment of the potential capa-
21	bility of the Department of Defense and other
22	Federal departments and agencies to support
23	the development of new doctrines for the train-
24	ing and guidance of an international interven-

1	tion force in keeping with the "responsibility to
2	protect" doctrine.
3	(C) Recommendations as to the steps nec-
4	essary to allow the Secretary of Defense to pro-
5	vide more effective training and guidance to an
6	international intervention force.
7	(D) A summary of any assessments or
8	studies of the Department of Defense or other
9	Federal departments or agencies relating to
10	"Operation Artemis", the 2004 French military
11	deployment and intervention in the eastern re-
12	gion of the Democratic Republic of Congo to
13	protect civilians from local warring factions.
14	(c) INTERNATIONAL INTERVENTION FORCE.—For
15	the purposes of this section, "international intervention
16	force" means a military force that—
17	(1) is authorized by the United Nations; and
18	(2) has a mission that is narrowly focused on
19	the protection of civilian life and the prevention of
20	mass atrocities such as genocide.
21	SEC. 1267. REPORT ON THREATS TO THE UNITED STATES
22	FROM UNGOVERNED AREAS.
23	(a) REPORT REQUIRED.—Not later than 180 days
24	after the date of the enactment of this Act, the Secretary
25	of Defense and the Secretary of State, in coordination

with the Director of National Intelligence, shall jointly 1 2 submit to the specified congressional committees a report 3 on the threats posed to the United States from ungoverned 4 areas, including the threats to the United States from ter-5 rorist groups and individuals located in such areas who direct their activities against the national security inter-6 7 ests of the United States and its allies. 8 (b) ELEMENTS.—The report required under sub-9 section (a) shall include the following: 10 (1) A description of those areas the United 11 States Government considers ungoverned, includ-12 ing— 13 (A) a description of the geo-political and 14 cultural influences exerted within such areas 15 and by whom; 16 (B) a description of the economic condi-17 tions and prospects and the major social dy-18 namics of such areas; and 19 (C) a description of the United States Gov-20 ernment's relationships with entities located in 21 such areas, including with relevant national or 22 other governments and relevant tribal or other 23 groups. 24 (2) A description of the capabilities required by 25 the United States Government to support United

1	States policy aimed at managing the threats de-
2	scribed in subsection (a), including, specifically, the
3	technical, linguistic, and analytical capabilities re-
4	quired by the Department of Defense and the De-
5	partment of State.
6	(3) An assessment of the extent to which the
7	Department of Defense and the Department of State
8	possess the capabilities described in paragraph (2)
9	as well as the necessary resources and organization
10	to support United States policy aimed at managing
11	the threats described in subsection (a).
12	(4) A description of the extent to which the im-
13	plementation of Department of Defense Directive
14	3000.05, entitled "Military Support for Stability,
15	Security, Transition, and Reconstruction Oper-
16	ations", will support United States policy for man-
17	aging such threats.
18	(5) A description of the actions, if any, to be
19	taken to improve the capabilities of the Department
20	of Defense and the Department of State described in
21	paragraph (2), and the schedule for implementing
22	any actions so described.
23	(c) FORM.—The report required under subsection (a)
24	shall be submitted in unclassified form, to the maximum

extent practicable, but may contain a classified annex, if
 necessary.

3 (d) DEFINITION.—In this section, the term "specified
4 congressional committees" means—

5 (1) the Committee on Armed Services, the
6 Committee on Foreign Relations, and the Committee
7 on Appropriations of the Senate; and

8 (2) the Committee on Armed Services, the
9 Committee on Foreign Affairs, and the Committee
10 on Appropriations of the House of Representatives.
11 TITLE XIII—COOPERATIVE
12 THREAT REDUCTION WITH
13 STATES OF THE FORMER SO-

14 **VIET UNION**

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds. Sec. 1302. Funding allocations.

- Sec. 1303. Specification of Cooperative Threat Reduction programs in states outside the former Soviet Union.
- Sec. 1304. Repeal of restrictions on assistance to states of the former Soviet Union for Cooperative Threat Reduction.
- Sec. 1305. Modification of authority to use Cooperative Threat Reduction funds outside the former Soviet Union.
- Sec. 1306. New initiatives for the Cooperative Threat Reduction Program.
- Sec. 1307. Report relating to chemical weapons destruction at Shchuch'ye, Russia.

Sec. 1308. National Academy of Sciences study of prevention of proliferation of biological weapons.

15 SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-

- 16 DUCTION PROGRAMS AND FUNDS.
- 17 (a) Specification of Cooperative Threat Re-
- 18 DUCTION PROGRAMS.—For purposes of section 301 and
- 19 other provisions of this Act, Cooperative Threat Reduction

programs are the programs specified in section 1501(b)
 of the National Defense Authorization Act for Fiscal Year
 1997 (50 U.S.C. 2362 note), as amended by section 1303
 of this Act.

5 (b) FISCAL YEAR 2008 COOPERATIVE THREAT RE-6 DUCTION FUNDS DEFINED.—As used in this title, the 7 term "fiscal year 2008 Cooperative Threat Reduction 8 funds" means the funds appropriated pursuant to the au-9 thorization of appropriations in section 301 for Coopera-10 tive Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated
pursuant to the authorization of appropriations in section
301 for Cooperative Threat Reduction programs shall be
available for obligation for three fiscal years.

15 SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the
\$428,048,000 authorized to be appropriated to the Department of Defense for fiscal year 2008 in section
301(19) for Cooperative Threat Reduction programs, the
following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in
Russia, \$92,885,000.

24 (2) For nuclear weapons storage security in
25 Russia, \$47,640,000.

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1	(3) For nuclear weapons transportation security
2	in Russia, \$37,700,000.
3	(4) For weapons of mass destruction prolifera-
4	tion prevention in the states of the former Soviet
5	Union, \$47,986,000.
6	(5) For biological weapons proliferation preven-
7	tion in the former Soviet Union, \$158,489,000.
8	(6) For chemical weapons destruction,
9	\$6,000,000.
10	(7) For defense and military contacts,
11	\$8,000,000.
12	(8) For new Cooperative Threat Reduction ini-
13	tiatives that are outside the former Soviet Union,
14	\$10,000,000.
15	(9) For activities designated as Other Assess-
16	ments/Administrative Support, \$19,348,000.
17	(b) Report on Obligation or Expenditure of
18	Funds for Other Purposes.—No fiscal year 2008 Co-
19	operative Threat Reduction funds may be obligated or ex-
20	pended for a purpose other than a purpose listed in para-
21	graphs (1) through (9) of subsection (a) until 30 days
22	after the date that the Secretary of Defense submits to
23	Congress a report on the purpose for which the funds will
24	be obligated or expended and the amount of funds to be
25	obligated or expended. Nothing in the preceding sentence

shall be construed as authorizing the obligation or expend iture of fiscal year 2008 Cooperative Threat Reduction
 funds for a purpose for which the obligation or expendi ture of such funds is specifically prohibited under this title
 or any other provision of law.

6 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL7 Amounts.—

8 (1) IN GENERAL.—Subject to paragraph (2), in 9 any case in which the Secretary of Defense deter-10 mines that it is necessary to do so in the national 11 interest, the Secretary may obligate amounts appro-12 priated for fiscal year 2008 for a purpose listed in 13 paragraphs (1) through (9) of subsection (a) in ex-14 cess of the specific amount authorized for that pur-15 pose.

16 (2) NOTICE-AND-WAIT REQUIRED.—An obliga17 tion of funds for a purpose stated in paragraphs (1)
18 through (9) of subsection (a) in excess of the specific
19 amount authorized for such purpose may be made
20 using the authority provided in paragraph (1) only
21 after—

(A) the Secretary submits to Congress notification of the intent to do so together with a
complete discussion of the justification for
doing so; and

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1	(B) 15 days have elapsed following the
2	date of the notification.
3	SEC. 1303. SPECIFICATION OF COOPERATIVE THREAT RE-
4	DUCTION PROGRAMS IN STATES OUTSIDE
5	THE FORMER SOVIET UNION.
6	Section 1501 of the National Defense Authorization
7	Act for Fiscal Year 1997 (50 U.S.C. 2362 note) is amend-
8	ed—
9	(1) in subsection (a), by striking "subsection
10	(b)" and inserting "subsections (b) and (c)"; and
11	(2) by adding at the end the following new sub-
12	section:
13	"(c) Specified Programs With Respect to
14	STATES OUTSIDE THE FORMER SOVIET UNION.—The
15	programs referred to in subsection (a) are the following
16	programs with respect to states that are not states of the
17	former Soviet Union:
18	"(1) Programs to facilitate the elimination, and
19	the safe and secure transportation and storage, of
20	chemical or biological weapons, weapons components,
21	weapons-related materials, and their delivery vehi-
22	cles.
23	"(2) Programs to facilitate safe and secure
24	transportation and storage of nuclear weapons,
25	weapons components, and their delivery vehicles.

"(3) Programs to prevent the proliferation of
 nuclear and chemical weapons, weapons components,
 and weapons-related military technology and exper tise.

"(4) Programs to prevent the proliferation of 5 6 biological weapons, weapons components, and weap-7 ons-related military technology and expertise, which 8 may include activities that facilitate detection and 9 reporting of highly pathogenic diseases or other dis-10 eases that are associated with or that could be uti-11 lized as an early warning mechanism for disease out-12 breaks that could impact the Armed Forces of the 13 United States or allies of the United States.

14 "(5) Programs to expand military-to-military15 and defense contacts.".

16SEC. 1304. REPEAL OF RESTRICTIONS ON ASSISTANCE TO17STATES OF THE FORMER SOVIET UNION FOR18COOPERATIVE THREAT REDUCTION.

19 (a) IN GENERAL.—

20 (1) SOVIET NUCLEAR THREAT REDUCTION ACT
21 OF 1991.—The Soviet Nuclear Threat Reduction Act
22 of 1991 (title II of Public Law 102–228; 22 U.S.C.
23 2551 note) is amended—

24 (A) by striking section 211; and

1	(B) in section 212, by striking ", con-
2	sistent with the findings stated in section
3	211,".
4	(2) Cooperative threat reduction act of
5	1993.—Section 1203 of the Cooperative Threat Re-
6	duction Act of 1993 (22 U.S.C. 5952) is amended
7	by striking subsection (d).
8	(3) Russian chemical weapons destruc-
9	TION FACILITIES.—Section 1305 of the National De-
10	fense Authorization Act for Fiscal Year 2000 (Pub-
11	lic Law 106–65; 22 U.S.C. 5952 note) is repealed.
12	(4) Conforming Repeal.—Section 1303 of
13	the Ronald W. Reagan National Defense Authoriza-
14	tion Act for Fiscal Year 2005 (Public Law 108–375;
15	22 U.S.C. 5952 note) is repealed.
16	(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—
17	Section 502 of the Freedom for Russia and Emerging
18	Eurasian Democracies and Open Markets Support Act of
19	1992 (22 U.S.C. 5852) shall not apply to any Cooperative
20	Threat Reduction program.
21	SEC. 1305. MODIFICATION OF AUTHORITY TO USE COOPER-
22	ATIVE THREAT REDUCTION FUNDS OUTSIDE
23	THE FORMER SOVIET UNION.
24	Section 1308 of the National Defense Authorization

25 Act for Fiscal Year 2004 (22 U.S.C. 5963) is amended—

1	(1) in subsection (a), by striking "Subject to"
2	and all that follows through "the following:" and in-
3	serting "Subject to the provisions of this section, the
4	Secretary of Defense may obligate and expend Coop-
5	erative Threat Reduction funds for a fiscal year, and
6	any Cooperative Threat Reduction funds for a fiscal
7	year before such fiscal year that remain available for
8	obligation, for a proliferation threat reduction
9	project or activity outside the states of the former
10	Soviet Union if the Secretary of Defense, with the
11	concurrence of the Secretary of State, determines
12	each of the following:";
13	(2) by striking subsection (c) and redesignating
14	subsections (d) and (e) as (c) and (d), respectively;
15	and
16	(3) by amending subsection (c) (as so redesig-
17	nated) to read as follows:
18	"(c) Limitation on Availability of Funds.—
19	"(1) The Secretary of Defense may not obligate
20	funds for a project or activity under the authority in
21	subsection (a) of this section until the Secretary of
22	Defense, with the concurrence of the Secretary of
23	State, makes each determination specified in that
24	subsection with respect to such project or activity.

1	"(2) Not later than 10 days after obligating
2	funds under the authority in subsection (a) of this
3	section for a project or activity, the Secretary of De-
4	fense and the Secretary of State shall notify Con-
5	gress in writing of the determinations made under
6	paragraph (1) with respect to such project or activ-
7	ity, together with—
8	"(A) a justification for such determina-
9	tions; and
10	"(B) a description of the scope and dura-
11	tion of such project or activity.".
12	SEC. 1306. NEW INITIATIVES FOR THE COOPERATIVE
13	THREAT REDUCTION PROGRAM.
13 14	THREAT REDUCTION PROGRAM. (a) SENSE OF CONGRESS.—It is the sense of Con-
14	(a) SENSE OF CONGRESS.—It is the sense of Con-
14 15	(a) SENSE OF CONGRESS.—It is the sense of Con- gress that—
14 15 16	 (a) SENSE OF CONGRESS.—It is the sense of Congress that— (1) the Department of Defense Cooperative
14 15 16 17	 (a) SENSE OF CONGRESS.—It is the sense of Congress that— (1) the Department of Defense Cooperative Threat Reduction (CTR) Program should be
14 15 16 17 18	 (a) SENSE OF CONGRESS.—It is the sense of Congress that— (1) the Department of Defense Cooperative Threat Reduction (CTR) Program should be strengthened and expanded, in part by developing
14 15 16 17 18 19	 (a) SENSE OF CONGRESS.—It is the sense of Congress that— (1) the Department of Defense Cooperative Threat Reduction (CTR) Program should be strengthened and expanded, in part by developing new CTR initiatives;
14 15 16 17 18 19 20	 (a) SENSE OF CONGRESS.—It is the sense of Congress that— (1) the Department of Defense Cooperative Threat Reduction (CTR) Program should be strengthened and expanded, in part by developing new CTR initiatives; (2) such new initiatives should—
14 15 16 17 18 19 20 21	 (a) SENSE OF CONGRESS.—It is the sense of Congress that— (1) the Department of Defense Cooperative Threat Reduction (CTR) Program should be strengthened and expanded, in part by developing new CTR initiatives; (2) such new initiatives should— (A) be well-coordinated with the Depart-

1	(B) include appropriate transparency and
2	accountability mechanisms, and legal frame-
3	works and agreements between the United
4	States and CTR partner countries;
5	(C) reflect engagement with non-govern-
6	mental experts on possible new options for the
7	CTR Program;
8	(D) include work with the Russian Federa-
9	tion and other countries to establish strong
10	CTR partnerships that, among other things—
11	(i) increase the role of scientists and
12	government officials of CTR partner coun-
13	tries in designing CTR programs and
14	projects; and
15	(ii) increase financial contributions
16	and additional commitments to CTR pro-
17	grams and projects from Russia and other
18	partner countries, as appropriate, as evi-
19	dence that the programs and projects re-
20	flect national priorities and will be sustain-
21	able;
22	(E) include broader international coopera-
23	tion and partnerships, and increased inter-
24	national contributions;

1	(F) incorporate a strong focus on national
2	programs and sustainability, which includes ac-
3	tions to address concerns raised and rec-
4	ommendations made by the Government Ac-
5	countability Office, in its report of February
6	2007 titled "Progress Made in Improving Secu-
7	rity at Russian Nuclear Sites, but the Long-
8	Term Sustainability of U.S. Funded Security
9	Upgrades is Uncertain", which pertain to the
10	Department of Defense;
11	(G) continue to focus on the development
12	of CTR programs and projects that secure nu-
13	clear weapons; secure and eliminate chemical
14	and biological weapons and weapons-related
15	materials; and eliminate nuclear, chemical, and
16	biological weapons-related delivery vehicles and
17	infrastructure at the source; and
18	(H) include efforts to develop new CTR
19	programs and projects in Russia and the former
20	Soviet Union, and in countries and regions out-
21	side the former Soviet Union, as appropriate
22	and in the interest of United States national se-
23	curity; and
24	(2) much now initiatives could include

24 (3) such new initiatives could include—

1	(A) programs and projects in Asia and the
2	Middle East; and
3	(B) activities relating to the
4	denuclearization of the Democratic People's Re-
5	public of Korea.
6	(b) NATIONAL ACADEMY OF SCIENCES STUDY.—
7	(1) Study.—Not later than 60 days after the
8	date of the enactment of this Act, the Secretary of
9	Defense shall enter into an arrangement with the
10	National Academy of Sciences under which the
11	Academy shall carry out a study to analyze options
12	for strengthening and expanding the CTR Program.
13	(2) MATTERS TO BE INCLUDED IN STUDY
14	The Secretary shall provide for the study under
15	paragraph (1) to include—
16	(A) an assessment of new CTR initiatives
17	described in subsection (a); and
18	(B) an identification of options and rec-
19	ommendations for strengthening and expanding
20	the CTR Program.
21	(3) SUBMISSION OF NATIONAL ACADEMY OF
22	SCIENCES REPORT.—The National Academy of
23	Sciences shall submit to Congress a report on the
24	study under this subsection at the same time that

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1	such report is submitted to the Secretary of Defense
2	pursuant to subsection (c).
3	(c) Secretary of Defense Report.—
4	(1) IN GENERAL.—Not later than 90 days after
5	receipt of the report under subsection (b), the Sec-
6	retary of Defense shall submit to Congress a report
7	on new CTR initiatives. The report shall include—
8	(A) a summary of the results of the study
9	carried out under subsection (b);
10	(B) an assessment by the Secretary of the
11	study; and
12	(C) a statement of the actions, if any, to
13	be undertaken by the Secretary to implement
14	any recommendations in the study.
15	(2) FORM.—The report shall be in unclassified
16	form but may include a classified annex if necessary.
17	(d) FUNDING.—Of the amounts appropriated pursu-
18	ant to the authorization of appropriations in section
19	301(19) or otherwise made available for Cooperative
20	Threat Reduction programs for fiscal year 2008, not more
21	than \$1,000,000 shall be obligated or expended to carry
22	out this section.

1 SEC. 1307. REPORT RELATING TO CHEMICAL WEAPONS DE-

2

STRUCTION AT SHCHUCH'YE, RUSSIA.

3 (a) DEFINITION.—In this section, the terms
4 "Shchuch'ye project" and "project" mean the Cooperative
5 Threat Reduction Program chemical weapons destruction
6 project located in the area of Shchuch'ye in the Russian
7 Federation.

8 (b) REPORT REQUIRED.—Not later than 90 days 9 after the date of the enactment of this Act, the Secretary 10 of Defense shall submit to the congressional defense com-11 mittees a report on the Shchuch'ye project. The report 12 shall include—

(1) a current and detailed cost estimate for
completion of the project, to include costs that will
be borne by the United States and Russia, respectively; and

17 (2) a specific strategic and operating plan for18 completion of the project, which includes—

(A) the Department's plans to ensure robust project management and oversight, including management and oversight with respect to
the performance of any contractors;

23 (B) project quality assurance and sustain24 ability measures;

25 (C) metrics for measuring project progress
26 with a timetable for achieving goals, including
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1	initial systems integration and start-up testing;
2	and
3	(D) a projected project completion date.
4	SEC. 1308. NATIONAL ACADEMY OF SCIENCES STUDY OF
5	PREVENTION OF PROLIFERATION OF BIO-
6	LOGICAL WEAPONS.
7	(a) STUDY REQUIRED.—Not later than 60 days after
8	the date of the enactment of this Act, the Secretary of
9	Defense shall enter into an arrangement with the National
10	Academy of Sciences under which the Academy shall carry
11	out a study to identify areas for cooperation with states
12	other than states of the former Soviet Union under the
13	Cooperative Threat Reduction Program of the Depart-
14	ment of Defense in the prevention of proliferation of bio-
15	logical weapons.
16	(b) MATTERS TO BE INCLUDED IN STUDY.—The
17	Secretary shall provide for the study under subsection (a)
18	to include the following:
19	(1) An assessment of the capabilities and ca-
20	pacity of governments of developing countries to
21	control the containment and use of dual-use tech-
22	nologies of potential interest to terrorist organiza-
23	tions or individuals with hostile intentions.
24	(2) An assessment of the approaches to cooper-
25	ative threat reduction used by the states of the

former Soviet Union that are of special relevance in
 preventing the proliferation of biological weapons in
 other areas of the world.

4 (3) A brief review of programs of the United
5 States Government and other governments, inter6 national organizations, foundations, and other pri7 vate sector entities that may contribute to the pre8 vention of the proliferation of biological weapons.

9 (4) Recommendations on steps for integrating 10 activities of the Cooperative Threat Reduction Pro-11 gram relating to biological weapons proliferation pre-12 vention with activities of other departments and 13 agencies of the United States, as appropriate, in 14 states outside of the former Soviet Union.

15 (c) SUBMISSION \mathbf{OF} NATIONAL ACADEMY OF SCIENCES REPORT.—The National Academy of Sciences 16 17 shall submit to Congress a report on the study under sub-18 section (a) at the same time that such report is submitted 19 to the Secretary of Defense pursuant to subsection (d). 20 (d) Secretary of Defense Report.—

(1) IN GENERAL.—Not later than 90 days after
receipt of the report required by subsection (a), the
Secretary shall submit to the Congress a report on
the study carried out under subsection (a).

1	(2) MATTERS TO BE INCLUDED.—The report
2	under paragraph (1) shall include the following:
3	(A) A summary of the results of the study
4	carried out under subsection (a).
5	(B) An assessment by the Secretary of the
6	study.
7	(C) A statement of the actions, if any, to
8	be undertaken by the Secretary to implement
9	any recommendations in the study.
10	(3) FORM.—The report under paragraph (1)
11	shall be submitted in unclassified form, but may in-
12	clude a classified annex.
13	(e) Funding.—Of the amounts appropriated pursu-
14	ant to the authorization of appropriations in section
15	301(19) or otherwise made available for Cooperative
16	Threat Reduction programs for fiscal year 2008, not more
17	than $1,000,000$ may be obligated or expended to carry
18	out this section.
19	TITLE XIV—OTHER

20

AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.

Sec. 1402. National Defense Sealift Fund.

Sec. 1403. Defense Health Program.

Sec. 1404. Chemical agents and munitions destruction, Defense.

Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.

Sec. 1406. Defense Inspector General.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.

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- Sec. 1412. Revisions to required receipt objectives for previously authorized disposals from the National Defense Stockpile.
- Sec. 1413. Disposal of ferromanganese.
- Sec. 1414. Disposal of chrome metal.

Subtitle C—Armed Forces Retirement Home

- Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.
- Sec. 1422. Administration and oversight of the Armed Forces Retirement Home.

1 Subtitle A—Military Programs

2 SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

- 8 (1) For the Defense Working Capital Funds,
 9 \$102,446,000.
- 10 (2) For the Defense Working Capital Fund,
 11 Defense Commissary, \$1,250,300,000.

12 SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for
fiscal year 2008 for the National Defense Sealift Fund
in the amount of \$1,349,094,000.

16 SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for
the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Defense Health
Program, in the amount of \$23,080,384,000, of which—

1 \$22,583,641,000 is for Operation and (1)2 Maintenance; 3 (2) \$134,482,000 is for Research, Development, 4 Test, and Evaluation; and 5 (3) \$362,261,000 is for Procurement. SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUC-6 7 TION, DEFENSE. 8 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds 9 are hereby authorized to be appropriated for the Depart-10 ment of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Chemical Agents and Munitions 11 Destruction, Defense, in the amount of \$1,512,724,000, 12 13 of which— 14 (1) \$1,181,500,000 is for Operation and Main-15 tenance; 16 (2) \$312,800,000 is for Research, Development, 17 Test, and Evaluation; and 18 (3) \$18,424,000 is for Procurement. 19 (b) USE.—Amounts authorized to be appropriated 20 under subsection (a) are authorized for— 21 (1) the destruction of lethal chemical agents 22 and munitions in accordance with section 1412 of 23 the Department of Defense Authorization Act, 1986 24 (50 U.S.C. 1521); and

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

4 SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG AC5 TIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for
the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Drug Interdiction
and Counter-Drug Activities, Defense-wide, in the amount
of \$938,022,000.

11 SEC. 1406. DEFENSE INSPECTOR GENERAL.

12 Funds are hereby authorized to be appropriated for 13 the Department of Defense for fiscal year 2008 for ex-14 penses, not otherwise provided for, for the Office of the 15 Inspector General of the Department of Defense, in the 16 amount of \$225,995,000, of which—

- 17 (1) \$224,995,000 is for Operation and Mainte-18 nance; and
- 19 (2) \$1,000,000 is for Procurement.

20 Subtitle B—National Defense 21 Stockpile

22 SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE
23 STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fis-cal year 2008, the National Defense Stockpile Manager

1 may obligate up to \$44,825,000 of the funds in the Na2 tional Defense Stockpile Transaction Fund established
3 under subsection (a) of section 9 of the Strategic and Crit4 ical Materials Stock Piling Act (50 U.S.C. 98h) for the
5 authorized uses of such funds under subsection (b)(2) of
6 such section, including the disposal of hazardous materials
7 that are environmentally sensitive.

8 (b) ADDITIONAL OBLIGATIONS.—The National De-9 fense Stockpile Manager may obligate amounts in excess 10 of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraor-11 12 dinary or emergency conditions necessitate the additional 13 obligations. The National Defense Stockpile Manager may make the additional obligations described in the notifica-14 15 tion after the end of the 45-day period beginning on the date on which Congress receives the notification. 16

17 (c) LIMITATIONS.—The authorities provided by this18 section shall be subject to such limitations as may be pro-19 vided in appropriations Acts.

20 SEC. 1412. REVISIONS TO REQUIRED RECEIPT OBJECTIVES
21 FOR PREVIOUSLY AUTHORIZED DISPOSALS
22 FROM THE NATIONAL DEFENSE STOCKPILE.
23 (a) FISCAL YEAR 2000 DISPOSAL AUTHORITY.—Sec-

tion 3402(b) of the National Defense Authorization Act
for Fiscal Year 2000 (50 U.S.C. 98d note), as amended

by section 3302 of the National Defense Authorization Act
 for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
 1788) and section 3302 of the National Defense Author ization Act for Fiscal Year 2006 (Public Law 109–163;
 119 Stat. 3545), is amended by striking "\$600,000,000
 before" in paragraph (5) and inserting "\$710,000,000
 by".

8 (b) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Sec-9 tion 3303(a) of the Strom Thurmond National Defense 10 Authorization Act for Fiscal Year 1999 (Public Law 105– 261; 50 U.S.C. 98d note), as amended by section 3302 11 12 of the Ronald W. Reagan National Defense Authorization 13 Act for Year 2005 (Public Law 108–375; 118 Stat. 2193), section 3302 of the National Defense Authorization Act 14 15 for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3545), and section 3302(a) of the John Warner National 16 Defense Authorization Act for Fiscal Year 2007 (Public 17 Law 109–364; 120 Stat. 2513), is amended by striking 18 "\$1,016,000,000 by the end of fiscal year 2014" in para-19 graph (7) and inserting "\$1,066,000,000 by the end of 20 21 fiscal year 2015".

22 SEC. 1413. DISPOSAL OF FERROMANGANESE.

(a) DISPOSAL AUTHORIZED.—The Secretary of Defense may dispose of up to 50,000 tons of ferromanganese

3 (b) CONTINGENT AUTHORITY FOR ADDITIONAL DIS-4 POSAL.—

5 (1) IN GENERAL.—If the Secretary of Defense 6 enters into a contract for the disposal of the total 7 quantity of ferromanganese authorized for disposal 8 by subsection (a) before September 30, 2008, the 9 Secretary of Defense may dispose of up to an addi-10 tional 25,000 tons of ferromanganese from the Na-11 tional Defense Stockpile before that date.

(2) ADDITIONAL AMOUNTS.—If the Secretary
enters into a contract for the disposal of the total
quantity of additional ferromanganese authorized for
disposal by paragraph (1) before September 30,
2008, the Secretary may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(c) CERTIFICATION.—The Secretary of Defense may
dispose of ferromanganese under the authority of paragraph (1) or (2) of subsection (b) only if the Secretary
submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House
of Representatives, written certification that—

(1) the disposal of the additional
 ferromanganese from the National Defense Stockpile
 under such paragraph is in the interest of national
 defense;

5 (2) the disposal of the additional 6 ferromanganese under such paragraph will not cause 7 disruption to the usual markets of producers and 8 processors of ferromanganese in the United States; 9 and

10 (3) the disposal of the additional
11 ferromanganese under such paragraph is consistent
12 with the requirements and purpose of the National
13 Defense Stockpile.

(d) NATIONAL DEFENSE STOCKPILE DEFINED.—In
this section, the term "National Defense Stockpile" means
the stockpile provided for in section 4 of the Strategic and
Critical Materials Stock Piling Act (50 U.S.C. 98c).

18 SEC. 1414. DISPOSAL OF CHROME METAL.

(a) DISPOSAL AUTHORIZED.—The Secretary of Defense may dispose of up to 500 short tons of chrome metal
from the National Defense Stockpile during fiscal year
2008.

23 (b) CONTINGENT AUTHORITY FOR ADDITIONAL DIS-24 POSAL.—

1 (1) IN GENERAL.—If the Secretary of Defense 2 completes the disposal of the total quantity of 3 chrome metal authorized for disposal by subsection 4 (a) before September 30, 2008, the Secretary of De-5 fense may dispose of up to an additional 250 short 6 tons of chrome metal from the National Defense 7 Stockpile before that date.

8 (2) ADDITIONAL AMOUNTS.—If the Secretary 9 completes the disposal of the total quantity of addi-10 tional chrome metal authorized for disposal by para-11 graph (1) before September 30, 2008, the Secretary 12 may dispose of up to an additional 250 short tons 13 of chrome metal from the National Defense Stock-14 pile before that date.

15 (c) CERTIFICATION.—The Secretary of Defense may dispose of chrome metal under the authority of paragraph 16 17 (1) or (2) of subsection (b) only if the Secretary submits to the Committee on Armed Services of the Senate and 18 the Committee on Armed Services of the House of Rep-19 20 resentatives, not later than 30 days before the commence-21 ment of disposal under the applicable paragraph, written 22 certification that—

(1) the disposal of the additional chrome metal
from the National Defense Stockpile is in the interest of national defense;

1	(2) the disposal of the additional chrome metal
2	will not cause disruption to the usual markets of
3	producers and processors of chrome metal in the
4	United States; and
5	(3) the disposal of the additional chrome metal
6	is consistent with the requirements and purpose of
7	the National Defense Stockpile.
8	(d) National Defense Stockpile Defined.—In
9	this section, the term "National Defense Stockpile" means
10	the stockpile provided for in section 4 of the Strategic and
11	Critical Materials Stock Piling Act (50 U.S.C. 98c).
12	Subtitle C—Armed Forces
13	Retirement Home
13 14	Retirement Home SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR
14	SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR
14 15	SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.
14 15 16 17	SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME. There is authorized to be appropriated for fiscal year
14 15 16 17 18	SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME. There is authorized to be appropriated for fiscal year 2008 from the Armed Forces Retirement Home Trust
14 15 16 17 18	SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME. There is authorized to be appropriated for fiscal year 2008 from the Armed Forces Retirement Home Trust Fund the sum of \$61,624,000 for the operation of the
14 15 16 17 18 19	SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME. There is authorized to be appropriated for fiscal year 2008 from the Armed Forces Retirement Home Trust Fund the sum of \$61,624,000 for the operation of the Armed Forces Retirement Home.
14 15 16 17 18 19 20	 SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME. There is authorized to be appropriated for fiscal year 2008 from the Armed Forces Retirement Home Trust Fund the sum of \$61,624,000 for the operation of the Armed Forces Retirement Home. SEC. 1422. ADMINISTRATION AND OVERSIGHT OF THE
 14 15 16 17 18 19 20 21 22 	 SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME. There is authorized to be appropriated for fiscal year 2008 from the Armed Forces Retirement Home Trust Fund the sum of \$61,624,000 for the operation of the Armed Forces Retirement Home. SEC. 1422. ADMINISTRATION AND OVERSIGHT OF THE ARMED FORCES RETIREMENT HOME.

(1) in subsection (d), by adding at the end the
 following new paragraph:

3 "(3) The administration of the Retirement Home (in4 cluding administration for the provision of health care and
5 medical care for residents) shall remain under the direct
6 authority, control, and administration of the Secretary of
7 Defense."; and

8 (2) in subsection (h), by adding at the end the 9 following new sentence: "The annual report shall in-10 clude an assessment of all aspects of each facility of 11 the Retirement Home, including the quality of care 12 at the facility.".

(b) ACCREDITATION.—Subsection (g) of section 1511
of the Armed Forces Retirement Home Act of 1991 (24
U.S.C. 411) is amended to read as follows:

16 "(g) ACCREDITATION.—The Chief Operating Officer 17 shall secure and maintain accreditation by a nationally 18 recognized civilian accrediting organization for each aspect 19 of each facility of the Retirement Home, including medical 20 and dental care, pharmacy, independent living, and as-21 sisted living and nursing care.".

(c) SPECTRUM OF CARE.—Section 1513(b) of the
Armed Forces Retirement Home Act of 1991 (24 U.S.C.
413(b)) is amended by inserting after the first sentence
the following new sentence: "The services provided resi-

dents of the Retirement Home shall include appropriate
 nonacute medical and dental services, pharmaceutical
 services, and transportation of residents, which shall be
 provided at no cost to residents.".

5 (d) SENIOR MEDICAL ADVISOR FOR RETIREMENT6 HOME.—

7 (1) DESIGNATION AND DUTIES OF SENIOR
8 MEDICAL ADVISOR.—The Armed Forces Retirement
9 Home Act of 1991 is amended by inserting after
10 section 1513 (24 U.S.C. 413) the following new sec11 tion:

12 "SEC. 1513A. IMPROVED HEALTH CARE13 OVERSIGHT OF RETIREMENT HOME.

14 "(a) Designation of Senior Medical Advisor.— 15 (1) The Secretary of Defense shall designate the Deputy Director of the TRICARE Management Activity to serve 16 17 as the Senior Medical Advisor for the Retirement Home. 18 "(2) The Deputy Director of the TRICARE Management Activity shall serve as Senior Medical Advisor for 19 20 the Retirement Home in addition to performing all other 21 duties and responsibilities assigned to the Deputy Director 22 of the TRICARE Management Activity at the time of the 23 designation under paragraph (1) or afterward.

24 "(b) RESPONSIBILITIES.—(1) The Senior Medical
25 Advisor shall provide advice to the Secretary of Defense,

the Under Secretary of Defense for Personnel and Readi ness, and the Chief Operating Officer regarding the direc tion and oversight of the provision of medical, preventive
 mental health, and dental care services at each facility of
 the Retirement Home.

6 "(2) The Senior Medical Advisor shall also provide
7 advice to the Local Board for a facility of the Retirement
8 Home regarding all medical and medical administrative
9 matters of the facility.

10 "(c) DUTIES.—In carrying out the responsibilities set
11 forth in subsection (b), the Senior Medical Advisor shall
12 perform the following duties:

"(1) Ensure the timely availability to residents
of the Retirement Home, at locations other than the
Retirement Home, of such acute medical, mental
health, and dental care as such resident may require
that is not available at the applicable facility of the
Retirement Home.

"(2) Ensure compliance by the facilities of the
Retirement Home with accreditation standards, applicable health care standards of the Department of
Veterans Affairs, or any other applicable health care
standards and requirements (including requirements
identified in applicable reports of the Inspector General of the Department of Defense).

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1	"(3) Periodically visit and inspect the medical
2	facilities and medical operations of each facility of
3	the Retirement Home.
4	"(4) Periodically examine and audit the medical
5	records and administration of the Retirement Home.
6	"(5) Consult with the Local Board for each fa-
7	cility of the Retirement Home not less frequently
8	than once each year.
9	"(d) Advisory Bodies.—In carrying out the respon-
10	sibilities set forth in subsection (b) and the duties set forth
11	in subsection (c), the Senior Medical Advisor may estab-
12	lish and seek the advice of such advisory bodies as the
13	Senior Medical Advisor considers appropriate.".
14	(2) CLERICAL AMENDMENT.—The table of con-
15	tents in section 1501(b) of the Armed Forces Retire-
16	ment Home Act of 1991 (24 U.S.C. 401 note) is
17	amended by inserting after the item relating to sec-
18	tion 1513 the following new item: "1513A. Improved health care oversight of Retirement Home.".
19	(e) Local Boards of Trustees.—
20	(1) DUTIES.—Subsection (b) of section 1516 of
21	the Armed Forces Retirement Home Act of 1991
22	(24 U.S.C. 416) is amended to read as follows:
23	"(b) DUTIES.—(1) The Local Board for a facility
24	shall serve in an advisory capacity to the Director of the
25	facility and to the Chief Operating Officer.

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"(2) The Local Board for a facility shall provide to
 the Chief Operating Officer and the Director of the facility
 such guidance and recommendations on the administra tion of the facility as the Local Board considers appro priate.

6 "(3) Not less often than annually, the Local Board 7 for a facility shall provide to the Under Secretary of De-8 fense for Personnel and Readiness an assessment of all 9 aspects of the facility, including the quality of care at the 10 facility.".

11 (2) COMPOSITION.—Subparagraph (K) of sub12 section (c) of such section is amended to read as fol13 lows:

"(K) One senior representative of one of the
chief personnel officers of the Armed Forces, who
shall be a commissioned officer of the Armed Forces
serving on active duty in the grade of brigadier general, or in the case of the Navy or Coast Guard, rear
admiral (lower half).".

20 (f) INSPECTION OF RETIREMENT HOME.—Section
21 1518 of the Armed Forces Retirement Home Act of 1991
22 (24 U.S.C. 418) is amended to read as follows:

23 "SEC. 1518. INSPECTION OF RETIREMENT HOME.

24 "(a) DUTY OF INSPECTOR GENERAL OF THE DE25 PARTMENT OF DEFENSE.—The Inspector General of the

Department of Defense shall have the duty to inspect the
 Retirement Home.

3 "(b) INSPECTIONS BY INSPECTOR GENERAL.—(1) In 4 any year in which a facility of the Retirement Home is 5 not inspected by a nationally recognized civilian accrediting organization, the Inspector General of the Depart-6 7 ment of Defense shall perform a comprehensive inspection 8 of all aspects of that facility, including independent living, 9 assisted living, medical and dental care, pharmacy, finan-10 cial and contracting records, and any aspect of either facility on which the Local Board for the facility or the resi-11 dent advisory committee or council of the facility rec-12 13 ommends inspection.

"(2) The Inspector General shall be assisted in inspections under this subsection by a medical inspector
general of a military department designated for purposes
of this subsection by the Secretary of Defense.

18 "(3) In conducting the inspection of a facility of the Retirement Home under this subsection, the Inspector 19 20 General shall solicit concerns, observations, and rec-21 ommendations from the Local Board for the facility, the 22 resident advisory committee or council of the facility, and 23 the residents of the facility. Any concerns, observations, 24and recommendations solicited from residents shall be solicited on a not-for-attribution basis. 25

1 "(4) The Chief Operating Officer and the Director 2 of each facility of the Retirement Home shall make all 3 staff, other personnel, and records of each facility avail-4 able to the Inspector General in a timely manner for pur-5 poses of inspections under this subsection.

6 "(c) Reports on Inspections by Inspector Gen-7 ERAL.—(1) The Inspector General shall prepare a report 8 describing the results of each inspection conducted of a 9 facility of the Retirement Home under subsection (b), and 10 include in the report such recommendations as the Inspector General considers appropriate in light of the inspec-11 12 tion. Not later than 45 days after completing the inspec-13 tion of the facility, the Inspector General shall submit the report to Congress and the Secretary of Defense, the 14 15 Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, the Director of the facility, 16 the Senior Medical Advisor, and the Local Board for the 17 18 facility.

19 "(2) Not later than 45 days after receiving a report
20 of the Inspector General under paragraph (1), the Direc21 tor of the facility concerned shall submit to the Secretary
22 of Defense, the Under Secretary of Defense for Personnel
23 and Readiness, the Chief Operating Officer, and the Local
24 Board for the facility, and to Congress, a plan to address

the recommendations and other matters set forth in the
 report.

"(d) ADDITIONAL INSPECTIONS.—(1) The Chief Operating Officer shall request the inspection of each facility
of the Retirement Home by a nationally recognized civilian
accrediting organization in accordance with section
1511(g).

8 "(2) The Chief Operating Officer and the Director 9 of a facility being inspected under this subsection shall 10 make all staff, other personnel, and records of the facility 11 available to the civilian accrediting organization in a time-12 ly manner for purposes of inspections under this sub-13 section.

14 "(e) REPORTS ON ADDITIONAL INSPECTIONS.—(1)
15 Not later than 45 days after receiving a report of an in16 spection from the civilian accrediting organization under
17 subsection (d), the Director of the facility concerned shall
18 submit to the Under Secretary of Defense for Personnel
19 and Readiness, the Chief Operating Officer, and the Local
20 Board for the facility a report containing—

21 "(A) the results of the inspection; and

22 "(B) a plan to address any recommendations23 and other matters set forth in the report.

"(2) Not later than 45 days after receiving a report
 and plan under paragraph (1), the Secretary of Defense
 shall submit the report and plan to Congress.".

4 (g) ARMED FORCES RETIREMENT HOME TRUST
5 FUND.—Section 1519 of the Armed Forces Retirement
6 Home Act of 1991 (24 U.S.C. 419) is amended by adding
7 at the end the following new subsection:

8 "(d) REPORTING REQUIREMENTS.—The Chief Fi-9 nancial Officer of the Armed Forces Retirement Home 10 shall comply with the reporting requirements of sub-11 chapter II of chapter 35 of title 31, United States Code.".

12 TITLE XV—AUTHORIZATION OF 13 ADDITIONAL APPROPRIA 14 TIONS FOR OPERATION IRAQI 15 FREEDOM AND OPERATION 16 ENDURING FREEDOM

Sec. 1502. Army procurement.
Sec. 1503. Navy and Marine Corps procurement.
Sec. 1504. Air Force procurement.
Sec. 1505. Joint Improvised Explosive Device Defeat Fund.
Sec. 1506. Defense-wide activities procurement.
Sec. 1507. Research, development, test, and evaluation.
Sec. 1508. Operation and maintenance.

Sec. 1501. Purpose.

Sec. 1509. Working capital funds.

- Sec. 1510. Other Department of Defense programs.
- Sec. 1511. Iraq Freedom Fund.
- Sec. 1512. Iraq Security Forces Fund.
- Sec. 1513. Afghanistan Security Forces Fund.
- Sec. 1514. Military personnel.
- Sec. 1515. Strategic Readiness Fund.
- Sec. 1516. Treatment as additional authorizations.
- Sec. 1517. Special transfer authority.

1 SEC. 1501. PURPOSE.

2 The purpose of this title is to authorize appropria3 tions for the Department of Defense for fiscal year 2008
4 to provide additional funds for Operation Iraqi Freedom
5 and Operation Enduring Freedom.

6 SEC. 1502. ARMY PROCUREMENT.

7 Funds are hereby authorized to be appropriated for8 fiscal year 2008 for procurement accounts for the Army9 in amounts as follows:

10 (1) For aircraft procurement, \$2,086,864,000.

 11
 (2)
 For ammunition procurement,

 12
 \$513,600,000.

13 (3) For weapons and tracked combat vehicles
14 procurement, \$7,289,697,000.

15 (4) For missile procurement, \$641,764,000.

16 (5) For other procurement, \$32,478,568,000.

17 SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for
the Navy in amounts as follows:

(1) For aircraft procurement, \$3,908,458,000.

- 22 (2) For weapons procurement, \$318,281,000.
- 23 (3) For other procurement, \$1,870,597,000.

(b) MARINE CORPS.—Funds are hereby authorized to25 be appropriated for fiscal year 2008 for the procurement

account for the Marine Corps in the amount of
 \$5,519,740,000.

3 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
4 are hereby authorized to be appropriated for fiscal year
5 2008 for the procurement account for ammunition for the
6 Navy and the Marine Corps in the amount of
7 \$609,890,000.

8 SEC. 1504. AIR FORCE PROCUREMENT.

9 Funds are hereby authorized to be appropriated for
10 fiscal year 2008 for procurement accounts for the Air
11 Force in amounts as follows:

12 (1) For aircraft procurement, \$5,828,239,000.

13 (2) For ammunition procurement,
14 \$104,405,000.

15 (3) For missile procurement, \$1,800,000.

16 (4) For other procurement, \$4,528,126,000.

17 SEC. 1505. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT
18 FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds
are hereby authorized for fiscal year 2008 for the Joint
Improvised Explosive Device Defeat Fund in the amount
of \$4,541,000,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections
(b) and (c) of section 1514 of the John Warner National
Defense Authorization Act for Fiscal Year 2007 (Public

Law 109–364; 120 Stat. 2439) shall apply to the funds
 appropriated pursuant to the authorization of appropria tions in subsection (a).

4 (c) REVISION OF MANAGEMENT PLAN.—The Sec5 retary of Defense shall revise the management plan re6 quired by section 1514(d) of the John Warner National
7 Defense Authorization Act for Fiscal Year 2007 to iden8 tify projected transfers and obligations through September
9 30, 2008.

(d) DURATION OF AUTHORITY.—Section 1514(f) of
the John Warner National Defense Authorization Act for
Fiscal Year 2007 is amended by striking "September 30,
2009" and inserting "September 30, 2010".

14 SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

15 Funds are hereby authorized to be appropriated for16 fiscal year 2008 for the procurement account for Defense-

17 wide activities in the amount of \$768,157,000.

18 SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-

19 **TION.**

Funds are hereby authorized to be appropriated for
fiscal year 2008 for the use of the Department of Defense
for research, development, test, and evaluation as follows:

- (1) For the Army, \$183,299,000.
- 24 (2) For the Navy, \$695,996,000.
- 25 (3) For the Air Force, \$1,457,710,000.

1	(4) For Defense-wide activities,
2	\$1,320,088,000.
3	SEC. 1508. OPERATION AND MAINTENANCE.
4	Funds are hereby authorized to be appropriated for
5	fiscal year 2008 for the use of the Armed Forces for ex-
6	penses, not otherwise provided for, for operation and
7	maintenance, in amounts as follows:
8	(1) For the Army, \$54,929,551,000.
9	(2) For the Navy, \$6,249,793,000.
10	(3) For the Marine Corps, \$4,674,688,000.
11	(4) For the Air Force, \$10,798,473,000.
12	(5) For Defense-wide activities,
13	\$6,424,085,000.
14	(6) For the Army Reserve, \$196,694,000.
15	(7) For the Navy Reserve, \$83,407,000.
16	(8) For the Marine Corps Reserve,
17	\$68,193,000.
18	(9) For the Army National Guard,
19	757,008,000.
20	(10) For the Air Force Reserve, \$24,266,000.
21	(11) For the Air National Guard,
22	\$103,267,000.
23	SEC. 1509. WORKING CAPITAL FUNDS.
24	Funds are hereby authorized to be appropriated for
25	fiscal year 2008 for the use of the Armed Forces and other

activities and agencies of the Department of Defense for
 providing capital for working capital and revolving funds
 in amounts as follows:

4 (1) For the Defense Working Capital Funds,
5 \$1,957,675,000.

6 (2) For the National Defense Sealift Fund,
7 \$5,110,000.

8 SEC. 1510. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

9 (a) DEFENSE HEALTH PROGRAM.—Funds are here-10 by authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise 11 provided for, for the Defense Health Program in the 12 13 amount of \$1,137,442,000 for operation and maintenance. 14 (b) Drug Interdiction and Counter-Drug Ac-15 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fis-16 cal year 2008 for expenses, not otherwise provided for, for 17 Drug Interdiction and Counter-Drug Activities, Defense-18 wide in the amount of \$257,618,000. 19

(c) DEFENSE INSPECTOR GENERAL.—Funds are
hereby authorized to be appropriated for the Department
of Defense for fiscal year 2008 for expenses, not otherwise
provided for, for the Office of the Inspector General of
the Department of Defense in the amount of \$4,394,000
for operation and maintenance.

1 SEC. 1511. IRAQ FREEDOM FUND. (a) IN GENERAL.—Funds are hereby authorized to 2 be appropriated for fiscal year 2008 for the Iraq Freedom 3 Fund in the amount of \$207,500,000. 4 5 (b) TRANSFER.— 6 (1) TRANSFER AUTHORIZED.—Subject to para-7 graph (2), amounts authorized to be appropriated by 8 subsection (a) may be transferred from the Iraq 9 Freedom Fund to any accounts as follows: 10 (A) Operation and maintenance accounts 11 of the Armed Forces. 12 (B) Military personnel accounts. 13 (C) Research, development, test, and eval-14 uation accounts of the Department of Defense. 15 (D) Procurement accounts of the Depart-16 ment of Defense. (E) Accounts providing funding for classi-17 18 fied programs. 19 (F) The operating expenses account of the 20 Coast Guard. 21 (2) NOTICE TO CONGRESS.—A transfer may not 22 be made under the authority in paragraph (1) until 23 five days after the date on which the Secretary of 24 Defense notifies the congressional defense commit-

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1 (3) TREATMENT OF TRANSFERRED FUNDS.— 2 Amounts transferred to an account under the au-3 thority in paragraph (1) shall be merged with 4 amounts in such account and shall be made available 5 for the same purposes, and subject to the same con-6 ditions and limitations, as amounts in such account. 7 (4) Effect on authorization amounts.—A 8 transfer of an amount to an account under the au-9 thority in paragraph (1) shall be deemed to increase 10 the amount authorized for such account by an 11 amount equal to the amount transferred. 12 SEC. 1512. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds
are hereby authorized to be appropriated for fiscal year
2008 for the Iraq Security Forces Fund in the amount
of \$3,000,000,000.

17 (b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the
Commander, Multi-National Security Transition
Command–Iraq, to provide assistance to the security
forces of Iraq.

24 (2) TYPES OF ASSISTANCE AUTHORIZED.—As25 sistance provided under this section may include the

provision of equipment, supplies, services, training,
 facility and infrastructure repair, renovation, con struction, and funding.

4 (3) SECRETARY OF STATE CONCURRENCE.—As5 sistance may be provided under this section only
6 with the concurrence of the Secretary of State.

7 (c) AUTHORITY IN ADDITION TO OTHER AUTHORI8 TIES.—The authority to provide assistance under this sec9 tion is in addition to any other authority to provide assist10 ance to foreign nations.

11 (d) TRANSFER AUTHORITY.—

12 (1)AUTHORIZED.—Subject TRANSFERS to 13 paragraph (2), amounts authorized to be appro-14 priated by subsection (a) may be transferred from 15 the Iraq Security Forces Fund to any of the fol-16 lowing accounts and funds of the Department of De-17 fense to accomplish the purposes provided in sub-18 section (b):

- 19 (A) Military personnel accounts.
- 20 (B) Operation and maintenance accounts.
- 21 (C) Procurement accounts.

(D) Research, development, test, and eval-uation accounts.

24 (E) Defense working capital funds.

1	(F) Overseas Humanitarian, Disaster, and
2	Civic Aid account.
3	(2) Additional Authority.—The transfer au-
4	thority provided by paragraph (1) is in addition to
5	any other transfer authority available to the Depart-
6	ment of Defense.
7	(3) TRANSFERS BACK TO THE FUND.—Upon
8	determination that all or part of the funds trans-
9	ferred from the Iraq Security Forces Fund under
10	paragraph (1) are not necessary for the purpose pro-
11	vided, such funds may be transferred back to the
12	Iraq Security Forces Fund.
13	(4) Effect on authorization amounts.—A
14	transfer of an amount to an account under the au-
15	thority in paragraph (1) shall be deemed to increase
16	the amount authorized for such account by an
17	amount equal to the amount transferred.
18	(e) NOTICE TO CONGRESS.—Funds may not be obli-
19	gated from the Iraq Security Forces Fund, or transferred
20	under the authority provided in subsection $(d)(1)$, until
21	five days after the date on which the Secretary of Defense
22	notifies the congressional defense committees in writing
23	of the details of the proposed obligation or transfer.
24	(f) CONTRIBUTIONS.—

1	(1) Authority to accept contributions.—
2	Subject to paragraph (2), the Secretary of Defense
3	may accept contributions of amounts to the Iraq Se-
4	curity Forces Fund for the purposes provided in
5	subsection (b) from any person, foreign government,
6	or international organization. Any amounts so ac-
7	cepted shall be credited to the Iraq Security Forces
8	Fund.
9	(2) LIMITATION.—The Secretary may not ac-
10	cept a contribution under this subsection if the ac-
11	ceptance of the contribution would compromise or
12	appear to compromise the integrity of any program
13	of the Department of Defense.
14	(3) USE.—Amounts accepted under this sub-
15	section shall be available for assistance authorized
16	by subsection (b), including transfer under sub-
17	section (d) for that purpose.
18	(4) NOTIFICATION.—The Secretary shall notify
19	the congressional defense committees, the Committee
20	on Foreign Relations of the Senate, and the Com-
21	mittee on Foreign Affairs of the House of Rep-
22	resentatives, in writing, upon the acceptance, and
23	upon the transfer under subsection (d), of any con-
24	tribution under this subsection. Such notice shall

specify the source and amount of any amount so ac cepted and the use of any amount so accepted.

3 (g) QUARTERLY REPORTS.—Not later than 30 days 4 after the end of each fiscal-year quarter, the Secretary of 5 Defense shall submit to the congressional defense commit-6 tees a report summarizing the details of any obligation 7 or transfer of funds from the Iraq Security Forces Fund 8 during such fiscal-year quarter.

9 (h) DURATION OF AUTHORITY.—Amounts authorized 10 to be appropriated or contributed to the Iraq Security 11 Forces Fund during fiscal year 2008 are available for obli-12 gation or transfer from the Iraq Security Forces Fund in 13 accordance with this section until September 30, 2009.

14 SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds
are hereby authorized to be appropriated for fiscal year
2008 for the Afghanistan Security Forces Fund in the
amount of \$2,700,000,000.

19 (b) USE OF FUNDS.—

20 (1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the
22 Secretary of Defense to provide assistance to the security forces of Afghanistan.

24 (2) TYPES OF ASSISTANCE AUTHORIZED.—As25 sistance provided under this section may include the

provision of equipment, supplies, services, training,
 facility and infrastructure repair, renovation, con struction, and funds.

4 (3) SECRETARY OF STATE CONCURRENCE.—As5 sistance may be provided under this section only
6 with the concurrence of the Secretary of State.

7 (c) AUTHORITY IN ADDITION TO OTHER AUTHORI8 TIES.—The authority to provide assistance under this sec9 tion is in addition to any other authority to provide assist10 ance to foreign nations.

11 (d) TRANSFER AUTHORITY.—

12 (1)AUTHORIZED.—Subject TRANSFERS to 13 paragraph (2), amounts authorized to be appro-14 priated by subsection (a) may be transferred from 15 the Afghanistan Security Forces Fund to any of the 16 following accounts and funds of the Department of 17 Defense to accomplish the purposes provided in sub-18 section (b):

- 19 (A) Military personnel accounts.
- 20 (B) Operation and maintenance accounts.
- 21 (C) Procurement accounts.

(D) Research, development, test, and eval-uation accounts.

24 (E) Defense working capital funds.

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1	(F) Overseas Humanitarian, Disaster, and
2	Civic Aid.
3	(2) Additional authority.—The transfer au-
4	thority provided by paragraph (1) is in addition to
5	any other transfer authority available to the Depart-
6	ment of Defense.
7	(3) TRANSFERS BACK TO FUND.—Upon a de-
8	termination that all or part of the funds transferred
9	from the Afghanistan Security Forces Fund under
10	paragraph (1) are not necessary for the purpose for
11	which transferred, such funds may be transferred
12	back to the Afghanistan Security Forces Fund.
13	(4) Effect on authorization amounts.—A
14	transfer of an amount to an account under the au-
15	thority in paragraph (1) shall be deemed to increase
16	the amount authorized for such account by an
17	amount equal to the amount transferred.
18	(e) Prior Notice to Congress of Obligation or
19	TRANSFER.—Funds may not be obligated from the Af-
20	ghanistan Security Forces Fund, or transferred under
21	subsection $(d)(1)$, until five days after the date on which
22	the Secretary of Defense notifies the congressional defense
23	committees in writing of the details of the proposed obliga-
24	tion or transfer.
25	(f) CONTRIPUTIONS

25 (f) Contributions.—

1	(1) Authority to accept contributions.—
2	Subject to paragraph (2), the Secretary of Defense
3	may accept contributions of amounts to the Afghani-
4	stan Security Forces Fund for the purposes provided
5	in subsection (b) from any person, foreign govern-
6	ment, or international organization. Any amounts so
7	accepted shall be credited to the Afghanistan Secu-
8	rity Forces Fund.
9	(2) LIMITATION.—The Secretary may not ac-
10	cept a contribution under this subsection if the ac-
11	ceptance of the contribution would compromise or
12	appear to compromise the integrity of any program
13	of the Department of Defense.
14	(3) USE.—Amounts accepted under this sub-
15	section shall be available for assistance authorized
16	by subsection (b), including transfer under sub-
17	section (d) for that purpose.
18	(4) NOTIFICATION.—The Secretary shall notify
19	the congressional defense committees, the Committee
20	on Foreign Relations of the Senate, and the Com-
21	mittee on Foreign Affairs of the House of Rep-
22	resentatives, in writing, upon the acceptance, and
23	upon the transfer under subsection (d), of any con-
24	tribution under this subsection. Such notice shall

1	specify the source and amount of any amount so ac-
2	cepted and the use of any amount so accepted.
3	(g) Quarterly Reports.—Not later than 30 days
4	after the end of each fiscal-year quarter, the Secretary of
5	Defense shall submit to the congressional defense commit-
6	tees a report summarizing the details of any obligation
7	or transfer of funds from the Afghanistan Security Forces
8	Fund during such fiscal-year quarter.
9	(h) DURATION OF AUTHORITY.—Amounts authorized
10	to be appropriated or contributed to the Afghanistan Secu-

to be appropriated or contributed to the Afghanistan Security Forces Fund during fiscal year 2008 are available for
obligation or transfer from the Afghanistan Security
Forces Fund in accordance with this section until September 30, 2009.

15 SEC. 1514. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the
Department of Defense for military personnel accounts for
fiscal year 2008 a total of \$17,912,510,000.

19 SEC. 1515. STRATEGIC READINESS FUND.

20 There is authorized to be appropriated21 \$1,000,000,000 to the Strategic Readiness Fund.

22 SEC. 1516. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this
title are in addition to amounts otherwise authorized to
be appropriated by this Act.

1 SEC. 1517. SPECIAL TRANSFER AUTHORITY.

2 (a) Authority To Transfer Authorizations.—

3 (1) AUTHORITY.—Upon determination by the 4 Secretary of Defense that such action is necessary in 5 the national interest, the Secretary may transfer 6 amounts of authorizations made available to the De-7 partment of Defense in this title for fiscal year 2008 8 between any such authorizations for that fiscal year 9 (or any subdivisions thereof). Amounts of authoriza-10 tions so transferred shall be merged with and be 11 available for the same purposes as the authorization 12 to which transferred.

13 (2) LIMITATION.—The total amount of author14 izations that the Secretary may transfer under the
15 authority of this section may not exceed
16 \$3,500,000,000.

17 (b) TERMS AND CONDITIONS.—Transfers under this
18 section shall be subject to the same terms and conditions
19 as transfers under section 1001.

20 (c) ADDITIONAL AUTHORITY.—The transfer author21 ity provided by this section is in addition to the transfer
22 authority provided under section 1001.

23 TITLE XVI—WOUNDED WARRIOR 24 MATTERS

Sec. 1601. Short title. Sec. 1602. General definitions.

- Sec. 1603. Consideration of gender-specific needs of recovering service members and veterans.
- Subtitle A—Policy on Improvements to Care, Management, and Transition of Recovering Service Members
- Sec. 1611. Comprehensive policy on improvements to care, management, and transition of recovering service members.
- Sec. 1612. Medical evaluations and physical disability evaluations of recovering service members.
- Sec. 1613. Return of recovering service members to active duty in the Armed Forces.
- Sec. 1614. Transition of recovering service members from care and treatment through the Department of Defense to care, treatment, and rehabilitation through the Department of Veterans Affairs.
- Sec. 1615. Reports.
- Sec. 1616. Establishment of a wounded warrior resource center.
- Sec. 1617. Notification to Congress of hospitalization of combat wounded service members.
- Sec. 1618. Comprehensive plan on prevention, diagnosis, mitigation, treatment, and rehabilitation of, and research on, traumatic brain injury, post-traumatic stress disorder, and other mental health conditions in members of the Armed Forces.
- Subtitle B—Centers of Excellence in the Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury, Post-Traumatic Stress Disorder, and Eye Injuries
- Sec. 1621. Center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury.
- Sec. 1622. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder and other mental health conditions.
- Sec. 1623. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries.
- Sec. 1624. Report on establishment of centers of excellence.

Subtitle C—Health Care Matters

- Sec. 1631. Medical care and other benefits for members and former members of the Armed Forces with severe injuries or illnesses.
- Sec. 1632. Reimbursement of travel expenses of retired members with combatrelated disabilities for follow-on specialty care, services, and supplies.
- Sec. 1633. Respite care and other extended care benefits for members of the uniformed services who incur a serious injury or illness on active duty.
- Sec. 1634. Reports.
- Sec. 1635. Fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.
- Sec. 1636. Enhanced personnel authorities for the Department of Defense for health care professionals for care and treatment of wounded and injured members of the Armed Forces.
- Sec. 1637. Continuation of transitional health benefits for members of the Armed Forces pending resolution of service-related medical conditions.

Subtitle D—Disability Matters

- Sec. 1641. Utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.
- Sec. 1642. Requirements and limitations on Department of Defense determinations of disability with respect to members of the Armed Forces.
- Sec. 1643. Review of separation of members of the Armed Forces separated from service with a disability rating of 20 percent disabled or less.
- Sec. 1644. Authorization of pilot programs to improve the disability evaluation system for members of the Armed Forces.
- Sec. 1645. Reports on Army action plan in response to deficiencies in the Army physical disability evaluation system.
- Sec. 1646. Enhancement of disability severance pay for members of the Armed Forces.
- Sec. 1647. Assessments of continuing utility and future role of temporary disability retired list.
- Sec. 1648. Standards for military medical treatment facilities, specialty medical care facilities, and military quarters housing patients and annual report on such facilities.
- Sec. 1649. Reports on Army Medical Action Plan in response to deficiencies identified at Walter Reed Army Medical Center, District of Columbia.
- Sec. 1650. Required certifications in connection with closure of Walter Reed Army Medical Center, District of Columbia.
- Sec. 1651. Handbook for members of the Armed Forces on compensation and benefits available for serious injuries and illnesses.

Subtitle E—Studies and Reports

- Sec. 1661. Study on physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom and Operation Enduring Freedom and their families.
- Sec. 1662. Access of recovering service members to adequate outpatient residential facilities.
- Sec. 1663. Study and report on support services for families of recovering service members.
- Sec. 1664. Report on traumatic brain injury classifications.
- Sec. 1665. Evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer program.

Subtitle F—Other Matters

- Sec. 1671. Prohibition on transfer of resources from medical care.
- Sec. 1672. Medical care for families of members of the Armed Forces recovering from serious injuries or illnesses.
- Sec. 1673. Improvement of medical tracking system for members of the Armed Forces deployed overseas.
- Sec. 1674. Guaranteed funding for Walter Reed Army Medical Center, District of Columbia.
- Sec. 1675. Use of leave transfer program by wounded veterans who are Federal employees.

Sec. 1676. Moratorium on conversion to contractor performance of Department of Defense functions at military medical facilities.

1 SEC. 1601. SHORT TITLE.

2 This title may be cited as the "Wounded Warrior3 Act".

4 SEC. 1602. GENERAL DEFINITIONS.

5 In this title:

6 (1) APPROPRIATE COMMITTEES OF CON7 GRESS.—The term "appropriate committees of Con8 gress" means—

9 (A) the Committees on Armed Services,
10 Veterans' Affairs, and Appropriations of the
11 Senate; and

12 (B) the Committees on Armed Services,
13 Veterans' Affairs, and Appropriations of the
14 House of Representatives.

15 (2) BENEFITS DELIVERY AT DISCHARGE PRO-16 GRAM.—The term "Benefits Delivery at Discharge 17 Program" means a program administered jointly by 18 the Secretary of Defense and the Secretary of Vet-19 erans Affairs to provide information and assistance 20 on available benefits and other transition assistance 21 to members of the Armed Forces who are separating 22 from the Armed Forces, including assistance to ob-23 tain any disability benefits for which such members 24 may be eligible.

4 (A) A system or process of the Department 5 of Defense for evaluating the nature and extent 6 of disabilities affecting members of the Armed 7 Forces that is operated by the Secretaries of 8 the military departments and is comprised of 9 medical evaluation boards, physical evaluation 10 boards, counseling of members, and mecha-11 nisms for the final disposition of disability eval-12 uations by appropriate personnel.

(B) A system or process of the Coast
Guard for evaluating the nature and extent of
disabilities affecting members of the Coast
Guard that is operated by the Secretary of
Homeland Security and is similar to the system
or process of the Department of Defense described in subparagraph (A).

(4) ELIGIBLE FAMILY MEMBER.—The term "eligible family member", with respect to a recovering
service member, means a family member (as defined
in section 411 h(b) of title 37, United States Code)
who is on invitational travel orders or serving as a
non-medical attendee while caring for the recovering

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1	service member for more than 45 days during a one-
2	year period.
3	(5) MEDICAL CARE.—The term "medical care"
4	includes mental health care.
5	(6) OUTPATIENT STATUS.—The term "out-
6	patient status", with respect to a recovering service
7	member, means the status of a recovering service
8	member assigned to—
9	(A) a military medical treatment facility as
10	an outpatient; or
11	(B) a unit established for the purpose of
12	providing command and control of members of
13	the Armed Forces receiving medical care as
14	outpatients.
15	(7) Recovering service member.—The term
16	"recovering service member" means a member of the
17	Armed Forces, including a member of the National
18	Guard or a Reserve, who is undergoing medical
19	treatment, recuperation, or therapy and is in an out-
20	patient status while recovering from a serious injury
21	or illness related to the member's military service.
22	(8) SERIOUS INJURY OR ILLNESS.—The term
23	"serious injury or illness", in the case of a member
24	of the Armed Forces, means an injury or illness in-
25	curred by the member in line of duty on active duty

in the Armed Forces that may render the member
 medically unfit to perform the duties of the mem ber's office, grade, rank, or rating.

4 (9) TRICARE PROGRAM.—The term
5 "TRICARE program" has the meaning given that
6 term in section 1072(7) of title 10, United States
7 Code.

8 SEC. 1603. CONSIDERATION OF GENDER-SPECIFIC NEEDS 9 OF RECOVERING SERVICE MEMBERS AND 10 VETERANS.

11 (a) IN GENERAL.—In developing and implementing 12 the policy required by section 1611(a), and in otherwise 13 carrying out any other provision of this title or any amendment made by this title, the Secretary of Defense and the 14 15 Secretary of Veterans Affairs shall take into account and fully address any unique gender-specific needs of recov-16 17 ering service members and veterans under such policy or 18 other provision.

(b) REPORTS.—In submitting any report required by
this title or an amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs
shall, to the extent applicable, include a description of the
manner in which the matters covered by such report address the unique gender-specific needs of recovering service members and veterans.

1	Subtitle A—Policy on Improve-
2	ments to Care, Management,
3	and Transition of Recovering
4	Service Members
5	SEC. 1611. COMPREHENSIVE POLICY ON IMPROVEMENTS
6	TO CARE, MANAGEMENT, AND TRANSITION
7	OF RECOVERING SERVICE MEMBERS.
8	(a) Comprehensive Policy Required.—
9	(1) IN GENERAL.—Not later than July 1, 2008,
10	the Secretary of Defense and the Secretary of Vet-
11	erans Affairs shall, to the extent feasible, jointly de-
12	velop and implement a comprehensive policy on im-
13	provements to the care, management, and transition
14	of recovering service members.
15	(2) Scope of Policy.—The policy shall cover
16	each of the following:
17	(A) The care and management of recov-
18	ering service members.
19	(B) The medical evaluation and disability
20	evaluation of recovering service members.
21	(C) The return of service members who
22	have recovered to active duty when appropriate.
23	(D) The transition of recovering service
24	members from receipt of care and services
25	through the Department of Defense to receipt

1	of care and services through the Department of
2	Veterans Affairs.
3	(3) CONSULTATION.—The Secretary of Defense
4	and the Secretary of Veterans Affairs shall develop
5	the policy in consultation with the heads of other ap-
6	propriate departments and agencies of the Federal
7	Government and with appropriate non-governmental
8	organizations having an expertise in matters relating
9	to the policy.
10	(4) UPDATE.—The Secretary of Defense and
11	the Secretary of Veterans Affairs shall jointly update
12	the policy on a periodic basis, but not less often than
13	annually, in order to incorporate in the policy, as ap-
14	propriate, the following:
15	(A) The results of the reviews required
16	under subsections (b) and (c).
17	(B) Best practices identified through pilot
18	programs carried out under this title.
19	(C) Improvements to matters under the
20	policy otherwise identified and agreed upon by
21	the Secretary of Defense and the Secretary of
22	Veterans Affairs.
23	(b) REVIEW OF CURRENT POLICIES AND PROCE-
24	DURES.—

1	(1) REVIEW REQUIRED.—In developing the pol-
2	icy required by subsection (a), the Secretary of De-
3	fense and the Secretary of Veterans Affairs shall, to
4	the extent necessary, jointly and separately conduct
5	a review of all policies and procedures of the Depart-
6	ment of Defense and the Department of Veterans
7	Affairs that apply to, or shall be covered by, the pol-
8	icy.
9	(2) PURPOSE.—The purpose of the review shall
10	be to identify the most effective and patient-oriented
11	approaches to care and management of recovering
12	service members for purposes of—
13	(A) incorporating such approaches into the
14	policy; and
15	(B) extending such approaches, where ap-
16	plicable, to the care and management of other
17	injured or ill members of the Armed Forces and
18	veterans.
19	(3) ELEMENTS.—In conducting the review, the
20	Secretary of Defense and the Secretary of Veterans
21	Affairs shall—
22	(A) identify among the policies and proce-
23	dures described in paragraph (1) best practices
24	in approaches to the care and management of
25	recovering service members;

1	(B) identify among such policies and pro-
2	cedures existing and potential shortfalls in the
3	care and management of recovering service
4	members (including care and management of
5	recovering service members on the temporary
6	disability retired list), and determine means of
7	addressing any shortfalls so identified;
8	(C) determine potential modifications of
9	such policies and procedures in order to ensure
10	consistency and uniformity, where appropriate,
11	in the application of such policies and proce-
12	dures—
13	(i) among the military departments;
14	(ii) among the Veterans Integrated
15	Services Networks (VISNs) of the Depart-
16	ment of Veterans Affairs; and
17	(iii) between the military departments
18	and the Veterans Integrated Services Net-
19	works; and
20	(D) develop recommendations for legisla-
21	tive and administrative action necessary to im-
22	plement the results of the review.
23	(4) DEADLINE FOR COMPLETION.—The review
24	shall be completed not later than 90 days after the
25	date of the enactment of this Act.

1	(c) Consideration of Existing Findings, Rec-
2	OMMENDATIONS, AND PRACTICES.—In developing the pol-
3	icy required by subsection (a), the Secretary of Defense
4	and the Secretary of Veterans Affairs shall take into ac-
5	count the following:
6	(1) The findings and recommendations of appli-
7	cable studies, reviews, reports, and evaluations that
8	address matters relating to the policy, including, but
9	not limited, to the following:
10	(A) The Independent Review Group on Re-
11	habilitative Care and Administrative Processes
12	at Walter Reed Army Medical Center and Na-
13	tional Naval Medical Center, appointed by the
14	Secretary of Defense.
15	(B) The Secretary of Veterans Affairs
16	Task Force on Returning Global War on Terror
17	Heroes, appointed by the President.
18	(C) The President's Commission on Care
19	for America's Returning Wounded Warriors.
20	(D) The Veterans' Disability Benefits
21	Commission established by title XV of the Na-
22	tional Defense Authorization Act for Fiscal
23	Year 2004 (Public Law 108–136; 117 Stat.
24	1676; 38 U.S.C. 1101 note).

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1	(E) The President's Task Force to Im-
2	prove Health Care Delivery for Our Nation's
3	Veterans, of March 2003.
4	(F) The Report of the Congressional Com-
5	mission on Servicemembers and Veterans Tran-
6	sition Assistance, of 1999, chaired by Anthony
7	J. Principi.
8	(G) The President's Commission on Vet-
9	erans' Pensions, of 1956, chaired by General
10	Omar N. Bradley.
11	(2) The experience and best practices of the
12	Department of Defense and the military depart-
13	ments on matters relating to the policy.
14	(3) The experience and best practices of the
15	Department of Veterans Affairs on matters relating
16	to the policy.
17	(4) Such other matters as the Secretary of De-
18	fense and the Secretary of Veterans Affairs consider
19	appropriate.
20	(d) TRAINING AND SKILLS OF HEALTH CARE PRO-
21	FESSIONALS, RECOVERY CARE COORDINATORS, MEDICAL
22	CARE CASE MANAGERS, AND NON-MEDICAL CARE MAN-
23	AGERS FOR RECOVERING SERVICE MEMBERS.—
24	(1) IN GENERAL.—The policy required by sub-
25	section (a) shall provide for uniform standards

1	among the military departments for the training and
2	skills of health care professionals, recovery care co-
3	ordinators, medical care case managers, and non-
4	medical care managers for recovering service mem-
5	bers under subsection (e) in order to ensure that
6	such personnel are able to—
7	(A) detect early warning signs of post-
8	traumatic stress disorder (PTSD), suicidal or
9	homicidal thoughts or behaviors, and other be-
10	havioral health concerns among recovering serv-
11	ice members; and
12	(B) promptly notify appropriate health
13	care professionals following detection of such
14	signs.
15	(2) TRACKING OF NOTIFICATIONS.—In pro-
16	viding for uniform standards under paragraph (1) ,
17	the policy shall include a mechanism or system to
18	track the number of notifications made by recovery
19	care coordinators, medical care case managers, and
20	non-medical care managers to health care profes-
21	sionals under paragraph (1)(A) regarding early
22	warning signs of post-traumatic stress disorder and
23	suicide in recovering service members.
24	(e) Services for Recovering Service Mem-
25	BERS.—The policy required by subsection (a) shall provide

for improvements as follows with respect to the care, man agement, and transition of recovering service members:

3 (1) COMPREHENSIVE RECOVERY PLAN FOR RE4 COVERING SERVICE MEMBERS.—The policy shall
5 provide for uniform standards and procedures for
6 the development of a comprehensive recovery plan
7 for each recovering service member that covers the
8 full spectrum of care, management, transition, and
9 rehabilitation of the service member during recovery.

10 (2) RECOVERY CARE COORDINATORS FOR RE11 COVERING SERVICE MEMBERS.—

12 (A) IN GENERAL.—The policy shall provide
13 for a uniform program for the assignment to
14 recovering service members of recovery care co15 ordinators having the duties specified in sub16 paragraph (B).

17 (B) DUTIES.—The duties under the pro-18 gram of a recovery care coordinator for a recov-19 ering service member shall include, but not be 20 limited to, overseeing and assisting the service 21 member in the service member's course through 22 the entire spectrum of care, management, tran-23 sition, and rehabilitation services available from 24 the Federal Government, including services pro-25 vided by the Department of Defense, the De-

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partment of Veterans Affairs, the Department of Labor, and the Social Security Administration.

4 (C) LIMITATION ON NUMBER OF SERVICE 5 MEMBERS MANAGED BY COORDINATORS.—The 6 maximum number of recovering service mem-7 bers whose cases may be assigned to a recovery 8 care coordinator under the program at any one 9 time shall be such number as the policy shall 10 specify, except that the Secretary of the mili-11 tary department concerned may waive such lim-12 itation with respect to a given coordinator for 13 not more than 120 days in the event of unfore-14 seen circumstances (as specified in the policy).

15 (D) TRAINING.—The policy shall specify 16 standard training requirements and curricula 17 for recovery care coordinators under the pro-18 gram, including a requirement for successful 19 completion of the training program before a 20 person may assume the duties of such a coordi-21 nator.

(E) RESOURCES.—The policy shall include
mechanisms to ensure that recovery care coordinators under the program have the resources

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1	necessary to expeditiously carry out the duties
2	of such coordinators under the program.
3	(F) SUPERVISION.—The policy shall speci-
4	fy requirements for the appropriate rank or
5	grade, and appropriate occupation, for persons
6	appointed to head and supervise recovery care
7	coordinators.
8	(3) Medical care case managers for re-
9	COVERING SERVICE MEMBERS.—
10	(A) IN GENERAL.—The policy shall provide
11	for a uniform program among the military de-
12	partments for the assignment to recovering
13	service members of medical care case managers
14	having the duties specified in subparagraph
15	(B).
16	(B) DUTIES.—The duties under the pro-
17	gram of a medical care case manager for a re-
18	covering service member (or the service mem-
19	ber's immediate family or other designee if the
20	service member is incapable of making judg-
21	ments about personal medical care) shall in-
22	clude, at a minimum, the following:
23	(i) Assisting in understanding the
24	service member's medical status during the

1	care, recovery, and transition of the service
2	member.
3	(ii) Assisting in the receipt by the
4	service member of prescribed medical care
5	during the care, recovery, and transition of
6	the service member.
7	(iii) Conducting a periodic review of
8	the medical status of the service member,
9	which review shall be conducted, to the ex-
10	tent practicable, in person with the service
11	member, or, whenever the conduct of the
12	review in person is not practicable, with
13	the medical care case manager submitting
14	to the manager's supervisor a written ex-
15	planation why the review in person was not
16	practicable (if the Secretary of the military
17	department concerned elects to require
18	such written explanations for purposes of
19	the program).
20	(C) LIMITATION ON NUMBER OF SERVICE
21	MEMBERS MANAGED BY MANAGERS.—The max-
22	imum number of recovering service members
23	whose cases may be assigned to a medical care
24	case manager under the program at any one
25	time shall be such number as the policy shall

1 specify, except that the Secretary of the mili-2 tary department concerned may waive such lim-3 itation with respect to a given manager for not 4 more than 120 days in the event of unforeseen 5 circumstances (as specified in the policy). 6 (D) TRAINING.—The policy shall specify 7 standard training requirements and curricula 8 for medical care case managers under the pro-9 gram, including a requirement for successful 10 completion of the training program before a 11 person may assume the duties of such a man-12 ager. 13 (E) RESOURCES.—The policy shall include 14 mechanisms to ensure that medical care case 15 managers under the program have the re-16 sources necessary to expeditiously carry out the 17 duties of such managers under the program. 18 (F) SUPERVISION AT ARMED FORCES MED-19 ICAL FACILITIES.—The policy shall specify re-20 quirements for the appropriate rank or grade, 21 and appropriate occupation, for persons ap-22 pointed to head and supervise the medical care 23 case managers at each medical facility of the 24 Armed Forces. Persons so appointed may be 25 appointed from the Army Medical Corps, Army

1	Medical Service Corps, Army Nurse Corps,
2	Navy Medical Corps, Navy Medical Service
3	Corps, Navy Nurse Corps, Air Force Medical
4	Service, or other corps or civilian health care
5	professional, as applicable, at the discretion of
6	the Secretary of Defense.
7	(4) Non-medical care managers for re-
8	COVERING SERVICE MEMBERS.—
9	(A) IN GENERAL.—The policy shall provide
10	for a uniform program among the military de-
11	partments for the assignment to recovering
12	service members of non-medical care managers
13	having the duties specified in subparagraph
14	(B).
15	(B) DUTIES.—The duties under the pro-
16	gram of a non-medical care manager for a re-
17	covering service member shall include, at a min-
18	imum, the following:
19	(i) Communicating with the service
20	member and with the service member's
21	family or other individuals designated by
22	the service member regarding non-medical
23	matters that arise during the care, recov-
24	ery, and transition of the service member.

(ii) Assisting with oversight of the
 service member's welfare and quality of
 life.

4 (iii) Assisting the service member in 5 resolving problems involving financial, ad-6 ministrative, personnel, transitional, and 7 other matters that arise during the care, 8 recovery, and transition of the service 9 member.

10 (C) DURATION OF DUTIES.—The policy 11 shall provide that a non-medical care manager 12 shall perform duties under the program for a 13 recovering service member until the service 14 member is returned to active duty or retired or 15 separated from the Armed Forces.

16 (D) LIMITATION ON NUMBER OF SERVICE 17 MEMBERS MANAGED BY MANAGERS.—The max-18 imum number of recovering service members 19 whose cases may be assigned to a non-medical 20 care manager under the program at any one 21 time shall be such number as the policy shall 22 specify, except that the Secretary of the mili-23 tary department concerned may waive such lim-24 itation with respect to a given manager for not

1	more than 120 days in the event of unforeseen
2	circumstances (as specified in the policy).
3	(E) TRAINING.—The policy shall specify
4	standard training requirements and curricula
5	among the military departments for non-med-
6	ical care managers under the program, includ-
7	ing a requirement for successful completion of
8	the training program before a person may as-
9	sume the duties of such a manager.
10	(F) RESOURCES.—The policy shall include
11	mechanisms to ensure that non-medical care
12	managers under the program have the re-
13	sources necessary to expeditiously carry out the
14	duties of such managers under the program.
15	(G) SUPERVISION AT ARMED FORCES MED-
16	ICAL FACILITIES.—The policy shall specify re-
17	quirements for the appropriate rank and occu-
18	pational speciality for persons appointed to
19	head and supervise the non-medical care man-
20	agers at each medical facility of the Armed
21	Forces.
22	(5) Access of recovering service members
23	TO NON-URGENT HEALTH CARE FROM THE DEPART-
24	MENT OF DEFENSE OR OTHER PROVIDERS UNDER
25	TRICARE.—

1	(A) IN GENERAL.—The policy shall provide
2	for appropriate minimum standards for access
3	of recovering service members to non-urgent
4	medical care and other health care services as
5	follows:
6	(i) In medical facilities of the Depart-
7	ment of Defense.
8	(ii) Through the TRICARE program.
9	(B) MAXIMUM WAITING TIMES FOR CER-
10	TAIN CARE.—The standards for access under
11	subparagraph (A) shall include such standards
12	on maximum waiting times of recovering service
13	members as the policy shall specify for care
14	that includes, but is not limited to, the fol-
15	lowing:
16	(i) Follow-up care.
17	(ii) Specialty care.
18	(iii) Diagnostic referrals and studies.
19	(iv) Surgery based on a physician's
20	determination of medical necessity.
21	(C) WAIVER BY RECOVERING SERVICE
22	MEMBERS.—The policy shall permit any recov-
23	ering service member to waive a standard for
24	access under this paragraph under such cir-

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cumstances and conditions as the policy shall
specify.
(6) Assignment of recovering service
MEMBERS TO LOCATIONS OF CARE.—
(A) IN GENERAL.—The policy shall provide
for uniform guidelines among the military de-
partments for the assignment of recovering
service members to a location of care, including
guidelines that provide for the assignment of re-
covering service members, when medically ap-
propriate, to care and residential facilities clos-
est to their duty station or home of record or
the location of their designated care giver at the
earliest possible time.
(B) REASSIGNMENT FROM DEFICIENT FA-
CILITIES.—The policy shall provide for uniform
guidelines and procedures among the military
departments for the reassignment of recovering
service members from a medical or medical-re-
lated support facility determined by the Sec-
retary of Defense to violate the standards re-
quired by section 1648 to another appropriate
medical or medical-related support facility until
the correction of violations of such standards at
the medical or medical-related support facility

from which such service members are reas signed.

3 (7) TRANSPORTATION AND SUBSISTENCE FOR
4 RECOVERING SERVICE MEMBERS.—The policy shall
5 provide for uniform standards among the military
6 departments on the availability of appropriate trans7 portation and subsistence for recovering service
8 members to facilitate their obtaining needed medical
9 care and services.

10 (8) WORK AND DUTY ASSIGNMENTS FOR RE11 COVERING SERVICE MEMBERS.—The policy shall
12 provide for uniform criteria among the military de13 partments for the assignment of recovering service
14 members to work and duty assignments that are
15 compatible with their medical conditions.

16 (9) Access of recovering service members 17 TO EDUCATIONAL AND VOCATIONAL TRAINING AND 18 REHABILITATION.—The policy shall provide for uni-19 form standards among the military departments on 20 the provision of educational and vocational training 21 and rehabilitation opportunities for recovering serv-22 ice members at the earliest possible point in their re-23 covery.

24 (10) TRACKING OF RECOVERING SERVICE MEM25 BERS.—The policy shall provide for uniform proce-

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1	dures among the military departments on tracking
2	recovering service members to facilitate—
3	(A) locating each recovering service mem-
4	ber; and
5	(B) tracking medical care appointments of
6	recovering service members to ensure timeliness
7	and compliance of recovering service members
8	with appointments, and other physical and eval-
9	uation timelines, and to provide any other infor-
10	mation needed to conduct oversight of the care,
11	management, and transition of recovering serv-
12	ice members.
13	(11) Referrals of recovering service
14	MEMBERS TO OTHER CARE AND SERVICES PRO-
15	VIDERS.—The policy shall provide for uniform poli-
16	cies, procedures, and criteria among the military de-
17	partments on the referral of recovering service mem-
18	bers to the Department of Veterans Affairs and
19	other private and public entities (including univer-
20	sities and rehabilitation hospitals, centers, and clin-
21	ics) in order to secure the most appropriate care for
22	recovering service members, which policies, proce-
23	dures, and criteria shall take into account, but not
24	be limited to, the medical needs of recovering service

1 members and the geographic location of available 2 necessary recovery care services. 3 (f) SERVICES FOR FAMILIES OF RECOVERING SERV-4 ICE MEMBERS.—The policy required by subsection (a) 5 shall provide for improvements as follows with respect to 6 services for families of recovering service members: 7 (1) SUPPORT FOR FAMILY MEMBERS OF RECOV-8 ERING SERVICE MEMBERS.—The policy shall provide 9 for uniform guidelines among the military depart-

ments on the provision by the military departments
of support for family members of recovering service
members who are not otherwise eligible for care
under section 1672 in caring for such service members during their recovery.

15 (2) Advice and training for family mem-16 BERS OF RECOVERING SERVICE MEMBERS.—The 17 policy shall provide for uniform requirements and 18 standards among the military departments on the 19 provision by the military departments of advice and 20 training, as appropriate, to family members of recov-21 ering service members with respect to care for such 22 service members during their recovery.

23 (3) MEASUREMENT OF SATISFACTION OF FAM24 ILY MEMBERS OF RECOVERING SERVICE MEMBERS
25 WITH QUALITY OF HEALTH CARE SERVICES.—The

policy shall provide for uniform procedures among
 the military departments on the measurement of the
 satisfaction of family members of recovering service
 members with the quality of health care services pro vided to such service members during their recovery.

6 (4) JOB PLACEMENT SERVICES FOR FAMILY
7 MEMBERS OF RECOVERING SERVICE MEMBERS.—
8 The policy shall provide for procedures for applica9 tion by eligible family members during a one-year
10 period for job placement services otherwise offered
11 by the Department of Defense.

12 (g) OUTREACH TO RECOVERING SERVICE MEMBERS 13 AND THEIR FAMILIES ON COMPREHENSIVE POLICY.— 14 The policy required by subsection (a) shall include proce-15 dures and mechanisms to ensure that recovering service members and their families are fully informed of the poli-16 cies required by this section, including policies on medical 17 18 care for recovering service members, on the management 19 and transition of recovering service members, and on the 20 responsibilities of recovering service members and their 21 family members throughout the continuum of care and 22 services for recovering service members under this section. 23 (h) APPLICABILITY OF COMPREHENSIVE POLICY TO 24 **Recovering Service Members on Temporary Dis-**ABILITY RETIRED LIST.—Appropriate elements of the pol-25

1 icy required by this section shall apply to recovering service members whose names are placed on the temporary 2 3 disability retired list in such manner, and subject to such 4 terms and conditions, as the Secretary of Defense shall 5 prescribe in regulations for purposes of this subsection. 6 SEC. 1612. MEDICAL EVALUATIONS AND PHYSICAL DIS-7 EVALUATIONS OF RECOVERING ABILITY 8 SERVICE MEMBERS.

9 (a) MEDICAL EVALUATIONS OF RECOVERING SERV10 ICE MEMBERS.—

(1) IN GENERAL.—Not later than July 1, 2008,
the Secretary of Defense shall develop a policy on
improvements to the processes, procedures, and
standards for the conduct by the military departments of medical evaluations of recovering service
members.

17 (2) ELEMENTS.—The policy on improvements
18 to processes, procedures, and standards required
19 under this subsection shall include and address the
20 following:

21 (A) Processes for medical evaluations of
22 recovering service members that—

23 (i) apply uniformly throughout the24 military departments; and

1	(ii) apply uniformly with respect to re-
2	covering service members who are members
3	of the regular components of the Armed
4	Forces and recovering service members
5	who are members of the National Guard
6	and Reserve.
7	(B) Standard criteria and definitions for
8	determining the achievement for recovering
9	service members of the maximum medical ben-
10	efit from treatment and rehabilitation.
11	(C) Standard timelines for each of the fol-
12	lowing:
13	(i) Determinations of fitness for duty
14	of recovering service members.
15	(ii) Specialty care consultations for re-
16	covering service members.
17	(iii) Preparation of medical documents
18	for recovering service members.
19	(iv) Appeals by recovering service
20	members of medical evaluation determina-
21	tions, including determinations of fitness
22	for duty.
23	(D) Procedures for ensuring that—
24	(i) upon request of a recovering serv-
25	ice member being considered by a medical

1	evaluation board, a physician or other ap-
2	propriate health care professional who is
3	independent of the medical evaluation
4	board is assigned to the service member;
5	and
6	(ii) the physician or other health care
7	professional assigned to a recovering serv-
8	ice member under clause (i)—
9	(I) serves as an independent
10	source for review of the findings and
11	recommendations of the medical eval-
12	uation board;
13	(II) provides the service member
14	with advice and counsel regarding the
15	findings and recommendations of the
16	medical evaluation board; and
17	(III) advises the service member
18	on whether the findings of the medical
19	evaluation board adequately reflect
20	the complete spectrum of injuries and
21	illness of the service member.
22	(E) Standards for qualifications and train-
23	ing of medical evaluation board personnel, in-
24	cluding physicians, case workers, and physical
25	disability evaluation board liaison officers, in

1	conducting medical evaluations of recovering
2	service members.
3	(F) Standards for the maximum number of
4	medical evaluation cases of recovering service
5	members that are pending before a medical
6	evaluation board at any one time, and require-
7	ments for the establishment of additional med-
8	ical evaluation boards in the event such number
9	is exceeded.
10	(G) Standards for information for recov-
11	ering service members, and their families, on
12	the medical evaluation board process and the
13	rights and responsibilities of recovering service
14	members under that process, including a stand-
15	ard handbook on such information (which hand-
16	book shall also be available electronically).
17	(b) Physical Disability Evaluations of Recov-
18	ERING SERVICE MEMBERS.—
19	(1) IN GENERAL.—Not later than July 1, 2008,
20	the Secretary of Defense and the Secretary of Vet-
21	erans Affairs shall develop a policy on improvements
22	to the processes, procedures, and standards for the
23	conduct of physical disability evaluations of recov-
24	ering service members by the military departments
25	and by the Department of Veterans Affairs.

1	(2) ELEMENTS.—The policy on improvements
2	to processes, procedures, and standards required
3	under this subsection shall include and address the
4	following:
5	(A) A clearly-defined process of the De-
6	partment of Defense and the Department of
7	Veterans Affairs for disability determinations of
8	recovering service members.
9	(B) To the extent feasible, procedures to
10	eliminate unacceptable discrepancies and im-
11	prove consistency among disability ratings as-
12	signed by the military departments and the De-
13	partment of Veterans Affairs, particularly in
14	the disability evaluation of recovering service
15	members, which procedures shall be subject to
16	the following requirements and limitations:
17	(i) Such procedures shall apply uni-
18	formly with respect to recovering service
19	members who are members of the regular
20	components of the Armed Forces and re-
21	covering service members who are members
22	of the National Guard and Reserve.
23	(ii) Under such procedures, each Sec-
24	retary of a military department shall, to
25	the extent feasible, utilize the standard

1	schedule for rating disabilities in use by
2	the Department of Veterans Affairs, in-
3	cluding any applicable interpretation of
4	such schedule by the United States Court
5	of Appeals for Veterans Claims, in making
6	any determination of disability of a recov-
7	ering service member, except as otherwise
8	authorized by section 1216a of title 10,
9	United States Code (as added by section
10	1642 of this Act).
11	(C) Uniform timelines among the military
12	departments for appeals of determinations of
13	disability of recovering service members, includ-
14	ing timelines for presentation, consideration,
15	and disposition of appeals.
16	(D) Uniform standards among the military
17	departments for qualifications and training of
18	physical disability evaluation board personnel,
19	including physical evaluation board liaison per-
20	sonnel, in conducting physical disability evalua-
21	tions of recovering service members.
22	(E) Uniform standards among the military
23	departments for the maximum number of phys-
24	ical disability evaluation cases of recovering
25	service members that are pending before a

1 physical disability evaluation board at any one 2 time, and requirements for the establishment of additional physical disability evaluation boards 3 in the event such number is exceeded. 4 (F) Uniform standards and procedures 5 6 among the military departments for the provi-7 sion of legal counsel to recovering service mem-8 bers while undergoing evaluation by a physical 9 disability evaluation board. 10 (G) Uniform standards among the military 11 departments on the roles and responsibilities of 12 non-medical care managers under section 13 1611(e)(4) and judge advocates assigned to re-14 covering service members undergoing evaluation 15 by a physical disability board, and uniform standards on the maximum number of cases in-16 17 volving such service members that are to be as-18 signed to judge advocates at any one time. 19 (c) Assessment of Consolidation of Depart-20 MENT OF DEFENSE AND DEPARTMENT OF VETERANS AF-21 FAIRS DISABILITY EVALUATION SYSTEMS.— 22 (1) IN GENERAL.—The Secretary of Defense 23 and the Secretary of Veterans Affairs shall jointly 24 submit to the appropriate committees of Congress a 25

report on the feasability and advisability of consoli-

1	dating the disability evaluation systems of the mili-
2	tary departments and the disability evaluation sys-
3	tem of the Department of Veterans Affairs into a
4	single disability evaluation system. The report shall
5	be submitted together with the report required by
6	section 1611(a).
7	(2) ELEMENTS.—The report required by para-
8	graph (1) shall include the following:
9	(A) An assessment of the feasibility and
10	advisability of consolidating the disability eval-
11	uation systems described in paragraph (1) as
12	specified in that paragraph.
13	(B) If the consolidation of the systems is
14	considered feasible and advisable—
15	(i) recommendations for various op-
16	tions for consolidating the systems as spec-
17	ified in paragraph (1); and
18	(ii) recommendations for mechanisms
19	to evaluate and assess any progress made
20	in consolidating the systems as specified in
21	that paragraph.
22	SEC. 1613. RETURN OF RECOVERING SERVICE MEMBERS TO
23	ACTIVE DUTY IN THE ARMED FORCES.
24	The Secretary of Defense shall establish standards
25	for determinations by the military departments on the re-

turn of recovering service members to active duty in the
 Armed Forces.

3	SEC. 1614.	TRANSITION OF RECOVERING SERVICE MEM
4		BERS FROM CARE AND TREATMENT
5		THROUGH THE DEPARTMENT OF DEFENSE
6		TO CARE, TREATMENT, AND REHABILITATION
7		THROUGH THE DEPARTMENT OF VETERANS
8		AFFAIRS.

9 (a) IN GENERAL.—Not later than July 1, 2008, the 10 Secretary of Defense and the Secretary of Veterans Af-11 fairs shall jointly develop and implement processes, proce-12 dures, and standards for the transition of recovering serv-13 ice members from care and treatment through the Depart-14 ment of Defense to care, treatment, and rehabilitation 15 through the Department of Veterans Affairs.

16 (b) ELEMENTS.—The processes, procedures, and
17 standards required under this section shall include the fol18 lowing:

(1) Uniform, patient-focused procedures to ensure that the transition described in subsection (a)
occurs without gaps in medical care and in the quality of medical care, benefits, and services.

(2) Procedures for the identification and tracking of recovering service members during the transition, and for the coordination of care and treatment

of recovering service members during the transition, including a system of cooperative case management

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of recovering service members by the Department of
Defense and the Department of Veterans Affairs
during the transition.

6 (3) Procedures for the notification of Depart-7 ment of Veterans Affairs liaison personnel of the 8 commencement by recovering service members of the 9 medical evaluation process and the physical dis-10 ability evaluation process.

(4) Procedures and timelines for the enrollment
of recovering service members in applicable enrollment or application systems of the Department of
Veterans Affairs with respect to health care, disability, education, vocational rehabilitation, or other
benefits.

17 (5) Procedures to ensure the access of recov18 ering service members during the transition to voca19 tional, educational, and rehabilitation benefits avail20 able through the Department of Veterans Affairs.

(6) Standards for the optimal location of Department of Defense and Department of Veterans
Affairs liaison and case management personnel at
military medical treatment facilities, medical centers,

and other medical facilities of the Department of
 Defense.

(7) Standards and procedures for integrated 3 4 medical care and management of recovering service 5 members during the transition, including procedures 6 for the assignment of medical personnel of the De-7 partment of Veterans Affairs to Department of De-8 fense facilities to participate in the needs assess-9 ments of recovering service members before, during, 10 and after their separation from military service.

(8) Standards for the preparation of detailed
plans for the transition of recovering service members from care and treatment by the Department of
Defense to care, treatment, and rehabilitation by the
Department of Veterans Affairs, which plans shall—

16 (A) be based on standardized elements
17 with respect to care and treatment require18 ments and other applicable requirements; and

(B) take into account the comprehensive
recovery plan for the recovering service member
concerned as developed under section
1611(e)(1).

(9) Procedures to ensure that each recovering
service member who is being retired or separated
under chapter 61 of title 10, United States Code, re-

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1	ceives a written transition plan, prior to the time of
2	retirement or separation, that—
3	(A) specifies the recommended schedule
4	and milestones for the transition of the service
5	member from military service;
6	(B) provides for a coordinated transition of
7	the service member from the Department of
8	Defense disability evaluation system to the De-
9	partment of Veterans Affairs disability system;
10	and
11	(C) includes information and guidance de-
12	signed to assist the service member in under-
13	standing and meeting the schedule and mile-
14	stones specified under subparagraph (A) for the
15	service member's transition.
16	(10) Procedures for the transmittal from the
17	Department of Defense to the Department of Vet-
18	erans Affairs of records and any other required in-
19	formation on each recovering service member de-
20	scribed in paragraph (9), which procedures shall
21	provide for the transmission from the Department of
22	Defense to the Department of Veterans Affairs of
23	records and information on the service member as
24	follows:

1	(A) The address and contact information
2	of the service member.
3	(B) The DD-214 discharge form of the
4	service member, which shall be transmitted
5	under such procedures electronically.
6	(C) A copy of the military service record of
7	the service member, including medical records
8	and any results of a physical evaluation board.
9	(D) Information on whether the service
10	member is entitled to transitional health care, a
11	conversion health policy, or other health bene-
12	fits through the Department of Defense under
13	section 1145 of title 10, United States Code.
14	(E) A copy of any request of the service
15	member for assistance in enrolling in, or com-
16	pleted applications for enrollment in, the health
17	care system of the Department of Veterans Af-
18	fairs for health care benefits for which the serv-
19	ice member may be eligible under laws adminis-
20	tered by the Secretary of Veterans Affairs.
21	(F) A copy of any request by the service
22	member for assistance in applying for, or com-
23	pleted applications for, compensation and voca-
24	tional rehabilitation benefits to which the serv-

1	ice member may be entitled under laws admin-
2	istered by the Secretary of Veterans Affairs.
3	(11) A process to ensure that, before trans-
4	mittal of medical records of a recovering service
5	member to the Department of Veterans Affairs, the
6	Secretary of Defense ensures that the service mem-
7	ber (or an individual legally recognized to make
8	medical decisions on behalf of the service member)
9	authorizes the transfer of the medical records of the
10	service member from the Department of Defense to
11	the Department of Veterans Affairs pursuant to the
12	Health Insurance Portability and Accountability Act
13	of 1996.
1.4	

14 (12) Procedures to ensure that, with the con-15 sent of the recovering service member concerned, the 16 address and contact information of the service mem-17 ber is transmitted to the department or agency for 18 veterans affairs of the State in which the service member intends to reside after the retirement or 19 20 separation of the service member from the Armed 21 Forces.

(13) Procedures to ensure that, before the
transmittal of records and other information with respect to a recovering service member under this section, a meeting regarding the transmittal of such

1 records and other information occurs among the 2 service member, appropriate family members of the 3 service member, representatives of the Secretary of 4 the military department concerned, and representatives of the Secretary of Veterans Affairs, with at 5 6 least 30 days advance notice of the meeting being 7 given to the service member unless the service mem-8 ber waives the advance notice requirement in order 9 to accelerate transmission of the service member's 10 records and other information to the Department of 11 Veterans Affairs.

(14) Procedures to ensure that the Secretary of
Veterans Affairs gives appropriate consideration to a
written statement submitted to the Secretary by a
recovering service member regarding the transition.

16 (15) Procedures to provide access for the De-17 partment of Veterans Affairs to the military health 18 records of recovering service members who are re-19 ceiving care and treatment, or are anticipating re-20 ceipt of care and treatment, in Department of Vet-21 erans Affairs health care facilities, which procedures 22 shall be consistent with the procedures and require-23 ments in paragraphs (11) and (13).

24 (16) A process for the utilization of a joint sep-25 aration and evaluation physical examination that

meets the requirements of both the Department of
 Defense and the Department of Veterans Affairs in
 connection with the medical separation or retirement
 of a recovering service member from military service
 and for use by the Department of Veterans Affairs
 in disability evaluations.

7 (17) Procedures for surveys and other mecha8 nisms to measure patient and family satisfaction
9 with the provision by the Department of Defense
10 and the Department of Veterans Affairs of care and
11 services for recovering service members, and to fa12 cilitate appropriate oversight by supervisory per13 sonnel of the provision of such care and services.

(18) Procedures to ensure the participation of
recovering service members who are members of the
National Guard or Reserve in the Benefits Delivery
at Discharge Program, including procedures to ensure that, to the maximum extent feasible, services
under the Benefits Delivery at Discharge Program
are provided to recovering service members at—

21	(A) appropriate military installations;
22	(B) appropriate armories and military fam-
23	ily support centers of the National Guard;
24	(C) appropriate military medical care fa-
25	cilities at which members of the Armed Forces

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are separated or discharged from the Armed Forces; and

3 (D) in the case of a member on the tem4 porary disability retired list under section 1202
5 or 1205 of title 10, United States Code, who is
6 being retired under another provision of such
7 title or is being discharged, at a location reasonably convenient to the member.

9 SEC. 1615. REPORTS.

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10 (a) **REPORT** ON POLICY.—Upon the development of the policy required by subsection (a) of section 1611 but 11 12 not later than July 1, 2008, the Secretary of Defense and 13 the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the 14 15 policy, including a comprehensive and detailed description of the policy and of the manner in which the policy ad-16 17 dresses the detailed elements of the policy specified in sub-18 sections (d) through (h) of section 1611, and the findings 19 and recommendations of the reviews under subsections (b) 20and (c) of section 1611.

(b) INTERIM REPORT ON POLICY.—Not later than
February 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress an interim report on the
policy, which shall include a comprehensive and detailed

description of the matters specified in subsection (a) cur rent as of the date of such interim report.

3 (c) REPORT ON UPDATE OF POLICY.—Upon updat4 ing the policy under section 1611(a)(4), the Secretary of
5 Defense and the Secretary of Veterans Affairs shall jointly
6 submit to the appropriate committees of Congress a report
7 on the update of the policy, including a comprehensive and
8 detailed description of such update and of the reasons for
9 such update.

10 (d) COMPTROLLER GENERAL ASSESSMENT OF IM11 PLEMENTATION OF POLICY.—

12 (1) IN GENERAL.—Not later than six months 13 after the date of the enactment of this Act and every 14 year thereafter through 2010, the Comptroller Gen-15 eral of the United States shall submit to the appro-16 priate committees of Congress a report setting forth 17 the assessment of the Comptroller General of the 18 progress of the Secretary of Defense and the Sec-19 retary of Veterans Affairs in developing and imple-20 menting the policy required by section 1611(a). 21 Each report shall include a certification by the 22 Comptroller General as to whether the Comptroller 23 General has had timely access to sufficient informa-24 tion to enable the Comptroller General to make informed judgments on the matters covered by the re port.

(2) ACCESS INFORMATION.—The Secretary of 3 4 Defense and the Secretary of Veterans Affairs shall 5 facilitate the ability of the Comptroller General to 6 conduct any review required for a report under this 7 subsection within the time period required for such 8 report, including prompt and complete access to 9 such information as the Comptroller General con-10 siders necessary to perform such review.

11 (e) REPORT ON REDUCTION IN DISABILITY RATINGS BY THE DEPARTMENT OF DEFENSE.—Not later than 12 13 February 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and 14 15 House of Representatives a report on the number of instances during the period beginning on October 7, 2001, 16 17 and ending on September 30, 2006, in which a disability 18 rating assigned to a member of the Armed Forces by an informal physical evaluation board of the Department of 19 20Defense was reduced upon appeal, and the reasons for 21 such reduction.

22 SEC. 1616. ESTABLISHMENT OF A WOUNDED WARRIOR RE23 SOURCE CENTER.

24 (a) ESTABLISHMENT.—The Secretary of Defense25 shall establish a wounded warrior resource center (in this

section referred to as the "center") to provide wounded 1 2 warriors, their families, and their primary caregivers with 3 a single point of contact for assistance with reporting defi-4 ciencies in covered military facilities, obtaining health care 5 services, receiving benefits information, and any other dif-6 ficulties encountered while supporting wounded warriors. 7 The Secretary shall widely disseminate information re-8 garding the existence and availability of the center, includ-9 ing contact information, to members of the Armed Forces 10 and their dependents. In carrying out this subsection, the Secretary may use existing infrastructure and organiza-11 12 tions but shall ensure that the center has the ability to 13 separately keep track of calls from wounded warriors.

(b) ACCESS.—The center shall provide multiple methods of access, including at a minimum an Internet website
and a toll-free telephone number (commonly referred to
as a "hot line") at which personnel are accessible at all
times to receive reports of deficiencies or provide information about covered military facilities, health care services,
or military benefits.

21 (c) Confidentiality.—

(1) NOTIFICATION.—Individuals who seek to
provide information through the center under subsection (a) shall be notified, immediately before they
provide such information, of their option to elect, at

their discretion, to have their identity remain con fidential.

3 (2) PROHIBITION ON FURTHER DISCLOSURE. 4 In the case of information provided through use of 5 the toll-free telephone number by an individual who 6 elects to maintain the confidentiality of his or her 7 identity, any individual who, by necessity, has had 8 access to such information for purposes of inves-9 tigating or responding to the call as required under 10 subsection (d) may not disclose the identity of the 11 individual who provided the information.

12 (d) FUNCTIONS.—The center shall perform the fol-13 lowing functions:

(1) CALL TRACKING.—The center shall be responsible for documenting receipt of a call, referring
the call to the appropriate office within a military
department for answer or investigation, and tracking
the formulation and notification of the response to
the call.

20 (2) INVESTIGATION AND RESPONSE.—The cen21 ter shall be responsible for ensuring that, not later
22 than 96 hours after a call—

23 (A) if a report of deficiencies is received in
24 a call—

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1	(i) any deficiencies referred to in the
2	call are investigated;
3	(ii) if substantiated, a plan of action
4	for remediation of the deficiencies is devel-
5	oped and implemented; and
6	(iii) if requested, the individual who
7	made the report is notified of the current
8	status of the report; or
9	(B) if a request for information is received
10	in a call—
11	(i) the information requested by the
12	caller is provided by the center;
13	(ii) all requests for information from
14	the call are referred to the appropriate of-
15	fice or offices of a military department for
16	response; and
17	(iii) the individual who made the re-
18	port is notified, at a minimum, of the cur-
19	rent status of the query.
20	(3) FINAL NOTIFICATION.—The center shall be
21	responsible for ensuring that, if requested, the caller
22	is notified when the deficiency has been corrected or
23	when the request for information has been fulfilled
24	to the maximum extent practicable, as determined
25	

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25 by the Secretary.

1	(e) DEFINITIONS.—In this section:
2	(1) COVERED MILITARY FACILITY.—The term
3	"covered military facility" has the meaning provided
4	in section 1648(b) of this Act.
5	(2) CALL.—The term "call" means any query
6	or report that is received by the center by means of
7	the toll-free telephone number or other source.
8	(f) Effective Dates.—
9	(1) Toll-free telephone number.—The
10	toll-free telephone number required to be established
11	by subsection (a), shall be fully operational not later
12	than April 1, 2008.
13	(2) INTERNET WEBSITE.—The Internet website
14	required to be established by subsection (a), shall be
15	fully operational not later than July 1, 2008.
16	SEC. 1617. NOTIFICATION TO CONGRESS OF HOSPITALIZA-
17	TION OF COMBAT WOUNDED SERVICE MEM-
18	BERS.
19	(a) NOTIFICATION REQUIRED.—
20	(1) IN GENERAL.—Chapter 55 of title 10,
21	United States Code, is further amended by inserting

1 "§ 1074l. Notification to Congress of hospitalization of combat wounded members

3 "(a) NOTIFICATION REQUIRED.—The Secretary con-4 cerned shall provide notification of the hospitalization of 5 any member of the armed forces evacuated from a theater 6 of combat and admitted to a military treatment facility 7 within the United States to the appropriate Members of 8 Congress.

9 "(b) APPROPRIATE MEMBERS.—In this section, the 10 term 'appropriate Members of Congress', with respect to 11 the member of the armed forces about whom notification is being made, means the Senators representing the State, 12 13 and the Member, Delegate, or Resident Commissioner of the House of Representatives representing the district, 14 15 that includes the member's home of record or a different location as provided by the member. 16

17 "(c) CONSENT OF MEMBER REQUIRED.—The notifi-18 cation under subsection (a) may be provided only with the 19 consent of the member of the armed forces about whom 20 notification is to be made. In the case of a member who 21 is unable to provide consent, information and consent may 22 be provided by next of kin.".

23 (2) EFFECTIVE DATE.—The notification re24 quirement under section 1074l(a) of title 10, United
25 States Code, as added by paragraph (1), shall apply

beginning 60 days after the date of the enactment 1 2 of this Act. (b) CLERICAL AMENDMENT.—The table of sections 3 4 at the beginning of such chapter is amended by adding at the end the following new item: 5 "1074l. Notification to Congress of hospitalization of combat wounded members.". 6 SEC. 1618. COMPREHENSIVE PLAN ON PREVENTION, DIAG-7 NOSIS, MITIGATION, TREATMENT, AND REHA-

8 BILITATION OF, AND RESEARCH ON, TRAU-9 MATIC BRAIN INJURY, POST-TRAUMATIC 10 STRESS DISORDER, AND OTHER MENTAL 11 HEALTH CONDITIONS IN MEMBERS OF THE 12 ARMED FORCES.

13 (a) Comprehensive Statement of Policy.—The 14 Secretary of Defense and the Secretary of Veterans Af-15 fairs shall direct joint planning among the Department of 16 Defense, the military departments, and the Department 17 of Veterans Affairs for the prevention, diagnosis, mitigation, treatment, and rehabilitation of, and research on, 18 19 traumatic brain injury, post-traumatic stress disorder, and 20 other mental health conditions in members of the Armed Forces, including planning for the seamless transition of 21 22 such members from care through the Department of De-23 fense to care through the Department of Veterans Affairs.

1 (b) COMPREHENSIVE PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, 2 3 the Secretary of Defense shall, in consultation with the 4 Secretary of Veterans Affairs, submit to the congressional 5 defense committees a comprehensive plan for programs and activities of the Department of Defense to prevent, 6 7 diagnose, mitigate, treat, research, and otherwise respond 8 to traumatic brain injury, post-traumatic stress disorder, 9 and other mental health conditions in members of the 10 Armed Forces, including—

(1) an assessment of the current capabilities of
the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of, and research on, traumatic brain injury, post-traumatic
stress disorder, and other mental health conditions
in members of the Armed Forces;

(2) the identification of gaps in current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of,
and research on, traumatic brain injury, post-traumatic stress disorder, and other mental health conditions in members of the Armed Forces; and

(3) the identification of the resources required
for the Department in fiscal years 2009 through

1	2013 to address the gaps in capabilities identified
2	under paragraph (2).
3	(c) PROGRAM REQUIRED.—One of the programs con-
4	tained in the comprehensive plan submitted under sub-
5	section (b) shall be a Department of Defense program, de-
6	veloped in collaboration with the Department of Veterans
7	Affairs, under which each member of the Armed Forces
8	who incurs a traumatic brain injury or post-traumatic
9	stress disorder during service in the Armed Forces—
10	(1) is enrolled in the program; and
11	(2) receives treatment and rehabilitation meet-
12	ing a standard of care such that each individual who
13	qualifies for care under the program shall—
14	(A) be provided the highest quality, evi-
15	dence-based care in facilities that most appro-
16	priately meet the specific needs of the indi-
17	vidual; and
18	(B) be rehabilitated to the fullest extent
19	possible using up-to-date evidence-based med-
20	ical technology, and physical and medical reha-
21	bilitation practices and expertise.
22	(d) Provision of Information Required.—The
23	comprehensive plan submitted under subsection (b) shall
24	require the provision of information by the Secretary of

25 Defense to members of the Armed Forces with traumatic

brain injury, post-traumatic stress disorder, or other men tal health conditions and their families about their options
 with respect to the following:

4 (1) The receipt of medical and mental health
5 care from the Department of Defense and the De6 partment of Veterans Affairs.

7 (2) Additional options available to such mem8 bers for treatment and rehabilitation of traumatic
9 brain injury, post-traumatic stress disorder, and
10 other mental health conditions.

(3) The options available, including obtaining a
second opinion, to such members for a referral to an
authorized provider under chapter 55 of title 10,
United States Code, as determined under regulations
prescribed by the Secretary of Defense.

(e) ADDITIONAL ELEMENTS OF PLAN.—The comprehensive plan submitted under subsection (b) shall include comprehensive proposals of the Department on the
following:

(1) LEAD AGENT.—The designation by the Secretary of Defense of a lead agent or executive agent
for the Department to coordinate development and
implementation of the plan.

24 (2) DETECTION AND TREATMENT.—The im25 provement of methods and mechanisms for the de-

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tection and treatment of traumatic brain injury,

2	post-traumatic stress disorder, and other mental
3	health conditions in members of the Armed Forces
4	in the field.
5	(3) REDUCTION OF PTSD.—The development of
6	a plan for reducing post traumatic-stress disorder,
7	incorporating evidence-based preventive and early-
8	intervention measures, practices, or procedures that
9	reduce the likelihood that personnel in combat will
10	develop post-traumatic stress disorder or other
11	stress-related conditions (including substance abuse
12	conditions) into—
13	(A) basic and pre-deployment training for
14	enlisted members of the Armed Forces, non-
15	commissioned officers, and officers;
16	(B) combat theater operations; and
17	(C) post-deployment service.
18	(4) RESEARCH.—Requirements for research on
19	traumatic brain injury, post-traumatic stress dis-
20	order, and other mental health conditions including
21	(in particular) research on pharmacological and
22	other approaches to treatment for traumatic brain
23	injury, post-traumatic stress disorder, or other men-
24	tal health conditions, as applicable, and the alloca-
25	tion of priorities among such research.

(5) DIAGNOSTIC CRITERIA.—The development, 1 2 adoption, and deployment of joint Department of 3 Defense-Department of Veterans Affairs evidence-4 based diagnostic criteria for the detection and eval-5 uation of the range of traumatic brain injury, post-6 traumatic stress disorder, and other mental health 7 conditions in members of the Armed Forces, which 8 criteria shall be employed uniformly across the mili-9 tary departments in all applicable circumstances, in-10 cluding provision of clinical care and assessment of 11 future deployability of members of the Armed 12 Forces.

13 (6) Assessment.—The development and de-14 ployment of evidence-based means of assessing trau-15 matic brain injury, post-traumatic stress disorder, 16 and other mental health conditions in members of 17 the Armed Forces, including a system of pre-deploy-18 ment and post-deployment screenings of cognitive 19 ability in members for the detection of cognitive im-20 pairment.

(7) MANAGING AND MONITORING.—The development and deployment of effective means of managing and monitoring members of the Armed Forces
with traumatic brain injury, post-traumatic stress
disorder, or other mental health conditions in the re-

ceipt of care for traumatic brain injury, post-trau matic stress disorder, or other mental health condi tions, as applicable, including the monitoring and as sessment of treatment and outcomes.

5 (8) EDUCATION AND AWARENESS.—The devel6 opment and deployment of an education and aware7 ness training initiative designed to reduce the nega8 tive stigma associated with traumatic brain injury,
9 post-traumatic stress disorder, and other mental
10 health conditions, and mental health treatment.

11 (9) EDUCATION AND OUTREACH.—The provi-12 sion of education and outreach to families of mem-13 bers of the Armed Forces with traumatic brain in-14 jury, post-traumatic stress disorder, or other mental 15 health conditions on a range of matters relating to 16 traumatic brain injury, post-traumatic stress dis-17 order, or other mental health conditions, as applica-18 ble, including detection, mitigation, and treatment.

(10) RECORDING OF BLASTS.—A requirement
that exposure to a blast or blasts be recorded in the
records of members of the Armed Forces.

(11) GUIDELINES FOR BLAST INJURIES.—The
development of clinical practice guidelines for the diagnosis and treatment of blast injuries in members

of the Armed Forces, including, but not limited to,
 traumatic brain injury.

3 (12) Gender- and ethnic group-specific 4 SERVICES AND TREATMENT.—The development of 5 requirements, as appropriate, for gender- and ethnic 6 group-specific medical care services and treatment for members of the Armed Forces who experience 7 8 mental health problems and conditions, including 9 post-traumatic stress disorder, with specific regard 10 to the availability of, access to, and research and de-11 velopment requirements of such needs.

12 (f) COORDINATION IN DEVELOPMENT.—The comprehensive plan submitted under subsection (b) shall be 13 developed in coordination with the Secretary of the Army 14 15 (who was designated by the Secretary of Defense as executive agent for the prevention, mitigation, and treatment 16 17 of blast injuries under section 256 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109– 18 163; 119 Stat. 3181; 10 U.S.C. 1071 note)). 19

Subtitle B—Centers of Excellence 1 the **Prevention**, **Diagnosis**, 2 in Mitigation, Treatment, and Re-3 habilitation of Traumatic Brain 4 **Post-Traumatic** Injury. Stress 5 **Disorder, and Eye Injuries** 6

7 SEC. 1621. CENTER OF EXCELLENCE IN THE PREVENTION,
8 DIAGNOSIS, MITIGATION, TREATMENT, AND
9 REHABILITATION OF TRAUMATIC BRAIN IN10 JURY.

11 (a) IN GENERAL.—The Secretary of Defense shall es-12 tablish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treat-13 14 ment, and rehabilitation of traumatic brain injury, including mild, moderate, and severe traumatic brain injury, to 15 carry out the responsibilities specified in subsection (c). 16 (b) PARTNERSHIPS.—The Secretary shall ensure that 17 the Center collaborates to the maximum extent practicable 18 19 with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private 20 21 entities (including international entities) to carry out the 22 responsibilities specified in subsection (c).

23 (c) RESPONSIBILITIES.—The Center shall have re-24 sponsibilities as follows:

1	(1) To implement the comprehensive plan and
2	strategy for the Department of Defense, required by
3	section 1618 of this Act, for the prevention, diag-
4	nosis, mitigation, treatment, and rehabilitation of
5	traumatic brain injury, including research on gender
6	and ethnic group-specific health needs related to
7	traumatic brain injury.
8	(2) To provide for the development, testing, and
9	dissemination within the Department of best prac-
10	tices for the treatment of traumatic brain injury.
11	(3) To provide guidance for the mental health
12	system of the Department in determining the mental
13	health and neurological health personnel required to
14	provide quality mental health care for members of
15	the Armed Forces with traumatic brain injury.
16	(4) To establish, implement, and oversee a com-
17	prehensive program to train mental health and neu-
18	rological health professionals of the Department in
19	the treatment of traumatic brain injury.
20	(5) To facilitate advancements in the study of
21	the short-term and long-term psychological effects of
22	traumatic brain injury.
23	(6) To disseminate within the military medical
24	treatment facilities of the Department best practices
25	for training mental health professionals, including

1	neurological health professionals, with respect to
2	traumatic brain injury.
3	(7) To conduct basic science and translational
4	research on traumatic brain injury for the purposes
5	of understanding the etiology of traumatic brain in-
6	jury and developing preventive interventions and new
7	treatments.
8	(8) To develop programs and outreach strate-
9	gies for families of members of the Armed Forces
10	······································

with traumatic brain injury in order to mitigate the
negative impacts of traumatic brain injury on such
family members and to support the recovery of such
members from traumatic brain injury.

(9) To conduct research on the mental health
needs of families of members of the Armed Forces
with traumatic brain injury and develop protocols to
address any needs identified through such research.

18 (10) To conduct longitudinal studies (using im-19 aging technology and other proven research meth-20 ods) on members of the Armed Forces with trau-21 matic brain injury to identify early signs of Alz-22 heimer's disease, Parkinson's disease, or other mani-23 festations of neurodegeneration, as well as epilepsy, 24 in such members, in coordination with the studies 25 authorized by section 721 of the John Warner Na-

1	tional Defense Authorization Act for Fiscal Year
2	2007 (Public Law 109–364; 120 Stat. 2294) and
3	other studies of the Department of Defense and the
4	Department of Veterans Affairs that address the
5	connection between exposure to combat and the de-
6	velopment of Alzheimer's disease, Parkinson's dis-
7	ease, and other neurodegenerative disorders, as well
8	as epilepsy.

9 (11) To develop and oversee a long-term plan to 10 increase the number of mental health and neuro-11 logical health professionals within the Department in 12 order to facilitate the meeting by the Department of 13 the needs of members of the Armed Forces with 14 traumatic brain injury until their transition to care 15 and treatment from the Department of Veterans Af-16 fairs.

(12) To develop a program on comprehensive
pain management, including management of acute
and chronic pain, to utilize current and develop new
treatments for pain, and to identify and disseminate
best practices on pain management related to traumatic brain injury.

23 (13) Such other responsibilities as the Secretary24 shall specify.

SEC. 1622. CENTER OF EXCELLENCE IN PREVENTION, DIAG NOSIS, MITIGATION, TREATMENT, AND REHA BILITATION OF POST-TRAUMATIC STRESS
 DISORDER AND OTHER MENTAL HEALTH
 CONDITIONS.

6 (a) IN GENERAL.—The Secretary of Defense shall es-7 tablish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treat-8 9 ment, and rehabilitation of post-traumatic stress disorder (PTSD) and other mental health conditions, including 10 11 mild, moderate, and severe post-traumatic stress disorder and other mental health conditions, to carry out the re-12 13 sponsibilities specified in subsection (c).

(b) PARTNERSHIPS.—The Secretary shall ensure that
the center collaborates to the maximum extent practicable
with the National Center on Post-Traumatic Stress Disorder of the Department of Veterans Affairs, institutions
of higher education, and other appropriate public and private entities (including international entities) to carry out
the responsibilities specified in subsection (c).

21 (c) RESPONSIBILITIES.—The center shall have re-22 sponsibilities as follows:

(1) To implement the comprehensive plan and
strategy for the Department of Defense, required by
section 1618 of this Act, for the prevention, diagnosis, mitigation, treatment, and rehabilitation of
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1 post-traumatic stress disorder and other mental 2 health conditions, including research on gender- and 3 ethnic group-specific health needs related to post-4 traumatic stress disorder and other mental health conditions. 5 6 (2) To provide for the development, testing, and 7 dissemination within the Department of best prac-8 tices for the treatment of post-traumatic stress disorder. 9 10 (3) To provide guidance for the mental health 11 system of the Department in determining the mental 12 health and neurological health personnel required to 13 provide quality mental health care for members of 14 the Armed Forces with post-traumatic stress dis-15 order and other mental health conditions. 16 (4) To establish, implement, and oversee a com-17 prehensive program to train mental health and neu-18 rological health professionals of the Department in 19 the treatment of post-traumatic stress disorder and 20 other mental health conditions. 21 (5) To facilitate advancements in the study of 22 the short-term and long-term psychological effects of post-traumatic stress disorder and other mental 23 health conditions. 24

(6) To disseminate within the military medical
 treatment facilities of the Department best practices
 for training mental health professionals, including
 neurological health professionals, with respect to
 post-traumatic stress disorder and other mental
 health conditions.

7 (7) To conduct basic science and translational
8 research on post-traumatic stress disorder for the
9 purposes of understanding the etiology of post-trau10 matic stress disorder and developing preventive
11 interventions and new treatments.

12 (8) To develop programs and outreach strate-13 gies for families of members of the Armed Forces 14 with post-traumatic stress disorder and other mental 15 health conditions in order to mitigate the negative 16 impacts of post-traumatic stress disorder and other 17 mental health conditions on such family members 18 and to support the recovery of such members from 19 post-traumatic stress disorder and other mental 20 health conditions.

(9) To conduct research on the mental health
needs of families of members of the Armed Forces
with post-traumatic stress disorder and other mental
health conditions and develop protocols to address
any needs identified through such research.

1	(10) To develop and oversee a long-term plan to
2	increase the number of mental health and neuro-
3	logical health professionals within the Department in
4	order to facilitate the meeting by the Department of
5	the needs of members of the Armed Forces with
6	post-traumatic stress disorder and other mental
7	health conditions until their transition to care and
8	treatment from the Department of Veterans Affairs.
9	SEC. 1623. CENTER OF EXCELLENCE IN PREVENTION, DIAG-
10	NOSIS, MITIGATION, TREATMENT, AND REHA-
11	BILITATION OF MILITARY EYE INJURIES.
12	(a) IN GENERAL.—The Secretary of Defense shall es-
13	tablish within the Department of Defense a center of ex-
14	cellence in the prevention, diagnosis, mitigation, treat-
15	ment, and rehabilitation of military eye injuries to carry
16	out the responsibilities specified in subsection (c).
17	(b) PARTNERSHIPS.—The Secretary shall ensure that
18	the center collaborates to the maximum extent practicable
19	with the Secretary of Veterans Affairs, institutions of
20	higher education, and other appropriate public and private
21	entities (including international entities) to carry out the
22	responsibilities specified in subsection (c).

- 23 (c) Responsibilities.—
- 24 (1) IN GENERAL.—The center shall—

(A) implement a comprehensive plan and 1 2 strategy for the Department of Defense, as developed by the Secretary of Defense, for a reg-3 4 istry of information for the tracking of the di-5 agnosis, surgical intervention or other operative 6 procedure, other treatment, and follow up for 7 each case of significant eye injury incurred by 8 a member of the Armed Forces while serving on 9 active duty; 10 (B) ensure the electronic exchange with 11 the Secretary of Veterans Affairs of information 12 obtained through tracking under subparagraph 13 (A); and 14 (C) enable the Secretary of Veterans Af-15 fairs to access the registry and add information 16 pertaining to additional treatments or surgical 17 procedures and eventual visual outcomes for 18 veterans who were entered into the registry and 19 subsequently received treatment through the 20 Veterans Health Administration. 21 (2) DESIGNATION OF REGISTRY.—The registry 22 under this subsection shall be known as the "Mili-23 tary Eye Injury Registry" (hereinafter referred to as

the "Registry").

1 (3) CONSULTATION IN DEVELOPMENT.—The 2 center shall develop the Registry in consultation with 3 the ophthalmological specialist personnel and opto-4 metric specialist personnel of the Department of De-5 fense and the ophthalmological specialist personnel 6 and optometric specialist personnel of the Depart-7 ment of Veterans Affairs. The mechanisms and pro-8 cedures of the Registry shall reflect applicable expert 9 research on military and other eye injuries.

10 MECHANISMS.—The mechanisms of the (4)11 Registry for tracking under paragraph (1)(A) shall 12 ensure that each military medical treatment facility 13 or other medical facility shall submit to the center 14 for inclusion in the Registry information on the di-15 agnosis, surgical intervention or other operative pro-16 cedure, other treatment, and follow up for each case 17 of eye injury described in that paragraph as follows 18 (to the extent applicable):

19 (A) Not later than 30 days after surgery
20 or other operative intervention, including a surgery or other operative intervention carried out
21 as a result of a follow-up examination.

23 (B) Not later than 180 days after the sig24 nificant eye injury is reported or recorded in
25 the medical record.

1 (5) COORDINATION OF CARE AND BENEFITS.— 2 (A) The center shall provide notice to the Blind Re-3 habilitation Service of the Department of Veterans 4 Affairs and to the eye care services of the Veterans Health Administration on each member of the 5 6 Armed Forces described in subparagraph (B) for 7 purposes of ensuring the coordination of the provi-8 sion of ongoing eye care and visual rehabilitation 9 benefits and services by the Department of Veterans 10 Affairs after the separation or release of such mem-11 ber from the Armed Forces. 12 (B) A member of the Armed Forces described 13 in this subparagraph is a member of the Armed 14 Forces as follows: 15 (i) A member with a significant eye injury 16 incurred while serving on active duty, including 17 a member with visual dysfunction related to 18 traumatic brain injury. 19 (ii) A member with an eye injury incurred 20 while serving on active duty who has a visual 21 acuity of 20/200 or less in the injured eye. 22 (iii) A member with an eye injury incurred 23 while serving on active duty who has a loss of 24 peripheral vision resulting in 20 degrees or less

25 of visual field in the injured eye.

1 (d) UTILIZATION OF REGISTRY INFORMATION.—The 2 Secretary of Defense and the Secretary of Veterans Af-3 fairs shall jointly ensure that information in the Registry 4 is available to appropriate ophthalmological and opto-5 metric personnel of the Department of Defense and the Department of Veterans Affairs for purposes of encour-6 7 aging and facilitating the conduct of research, and the de-8 velopment of best practices and clinical education, on eye 9 injuries incurred by members of the Armed Forces in com-10 bat.

11 (e) INCLUSION OF RECORDS OF OIF/OEF VET-12 ERANS.—The Secretary of Defense shall take appropriate 13 actions to include in the Registry such records of members of the Armed Forces who incurred an eye injury while 14 15 serving on active duty on or after September 11, 2001, but before the establishment of the Registry, as the Sec-16 17 retary considers appropriate for purposes of the Registry. 18 (f) TRAUMATIC BRAIN INJURY POST TRAUMATIC VISUAL SYNDROME.—In carrying out the program at 19 20 Walter Reed Army Medical Center, District of Columbia, 21 on traumatic brain injury post traumatic visual syndrome, 22 the Secretary of Defense and the Department of Veterans 23 Affairs shall jointly provide for the conduct of a coopera-24 tive program for members of the Armed Forces and vet-25 erans with traumatic brain injury by military medical

treatment facilities of the Department of Defense and
 medical centers of the Department of Veterans Affairs se lected for purposes of this subsection for purposes of vi sion screening, diagnosis, rehabilitative management, and
 vision research, including research on prevention, on visual
 dysfunction related to traumatic brain injury.

7 SEC. 1624. REPORT ON ESTABLISHMENT OF CENTERS OF 8 EXCELLENCE.

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the Secretary of Defense
11 shall submit to Congress a report on—

(1) the establishment of the center of excellence
in prevention, diagnosis, mitigation, treatment, and
rehabilitation of traumatic brain injury under section 1621;

16 (2) the establishment of the center of excellence
17 in prevention, diagnosis, mitigation, treatment, and
18 rehabilitation of post-traumatic stress disorder and
19 other mental health conditions under section 1622;
20 and

(3) the establishment of the center of excellence
in prevention, diagnosis, mitigation, treatment, and
rehabilitation of military eye injuries under section
1623.

1 (b) MATTERS COVERED.—The report shall, for each 2 such center— 3 (1) describe in detail the activities and proposed 4 activities of such center; and (2) assess the progress of such center in dis-5 6 charging the responsibilities of such center. Subtitle C—Health Care Matters 7 8 SEC. 1631. MEDICAL CARE AND OTHER BENEFITS FOR 9 MEMBERS AND FORMER MEMBERS OF THE 10 ARMED FORCES WITH SEVERE INJURIES OR 11 **ILLNESSES.** 12 (a) Medical and Dental Care for Former 13 MEMBERS.— 14 (1) IN GENERAL.—Effective as of the date of 15 the enactment of this Act and subject to regulations 16 prescribed by the Secretary of Defense, the Sec-17 retary may authorize that any former member of the 18 Armed Forces with a serious injury or illness may 19 receive the same medical and dental care as a mem-20 ber of the Armed Forces on active duty for medical 21 and dental care not reasonably available to such 22 former member in the Department of Veterans Af-23 fairs. 24 (2) SUNSET.—The Secretary of Defense may

24 (2) SUNSET.—The Secretary of Defense may
25 not provide medical or dental care to a former mem-

ber of the Armed Forces under this subsection after
 December 31, 2012, if the Secretary has not pro vided medical or dental care to the former member
 under this subsection before that date.

5 (b) Rehabilitation and Vocational Benefits.—

6 (1) IN GENERAL.—Effective as of the date of 7 the enactment of this Act, a member of the Armed Forces with a severe injury or illness is entitled to 8 9 such benefits (including rehabilitation and vocational 10 benefits, but not including compensation) from the 11 Secretary of Veterans Affairs to facilitate the recov-12 ery and rehabilitation of such member as the Sec-13 retary otherwise provides to veterans of the Armed 14 Forces receiving medical care in medical facilities of 15 the Department of Veterans Affairs facilities in 16 order to facilitate the recovery and rehabilitation of 17 such members.

18 (2) SUNSET.—The Secretary of Veterans Af19 fairs may not provide benefits to a member of the
20 Armed Forces under this subsection after December
21 31, 2012, if the Secretary has not provided benefits
22 to the member under this subsection before that
23 date.

1 SEC. 1632. REIMBURSEMENT OF TRAVEL EXPENSES OF RE-2 TIRED MEMBERS WITH COMBAT-RELATED 3 DISABILITIES FOR FOLLOW-ON SPECIALTY 4 CARE, SERVICES, AND SUPPLIES. 5 (a) TRAVEL.—Section 1074i of title 10, United States Code, is amended— 6 7 (1) by redesignating subsection (b) as sub-8 section (c); and 9 (2) by inserting after subsection (a) the fol-10 lowing new subsection (b): 11 "(b) OUTREACH PROGRAM AND TRAVEL REIM-BURSEMENT FOR FOLLOW-ON SPECIALTY CARE AND RE-12 LATED SERVICES.—The Secretary concerned shall ensure 13 that an outreach program is implemented for each mem-14 ber of the uniformed services who incurred a combat-re-15 16 lated disability and is entitled to retired or retainer pay, 17 or equivalent pay, so that— "(1) the progress of the member is closely mon-18 19 itored; and 20 "(2) the member receives the travel reimburse-21 ment authorized by subsection (a) whenever the 22 member requires follow-on specialty care, services, or 23 supplies.". 24 (b) COMBAT-RELATED DISABILITY DEFINED.—Sub-

(b) COMBAT-RELATED DISABILITY DEFINED.—Subsection (c) of such section, as redesignated by subsection

1 (a)(1), is amended by adding at the end the following new2 paragraph:

3 "(3) The term 'combat-related disability' has
4 the meaning given that term in section 1413a of this
5 title.".

6 (c) EFFECTIVE DATE.—Subsection (b) of section 7 1074i of title 10, United States Code, as added by sub-8 section (a)(2), shall apply with respect to travel described 9 in subsection (a) of such section that occurs on or after 10 January 1, 2008, for follow-on specialty care, services, or 11 supplies.

12SEC. 1633. RESPITE CARE AND OTHER EXTENDED CARE13BENEFITS FOR MEMBERS OF THE UNI-14FORMED SERVICES WHO INCUR A SERIOUS15INJURY OR ILLNESS ON ACTIVE DUTY.

16 (a) IN GENERAL.—Section 1074(c) of title 10,
17 United States Code, is amended by adding at the end the
18 following new paragraph:

19 "(4)(A) Subject to such terms and conditions as the 20 Secretary of Defense considers appropriate, coverage com-21 parable to that provided by the Secretary under sub-22 sections (d) and (e) of section 1079 of this title shall be 23 provided under this subsection to members of the uni-24 formed services who incur a serious injury or illness on 3 "(B) The Secretary of Defense shall prescribe in reg-4 ulations—

5 "(i) the individuals who shall be treated as the
6 primary caregivers of a member of the uniformed
7 services for purposes of this paragraph; and

8 "(ii) the definition of serious injury or illness9 for the purposes of this paragraph.".

10 (b) EFFECTIVE DATE.—The amendment made by11 subsection (a) shall take effect on January 1, 2008.

12 SEC. 1634. REPORTS.

(a) REPORTS ON IMPLEMENTATION OF CERTAIN REQUIREMENTS.—Not later than 90 days after the date of
the enactment of this Act, the Secretary of Defense shall
submit to the congressional defense committees a report
describing the progress in implementing the requirements
as follows:

(1) The requirements of section 721 of the
John Warner National Defense Authorization Act
for Fiscal Year 2007 (Public Law 109–364; 120
Stat. 2294), relating to a longitudinal study on traumatic brain injury incurred by members of the
Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) The requirements of section 741 of the
 John Warner National Defense Authorization Act
 for Fiscal Year 2007 (120 Stat. 2304), relating to
 pilot projects on early diagnosis and treatment of
 post-traumatic stress disorder and other mental
 health conditions.

7 (b) ANNUAL REPORTS ON EXPENDITURES FOR AC-8 TIVITIES ON TBI AND PTSD.—

9 (1)REPORTS REQUIRED.—Not later than 10 March 1, 2008, and each year thereafter through 11 2013, the Secretary of Defense shall submit to the 12 congressional defense committees a report setting 13 forth the amounts expended by the Department of 14 Defense during the preceding calendar year on ac-15 tivities described in paragraph (2), including the 16 amount allocated during such calendar year to the 17 Defense and Veterans Brain Injury Center of the 18 Department.

19 (2) COVERED ACTIVITIES.—The activities de-20 scribed in this paragraph are activities as follows:

21 (A) Activities relating to the improved di22 agnosis, treatment, and rehabilitation of mem23 bers of the Armed Forces with traumatic brain
24 injury (TBI).

1	(B) Activities relating to the improved di-
2	agnosis, treatment, and rehabilitation of mem-
3	bers of the Armed Forces with post-traumatic
4	stress disorder (PTSD).
5	(3) ELEMENTS.—Each report under paragraph
6	(1) shall include—
7	(A) a description of the amounts expended
8	as described in that paragraph, including a de-
9	scription of the activities for which expended;
10	(B) a description and assessment of the
11	outcome of such activities;
12	(C) a statement of priorities of the Depart-
13	ment in activities relating to the prevention, di-
14	agnosis, research, treatment, and rehabilitation
15	of traumatic brain injury in members of the
16	Armed Forces during the year in which such re-
17	port is submitted and in future calendar years;
18	(D) a statement of priorities of the De-
19	partment in activities relating to the prevention,
20	diagnosis, research, treatment, and rehabilita-
21	tion of post-traumatic stress disorder and other
22	mental health conditions in members of the
23	Armed Forces during the year in which such re-
24	port is submitted and in future calendar years;
25	and

1	(E) an assessment of the progress made
2	toward achieving the priorities stated in sub-
3	paragraphs (C) and (D) in the report under
4	paragraph (1) in the previous year, and a de-
5	scription of any actions planned during the year
6	in which such report is submitted to achieve
7	any unfulfilled priorities during such year.
8	SEC. 1635. FULLY INTEROPERABLE ELECTRONIC PER-
9	SONAL HEALTH INFORMATION FOR THE DE-
10	PARTMENT OF DEFENSE AND DEPARTMENT
11	OF VETERANS AFFAIRS.
12	(a) IN GENERAL.—The Secretary of Defense and the
13	Secretary of Veterans Affairs shall jointly—
14	(1) develop and implement electronic health
15	record systems or capabilities that allow for full
16	interoperability of personal health care information
17	between the Department of Defense and the Depart-
18	ment of Veterans Affairs; and
19	(2) accelerate the exchange of health care infor-
20	mation between the Department of Defense and the
21	Department of Veterans Affairs in order to support
22	the delivery of health care by both Departments.
23	(b) DEPARTMENT OF DEFENSE-DEPARTMENT OF
24	Veterans Affairs Interagency Program Office.—

1	(1) IN GENERAL.—There is hereby established
2	an interagency program office of the Department of
3	Defense and the Department of Veterans Affairs (in
4	this section referred to as the "Office") for the pur-
5	poses described in paragraph (2).
6	(2) PURPOSES.—The purposes of the Office
7	shall be as follows:
8	(A) To act as a single point of account-
9	ability for the Department of Defense and the
10	Department of Veterans Affairs in the rapid de-
11	velopment and implementation of electronic
12	health record systems or capabilities that allow
13	for full interoperability of personal health care
14	information between the Department of Defense
15	and the Department of Veterans Affairs.
16	(B) To accelerate the exchange of health
17	care information between the Department of
18	Defense and the Department of Veterans Af-
19	fairs in order to support the delivery of health
20	care by both Departments.
21	(c) LEADERSHIP.—
22	(1) DIRECTOR.—The Director of the Office
23	shall be the head of the Office.
24	(2) DEPUTY DIRECTOR.—The Deputy Director
25	of the Office shall be the deputy head of the Office

1	and shall assist the Director in carrying out the du-
2	ties of the Director.

3 (3) APPOINTMENTS.—(A) The Director shall be
4 appointed by the Secretary of Defense, with the con5 currence of the Secretary of Veterans Affairs, from
6 among persons who are qualified to direct the devel7 opment, acquisition, and integration of major infor8 mation technology capabilities.

9 (B) The Deputy Director shall be appointed by 10 the Secretary of Veterans Affairs, with the concur-11 rence of the Secretary of Defense, from among em-12 ployees of the Department of Defense and the De-13 partment of Veterans Affairs in the Senior Execu-14 tive Service who are qualified to direct the develop-15 ment, acquisition, and integration of major informa-16 tion technology capabilities.

17 (4) ADDITIONAL GUIDANCE.—In addition to the 18 direction, supervision, and control provided by the 19 Secretary of Defense and the Secretary of Veterans 20 Affairs, the Office shall also receive guidance from 21 the Department of Veterans Affairs-Department of 22 Defense Joint Executive Committee under section 23 320 of title 38, United States Code, in the discharge 24 of the functions of the Office under this section.

(5) TESTIMONY.—Upon request by any of the
 appropriate committees of Congress, the Director
 and the Deputy Director shall testify before such
 committee regarding the discharge of the functions
 of the Office under this section.

6 (d) FUNCTION.—The function of the Office shall be 7 to implement, by not later than September 30, 2009, elec-8 tronic health record systems or capabilities that allow for full interoperability of personal health care information be-9 10 tween the Department of Defense and the Department of Veterans Affairs, which health records shall comply with 11 12 applicable interoperability standards, implementation 13 specifications, and certification criteria (including for the reporting of quality measures) of the Federal Government. 14 15 (e) Schedules and Benchmarks.—Not later than 30 days after the date of the enactment of this Act, the 16 17 Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish a schedule and benchmarks for 18 19 the discharge by the Office of its function under this sec-20 tion, including each of the following:

21 (1) A schedule for the establishment of the Of-22 fice.

(2) A schedule and deadline for the establishment of the requirements for electronic health record
systems or capabilities described in subsection (d),

2 tional Coordinator for Health Information Tech-3 nology in the development of a nationwide interoper-4 able health information technology infrastructure. 5 (3) A schedule and associated deadlines for any 6 acquisition and testing required in the implementa-7 tion of electronic health record systems or capabili-8 ties that allow for full interoperability of personal 9 health care information between the Department of 10 Defense and the Department of Veterans Affairs. 11 (4) A schedule and associated deadlines and re-12 quirements for the implementation of electronic 13 health record systems or capabilities that allow for 14 full interoperability of personal health care informa-15 tion between the Department of Defense and the 16 Department of Veterans Affairs. 17 (f) PILOT PROJECTS.— 18 (1) AUTHORITY.—In order to assist the Office 19 in the discharge of its function under this section, 20 the Secretary of Defense and the Secretary of Vet-21 erans Affairs may, acting jointly, carry out one or 22 more pilot projects to assess the feasibility and ad-23 visability of various technological approaches to the 24 achievement of the electronic health record systems 25 or capabilities described in subsection (d).

including coordination with the Office of the Na-

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1 (2) Sharing of protected health infor-2 MATION.—For purposes of each pilot project carried 3 out under this subsection, the Secretary of Defense 4 and the Secretary of Veterans Affairs shall, for pur-5 poses of the regulations promulgated under section 6 264(c) of the Health Insurance Portability and Ac-7 countability Act of 1996 (42 U.S.C. 1320d–2 note), 8 ensure the effective sharing of protected health in-9 formation between the health care system of the De-10 partment of Defense and the health care system of 11 the Department of Veterans Affairs as needed to 12 provide all health care services and other benefits al-13 lowed by law.

14 (g) STAFF AND OTHER RESOURCES.—

(1) IN GENERAL.—The Secretary of Defense
and the Secretary of Veterans Affairs shall assign to
the Office such personnel and other resources of the
Department of Defense and the Department of Veterans Affairs as are required for the discharge of its
function under this section.

(2) ADDITIONAL SERVICES.—Subject to the approval of the Secretary of Defense and the Secretary
of Veterans Affairs, the Director may utilize the
services of private individuals and entities as consultants to the Office in the discharge of its function

	1109
1	under this section. Amounts available to the Office
2	shall be available for payment for such services.
3	(h) ANNUAL REPORTS.—
4	(1) IN GENERAL.—Not later than January 1,
5	2009, and each year thereafter through 2014 , the
6	Director shall submit to the Secretary of Defense
7	and the Secretary of Veterans Affairs, and to the
8	appropriate committees of Congress, a report on the
9	activities of the Office during the preceding calendar
10	year. Each report shall include, for the year covered
11	by such report, the following:
12	(A) A detailed description of the activities
13	of the Office, including a detailed description of
14	the amounts expended and the purposes for
15	which expended.
16	(B) An assessment of the progress made
17	by the Department of Defense and the Depart-
18	ment of Veterans Affairs in the full implemen-
19	tation of electronic health record systems or ca-
20	pabilities described in subsection (d).
21	(2) AVAILABILITY TO PUBLIC.—The Secretary
22	of Defense and the Secretary of Veterans Affairs
23	shall make available to the public each report sub-
24	mitted under paragraph (1), including by posting
25	such report on the Internet website of the Depart-

1 ment of Defense and the Department of Veterans 2 Affairs, respectively, that is available to the public. 3 (i) Comptroller General Assessment of Im-4 PLEMENTATION.—Not later than six months after the 5 date of the enactment of this Act and every six months 6 thereafter until the completion of the implementation of 7 electronic health record systems or capabilities described 8 in subsection (d), the Comptroller General of the United 9 States shall submit to the appropriate committees of Con-10 gress a report setting forth the assessment of the Comptroller General of the progress of the Department of De-11 12 fense and the Department of Veterans Affairs in imple-13 menting electronic health record systems or capabilities 14 described in subsection (d).

15SEC. 1636. ENHANCED PERSONNEL AUTHORITIES FOR THE16DEPARTMENT OF DEFENSE FOR HEALTH17CARE PROFESSIONALS FOR CARE AND18TREATMENT OF WOUNDED AND INJURED19MEMBERS OF THE ARMED FORCES.

20 (a) IN GENERAL.—Section 1599c of title 10, United
21 States Code, is amended to read as follows:

1	"§ 1599c.	Health care professionals: enhanced ap-
2		pointment and compensation authority
3		for personnel for care and treatment of
4		wounded and injured members of the
5		armed forces

6 "(a) IN GENERAL.—The Secretary of Defense may, 7 at the discretion of the Secretary, exercise any authority 8 for the appointment and pay of health care personnel 9 under chapter 74 of title 38 for purposes of the recruit-10 ment, employment, and retention of civilian health care professionals for the Department of Defense if the Sec-11 retary determines that the exercise of such authority is 12 13 necessary in order to provide or enhance the capacity of the Department to provide care and treatment for mem-14 15 bers of the armed forces who are wounded or injured on 16 active duty in the armed forces and to support the ongoing patient care and medical readiness, education, and train-17 18 ing requirements of the Department of Defense.

"(b) RECRUITMENT OF PERSONNEL.—(1) The Secretaries of the military departments shall each develop and
implement a strategy to disseminate among appropriate
personnel of the military departments authorities and best
practices for the recruitment of medical and health professionals, including the authorities under subsection (a).

25 "(2) Each strategy under paragraph (1) shall—

1

"(A) assess current recruitment policies, proce-

2 dures, and practices of the military department con-3 cerned to assure that such strategy facilitates the 4 implementation of efficiencies which reduce the time required to fill vacant positions for medical and 5 6 health professionals; and "(B) clearly identify processes and actions that 7 will be used to inform and educate military and civil-8 9 ian personnel responsible for the recruitment of 10 medical and health professionals. 11 "(c) TERMINATION OF AUTHORITY.—The authority 12 of the Secretary of Defense to exercise authorities available under chapter 74 of title 38 for purposes of the re-13 14 cruitment, employment, and retention of civilian health 15 care professionals for the Department of Defense expires September 30, 2010.". 16 17 (b) CLERICAL AMENDMENT.—The table of sections 18 at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599c and insert-19 20 ing the following new item: "1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces.". 21 (c) REPORTS ON STRATEGIES ON RECRUITMENT OF 22 MEDICAL AND HEALTH PROFESSIONALS.—Not later than 23 six months after the date of the enactment of this Act, each Secretary of a military department shall submit to 24 •HR 4986 CPH

the congressional defense committees a report setting
 forth the strategy developed by such Secretary under sec tion 1599c(b) of title 10, United States Code, as added
 by subsection (a).

5 SEC. 1637. CONTINUATION OF TRANSITIONAL HEALTH BEN6 EFITS FOR MEMBERS OF THE ARMED 7 FORCES PENDING RESOLUTION OF SERVICE8 RELATED MEDICAL CONDITIONS.

9 Section 1145(a) of title 10, United States Code, is10 amended—

(1) in paragraph (3), by striking "Transitional
health care" and inserting "Except as provided in
paragraph (6), transitional health care"; and

14 (2) by adding at the end the following new15 paragraph:

16 "(6)(A) A member who has a medical condition relat-17 ing to service on active duty that warrants further medical care that has been identified during the member's 180-18 day transition period, which condition can be resolved 19 20 within 180 days as determined by a Department of De-21 fense physician, shall be entitled to receive medical and 22 dental care for that medical condition, and that medical 23 condition only, as if the member were a member of the 24 armed forces on active duty for 180 days following the 25 diagnosis of the condition.

"(B) The Secretary concerned shall ensure that the
 Defense Enrollment and Eligibility Reporting System
 (DEERS) is continually updated in order to reflect the
 continuing entitlement of members covered by subpara graph (A) to the medical and dental care referred to in
 that subparagraph.".

7 Subtitle D—Disability Matters
8 SEC. 1641. UTILIZATION OF VETERANS' PRESUMPTION OF
9 SOUND CONDITION IN ESTABLISHING ELIGI10 BILITY OF MEMBERS OF THE ARMED FORCES
11 FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON
ACTIVE DUTY FOR MORE THAN 30 DAYS.—Clause (i) of
section 1201(b)(3)(B) of title 10, United States Code, is
amended to read as follows:

16 "(i) the member has six months or 17 more of active military service and the dis-18 ability was not noted at the time of the 19 member's entrance on active duty (unless 20 compelling evidence or medical judgment is 21 such to warrant a finding that the dis-22 ability existed before the member's en-23 trance on active duty);".

24 (b) SEPARATION OF REGULARS AND MEMBERS ON25 ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section

1 1203(b)(4)(B) of such title is amended by striking "and the member has at least eight years of service computed 2 under section 1208 of this title" and inserting ", the mem-3 4 ber has six months or more of active military service, and 5 the disability was not noted at the time of the member's 6 entrance on active duty (unless evidence or medical judgment is such to warrant a finding that the disability ex-7 8 isted before the member's entrance on active duty)".

9 SEC. 1642. REQUIREMENTS AND LIMITATIONS ON DEPART-

10MENT OF DEFENSE DETERMINATIONS OF11DISABILITY WITH RESPECT TO MEMBERS OF12THE ARMED FORCES.

13 (a) IN GENERAL.—Chapter 61 of title 10, United
14 States Code, is amended by inserting after section 1216
15 the following new section:

16 "§1216a. Determinations of disability: requirements

17

and limitations on determinations

18 "(a) UTILIZATION OF VA SCHEDULE FOR RATING
19 DISABILITIES IN DETERMINATIONS OF DISABILITY.—(1)
20 In making a determination of disability of a member of
21 the armed forces for purposes of this chapter, the Sec22 retary concerned—

23 "(A) shall, to the extent feasible, utilize the
24 schedule for rating disabilities in use by the Depart25 ment of Veterans Affairs, including any applicable

1	interpretation of the schedule by the United States
2	Court of Appeals for Veterans Claims; and
3	"(B) except as provided in paragraph (2), may
4	not deviate from the schedule or any such interpre-
5	tation of the schedule.
6	"(2) In making a determination described in para-
7	graph (1), the Secretary concerned may utilize in lieu of
8	the schedule described in that paragraph such criteria as
9	the Secretary of Defense and the Secretary of Veterans
10	Affairs may jointly prescribe for purposes of this sub-
11	section if the utilization of such criteria will result in a
12	determination of a greater percentage of disability than
13	would be otherwise determined through the utilization of
14	the schedule.

15 "(b) CONSIDERATION OF ALL MEDICAL CONDI-16 TIONS.—In making a determination of the rating of dis-17 ability of a member of the armed forces for purposes of 18 this chapter, the Secretary concerned shall take into ac-19 count all medical conditions, whether individually or collec-20 tively, that render the member unfit to perform the duties 21 of the member's office, grade, rank, or rating.".

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of chapter 61 of such title is amended
by inserting after the item relating to section 1216 the
following new item:

"1216a. Determinations of disability: requirements and limitations on determinations.".

1	SEC. 1643. REVIEW OF SEPARATION OF MEMBERS OF THE
2	ARMED FORCES SEPARATED FROM SERVICE
3	WITH A DISABILITY RATING OF 20 PERCENT
4	DISABLED OR LESS.
5	(a) BOARD REQUIRED.—
6	(1) IN GENERAL.—Chapter 79 of title 10,
7	United States Code, is amended by inserting after
8	section 1554 the following new section:
9	"§1554a. Review of separation with disability rating
10	of 20 percent disabled or less
11	"(a) IN GENERAL.—(1) The Secretary of Defense
12	shall establish within the Office of the Secretary of De-
13	fense a board of review to review the disability determina-
14	tions of covered individuals by Physical Evaluation
15	Boards. The board shall be known as the 'Physical Dis-
16	ability Board of Review'.
17	"(2) The Physical Disability Board of Review shall
18	consist of not less than three members appointed by the
19	Secretary.
20	"(b) Covered Individuals.—For purposes of this
21	section, covered individuals are members and former mem-
22	bers of the armed forces who, during the period beginning
23	on September 11, 2001, and ending on December 31,
24	2009—

1 "(1) are separated from the armed forces due 2 to unfitness for duty due to a medical condition with 3 a disability rating of 20 percent disabled or less; and 4 "(2) are found to be not eligible for retirement. 5 "(c) REVIEW.—(1) Upon the request of a covered individual, or a surviving spouse, next of kin, or legal rep-6 7 resentative of a covered individual, the Physical Disability 8 Board of Review shall review the findings and decisions 9 of the Physical Evaluation Board with respect to such cov-10 ered individual. Subject to paragraph (3), upon its own motion, the Physical Disability Board of Review may re-11 12 view the findings and decisions of the Physical Evaluation 13 Board with respect to a covered individual.

14 "(2) The review by the Physical Disability Board of 15 Review under paragraph (1) shall be based on the records 16 of the armed force concerned and such other evidence as 17 may be presented to the Physical Disability Board of Re-18 view. A witness may present evidence to the Board by affi-19 davit or by any other means considered acceptable by the 20 Secretary of Defense.

21 "(3) If the Physical Disability Board of Review pro-22 poses to review, upon its own motion, the findings and 23 decisions of the Physical Evaluation Board with respect 24 to a covered individual, the Physical Disability Board of 25 Review shall notify the covered individual, or a surviving spouse, next of kin, or legal representative of the covered
 individual, of the proposed review and obtain the consent
 of the covered individual or a surviving spouse, next of
 kin, or legal representative of the covered individual before
 proceeding with the review.

6 "(4) With respect to any review by the Physical Dis-7 ability Board of Review of the findings and decisions of 8 the Physical Evaluation Board with respect to a covered 9 individual, whether initiated at the request of the covered individual or a surviving spouse, next of kin, or legal rep-10 resentative of the covered individual or initiated by the 11 Physical Disability Board of Review, the Physical Dis-12 13 ability Board of Review shall notify the covered individual or a surviving spouse, next of kin, or legal representative 14 15 of the covered individual that, as a result of the request or consent, the covered individual or a surviving spouse, 16 next of kin, or legal representative of the covered indi-17 18 vidual may not seek relief from the Board for Correction of Military Records operated by the Secretary concerned. 19 "(d) AUTHORIZED RECOMMENDATIONS.—The Phys-20 21 ical Disability Board of Review may, as a result of its find-22 ings under a review under subsection (c), recommend to 23 the Secretary concerned the following (as applicable) with 24 respect to a covered individual:

1 "(1) No recharacterization of the separation of 2 such individual or modification of the disability rat-3 ing previously assigned such individual. 4 "(2) The recharacterization of the separation of 5 such individual to retirement for disability. 6 "(3) The modification of the disability rating 7 previously assigned such individual by the Physical 8 Evaluation Board concerned, which modified dis-9 ability rating may not be a reduction of the dis-10 ability rating previously assigned such individual by 11 that Physical Evaluation Board. 12 "(4) The issuance of a new disability rating for 13 such individual. 14 "(e) CORRECTION OF MILITARY RECORDS.—(1) The 15 Secretary concerned may correct the military records of a covered individual in accordance with a recommendation 16 17 made by the Physical Disability Board of Review under 18 subsection (d). Any such correction may be made effective 19 as of the effective date of the action taken on the report 20 of the Physical Evaluation Board to which such rec-21 ommendation relates.

"(2) In the case of a member previously separated
pursuant to the findings and decision of a Physical Evaluation Board together with a lump-sum or other payment
of back pay and allowances at separation, the amount of

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pay or other monetary benefits to which such member
 would be entitled based on the member's military record
 as corrected shall be reduced to take into account receipt
 of such lump-sum or other payment in such manner as
 the Secretary of Defense considers appropriate.

6 "(3) If the Physical Disability Board of Review 7 makes a recommendation not to correct the military 8 records of a covered individual, the action taken on the 9 report of the Physical Evaluation Board to which such rec-10 ommendation relates shall be treated as final as of the 11 date of such action.

12 "(f) REGULATIONS.—(1) This section shall be carried
13 out in accordance with regulations prescribed by the Sec14 retary of Defense.

15 "(2) The regulations under paragraph (1) shall speci16 fy reasonable deadlines for the performance of reviews re17 quired by this section.

"(3) The regulations under paragraph (1) shall specify the effect of a determination or pending determination
of a Physical Evaluation Board on considerations by
boards for correction of military records under section
1552 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of such title is

1	amended by inserting after the item relating to sec-
2	tion 1554 the following new item:
	"1554a. Review of separation with disability rating of 20 percent disabled or

less.".

3 (b) IMPLEMENTATION.—The Secretary of Defense 4 shall establish the board of review required by section 5 1554a of title 10, United States Code (as added by sub-6 section (a)), and prescribe the regulations required by 7 such section, not later than 90 days after the date of the 8 enactment of this Act.

9 SEC. 1644. AUTHORIZATION OF PILOT PROGRAMS TO IM10 PROVE THE DISABILITY EVALUATION SYS11 TEM FOR MEMBERS OF THE ARMED FORCES.

12 (a) PILOT PROGRAMS.—

13 (1) PROGRAMS AUTHORIZED.—For the pur-14 poses set forth in subsection (c), the Secretary of 15 Defense may establish and conduct pilot programs 16 with respect to the system of the Department of De-17 fense for the evaluation of the disabilities of mem-18 bers of the Armed Forces who are being separated 19 or retired from the Armed Forces for disability 20 under chapter 61 of title 10, United States Code (in 21 this section referred to as the "disability evaluation 22 system").

23 (2) TYPES OF PILOT PROGRAMS.—In carrying
24 out this section, the Secretary of Defense may con-

1	duct one or more of the pilot programs described in
2	paragraphs (1) through (3) of subsection (b) or such
3	other pilot programs as the Secretary of Defense
4	considers appropriate.
5	(3) CONSULTATION.—In establishing and con-
6	ducting any pilot program under this section, the
7	Secretary of Defense shall consult with the Secretary
8	of Veterans Affairs.
9	(b) Scope of Pilot Programs.—
10	(1) DISABILITY DETERMINATIONS BY DOD UTI-
11	LIZING VA ASSIGNED DISABILITY RATING.—Under
12	one of the pilot programs authorized by subsection
13	(a), for purposes of making a determination of dis-
14	ability of a member of the Armed Forces under sec-
15	tion 1201(b) of title 10, United States Code, for the
16	retirement, separation, or placement of the member
17	on the temporary disability retired list under chapter
18	61 of such title, upon a determination by the Sec-
19	retary of the military department concerned that the
20	member is unfit to perform the duties of the mem-
21	ber's office, grade, rank, or rating because of a
22	physical disability as described in section 1201(a) of
23	such title—
24	(A) the Secretary of Veterans Affairs

24 (A) the Secretary of Veterans Affairs
25 may—

1 (i) conduct an evaluation of the member for physical disability; and 2 3 (ii) assign the member a rating of dis-4 ability in accordance with the schedule for 5 rating disabilities utilized by the Secretary 6 of Veterans Affairs based on all medical 7 conditions (whether individually or collec-8 tively) that render the member unfit for 9 duty; and (B) the Secretary of the military depart-10 11 ment concerned may make the determination of 12 disability regarding the member utilizing the 13 rating of disability assigned under subpara-14 graph (A)(ii). 15 (2) DISABILITY DETERMINATIONS UTILIZING 16 JOINT DOD/VA ASSIGNED DISABILITY RATING.-17 Under one of the pilot programs authorized by sub-18 section (a), in making a determination of disability 19 of a member of the Armed Forces under section 20 1201(b) of title 10, United States Code, for the re-21 tirement, separation, or placement of the member on 22 the temporary disability retired list under chapter 61 23 of such title, the Secretary of the military depart-24 ment concerned may, upon determining that the

member is unfit to perform the duties of the mem-

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ber's office, grade, rank, or rating because of a
 physical disability as described in section 1201(a) of
 such title—

4 (A) provide for the joint evaluation of the 5 member for disability by the Secretary of the 6 military department concerned and the Sec-7 retary of Veterans Affairs, including the assign-8 ment of a rating of disability for the member in 9 accordance with the schedule for rating disabil-10 ities utilized by the Secretary of Veterans Af-11 fairs based on all medical conditions (whether 12 individually or collectively) that render the 13 member unfit for duty; and

14 (B) make the determination of disability
15 regarding the member utilizing the rating of
16 disability assigned under subparagraph (A).

17 ELECTRONIC CLEARING HOUSE.—Under (3)18 one of the pilot programs authorized by subsection 19 (a), the Secretary of Defense may establish and op-20 erate a single Internet website for the disability eval-21 uation system of the Department of Defense that enables participating members of the Armed Forces 22 23 to fully utilize such system through the Internet, 24 with such Internet website to include the following:

1	(A) The availability of any forms required
2	for the utilization of the disability evaluation
3	system by members of the Armed Forces under
4	the system.
5	(B) Secure mechanisms for the submission
6	of such forms by members of the Armed Forces
7	under the system, and for the tracking of the
8	acceptance and review of any forms so sub-
9	mitted.
10	(C) Secure mechanisms for advising mem-
11	bers of the Armed Forces under the system of
12	any additional information, forms, or other
13	items that are required for the acceptance and
14	review of any forms so submitted.
15	(D) The continuous availability of assist-
16	ance to members of the Armed Forces under
17	the system (including assistance through the
18	caseworkers assigned to such members of the
19	Armed Forces) in submitting and tracking such
20	forms, including assistance in obtaining infor-
21	mation, forms, or other items described by sub-
22	paragraph (C).
23	(E) Secure mechanisms to request and re-
24	ceive personnel files or other personnel records
25	of members of the Armed Forces under the sys-

1	tem that are required for submission under the
2	disability evaluation system, including the capa-
3	bility to track requests for such files or records
4	and to determine the status of such requests
5	and of responses to such requests.
6	(4) OTHER PILOT PROGRAMS.—The pilot pro-
7	grams authorized by subsection (a) may also provide
8	for the development, evaluation, and identification of
9	such practices and procedures under the disability
10	evaluation system as the Secretary considers appro-
11	priate for purposes set forth in subsection (c).
12	(c) PURPOSES.—A pilot program established under
13	subsection (a) may have one or more of the following pur-
14	poses:
15	(1) To provide for the development, evaluation,
16	and identification of revised and improved practices
17	and procedures under the disability evaluation sys-
18	tem in order to—
19	(A) reduce the processing time under the
20	disability evaluation system of members of the
21	Armed Forces who are likely to be retired or
	Armed Forces who are inkely to be retired of
22	separated for disability, and who have not re-
22 23	
	separated for disability, and who have not re-

1	(B) identify and implement or seek the
2	modification of statutory or administrative poli-
3	cies and requirements applicable to the dis-
4	ability evaluation system that—
5	(i) are unnecessary or contrary to ap-
6	plicable best practices of civilian employers
7	and civilian healthcare systems; or
8	(ii) otherwise result in hardship, arbi-
9	trary, or inconsistent outcomes for mem-
10	bers of the Armed Forces, or unwarranted
11	inefficiencies and delays;
12	(C) eliminate material variations in poli-
13	cies, interpretations, and overall performance
14	standards among the military departments
15	under the disability evaluation system; and
16	(D) determine whether it enhances the ca-
17	pability of the Department of Veterans Affairs
18	to receive and determine claims from members
19	of the Armed Forces for compensation, pension,
20	hospitalization, or other veterans benefits.
21	(2) In conjunction with the findings and rec-
22	ommendations of applicable Presidential and De-
23	partment of Defense study groups, to provide for the
24	eventual development of revised and improved prac-
25	tices and procedures for the disability evaluation sys-

tem in order to achieve the objectives set forth in
 paragraph (1).

3 (d) UTILIZATION OF RESULTS IN UPDATES OF COM-4 PREHENSIVE POLICY ON CARE, MANAGEMENT, AND 5 TRANSITION OF RECOVERING SERVICE MEMBERS.—The Secretary of Defense and the Secretary of Veterans Af-6 7 fairs, acting jointly, may incorporate responses to any 8 findings and recommendations arising under the pilot pro-9 grams conducted under subsection (a) in updating the 10 comprehensive policy on the care and management of cov-11 ered service members under section 1611(a)(4).

12 (e) CONSTRUCTION WITH OTHER AUTHORITIES.—

13 (1) IN GENERAL.—Subject to paragraph (2), in
14 carrying out a pilot program under subsection (a)—

15 (A) the rules and regulations of the De-16 partment of Defense and the Department of 17 Veterans Affairs relating to methods of deter-18 mining fitness or unfitness for duty and dis-19 ability ratings for members of the Armed 20 Forces shall apply to the pilot program only to 21 the extent provided in the report on the pilot 22 program under subsection (g)(1); and

(B) the Secretary of Defense and the Secretary of Veterans Affairs may waive any provision of title 10, 37, or 38, United States Code,

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relating to methods of determining fitness or
unfitness for duty and disability ratings for
members of the Armed Forces if the Secretaries
determine in writing that the application of
such provision would be inconsistent with the
purpose of the pilot program.
(2) LIMITATION.—Nothing in paragraph (1)
shall be construed to authorize the waiver of any
provision of section 1216a of title 10, United States
Code, as added by section 1642 of this Act.
(f) DURATION.—Each pilot program conducted under
subsection (a) shall be completed not later than one year
after the date of the commencement of such pilot program
under that subsection.
(g) Reports.—
(1) INITIAL REPORT.—Not later than 90 days
after the date of the enactment of this Act, the Sec-
retary of Defense shall submit to the appropriate
committees of Congress a report on each pilot pro-
gram that has been commenced as of that date
under subsection (a). The report shall include—
(A) a description of the scope and objec-
tives of the pilot program;
(B) a description of the methodology to be

1 identification under such pilot program of re-2 vised or improved practices under the disability 3 evaluation system in order to achieve the objec-4 tives set forth in subsection (c)(1); and 5 (C) a statement of any provision described 6 in subsection (e)(1)(B) that will not apply to 7 the pilot program by reason of a waiver under 8 that subsection. 9 (2) INTERIM REPORT.—Not later than 180 10 days after the date of the submittal of the report re-11 quired by paragraph (1) with respect to a pilot pro-12 gram, the Secretary shall submit to the appropriate 13 committees of Congress a report describing the cur-14 rent status of the pilot program. 15 (3) FINAL REPORT.—Not later than 90 days 16 after the completion of all of the pilot programs con-17 ducted under subsection (a), the Secretary shall sub-18 mit to the appropriate committees of Congress a re-19 port setting forth a final evaluation and assessment 20 of the pilot programs. The report shall include such 21 recommendations for legislative or administrative ac-22 tion as the Secretary considers appropriate in light 23 of such pilot programs.

SEC. 1645. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IN THE ARMY PHYSICAL DISABILITY EVALUATION SYSTEM. (a) REPORTS REQUIRED.—Not later than June 1,

5 2008, and June 1, 2009, the Secretary of Defense shall
6 submit to the congressional defense committees a report
7 on the implementation of corrective measures by the De8 partment of Defense with respect to the Physical Dis9 ability Evaluation System (PDES) in response to the fol10 lowing:

(1) The report of the Inspector General of theArmy on that system of March 6, 2007.

13 (2) The report of the Independent Review
14 Group on Rehabilitation Care and Administrative
15 Processes at Walter Reed Army Medical Center and
16 National Naval Medical Center.

17 (3) The report of the Department of Veterans
18 Affairs Task Force on Returning Global War on
19 Terror Heroes.

20 (b) ELEMENTS OF REPORT.—Each report under sub21 section (a) shall include current information on the fol22 lowing:

(1) The total number of cases, and the number
of cases involving combat disabled service members,
pending resolution before the Medical and Physical
Disability Evaluation Boards of the Army, including
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1	information on the number of members of the Army
2	who have been in a medical hold or holdover status
3	for more than each of 100, 200, and 300 days.
4	(2) The status of the implementation of modi-
5	fications to disability evaluation processes of the De-
6	partment of Defense in response to the following:
7	(A) The report of the Inspector General on
8	such processes dated March 6, 2007.
9	(B) The report of the Independent Review
10	Group on Rehabilitation Care and Administra-
11	tive Processes at Walter Reed Army Medical
12	Center and National Naval Medical Center.
13	(C) The report of the Department of Vet-
14	erans Affairs Task Force on Returning Global
15	War on Terror Heroes.
16	(c) Posting on Internet.—Not later than 24
17	hours after submitting a report under subsection (a), the
18	Secretary shall post such report on the Internet website
19	of the Department of Defense that is available to the pub-
20	lic.
21	SEC. 1646. ENHANCEMENT OF DISABILITY SEVERANCE PAY
22	FOR MEMBERS OF THE ARMED FORCES.
23	(a) IN GENERAL.—Section 1212 of title 10, United
24	States Code, is amended—

1	(1) in subsection $(a)(1)$, by striking "his years
2	of service, but not more than 12, computed under
3	section 1208 of this title" in the matter preceding
4	subparagraph (A) and inserting "the member's years
5	of service computed under section 1208 of this title
6	(subject to the minimum and maximum years of
7	service provided for in subsection (c))";
8	(2) by redesignating subsection (c) as sub-
9	section (d); and
10	(3) by inserting after subsection (b) the fol-
11	lowing new subsection (c):
12	(c)(1) The minimum years of service of a member
13	for purposes of subsection $(a)(1)$ shall be as follows:
14	"(A) Six years in the case of a member sepa-
15	rated from the armed forces for a disability incurred
16	in line of duty in a combat zone (as designated by
17	the Secretary of Defense for purposes of this sub-
18	section) or incurred during the performance of duty
19	in combat-related operations as designated by the
20	Secretary of Defense.
21	"(B) Three years in the case of any other mem-
22	ber.
23	"(2) The maximum years of service of a member for
24	purposes of subsection $(a)(1)$ shall be 19 years.".

1 (b) NO DEDUCTION FROM COMPENSATION OF SEV-2 ERANCE PAY FOR DISABILITIES INCURRED IN COMBAT 3 ZONES.—Subsection (d) of such section, as redesignated 4 by subsection (a)(2) of this section, is further amended— (1) by inserting "(1)" after "(d)"; 5 6 (2) by striking the second sentence; and 7 (3) by adding at the end the following new 8 paragraphs:

9 "(2) No deduction may be made under paragraph (1) 10 in the case of disability severance pay received by a mem-11 ber for a disability incurred in line of duty in a combat 12 zone or incurred during performance of duty in combat-13 related operations as designated by the Secretary of De-14 fense.

15 "(3) No deduction may be made under paragraph (1)
16 from any death compensation to which a member's de17 pendents become entitled after the member's death.".

18 (c) EFFECTIVE DATE.—The amendments made by 19 this section shall take effect on the date of the enactment 20 of this Act, and shall apply with respect to members of 21 the Armed Forces separated from the Armed Forces 22 under chapter 61 of title 10, United States Code, on or 23 after that date.

SEC. 1647. ASSESSMENTS OF CONTINUING UTILITY AND FU TURE ROLE OF TEMPORARY DISABILITY RE TIRED LIST.

4 (a) REPORT REQUIRED.—Not later than 180 days
5 after the date of the enactment of this Act, the Secretary
6 of Defense shall submit to the congressional defense com7 mittees a report containing—

8 (1) a statistical history since January 1, 2000, 9 of the numbers of members of the Armed Forces 10 who are returned to duty or separated following a 11 tenure on the temporary disability retired list and, 12 in the case of members who were separated, how 13 many of the members were granted disability separa-14 tion or retirement and what were their disability rat-15 ings;

16 (2) the results of the assessments required by17 subsection (b); and

18 (3) such recommendations for the modification
19 or improvement of the temporary disability retired
20 list as the Secretary considers appropriate in re21 sponse to the assessments.

(b) REQUIRED ASSESSMENTS.—The assessments required to be conducted as part of the report under subsection (a) are the following:

25 (1) An assessment of the continuing utility of
26 the temporary disability retired list in satisfying the
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1	purposes for which the temporary disability retired
2	list was established.
3	(2) An assessment of the need to require that
4	the condition of a member be permanent and stable
5	before the member is separated with less than a 30
6	percent disability rating prior to exceeding the max-
7	imum tenure allowed on the temporary disability re-
8	tired list.
9	(3) An assessment of the future role of the tem-
10	porary disability retired list in the Disability Evalua-
11	tion System of the Department of Defense and the
12	changes in policy and law required to fulfill the fu-
13	ture role of the temporary disability retire list.
14	SEC. 1648. STANDARDS FOR MILITARY MEDICAL TREAT-
15	MENT FACILITIES, SPECIALTY MEDICAL
16	CARE FACILITIES, AND MILITARY QUARTERS
17	HOUSING PATIENTS AND ANNUAL REPORT
18	ON SUCH FACILITIES.
19	(a) Establishment of Standards.—The Sec-
20	rotany of Defense shall establish for the militany facilities
	retary of Defense shall establish for the military facilities
21	of the Department of Defense and the military depart-
21 22	

imum extent practicable, the standards shall—

1	(1) be uniform and consistent for all such facili-
2	ties; and
3	(2) be uniform and consistent throughout the
4	Department of Defense and the military depart-
5	ments.
6	(b) Covered Military Facilities.—The military
7	facilities covered by this section are the following:
8	(1) Military medical treatment facilities.
9	(2) Specialty medical care facilities.
10	(3) Military quarters or leased housing for pa-
11	tients.
12	(c) Scope of Standards.—The standards required
13	by subsection (a) shall include the following:
14	(1) Generally accepted standards for the ac-
15	creditation of medical facilities, or for facilities used
16	to quarter individuals that may require medical su-
17	pervision, as applicable, in the United States.
18	(2) To the extent not inconsistent with the
19	standards described in paragraph (1), minimally ac-
20	ceptable conditions for the following:
21	(A) Appearance and maintenance of facili-
22	ties generally, including the structure and roofs
23	of facilities.

1	(B) Size, appearance, and maintenance of
2	rooms housing or utilized by patients, including
3	furniture and amenities in such rooms.
4	(C) Operation and maintenance of primary
5	and back-up facility utility systems and other
6	systems required for patient care, including
7	electrical systems, plumbing systems, heating,
8	ventilation, and air conditioning systems, com-
9	munications systems, fire protection systems,
10	energy management systems, and other systems
11	required for patient care.
12	(D) Compliance of facilities, rooms, and
13	grounds, to the maximum extent practicable,
14	with the Americans with Disabilities Act of
15	1990 (42 U.S.C. 12101 et seq.).
16	(E) Such other matters relating to the ap-
17	pearance, size, operation, and maintenance of
18	facilities and rooms as the Secretary considers
19	appropriate.
20	(d) Compliance With Standards.—
21	(1) DEADLINE.—In establishing standards
22	under subsection (a), the Secretary shall specify a
23	deadline for compliance with such standards by each
24	facility referred to in subsection (b). The deadline
25	shall be at the earliest date practicable after the

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1	date of the enactment of this Act, and shall, to the
2	maximum extent practicable, be uniform across the
3	facilities referred to in subsection (b).
4	(2) INVESTMENT.—In carrying out this section,
5	the Secretary shall also establish guidelines for in-
6	vestment to be utilized by the Department of De-
7	fense and the military departments in determining
8	the allocation of financial resources to facilities re-
9	ferred to in subsection (b) in order to meet the dead-
10	line specified under paragraph (1).
11	(e) Report on Development and Implementa-
10	TION OF STANDARDS.—
12	TION OF DIANDARDS.—
12	(1) IN GENERAL.—Not later than March 1,
13	(1) IN GENERAL.—Not later than March 1,
13 14	(1) IN GENERAL.—Not later than March 1, 2008, the Secretary shall submit to the congres-
13 14 15	(1) IN GENERAL.—Not later than March 1, 2008, the Secretary shall submit to the congressional defense committees a report on the actions
 13 14 15 16 	(1) IN GENERAL.—Not later than March 1, 2008, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out subsection (a).
 13 14 15 16 17 	 (1) IN GENERAL.—Not later than March 1, 2008, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out subsection (a). (2) ELEMENTS.—The report under paragraph
 13 14 15 16 17 18 	 (1) IN GENERAL.—Not later than March 1, 2008, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out subsection (a). (2) ELEMENTS.—The report under paragraph (1) shall include the following:
 13 14 15 16 17 18 19 	 (1) IN GENERAL.—Not later than March 1, 2008, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out subsection (a). (2) ELEMENTS.—The report under paragraph (1) shall include the following: (A) The standards established under sub-
 13 14 15 16 17 18 19 20 	 (1) IN GENERAL.—Not later than March 1, 2008, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out subsection (a). (2) ELEMENTS.—The report under paragraph (1) shall include the following: (A) The standards established under subsection (a).

1	(i) an assessment of the compliance of
2	the facility with the standards established
3	under subsection (a); and
4	(ii) a description of any deficiency or
5	noncompliance in each facility with the
6	standards.
7	(C) A description of the investment to be
8	allocated to address each deficiency or non-
9	compliance identified under subparagraph
10	(B)(ii).
11	(f) ANNUAL REPORT.—Not later than the date on
12	which the President submits the budget for a fiscal year
13	to Congress pursuant to section 1105 of title 31, United
14	States Code, the Secretary shall submit to the Committees
15	on Armed Services of the Senate and the House of Rep-
16	resentatives a report on the adequacy, suitability, and
17	quality of each facility referred to in subsection (b). The
18	Secretary shall include in each report information regard-
19	ing—
20	(1) any deficiencies in the adequacy, quality, or
21	state of repair of medical-related support facilities
22	raised as a result of information received during the

24 line required by section 1616; and

period covered by the report through the toll-free hot

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1	(2) the investigations conducted and plans of
2	action prepared under such section to respond to
3	such deficiencies.
4	SEC. 1649. REPORTS ON ARMY MEDICAL ACTION PLAN IN
5	RESPONSE TO DEFICIENCIES IDENTIFIED AT
6	WALTER REED ARMY MEDICAL CENTER, DIS-
7	TRICT OF COLUMBIA.
8	Not later than 30 days after the date of the enact-
9	ment of this Act, and every 180 days thereafter until
10	March 1, 2009, the Secretary of Defense shall submit to
11	the congressional defense committees a report on the im-
12	plementation of the Army Medical Action Plan to correct
13	deficiencies identified in the condition of facilities and pa-
14	tient administration.
15	SEC. 1650. REQUIRED CERTIFICATIONS IN CONNECTION
16	WITH CLOSURE OF WALTER REED ARMY
17	MEDICAL CENTER, DISTRICT OF COLUMBIA.
18	(a) CERTIFICATIONS.—In implementing the decision
19	to close Walter Reed Army Medical Center, District of Co-
20	lumbia, required as a result of the 2005 round of defense
21	base closure and realignment under the Defense Base Clo-
22	sure and Realignment Act of 1990 (part A of title XXIX
22 23	sure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; U.S.C. 2687 note), the Secretary

1	(1) That a transition plan has been developed,
2	and resources have been committed, to ensure that
3	patient care services, medical operations, and facili-
4	ties are sustained at the highest possible level at
5	Walter Reed Army Medical Center until facilities to
6	replace Walter Reed Army Medical Center are
7	staffed and ready to assume at least the same level
8	of care previously provided at Walter Reed Army
9	Medical Center.
10	(2) That the closure of Walter Reed Army Med-
11	ical Center will not result in a net loss of capacity
12	in the major medical centers in the National Capitol
13	Region in terms of total bed capacity or staffed bed
14	capacity.
15	(3) That the capacity of medical hold and out-
16	patient lodging facilities operating at Walter Reed
17	Army Medical Center as of the date of the certifi-
18	cation will be available in sufficient quantities at the
19	facilities designated to replace Walter Reed Army
20	Medical Center by the date of the closure of Walter
21	Reed Army Medical Center.
22	(b) TIME FOR SUBMITTAL.—The Secretary shall sub-
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(b) TIME FOR SUBMITTAL.—The Secretary shall submit the certifications required by subsection (a) not later
than 90 days after the date of the enactment of this Act.
If the Secretary is unable to make one or more of the cer-

tifications by the end of the 90-day period, the Secretary
 shall notify the congressional defense committees of the
 delay and the reasons for the delay.

4 SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED
5 FORCES ON COMPENSATION AND BENEFITS
6 AVAILABLE FOR SERIOUS INJURIES AND ILL7 NESSES.

8 (a) INFORMATION ON AVAILABLE COMPENSATION 9 AND BENEFITS.—Not later than October 1, 2008, the 10 Secretary of Defense shall develop and maintain, in handbook and electronic form, a comprehensive description of 11 the compensation and other benefits to which a member 12 13 of the Armed Forces, and the family of such member, would be entitled upon the separation or retirement of the 14 15 member from the Armed Forces as a result of a serious injury or illness. The handbook shall set forth the range 16 17 of such compensation and benefits based on grade, length of service, degree of disability at separation or retirement, 18 19 and such other factors affecting such compensation and 20 benefits as the Secretary considers appropriate.

(b) CONSULTATION.—The Secretary of Defense shall
develop and maintain the comprehensive description required by subsection (a), including the handbook and electronic form of the description, in consultation with the
Secretary of Veterans Affairs, the Secretary of Health and

Human Services, and the Commissioner of Social Secu rity.

3 (c) UPDATE.—The Secretary of Defense shall update 4 the comprehensive description required by subsection (a), 5 including the handbook and electronic form of the description, on a periodic basis, but not less often than annually. 6 7 (d) PROVISION TO MEMBERS.—The Secretary of the 8 military department concerned shall provide the descrip-9 tive handbook under subsection (a) to each member of the 10 Armed Forces described in that subsection as soon as practicable following the injury or illness qualifying the 11 member for coverage under such subsection. 12

(e) PROVISION TO REPRESENTATIVES.—If a member
is incapacitated or otherwise unable to receive the descriptive handbook to be provided under subsection (a), the
handbook shall be provided to the next of kin or a legal
representative of the member, as determined in accordance
with regulations prescribed by the Secretary of the military department concerned for purposes of this section.

Subtitle E—Studies and Reports sec. 1661. STUDY ON PHYSICAL AND MENTAL HEALTH AND OTHER READJUSTMENT NEEDS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WHO DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND THEIR FAMILIES.

8 (a) STUDY REQUIRED.—The Secretary of Defense 9 shall, in consultation with the Secretary of Veterans Af-10 fairs, enter into an agreement with the National Academy 11 of Sciences for a study on the physical and mental health 12 and other readjustment needs of members and former 13 members of the Armed Forces who deployed in Operation 14 Iraqi Freedom or Operation Enduring Freedom and their 15 families as a result of such deployment.

16 (b) PHASES.—The study required under subsection17 (a) shall consist of two phases:

18 (1) A preliminary phase, to be completed not
19 later than one year after the date of the enactment
20 of this Act—

(A) to identify preliminary findings on the
physical and mental health and other readjustment needs described in subsection (a) and on
gaps in care for the members, former members,
and families described in that subsection; and

 2 second phase of the study under paragraph 3 (2) A second phase, to be completed not la 4 than three years after the date of the enactment 	nter t of
	t of
4 than three years after the date of the enactment	
	ent,
5 this Act, to carry out a comprehensive assessme	
6 in accordance with the parameters identified un	der
7 the preliminary report required by paragraph (1)	, of
8 the physical and mental health and other readju	ıst-
9 ment needs of members and former members of	the
10 Armed Forces who deployed in Operation In	aqi
11 Freedom or Operation Enduring Freedom and th	neir
12 families as a result of such deployment, including	, at
13 a minimum—	
14 (A) an assessment of the psychological,	so-
15 cial, and economic impacts of such deploym	ent
16 on such members and former members a	and
17 their families;	
18 (B) an assessment of the particular	im-
19 pacts of multiple deployments in Operat	ion
20 Iraqi Freedom or Operation Enduring Freed	lom
21 on such members and former members a	and
22 their families;	
23 (C) an assessment of the full scope of	the
24 neurological, psychiatric, and psychological	ef-
25 fects of traumatic brain injury on members a	and

1 former members of the Armed Forces, including 2 the effects of such effects on the family mem-3 bers of such members and former members, and 4 an assessment of the efficacy of current treat-5 ment approaches for traumatic brain injury in 6 the United States and the efficacy of screenings 7 and treatment approaches for traumatic brain 8 injury within the Department of Defense and 9 the Department of Veterans Affairs; an assessment of the effects of 10 (\mathbf{D}) undiagnosed injuries such as post-traumatic

11 undiagnosed injuries such as post-traumatic 12 stress disorder and traumatic brain injury, an 13 estimate of the long-term costs associated with 14 such injuries, and an assessment of the efficacy 15 of screenings and treatment approaches for 16 post-traumatic stress disorder and other mental 17 health conditions within the Department of De-18 fense and Department of Veterans Affairs;

19 (E) an assessment of the gender- and eth20 nic group-specific needs and concerns of mem21 bers of the Armed Forces and veterans;

(F) an assessment of the particular needs
and concerns of children of members of the
Armed Forces, taking into account differing age
groups, impacts on development and education,

and the mental and emotional well being of children;

(G) an assessment of the particular educational and vocational needs of such members and former members and their families, and an assessment of the efficacy of existing educational and vocational programs to address such needs;

9 (H) an assessment of the impacts on com-10 munities with high populations of military fami-11 lies, including military housing communities 12 and townships with deployed members of the 13 National Guard and Reserve, of deployments 14 associated with Operation Iraqi Freedom and 15 Operation Enduring Freedom, and an assessment of the efficacy of programs that address 16 17 community outreach and education concerning 18 military deployments of community residents;

(I) an assessment of the impacts of increasing numbers of older and married members of the Armed Forces on readjustment requirements;

23 (J) the development, based on such assess24 ments, of recommendations for programs, treat25 ments, or policy remedies targeted at pre-

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1	venting, minimizing, or addressing the impacts,
2	gaps, and needs identified; and
3	(K) the development, based on such assess-
4	ments, of recommendations for additional re-
5	search on such needs.
6	(c) POPULATIONS TO BE STUDIED.—The study re-
7	quired under subsection (a) shall consider the readjust-
8	ment needs of each population of individuals as follows:
9	(1) Members of the regular components of the
10	Armed Forces who are returning, or have returned,
11	to the United States from deployment in Operation
12	Iraqi Freedom or Operation Enduring Freedom.
13	(2) Members of the National Guard and Re-
14	serve who are returning, or have returned, to the
15	United States from deployment in Operation Iraqi
16	Freedom or Operation Enduring Freedom.
17	(3) Veterans of Operation Iraqi Freedom or
18	Operation Enduring Freedom.
19	(4) Family members of the members and vet-
20	erans described in paragraphs (1) through (3).
21	(d) Access to Information.—The National Acad-
22	emy of Sciences shall have access to such personnel, infor-
23	mation, records, and systems of the Department of De-
24	fense and the Department of Veterans Affairs as the Na-

tional Academy of Sciences requires in order to carry out
 the study required under subsection (a).

3 (e) PRIVACY OF INFORMATION.—The National Acad-4 emy of Sciences shall maintain any personally identifiable 5 information accessed by the Academy in carrying out the study required under subsection (a) in accordance with all 6 7 applicable laws, protections, and best practices regarding 8 the privacy of such information, and may not permit ac-9 cess to such information by any persons or entities not 10 engaged in work under the study.

11 (f) Reports BY NATIONAL Academy OF 12 SCIENCES.—Upon the completion of each phase of the 13 study required under subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense, 14 15 the Secretary of Veterans Affairs, and the congressional defense committees a report on such phase of the study. 16 17 (g) DOD AND VA RESPONSE TO NAS REPORTS.— Not later than 90 days after the receipt of a report under 18 subsection (f) on each phase of the study required under 19 20subsection (a), the Secretary of Defense and the Secretary 21 of Veterans Affairs shall develop a final joint Department 22 of Defense-Department of Veterans Affairs response to 23 the findings and recommendations of the National Acad-24 emy of Sciences contained in such report.

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1SEC. 1662. ACCESS OF RECOVERING SERVICE MEMBERS TO2ADEQUATE OUTPATIENT RESIDENTIAL FA-3CILITIES.

4 (a) REQUIRED INSPECTIONS OF FACILITIES.—All 5 quarters of the United States and housing facilities under 6 the jurisdiction of the Armed Forces that are occupied by 7 recovering service members shall be inspected on a semi-8 annual basis for the first two years after the enactment 9 of this Act and annually thereafter by the inspectors gen-10 eral of the regional medical commands.

(b) INSPECTOR GENERAL REPORTS.—The inspectorgeneral for each regional medical command shall—

13 (1) submit a report on each inspection of a fa-14 cility conducted under subsection (a) to the post 15 commander at such facility, the commanding officer 16 of the hospital affiliated with such facility, the sur-17 geon general of the military department that oper-18 ates such hospital, the Secretary of the military de-19 partment concerned, the Assistant Secretary of De-20 fense for Health Affairs, and the congressional de-21 fense committees; and

(2) post each such report on the Internetwebsite of such regional medical command.

4 (a) STUDY REQUIRED.—The Secretary of Defense
5 shall conduct a study of the provision of support services
6 for families of recovering service members.

7 (b) MATTERS COVERED.—The study under sub-8 section (a) shall include the following:

9 (1) A determination of the types of support 10 services, including job placement services, that are 11 currently provided by the Department of Defense to 12 eligible family members, and the cost of providing 13 such services.

14 (2) A determination of additional types of sup15 port services that would be feasible for the Depart16 ment to provide to such family members, and the
17 costs of providing such services, including the fol18 lowing types of services:

19 (A) The provision of medical care at mili-20 tary medical treatment facilities.

(B) The provision of additional employment services, and the need for employment
protection, of such family members who are
placed on leave from employment or otherwise
displaced from employment while caring for a

1	recovering service member for more than 45
2	days during a one-year period.
3	(C) The provision of meals without charge
4	at military medical treatment facilities.
5	(3) A survey of military medical treatment fa-
6	cilities to estimate the number of family members to
7	whom the support services would be provided.
8	(4) A determination of any discrimination in
9	employment that such family members experience,
10	including denial of retention in employment, pro-
11	motion, or any benefit of employment by an em-
12	ployer on the basis of the person's absence from em-
13	ployment, and a determination, in consultation with
14	the Secretary of Labor, of the options available for
15	such family members.
16	(c) REPORT.—Not later than 180 days after the date
17	of the enactment of this Act, the Secretary of Defense
18	shall submit to the Committees on Armed Services of the
19	Senate and the House of Representatives a report on the
20	results of the study, with such findings and recommenda-
21	tions as the Secretary considers appropriate.
22	SEC. 1664. REPORT ON TRAUMATIC BRAIN INJURY CLASSI-
23	FICATIONS.

Not later than 90 days after the date of the enact-ment of this Act, the Secretary of Defense and the Sec-

retary of Veterans Affairs jointly shall submit to the Com-1 2 mittees on Armed Services of the Senate and the House 3 of Representatives a report describing the changes under-4 taken within the Department of Defense and the Depart-5 ment of Veterans Affairs to ensure that traumatic brain injury victims receive a medical designation concomitant 6 7 with their injury rather than a medical designation that 8 assigns a generic classification (such as "organic psychiatric disorder"). 9

10SEC. 1665. EVALUATION OF THE POLYTRAUMA LIAISON OF-11FICER/NON-COMMISSIONED OFFICER PRO-12GRAM.

(a) EVALUATION REQUIRED.—The Secretary of Defense shall conduct an evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer program, which is
the program operated by each of the military departments
and the Department of Veterans Affairs for the purpose
of—

(1) assisting in the seamless transition of members of the Armed Forces from the Department of
Defense health care system to the Department of
Veterans Affairs system; and

(2) expediting the flow of information and communication between military treatment facilities and
the Veterans Affairs Polytrauma Centers.

1	(b) MATTERS COVERED.—The evaluation of the
2	Polytrauma Liaison Officer/Non-Commissioned Officer
3	program shall include an evaluation of the following:
4	(1) The program's effectiveness in the following
5	areas:
6	(A) Handling of military patient transfers.
7	(B) Ability to access military records in a
8	timely manner.
9	(C) Collaboration with Polytrauma Center
10	treatment teams.
11	(D) Collaboration with veteran service or-
12	ganizations.
13	(E) Functioning as the Polytrauma Cen-
14	ter's subject-matter expert on military issues.
15	(F) Supporting and assisting family mem-
16	bers.
17	(G) Providing education, information, and
18	referrals to members of the Armed Forces and
19	their family members.
20	(H) Functioning as uniformed advocates
21	for members of the Armed Forces and their
22	family members.
23	(I) Inclusion in Polytrauma Center meet-
24	ings.

1	(J) Completion of required administrative
2	reporting.
3	(K) Ability to provide necessary adminis-
4	trative support to all members of the Armed
5	Forces.
6	(2) Manpower requirements to effectively carry
7	out all required functions of the Polytrauma Liaison
8	Officer/Non-Commissioned Officer program given
9	current and expected case loads.
10	(3) Expansion of the program to incorporate
11	Navy and Marine Corps officers and senior enlisted
12	personnel.
13	(c) Reporting Requirement.—Not later than 90
14	days after the date of the enactment of this Act, the Sec-
15	retary of Defense shall submit to Congress a report con-
16	taining—
17	(1) the results of the evaluation; and
18	(2) recommendations for any improvements in
19	the program.
20	Subtitle F—Other Matters
21	SEC. 1671. PROHIBITION ON TRANSFER OF RESOURCES
22	FROM MEDICAL CARE.
23	Neither the Secretary of Defense nor the Secretaries
24	of the military departments may transfer funds or per-
25	sonnel from medical care functions to administrative func-

1	tions within the Department of Defense in order to comply
2	with the new administrative requirements imposed by this
3	title or the amendments made by this title.
4	SEC. 1672. MEDICAL CARE FOR FAMILIES OF MEMBERS OF
5	THE ARMED FORCES RECOVERING FROM SE-
6	RIOUS INJURIES OR ILLNESSES.
7	(a) Medical Care at Military Medical Facili-
8	TIES.—
9	(1) Medical care.—A family member of a re-
10	covering service member who is not otherwise eligible
11	for medical care at a military medical treatment fa-
12	cility may be eligible for such care at such facilities,
13	on a space-available basis, if the family member is—
14	(A) on invitational orders while caring for
15	the service member;
16	(B) a non-medical attendee caring for the
17	service member; or
18	(C) receiving per diem payments from the
19	Department of Defense while caring for the
20	service member.
21	(2) Specification of family members.—The
22	Secretary of Defense may prescribe in regulations
23	the family members of recovering service members
24	who shall be considered to be a family member of a
25	service member for purposes of this subsection.

1	(3) Specification of care.—The Secretary
2	of Defense shall prescribe in regulations the medical
3	care that may be available to family members under
4	this subsection at military medical treatment facili-
5	ties.
6	(4) RECOVERY OF COSTS.—The United States
7	may recover the costs of the provision of medical
8	care under this subsection as follows (as applicable):
9	(A) From third-party payers, in the same
10	manner as the United States may collect costs
11	of the charges of health care provided to cov-
12	ered beneficiaries from third-party payers under
13	section 1095 of title 10, United States Code.
14	(B) As if such care was provided under the
15	authority of section 1784 of title 38, United
16	States Code.
17	(b) Medical Care at Department of Veterans
18	AFFAIRS MEDICAL FACILITIES.—
19	(1) MEDICAL CARE.—When a recovering service
20	member is receiving hospital care and medical serv-
21	ices at a medical facility of the Department of Vet-
22	erans Affairs, the Secretary of Veterans Affairs may
23	provide medical care for eligible family members
24	under this section when that care is readily available

1	at that Department facility and on a space-available
2	basis.
3	(2) Regulations.—The Secretary of Veterans
4	Affairs shall prescribe in regulations the medical
5	care that may be available to family members under
6	this subsection at medical facilities of the Depart-
7	ment of Veterans Affairs.
8	SEC. 1673. IMPROVEMENT OF MEDICAL TRACKING SYSTEM
9	FOR MEMBERS OF THE ARMED FORCES DE-
10	PLOYED OVERSEAS.
11	(a) Protocol for Assessment of Cognitive
12	FUNCTIONING.—
13	(1) PROTOCOL REQUIRED.—Subsection (b) of
14	section 1074f of title 10, United States Code, is
15	amended—
16	(A) in paragraph (2), by adding at the end
17	the following new subparagraph:
18	"(C) An assessment of post-traumatic stress
19	disorder."; and
20	(B) by adding at the end the following new
21	paragraph:
22	"(3)(A) The Secretary shall establish for purposes of
23	subparagraphs (B) and (C) of paragraph (2) a protocol
24	for the predeployment assessment and documentation of
25	the cognitive (including memory) functioning of a member

who is deployed outside the United States in order to fa cilitate the assessment of the postdeployment cognitive
 (including memory) functioning of the member.

4 "(B) The protocol under subparagraph (A) shall in5 clude appropriate mechanisms to permit the differential
6 diagnosis of traumatic brain injury in members returning
7 from deployment in a combat zone.".

8 (2) PILOT PROJECTS.—(A) In developing the 9 protocol required by paragraph (3) of section 10 1074f(b) of title 10, United States Code (as amend-11 ed by paragraph (1) of this subsection), for purposes 12 of assessments for traumatic brain injury, the Sec-13 retary of Defense shall conduct up to three pilot 14 projects to evaluate various mechanisms for use in 15 the protocol for such purposes. One of the mecha-16 nisms to be so evaluated shall be a computer-based 17 assessment tool which shall, at a minimum, include 18 the following:

19 (i) Administration of computer-based20 neurocognitive assessment.

21 (ii) Pre-deployment assessments to estab22 lish a neurocognitive baseline for members of
23 the Armed Forces for future treatment.

24 (B) Not later than 60 days after the completion25 of the pilot projects conducted under this paragraph,

1	the Secretary shall submit to the appropriate com-
2	mittees of Congress a report on the pilot projects.
3	The report shall include—
4	(i) a description of the pilot projects so
5	conducted;
6	(ii) an assessment of the results of each
7	such pilot project; and
8	(iii) a description of any mechanisms eval-
9	uated under each such pilot project that will be
10	incorporated into the protocol.
11	(C) Not later than 180 days after completion of
12	the pilot projects conducted under this paragraph,
13	the Secretary shall establish a means for imple-
14	menting any mechanism evaluated under such a
15	pilot project that is selected for incorporation in the
16	protocol.
17	(b) QUALITY ASSURANCE.—Subsection (d)(2) of sec-
18	tion 1074f of title 10, United States Code, is amended
19	by adding at the end the following new subparagraph:
20	"(F) The diagnosis and treatment of traumatic
21	brain injury and post-traumatic stress disorder.".
22	(c) Standards for Deployment.—Subsection (f)
23	of such section is amended—
24	(1) in the subsection heading, by striking
25	"MENTAL HEALTH"; and

1	(2) in paragraph (2)(B), by striking "or" and
2	inserting ", traumatic brain injury, or".
3	SEC. 1674. GUARANTEED FUNDING FOR WALTER REED
4	ARMY MEDICAL CENTER, DISTRICT OF CO-
5	LUMBIA.
6	(a) MINIMUM FUNDING.—The amount of funds avail-
7	able for the commander of Walter Reed Army Medical
8	Center, District of Columbia, for a fiscal year shall be not
9	less than the amount expended by the commander of Wal-
10	ter Reed Army Medical Center in fiscal year 2006 until
11	the first fiscal year beginning after the date on which the
12	Secretary of Defense submits to the congressional defense
13	committees a plan for the provision of health care for mili-
14	tary beneficiaries and their dependents in the National
15	Capital Region.
16	(b) MATTERS COVERED.—The plan under subsection
17	(a) shall at a minimum include—
18	(1) the manner in which patients, staff, bed ca-
19	pacity, and functions will move from the Walter
20	Reed Army Medical Center to expanded facilities;
21	(2) a timeline, including milestones, for such
22	moves;
23	(3) projected budgets, including planned budget
24	transfers, for military treatment facilities within the
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25 region;

(4) the management or disposition of real prop erty of military treatment facilities within the re gion; and

(5) staffing projections for the region.

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5 (c) CERTIFICATION.—After submission of the plan under subsection (a) to the congressional defense commit-6 7 tees, the Secretary shall certify to such committees on a 8 quarterly basis that patients, staff, bed capacity, func-9 tions, or parts of functions at Walter Reed Army Medical 10 Center have not been moved or disestablished until the expanded facilities at the National Naval Medical Center, 11 Bethesda, Maryland, and DeWitt Army Community Hos-12 13 pital, Fort Belvoir, Virginia, are completed, equipped, and staffed with sufficient capacity to accept and provide, at 14 15 a minimum, the same level of and access to care as patients received at Walter Reed Army Medical Center dur-16 ing fiscal year 2006. 17

18 (d) DEFINITIONS.—In this section:

(1) The term "expanded facilities" means the
other two military hospitals/medical centers within
the National Capital Region, namely—

22 (A) the National Naval Medical Center,
23 Bethesda, Maryland (or its successor resulting
24 from implementation of the recommendations of

	1225
1	the 2005 Defense Base Closure and Realign-
2	ment Commission); and
3	(B) the DeWitt Army Community Hos-
4	pital, Fort Belvoir, Virginia.
5	(2) The term "National Capital Region" has
6	the meaning given that term in section 2674(f) of
7	title 10, United States Code.
8	SEC. 1675. USE OF LEAVE TRANSFER PROGRAM BY WOUND-
9	ED VETERANS WHO ARE FEDERAL EMPLOY-
10	EES.
11	(a) IN GENERAL.—Section 6333(b) of title 5, United
12	States Code, is amended—
13	(1) by striking "(b)" and inserting "(b)(1)";
14	and
15	(2) by adding at the end the following new
16	
10	paragraph:
17	paragraph: "(2)(A) The requirement under paragraph (1) relat-
17	"(2)(A) The requirement under paragraph (1) relat-
17 18	"(2)(A) The requirement under paragraph (1) relat- ing to exhaustion of annual and sick leave shall not apply
17 18 19	"(2)(A) The requirement under paragraph (1) relat- ing to exhaustion of annual and sick leave shall not apply in the case of a leave recipient who—
17 18 19 20	"(2)(A) The requirement under paragraph (1) relat- ing to exhaustion of annual and sick leave shall not apply in the case of a leave recipient who— "(i) sustains a combat-related disability while a
17 18 19 20 21	"(2)(A) The requirement under paragraph (1) relat- ing to exhaustion of annual and sick leave shall not apply in the case of a leave recipient who— "(i) sustains a combat-related disability while a member of the armed forces, including a reserve

1	"(B) Subparagraph (A) shall apply to a member de-
2	scribed in such subparagraph only so long as the member
3	continues to undergo medical treatment for the disability,
4	but in no event for longer than 5 years from the start
5	of such treatment.
6	"(C) For purposes of this paragraph—
7	"(i) the term 'combat-related disability' has the
8	meaning given such term by section 1413a(e) of title
9	10; and
10	"(ii) the term 'medical treatment' has such
11	meaning as the Office of Personnel Management
12	shall by regulation prescribe.".
13	(b) EFFECTIVE DATE.—The amendment made by
14	subsection (a) shall take effect on the date of the enact-
15	ment of this Act, except that, in the case of a leave recipi-
16	ent who is undergoing medical treatment on such date of
17	enactment, section 6333(b)(2)(B) of title 5, United States
18	Code (as amended by this section) shall be applied as if
19	it had been amended by inserting "or the date of the en-
20	actment of this subsection, whichever is later" after "the
21	start of such treatment".

1	SEC.	1676.	MORATORIUM ON CONVERSION TO CON-
2			TRACTOR PERFORMANCE OF DEPARTMENT
3			OF DEFENSE FUNCTIONS AT MILITARY MED-
4			ICAL FACILITIES.

(a) MORATORIUM.—No study or competition may be
begun or announced pursuant to section 2461 of title 10,
United States Code, or otherwise pursuant to Office of
Management and Budget circular A-76, relating to the
possible conversion to performance by a contractor of any
Department of Defense function carried out at a military
medical facility until the Secretary of Defense—

(1) submits the certification required by subsection (b) to the Committee on Armed Services of
the Senate and the Committee on Armed Services of
the House of Representatives together with a description of the steps taken by the Secretary in accordance with the certification; and

18 (2) submits the report required by subsection19 (c).

(b) CERTIFICATION.—The certification referred to in
paragraph (a)(1) is a certification that the Secretary has
taken appropriate steps to ensure that neither the quality
of military medical care nor the availability of qualified
personnel to carry out Department of Defense functions
related to military medical care will be adversely affected
by either—

(1) the process of considering a Department of
 Defense function carried out at a military medical
 facility for possible conversion to performance by a
 contractor; or

5 (2) the conversion of such a function to per-6 formance by a contractor.

7 (c) REPORT REQUIRED.—Not later than 180 days 8 after the date of the enactment of this Act, the Secretary 9 of Defense shall submit to the Committee on Armed Serv-10 ices of the Senate and the Committee on Armed Services of the House of Representatives a report on the public-11 private competitions being conducted for Department of 12 13 Defense functions carried out at military medical facilities as of the date of the enactment of this Act by each military 14 15 department and defense agency. Such report shall in-16 clude—

- 17 (1) for each such competition—
- 18 (A) the cost of conducting the public-pri-19 vate competition;

20 (B) the number of military personnel and
21 civilian employees of the Department of De22 fense affected;

23 (C) the estimated savings identified and24 the savings actually achieved;

1	(D) an evaluation whether the anticipated
2	and budgeted savings can be achieved through
3	a public-private competition; and
4	(E) the effect of converting the perform-
5	ance of the function to performance by a con-
6	tractor on the quality of the performance of the
7	function; and
8	(2) an assessment of whether any method of
9	business reform or reengineering other than a pub-
10	lic-private competition could, if implemented in the
11	future, achieve any anticipated or budgeted savings.
12	TITLE XVII—VETERANS
13	MATTERS
	Sec. 1701. Sense of Congress on Department of Veterans Affairs efforts in the

- Sec. 1701. Sense of Congress on Department of Veterans Affairs efforts in the rehabilitation and reintegration of veterans with traumatic brain injury.
- Sec. 1702. Individual rehabilitation and community reintegration plans for veterans and others with traumatic brain injury.
- Sec. 1703. Use of non-Department of Veterans Affairs facilities for implementation of rehabilitation and community reintegration plans for traumatic brain injury.
- Sec. 1704. Research, education, and clinical care program on traumatic brain injury.
- Sec. 1705. Pilot program on assisted living services for veterans with traumatic brain injury.
- Sec. 1706. Provision of age-appropriate nursing home care.
- Sec. 1707. Extension of period of eligibility for health care for veterans of combat service during certain periods of hostilities and war.
- Sec. 1708. Service-connection and assessments for mental health conditions in veterans.
- Sec. 1709. Modification of requirements for furnishing outpatient dental services to veterans with service-connected dental conditions or disabilities.
- Sec. 1710. Clarification of purpose of outreach services program of Department of Veterans Affairs.
- Sec. 1711. Designation of fiduciary or trustee for purposes of Traumatic Servicemembers' Group Life Insurance.

1	SEC. 1701. SENSE OF CONGRESS ON DEPARTMENT OF VET-
2	ERANS AFFAIRS EFFORTS IN THE REHABILI-
3	TATION AND REINTEGRATION OF VETERANS
4	WITH TRAUMATIC BRAIN INJURY.
5	It is the sense of Congress that—
6	(1) the Department of Veterans Affairs is a
7	leader in the field of traumatic brain injury care and
8	coordination of such care;
9	(2) the Department of Veterans Affairs should
10	have the capacity and expertise to provide veterans
11	who have a traumatic brain injury with patient-cen-
12	tered health care, rehabilitation, and community in-
13	tegration services that are comparable to or exceed
14	similar care and services available to persons with
15	such injuries in the academic and private sector;
16	(3) rehabilitation for veterans who have a trau-
17	matic brain injury should be individualized, com-
18	prehensive, and interdisciplinary with the goals of
19	optimizing the independence of such veterans and
20	reintegrating them into their communities;
21	(4) family support is integral to the rehabilita-
22	tion and community reintegration of veterans who
23	have sustained a traumatic brain injury, and the De-
24	partment should provide the families of such vet-
25	erans with education and support;

1 (5) the Department of Defense and the Depart-2 ment of Veterans Affairs have made efforts to pro-3 vide a smooth transition of medical care and reha-4 bilitative services to individuals as they transition 5 from the health care system of the Department of 6 Defense to that of the Department of Veterans Af-7 fairs, but more can be done to assist veterans and 8 their families in the continuum of the rehabilitation, 9 recovery, and reintegration of wounded or injured 10 veterans into their communities; 11 (6) in planning for rehabilitation and commu-

11 (6) in planning for renabilitation and commu-12 nity reintegration of veterans who have a traumatic 13 brain injury, it is necessary for the Department of 14 Veterans Affairs to provide a system for life-long 15 case management for such veterans; and

16 (7) in such system for life-long case manage17 ment, it is necessary to conduct outreach and to tai18 lor specialized traumatic brain injury case manage19 ment and outreach to the unique needs of veterans
20 with traumatic brain injury who reside in urban and
21 non-urban settings.

1	SEC. 1702. INDIVIDUAL REHABILITATION AND COMMUNITY
2	REINTEGRATION PLANS FOR VETERANS AND
3	OTHERS WITH TRAUMATIC BRAIN INJURY.
4	(a) IN GENERAL.—Subchapter II of chapter 17 of
5	title 38, United States Code, is amended by inserting after
6	section 1710B the following new sections:
7	"§1710C. Traumatic brain injury: plans for rehabili-
8	tation and reintegration into the commu-
9	nity
10	"(a) PLAN REQUIRED.—The Secretary shall, for each
11	individual who is a veteran or member of the Armed
12	Forces who receives inpatient or outpatient rehabilitative
13	hospital care or medical services provided by the Depart-
14	ment for a traumatic brain injury—
15	((1) develop an individualized plan for the re-
16	habilitation and reintegration of the individual into
17	the community; and
18	((2)) provide such plan in writing to the indi-
19	vidual—
20	"(A) in the case of an individual receiving
21	inpatient care, before the individual is dis-
22	charged from inpatient care or after the individ-
23	ual's transition from serving on active duty as
24	a member of the Armed Forces to receiving out-
25	patient care provided by the Department; or

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1	"(B) as soon as practicable following a di-
2	agnosis of traumatic brain injury by a Depart-
3	ment health care provider.
4	"(b) CONTENTS OF PLAN.—Each plan developed
5	under subsection (a) shall include, for the individual cov-
6	ered by such plan, the following:
7	"(1) Rehabilitation objectives for improving the
8	physical, cognitive, and vocational functioning of the
9	individual with the goal of maximizing the independ-
10	ence and reintegration of such individual into the
11	community.
12	"(2) Access, as warranted, to all appropriate re-
13	habilitative components of the traumatic brain in-
14	jury continuum of care, and where appropriate, to
15	long-term care services.
16	"(3) A description of specific rehabilitative
17	treatments and other services to achieve the objec-
18	tives described in paragraph (1) , which shall set
19	forth the type, frequency, duration, and location of
20	such treatments and services.
21	"(4) The name of the case manager designated
22	in accordance with subsection (d) to be responsible
23	for the implementation of such plan.

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"(5) Dates on which the effectiveness of such
 plan will be reviewed in accordance with subsection
 (f).

4 "(c) COMPREHENSIVE ASSESSMENT.—(1) Each plan
5 developed under subsection (a) shall be based on a com6 prehensive assessment, developed in accordance with para7 graph (2), of—

8 "(A) the physical, cognitive, vocational, and 9 neuropsychological and social impairments of the in-10 dividual; and

11 "(B) the family education and family support 12 needs of the individual after the individual is dis-13 charged from inpatient care or at the commence-14 ment of and during the receipt of outpatient care 15 and services.

16 "(2) The comprehensive assessment required under 17 paragraph (1) with respect to an individual is a com-18 prehensive assessment of the matters set forth in that 19 paragraph by a team, composed by the Secretary for pur-20 poses of the assessment, of individuals with expertise in 21 traumatic brain injury, including any of the following:

- 22 "(A) A neurologist.
- 23 "(B) A rehabilitation physician.
- 24 "(C) A social worker.
- 25 "(D) A neuropsychologist.

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1	"(E) A physical therapist.
2	"(F) A vocational rehabilitation specialist.
3	"(G) An occupational therapist.
4	"(H) A speech language pathologist.
5	"(I) A rehabilitation nurse.
6	"(J) An educational therapist.
7	"(K) An audiologist.
8	"(L) A blind rehabilitation specialist.
9	"(M) A recreational therapist.
10	"(N) A low vision optometrist.
11	"(O) An orthotist or prosthetist.
12	"(P) An assistive technologist or rehabilitation
13	engineer.
14	"(Q) An otolaryngology physician.
15	"(R) A dietician.
16	"(S) An opthamologist.
17	"(T) A psychiatrist.
18	"(d) CASE MANAGER.—(1) The Secretary shall des-
19	ignate a case manager for each individual described in
20	subsection (a) to be responsible for the implementation of
21	the plan developed for that individual under that sub-
22	section and the coordination of the individual's medical
23	care.
24	((2) The Secretary shall ensure that each case man-
~ ~	

25 ager has specific expertise in the care required by the indi-

vidual for whom the case manager is designated, regard less of whether the case manager obtains such expertise
 through experience, education, or training.

4 "(e) PARTICIPATION AND COLLABORATION IN DE-5 VELOPMENT OF PLANS.—(1) The Secretary shall involve 6 each individual described in subsection (a), and the family 7 or legal guardian of such individual, in the development 8 of the plan for such individual under that subsection to 9 the maximum extent practicable.

10 "(2) The Secretary shall collaborate in the develop11 ment of a plan for an individual under subsection (a) with
12 a State protection and advocacy system if—

13 "(A) the individual covered by the plan requests14 such collaboration; or

"(B) in the case of such an individual who is
incapacitated, the family or guardian of the individual requests such collaboration.

"(3) In the case of a plan required by subsection (a)
for a member of the Armed Forces who is serving on active duty, the Secretary shall collaborate with the Secretary of Defense in the development of such plan.

"(4) In developing vocational rehabilitation objectives
required under subsection (b)(1) and in conducting the assessment required under subsection (c), the Secretary
shall act through the Under Secretary for Health in co-

ordination with the Vocational Rehabilitation and Employ ment Service of the Department of Veterans Affairs.

3 "(f) EVALUATION.—

4 "(1) PERIODIC REVIEW BY SECRETARY.—The 5 Secretary shall periodically review the effectiveness 6 of each plan developed under subsection (a). The 7 Secretary shall refine each such plan as the Sec-8 retary considers appropriate in light of such review. 9 "(2) Request for review by veterans.—In 10 addition to the periodic review required by para-11 graph (1), the Secretary shall conduct a review of 12 the plan for an individual under paragraph (1) at 13 the request of the individual, or in the case of an in-14 dividual who is incapacitated, at the request of the 15 guardian or designee of the individual.

"(g) STATE DESIGNATED PROTECTION AND ADVOCACY SYSTEM DEFINED.—In this section, the term 'State
protection and advocacy system' means a system established in a State under subtitle C of the Developmental
Disabilities Assistance and Bill of Rights Act of 2000 (42)
U.S.C. 15041 et seq.) to protect and advocate for the
rights of persons with development disabilities.

1 "§1710D. Traumatic brain injury: comprehensive program for long-term rehabilitation

"(a) COMPREHENSIVE PROGRAM.—In developing 3 plans for the rehabilitation and reintegration of individ-4 5 uals with traumatic brain injury under section 1710C of this title, the Secretary shall develop and carry out a com-6 7 prehensive program of long-term care for post-acute traumatic brain injury rehabilitation that includes residential, 8 9 community, and home-based components utilizing inter-10 disciplinary treatment teams.

11 "(b) LOCATION OF PROGRAM.—The Secretary shall
12 carry out the program developed under subsection (a) in
13 each Department polytrauma rehabilitation center des14 ignated by the Secretary.

15 "(c) ELIGIBILITY.—A veteran is eligible for care 16 under the program developed under subsection (a) if the 17 veteran is otherwise eligible to receive hospital care and 18 medical services under section 1710 of this title and—

"(1) served on active duty in a theater of combat operations (as determined by the Secretary in
consultation with the Secretary of Defense) during a
period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities (as defined in section 1712A(a)(2)(B) of this
title) after November 11, 1998;

1	"(2) is diagnosed as suffering from moderate to
2	severe traumatic brain injury; and
3	"(3) is unable to manage routine activities of
4	daily living without supervision or assistance, as de-
5	termined by the Secretary.
6	"(d) REPORT.—Not later than one year after the
7	date of the enactment of this section, and annually there-
8	after, the Secretary shall submit to the Committees on
9	Veterans' Affairs of the Senate and the House of Rep-
10	resentatives a report containing the following information:
11	"(1) A description of the operation of the pro-
12	gram.
13	((2) The number of veterans provided care
14	under the program during the year preceding such
15	report.
16	"(3) The cost of operating the program during
17	the year preceding such report.".
18	(b) Clerical Amendment.—The table of sections
19	at the beginning of such chapter is amended by inserting
20	after the item relating to section 1710B the following new
21	 items: "1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community. "1710D. Traumatic brain injury: comprehensive plan for long-term rehabilitation.".

1	SEC. 1703.	USE OF	NON-DEPAR	RTMENT	OF VETE	ERANS	AF-
2		FAIRS	FACILITIES	FOR IM	PLEMENI	TATION	OF
3		REHAI	BILITATION	AND	COMMUN	NITY	RE-
4		INTEG	RATION PLA	NS FOR	TRAUMA'	TIC BR	AIN
5		INJUR	Y.				

6 (a) IN GENERAL.—Subchapter II of chapter 17 of
7 title 38, United States Code, is amended by inserting after
8 section 1710D, as added by section 1702, the following
9 new section:

10 "§ 1710E. Traumatic brain injury: use of non-Depart ment facilities for rehabilitation

12 "(a) COOPERATIVE AGREEMENTS.—The Secretary, 13 in implementing and carrying out a plan developed under 14 section 1710C of this title, may provide hospital care and 15 medical services through cooperative agreements with ap-16 propriate public or private entities that have established 17 long-term neurobehavioral rehabilitation and recovery pro-18 grams.

19 "(b) AUTHORITIES OF STATE PROTECTION AND AD-20 VOCACY SYSTEMS.—Nothing in subtitle C of the Develop-21 mental Disabilities Assistance and Bill of Rights Act of 22 2000 shall be construed as preventing a State protection 23 and advocacy system (as defined in section 1710C(g) of 24 this title) from exercising the authorities described in such 25 subtitle with respect to individuals provided rehabilitative

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1	treatment or services under section 1710C of this title in
2	a non-Department facility.".
3	(b) Clerical Amendment.—The table of sections
4	at the beginning of such chapter is amended by inserting
5	after the item relating to section 1710D, as added by sec-
6	tion 1702, the following new item: "1710E. Traumatic brain injury: use of non-Departmental facilities for rehabili- tation.".
7	SEC. 1704. RESEARCH, EDUCATION, AND CLINICAL CARE
8	PROGRAM ON TRAUMATIC BRAIN INJURY.
9	(a) IN GENERAL.—To improve the provision of
10	health care by the Department of Veterans Affairs to vet-
11	erans with traumatic brain injuries, the Secretary of Vet-
12	erans Affairs shall—
13	(1) conduct research, including—
14	(A) research on the sequelae of mild to se-
15	vere forms of traumatic brain injury;
16	(B) research on visually-related neuro-
17	logical conditions;
18	(C) research on seizure disorders;
19	(D) research on means of improving the
20	diagnosis, rehabilitative treatment, and preven-
21	tion of such sequelae;
22	(E) research to determine the most effec-
23	tive cognitive and physical therapies for such
24	sequelae;

1	(F) research on dual diagnosis of post-
2	traumatic stress disorder and traumatic brain
3	injury;
4	(G) research on improving facilities of the
5	Department concentrating on traumatic brain
6	injury care; and
7	(H) research on improving the delivery of
8	traumatic brain injury care by the Department;
9	(2) educate and train health care personnel of
10	the Department in recognizing and treating trau-
11	matic brain injury; and
12	(3) develop improved models and systems for
13	the furnishing of traumatic brain injury care by the
14	Department.
15	(b) Collaboration.—In carrying out research
16	under subsection (a), the Secretary of Veterans Affairs
17	shall collaborate with—
18	(1) facilities that conduct research on rehabili-
19	tation for individuals with traumatic brain injury;
20	(2) facilities that receive grants for such re-
21	search from the National Institute on Disability and
22	Rehabilitation Research of the Department of Edu-
23	cation; and
24	(3) the Defense and Veterans Brain Injury
25	Center of the Department of Defense and other rel-

1	evant programs of the Federal Government (includ-
2	ing Centers of Excellence).

3 (c) DISSEMINATION OF USEFUL INFORMATION.—
4 The Under Secretary of Veterans Affairs for Health shall
5 ensure that information produced by the research, edu6 cation and training, and clinical activities conducted under
7 this section that may be useful for other activities of the
8 Veterans Health Administration is disseminated through9 out the Veterans Health Administration.

10 (d) TRAUMATIC BRAIN INJURY REGISTRY.—

(1) IN GENERAL.—The Secretary of Veterans
Affairs shall establish and maintain a registry to be
known as the "Traumatic Brain Injury Veterans
Health Registry" (in this section referred to as the
"Registry").

16 (2) DESCRIPTION.—The Registry shall include17 the following information:

(A) A list containing the name of each individual who served as a member of the Armed
Forces in Operation Enduring Freedom or Operation Iraqi Freedom who exhibits symptoms
associated with traumatic brain injury, as determined by the Secretary of Veterans Affairs,
and who—

1	(i) applies for care and services fur-
2	nished by the Department of Veterans Af-
3	fairs under chapter 17 of title 38, United
4	States Code; or
5	(ii) files a claim for compensation
6	under chapter 11 of such title on the basis
7	of any disability which may be associated
8	with such service.
9	(B) Any relevant medical data relating to
10	the health status of an individual described in
11	subparagraph (A) and any other information
12	the Secretary considers relevant and appro-
13	priate with respect to such an individual if the
14	individual—
15	(i) grants permission to the Secretary
16	to include such information in the Reg-
17	istry; or
18	(ii) is deceased at the time such indi-
19	vidual is listed in the Registry.
20	(3) NOTIFICATION.—When possible, the Sec-
21	retary shall notify each individual listed in the Reg-
22	istry of significant developments in research on the
23	health consequences of military service in the Oper-
24	ation Enduring Freedom and Operation Iraqi Free-
25	dom theaters of operations.

SEC. 1705. PILOT PROGRAM ON ASSISTED LIVING SERVICES FOR VETERANS WITH TRAUMATIC BRAIN IN JURY.

4 (a) PILOT PROGRAM.—Beginning not later than 90 5 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in collaboration with the De-6 7 fense and Veterans Brain Injury Center of the Depart-8 ment of Defense, shall carry out a five-year pilot program 9 to assess the effectiveness of providing assisted living serv-10 ices to eligible veterans to enhance the rehabilitation, qual-11 ity of life, and community integration of such veterans. 12 (b) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be
carried out at locations selected by the Secretary for
purposes of the pilot program. Of the locations so
selected—

17 (A) at least one location shall be in each
18 health care region of the Veterans Health Ad19 ministration of the Department of Veterans Af20 fairs that contains a polytrauma center of the
21 Department of Veterans Affairs; and

(B) any location other than a location described in subparagraph (A) shall be in an area
that contains a high concentration of veterans
with traumatic brain injuries, as determined by
the Secretary.

(2) SPECIAL CONSIDERATION FOR VETERANS IN
 RURAL AREAS.—The Secretary shall give special
 consideration to providing veterans in rural areas
 with an opportunity to participate in the pilot pro gram.

6 (c) Provision of Assisted Living Services.—

7 (1) AGREEMENTS.—In carrying out the pilot
8 program, the Secretary may enter into agreements
9 for the provision of assisted living services on behalf
10 of eligible veterans with a provider participating
11 under a State plan or waiver under title XIX of the
12 Social Security Act (42 U.S.C. 1396 et seq.).

13 (2) STANDARDS.—The Secretary may not place, 14 transfer, or admit a veteran to any facility for as-15 sisted living services under the pilot program unless 16 the Secretary determines that the facility meets such 17 standards as the Secretary may prescribe for pur-18 poses of the pilot program. Such standards shall, to 19 the extent practicable, be consistent with the stand-20 ards of Federal, State, and local agencies charged 21 with the responsibility of licensing or otherwise regu-22 lating or inspecting such facilities.

23 (d) CONTINUATION OF CASE MANAGEMENT AND RE24 HABILITATION SERVICES.—In carrying out the pilot pro25 gram, the Secretary shall—

1	(1) continue to provide each veteran who is re-
2	ceiving assisted living services under the pilot pro-
3	gram with rehabilitative services; and
4	(2) designate employees of the Veterans Health
5	Administration of the Department of Veterans Af-
6	fairs to furnish case management services for vet-
7	erans participating in the pilot program.
8	(e) Report.—
9	(1) IN GENERAL.—Not later than 60 days after
10	the completion of the pilot program, the Secretary
11	shall submit to the Committees on Veterans' Affairs
12	of the Senate and House of Representatives a report
13	on the pilot program.
14	(2) CONTENTS.—The report required by para-
15	graph (1) shall include the following:
16	(A) A description of the pilot program.
17	(B) An assessment of the utility of the ac-
18	tivities under the pilot program in enhancing
19	the rehabilitation, quality of life, and commu-
20	nity reintegration of veterans with traumatic
21	brain injury.
22	(C) Such recommendations as the Sec-
23	retary considers appropriate regarding the ex-
24	tension or expansion of the pilot program.
25	(f) DEFINITIONS.—In this section:

1	(1) The term "assisted living services" means
2	services of a facility in providing room, board, and
3	personal care for and supervision of residents for
4	their health, safety, and welfare.
5	(2) The term "case management services" in-
6	cludes the coordination and facilitation of all services
7	furnished to a veteran by the Department of Vet-
8	erans Affairs, either directly or through a contract,
9	including assessment of needs, planning, referral (in-
10	cluding referral for services to be furnished by the
11	Department, either directly or through a contract, or
12	by an entity other than the Department), moni-
13	toring, reassessment, and followup.
14	(3) The term "eligible veteran" means a vet-
15	eran who—
16	(A) is enrolled in the patient enrollment
17	system of the Department of Veterans Affairs
18	under section 1705 of title 38, United States
19	Code;
20	(B) has received hospital care or medical
21	services provided by the Department of Vet-
22	erans Affairs for a traumatic brain injury;
23	(C) is unable to manage routine activities
24	of daily living without supervision and assist-
25	ance, as determined by the Secretary; and

1 (D) could reasonably be expected to receive 2 ongoing services after the end of the pilot program under this section under another program 3 4 of the Federal Government or through other 5 means, as determined by the Secretary. 6 SEC. 1706. PROVISION OF AGE-APPROPRIATE NURSING 7 HOME CARE. 8 (a) FINDING.—Congress finds that young veterans 9 who are injured or disabled through military service and 10 require long-term care should have access to age-appropriate nursing home care. 11 12 (b) REQUIREMENT TO PROVIDE AGE-APPROPRIATE NURSING HOME CARE.—Section 1710A of title 38, 13

14 United States Code, is amended—

15 (1) by redesignating subsection (c) as sub-16 section (d); and

17 (2) by inserting after subsection (b) the fol-18 lowing new subsection (c):

19 "(c) The Secretary shall ensure that nursing home20 care provided under subsection (a) is provided in an age-21 appropriate manner.".

1	SEC. 1707. EXTENSION OF PERIOD OF ELIGIBILITY FOR
2	HEALTH CARE FOR VETERANS OF COMBAT
3	SERVICE DURING CERTAIN PERIODS OF HOS-
4	TILITIES AND WAR.
5	Subparagraph (C) of section 1710(e)(3) of title 38,
6	United States Code, is amended to read as follows:
7	"(C) in the case of care for a veteran described
8	in paragraph (1)(D) who—
9	"(i) is discharged or released from the ac-
10	tive military, naval, or air service after the date
11	that is five years before the date of the enact-
12	ment of the National Defense Authorization Act
13	for Fiscal Year 2008, after a period of five
14	years beginning on the date of such discharge
15	or release; or
16	"(ii) is so discharged or released more than
17	five years before the date of the enactment of
18	that Act and who did not enroll in the patient
19	enrollment system under section 1705 of this
20	title before such date, after a period of three
21	years beginning on the date of the enactment of
22	that Act; and".
23	SEC. 1708. SERVICE-CONNECTION AND ASSESSMENTS FOR
24	MENTAL HEALTH CONDITIONS IN VETERANS.
25	(a) Presumption of Service-Connection for
26	Mental Illness in Persian Gulf War Veterans.—
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1	(1) IN GENERAL.—Section 1702 of title 38,
2	United States Code, is amended—
3	(A) by inserting "(a) PSYCHOSIS.—" be-
4	fore "For the purposes"; and
5	(B) by adding at the end the following new
6	subsection:
7	"(b) Mental Illness.—For purposes of this chap-
8	ter, any veteran of the Persian Gulf War who develops
9	an active mental illness (other than psychosis) shall be
10	deemed to have incurred such disability in the active mili-
11	tary, naval, or air service if such veteran develops such
12	disability—
13	"(1) within two years after discharge or release
13 14	"(1) within two years after discharge or release from the active military, naval, or air service; and
14	from the active military, naval, or air service; and
14 15	from the active military, naval, or air service; and "(2) before the end of the two-year period be-
14 15 16	from the active military, naval, or air service; and "(2) before the end of the two-year period be- ginning on the last day of the Persian Gulf War.".
14 15 16 17	 from the active military, naval, or air service; and "(2) before the end of the two-year period be- ginning on the last day of the Persian Gulf War.". (2) HEADING AMENDMENT.—The heading of
14 15 16 17 18	 from the active military, naval, or air service; and "(2) before the end of the two-year period be- ginning on the last day of the Persian Gulf War.". (2) HEADING AMENDMENT.—The heading of such section is amended to read as follows:
14 15 16 17 18 19	 from the active military, naval, or air service; and "(2) before the end of the two-year period beginning on the last day of the Persian Gulf War.". (2) HEADING AMENDMENT.—The heading of such section is amended to read as follows: "§1702. Presumptions: psychosis after service in
 14 15 16 17 18 19 20 	 from the active military, naval, or air service; and "(2) before the end of the two-year period beginning on the last day of the Persian Gulf War.". (2) HEADING AMENDMENT.—The heading of such section is amended to read as follows: "§1702. Presumptions: psychosis after service in World War II and following periods of
 14 15 16 17 18 19 20 21 	 from the active military, naval, or air service; and "(2) before the end of the two-year period beginning on the last day of the Persian Gulf War.". (2) HEADING AMENDMENT.—The heading of such section is amended to read as follows: **\$1702. Presumptions: psychosis after service in World War II and following periods of war; mental illness after service in the

1	amended by striking the item relating to section
2	1702 and inserting the following new item:
	"1702. Presumptions: psychosis after service in World War II and following pe- riods of war; mental illness following service in the Persian Gulf War.".
3	(b) Provision of Mental Health Assessments
4	FOR CERTAIN VETERANS.—Section 1712A(a) of such title
5	is amended—
6	(1) in paragraph $(1)(B)$, by adding at the end
7	the following new clause:
8	"(iii) Any veteran who served on active duty—
9	"(I) in a theater of combat operations (as
10	determined by the Secretary in consultation
11	with the Secretary of Defense) during a period
12	of war after the Persian Gulf War; or
13	"(II) in combat against a hostile force dur-
14	ing a period of hostilities (as defined in para-
15	graph $(2)(B)$) after November 11, 1998."; and
16	(2) by adding at the end the following new
17	paragraph:
18	"(3) Upon request of a veteran described in para-
19	graph $(1)(B)(iii)$, the Secretary shall provide the veteran
20	a preliminary general mental health assessment as soon
21	as practicable after receiving the request, but not later
22	than 30 days after receiving the request.".

1	SEC. 1709. MODIFICATION OF REQUIREMENTS FOR FUR-
2	NISHING OUTPATIENT DENTAL SERVICES TO
3	VETERANS WITH SERVICE-CONNECTED DEN-
4	TAL CONDITIONS OR DISABILITIES.
5	Section 1712(a)(1)(B)(iii) of title 38, United States
6	Code, is amended—
7	(1) by striking "90 days after such discharge"
8	and inserting "180 days after such discharge";
9	(2) by striking "90 days from the date of such
10	veteran's subsequent discharge" and inserting "180
11	days from the date of such veteran's subsequent dis-
12	charge"; and
13	(3) by striking "90 days after the date of cor-
14	rection" and inserting "180 days after the date of
15	correction".
16	SEC. 1710. CLARIFICATION OF PURPOSE OF OUTREACH
17	SERVICES PROGRAM OF DEPARTMENT OF
18	VETERANS AFFAIRS.
19	(a) Clarification of Inclusion of Members of
20	THE NATIONAL GUARD AND RESERVE IN PROGRAM
21	Subsection (a)(1) of section 6301 of title 38, United
22	States Code, is amended by inserting ", or from a reserve
23	component," after "active military, naval, or air service".
24	(b) Definition of Outreach.—Subsection (b) of
25	such section is amended—

1 2	(1) by redesignating paragraphs (1) and (2) as
2	
	paragraphs (2) and (3) , respectively; and
3	(2) by inserting before paragraph (2) the fol-
4	lowing new paragraph (1):
5	((1) the term 'outreach' means the act or proc-
6	ess of reaching out in a systematic manner to
7	proactively provide information, services, and bene-
8	fits counseling to veterans, and to the spouses, chil-
9	dren, and parents of veterans who may be eligible to
10	receive benefits under the laws administered by the
11	Secretary, to ensure that such individuals are fully
12	informed about, and receive assistance in applying
13	for, such benefits;".
14 SEC	2. 1711. DESIGNATION OF FIDUCIARY OR TRUSTEE FOR
15	PURPOSES OF TRAUMATIC
16	SERVICEMEMBERS' GROUP LIFE INSURANCE.
17	Section 1980A of title 38, United States Code, is
18 ame	ended by adding at the end the following new sub-
19 sect	cion:
20	"(k) Designation of Fiduciary or Trustee.—
21 (1)	The Secretary concerned, in consultation with the Sec-
22 reta	ary, shall develop a process for the designation of a fi-
23 due	iary or trustee of a member of the uniformed services
24 who	is insured against traumatic injury under this section.
25 The	e fiduciary or trustee so designated would receive a pay-
16 17	SERVICEMEMBERS' GROUP LIFE INSURANCE Section 1980A of title 38, United States Code, is

ment for a qualifying loss under this section if the member
 is medically incapacitated (as determined pursuant to reg ulations prescribed by the Secretary concerned in con sultation with the Secretary) or experiencing an extended
 loss of consciousness.

6 "(2) The process under paragraph (1) may require
7 each member of the uniformed services who is insured
8 under this section to—

9 "(A) designate an individual as the member's
10 fiduciary or trustee for purposes of subsection (a);
11 or

12 "(B) elect that a court of proper jurisdiction 13 designate an individual as the member's fiduciary or 14 trustee for purposes of subsection (a) in the event 15 that the member becomes medically incapacitated or 16 experiences an extended loss of consciousness.".

17 TITLE XVIII—NATIONAL GUARD 18 BUREAU MATTERS AND RE-

19 LATED MATTERS

Sec. 1801. Short title.

Subtitle A—National Guard Bureau

- Sec. 1811. Appointment, grade, duties, and retirement of the Chief of the National Guard Bureau.
- Sec. 1812. Establishment of National Guard Bureau as joint activity of the Department of Defense.
- Sec. 1813. Enhancement of functions of the National Guard Bureau.
- Sec. 1814. Requirement for Secretary of Defense to prepare plan for response to natural disasters and terrorist events.
- Sec. 1815. Determination of Department of Defense civil support requirements.

Subtitle B—Additional Reserve Component Enhancement

- Sec. 1821. United States Northern Command.
- Sec. 1822. Council of Governors.
- Sec. 1823. Plan for Reserve Forces Policy Board.
- Sec. 1824. High-level positions authorized or required to be held by reserve component general or flag officers.
- Sec. 1825. Retirement age and years of service limitations on certain reserve general and flag officers.
- Sec. 1826. Additional reporting requirements relating to National Guard equipment.

1 SEC. 1801. SHORT TITLE.

2 This title may be cited as the "National Guard Em-3 powerment Act of 2007".

4 Subtitle A—National Guard Bureau

5 SEC. 1811. APPOINTMENT, GRADE, DUTIES, AND RETIRE-

6 MENT OF THE CHIEF OF THE NATIONAL 7 GUARD BUREAU.

8 (a) APPOINTMENT.—Subsection (a) of section 10502 9 of title 10, United States Code, is amended by striking 10 paragraphs (1) through (3) and inserting the following 11 new paragraphs:

"(1) are recommended for such appointment by
their respective Governors or, in the case of the District of Columbia, the commanding general of the
District of Columbia National Guard;

16 "(2) are recommended for such appointment by
17 the Secretary of the Army or the Secretary of the
18 Air Force;

19 "(3) have had at least 10 years of federally rec20 ognized commissioned service in an active status in
21 the National Guard;

1	"(4) are in a grade above the grade of brigadier
2	general;
3	"(5) are determined by the Chairman of the
4	Joint Chiefs of Staff, in accordance with criteria and
5	as a result of a process established by the Chairman,
6	to have significant joint duty experience;
7	"(6) are determined by the Secretary of De-
8	fense to have successfully completed such other as-
9	signments and experiences so as to possess a de-
10	tailed understanding of the status and capabilities of
11	National Guard forces and the missions of the Na-
12	tional Guard Bureau as set forth in section 10503
13	of this title;
14	((7) have a level of operational experience in a
15	position of significant responsibility, professional
16	military education, and demonstrated expertise in
17	national defense and homeland defense matters that
18	are commensurate with the advisory role of the
19	Chief of the National Guard Bureau; and
20	"(8) possess such other qualifications as the
21	Secretary of Defense shall prescribe for purposes of
22	this section.".
23	(b) GRADE.—Subsection (d) of such section is
24	amended by striking "lieutenant general" and inserting

25 "general".

(c) REPEAL OF AGE 64 LIMITATION ON SERVICE.—
 Subsection (b) of such section is amended by striking "An
 officer may not hold that office after becoming 64 years
 of age.".

5 (d) ADVISORY DUTIES.—Subsection (c) of such sec-6 tion is amended to read as follows:

7 "(c) ADVISOR ON NATIONAL GUARD MATTERS.—The
8 Chief of the National Guard Bureau is—

9 "(1) a principal advisor to the Secretary of De-10 fense, through the Chairman of the Joint Chiefs of 11 Staff, on matters involving non-federalized National 12 Guard forces and on other matters as determined by 13 the Secretary of Defense; and

"(2) the principal adviser to the Secretary of
the Army and the Chief of Staff of the Army, and
to the Secretary of the Air Force and the Chief of
Staff of the Air Force, on matters relating to the
National Guard, the Army National Guard of the
United States, and the Air National Guard of the
United States.".

21 SEC. 1812. ESTABLISHMENT OF NATIONAL GUARD BUREAU 22 AS JOINT ACTIVITY OF THE DEPARTMENT OF 23 DEFENSE.

24 (a) JOINT ACTIVITY OF THE DEPARTMENT OF DE-25 FENSE.—Subsection (a) of section 10501 of title 10,

United States Code, is amended by striking "joint bureau
 of the Department of the Army and the Department of
 the Air Force" and inserting "joint activity of the Depart ment of Defense".

5 (b) JOINT MANPOWER REQUIREMENTS.—

6 (1) IN GENERAL.—Chapter 1011 of such title is
7 amended by adding at the end the following new sec8 tion:

9 "§ 10508. National Guard Bureau: general provisions

10 "The manpower requirements of the National Guard
11 Bureau as a joint activity of the Department of Defense
12 shall be determined in accordance with regulations pre13 scribed by the Secretary of Defense, in consultation with
14 the Chairman of the Joint Chiefs of Staff.".

15 (2) CLERICAL AMENDMENT.—The table of sec16 tions at the beginning of such chapter is amended
17 by adding at the end the following new item:
"10508. National Guard Bureau: general provisions.".

18 SEC. 1813. ENHANCEMENT OF FUNCTIONS OF THE NA19 TIONAL GUARD BUREAU.

20 (a) ADDITIONAL GENERAL FUNCTIONS.—Section
21 10503 of title 10, United States Code, is amended—

(1) by redesignating paragraph (12) as paragraph (14) and inserting before such paragraph (14)
the following new paragraph (13):

1	"(13)(A) Assisting the Secretary of Defense in
2	facilitating and coordinating with the entities listed
3	in subparagraph (B) the use of National Guard per-
4	sonnel and resources for operations conducted under
5	title 32, or in support of State missions.
6	"(B) The entities listed in this subparagraph
7	for purposes of subparagraph (A) are the following:
8	"(i) Other Federal agencies.
9	"(ii) The Adjutants General of the States.
10	"(iii) The United States Joint Forces
11	Command.
12	"(iv) The combatant command the geo-
13	graphic area of responsibility of which includes
14	the United States.";
15	(2) by redesignating paragraphs (2) through
16	(11) as paragraphs (3) through (12) , respectively;
17	and
18	(3) by inserting after paragraph (1) the fol-
19	lowing new paragraph (2):
20	"(2) The role of the National Guard Bureau in
21	support of the Secretary of the Army and the Sec-
22	retary of the Air Force.".
23	(b) Charter Developed and Prescribed by
24	SECRETARY OF DEFENSE.—Section 10503 of such title
25	is further amended—

1	(1) in the matter preceding paragraph (1) —
2	(A) by striking "The Secretary of the
3	Army and the Secretary of the Air Force shall
4	jointly develop" and inserting "The Secretary of
5	Defense, in consultation with the Chairman of
6	the Joint Chiefs of Staff, the Secretary of the
7	Army, and the Secretary of the Air Force, shall
8	develop"; and
9	(B) by striking "cover" in the second sen-
10	tence and inserting "reflect the full scope of the
11	duties and activities of the Bureau, including";
12	and
13	(2) in paragraph (14) , as redesignated by sub-
14	section $(a)(1)$, by striking "the Secretaries" and in-
15	serting "the Secretary of Defense".
16	(c) Conforming and Clerical Amendments.—
17	(1) Conforming Amendment.—The heading
18	of section 10503 of such title is amended to read as
19	follows:
20	"§10503. Functions of National Guard Bureau: char-
21	ter".
22	(2) CLERICAL AMENDMENT.—The table of sec-
23	tions at the beginning of chapter 1011 of such title
24	is amended by striking the item relating to section
25	10503 and inserting the following new item: "10503. Functions of National Guard Bureau: charter.".

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1	SEC. 1814. REQUIREMENT FOR SECRETARY OF DEFENSE TO
2	PREPARE PLAN FOR RESPONSE TO NATURAL
3	DISASTERS AND TERRORIST EVENTS.
4	(a) REQUIREMENT FOR PLAN.—
5	(1) IN GENERAL.—Not later than June 1,
6	2008, the Secretary of Defense, in consultation with
7	the Secretary of Homeland Security, the Chairman
8	of the Joint Chiefs of Staff, the commander of the
9	United States Northern Command, and the Chief of
10	the National Guard Bureau, shall prepare and sub-
11	mit to Congress a plan for coordinating the use of
12	the National Guard and members of the Armed
13	Forces on active duty when responding to natural
14	disasters, acts of terrorism, and other man-made
15	disasters as identified in the national planning sce-
16	narios described in subsection (e).
17	(2) UPDATE.—Not later than June 1, 2010, the
18	Secretary, in consultation with the persons consulted
19	under paragraph (1), shall submit to Congress an
20	update of the plan required under paragraph (1).
21	(b) INFORMATION TO BE PROVIDED TO SEC-
22	RETARY.—To assist the Secretary of Defense in preparing
23	the plan, the National Guard Bureau, pursuant to its pur-
24	pose as channel of communications as set forth in section
25	10501(b) of title 10, United States Code, shall provide to
26	the Secretary information gathered from Governors, adju-
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tants general of States, and other State civil authorities
 responsible for homeland preparation and response to nat ural and man-made disasters.

4 (c) Two VERSIONS.—The plan shall set forth two
5 versions of response, one using only members of the Na6 tional Guard, and one using both members of the National
7 Guard and members of the regular components of the
8 Armed Forces.

9 (d) MATTERS COVERED.—The plan shall cover, at a10 minimum, the following:

(1) Protocols for the Department of Defense,
the National Guard Bureau, and the Governors of
the several States to carry out operations in coordination with each other and to ensure that Governors
and local communities are properly informed and remain in control in their respective States and communities.

(2) An identification of operational procedures,
command structures, and lines of communication to
ensure a coordinated, efficient response to contingencies.

(3) An identification of the training and equipment needed for both National Guard personnel and
members of the Armed Forces on active duty to provide military assistance to civil authorities and for

1	other domestic operations to respond to hazards
2	identified in the national planning scenarios.
3	(e) NATIONAL PLANNING SCENARIOS.—The plan
4	shall provide for response to the following hazards:
5	(1) Nuclear detonation, biological attack, bio-
6	logical disease outbreak/pandemic flu, the plague,
7	chemical attack-blister agent, chemical attack-toxic
8	industrial chemicals, chemical attack-nerve agent,
9	chemical attack-chlorine tank explosion, major hurri-
10	cane, major earthquake, radiological attack-radio-
11	logical dispersal device, explosives attack-bombing
12	using improvised explosive device, biological attack-
13	food contamination, biological attack-foreign animal
14	disease and cyber attack.
15	(2) Any other hazards identified in a national
16	planning scenario developed by the Homeland Secu-
17	rity Council.
18	SEC. 1815. DETERMINATION OF DEPARTMENT OF DEFENSE
19	CIVIL SUPPORT REQUIREMENTS.
20	(a) Determination of Requirements.—The Sec-
21	retary of Defense, in consultation with the Secretary of
22	Homeland Security, shall determine the military-unique
23	capabilities needed to be provided by the Department of
24	Defense to support civil authorities in an incident of na-
25	tional significance or a catastrophic incident.

1	(b) Plan for Funding Capabilities.—
2	(1) PLAN.—The Secretary of Defense shall de-
3	velop and implement a plan, in coordination with the
4	Secretaries of the military departments and the
5	Chairman of the Joint Chiefs of Staff, for providing
6	the funds and resources necessary to develop and
7	maintain the following:
8	(A) The military-unique capabilities deter-
9	mined under subsection (a).
10	(B) Any additional capabilities determined
11	by the Secretary to be necessary to support the
12	use of the active components and the reserve
13	components of the Armed Forces for homeland
14	defense missions, domestic emergency re-
15	sponses, and providing military support to civil
16	authorities.
17	(2) TERM OF PLAN.—The plan required under
18	paragraph (1) shall cover at least five years.
19	(c) BUDGET.—The Secretary of Defense shall include
20	in the materials accompanying the budget submitted for
21	each fiscal year a request for funds necessary to carry out
22	the plan required under subsection (b) during the fiscal
23	year covered by the budget. The defense budget materials
24	shall delineate and explain the budget treatment of the

1	plan for each component of each military department, each
2	combatant command, and each affected Defense Agency.
3	(d) DEFINITIONS.—In this section:
4	(1) The term "military-unique capabilities"
5	means those capabilities that, in the view of the Sec-
6	retary of Defense—
7	(A) cannot be provided by other Federal,
8	State, or local civilian agencies; and
9	(B) are essential to provide support to civil
10	authorities in an incident of national signifi-
11	cance or a catastrophic incident.
12	(2) The term "defense budget materials", with
13	respect to a fiscal year, means the materials sub-
14	mitted to Congress by the Secretary of Defense in
15	support of the budget for that fiscal year.
16	(e) Strategic Planning Guidance.—Section
17	113(g)(2) of title 10, United States Code, is amended by
18	striking "contingency plans" at the end of the first sen-
19	tence and inserting the following: "contingency plans, in-
20	cluding plans for providing support to civil authorities in
21	an incident of national significance or a catastrophic inci-
22	dent, for homeland defense, and for military support to
23	civil authorities".

Subtitle B—Additional Reserve Component Enhancement

3 SEC. 1821. UNITED STATES NORTHERN COMMAND.

4 (a) MANPOWER REVIEW.—

5 (1) REVIEW BY CHAIRMAN OF THE JOINT 6 CHIEFS OF STAFF.—Not later than one year after 7 the date of the enactment of this Act, the Chairman 8 of the Joint Chiefs of Staff shall submit to the Sec-9 retary of Defense a review of the civilian and mili-10 tary positions, job descriptions, and assignments 11 within the United States Northern Command with 12 the goal of determining the feasibility of significantly 13 increasing the number of members of a reserve com-14 ponent assigned to, and civilians employed by, the 15 United States Northern Command who have experi-16 ence in the planning, training, and employment of 17 forces for homeland defense missions, domestic 18 emergency response, and providing military support 19 to civil authorities.

(2) SUBMISSION OF RESULTS OF REVIEW.—Not
later than 90 days after the date on which the Secretary of Defense receives the results of the review
under paragraph (1), the Secretary shall submit to
Congress a copy of the results of the review, together with such recommendations as the Secretary

considers appropriate to achieve the objectives of the
 review.

3 (b) DEFINITION.—In this section, the term "United
4 States Northern Command" means the combatant com5 mand the geographic area of responsibility of which in6 cludes the United States.

7 SEC. 1822. COUNCIL OF GOVERNORS.

8 The President shall establish a bipartisan Council of 9 Governors to advise the Secretary of Defense, the Sec-10 retary of Homeland Security, and the White House Home-11 land Security Council on matters related to the National 12 Guard and civil support missions.

13 SEC. 1823. PLAN FOR RESERVE FORCES POLICY BOARD.

(a) PLAN.—The Secretary of Defense shall develop
a plan to implement revisions that the Secretary determines necessary in the designation, organization, membership, functions, procedures, and legislative framework of
the Reserve Forces Policy Board. The plan—

(1) shall be consistent with the findings, conclusions, and recommendations included in Part III E
of the Report of the Commission on the National
Guard and Reserves of March 1, 2007; and

(2) to the extent possible, shall take into account the views and recommendations of civilian and
military leaders, past chairmen of the Reserve

Forces Policy Board, private organizations with expertise and interest in Department of Defense organization, and other individuals or groups in the dis-

4 cretion of the Secretary.

1

2

3

5 (b) REPORT.—Not later than July 1, 2008, the Sec6 retary of Defense shall submit to the Committees on
7 Armed Services of the Senate and the House of Represent8 atives a report on the plan developed under subsection (a),
9 including such recommendations for legislation as the Sec10 retary considers necessary.

SEC. 1824. HIGH-LEVEL POSITIONS AUTHORIZED OR RE QUIRED TO BE HELD BY RESERVE COMPO NENT GENERAL OR FLAG OFFICERS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, whenever officers of the Armed Forces are considered for promotion to the grade of lieutenant general,
or vice admiral in the case of the Navy, on the active duty
list, officers in the reserve components of the Armed
Forces who are eligible for promotion to such grade should
be considered for promotion to such grade.

(b) NATIONAL GUARD OFFICER AS DEPUTY COMMANDER OF UNITED STATES NORTHERN COMMAND.—
Section 164(e) of title 10, United States Code, is amended
by adding at the end the following new paragraph:

1 "(4) At least one deputy commander of the combat-2 ant command the geographic area of responsibility of 3 which includes the United States shall be a qualified offi-4 cer of the National Guard who is eligible for promotion 5 to the grade of O–9, unless a National Guard officer is 6 serving as commander of that combatant command.".

7 (c) INCREASE IN NUMBER OF UNIFIED AND SPECI8 FIED COMBATANT COMMAND POSITIONS FOR RESERVE
9 COMPONENT OFFICERS.—Section 526(b)(2)(A) of such
10 title is amended by striking "10 general and flag officer
11 positions on the staffs of the commanders of" and insert12 ing "15 general and flag officer positions in".

13 SEC. 1825. RETIREMENT AGE AND YEARS OF SERVICE LIMI-

14TATIONS ON CERTAIN RESERVE GENERAL15AND FLAG OFFICERS.

16 (a) RETIREMENT FOR AGE.—

17 (1) INCLUSION OF RESERVE GENERALS AND
18 ADMIRALS.—Section 14511 of title 10, United
19 States Code, is amended to read as follows:

20 "§14511. Separation at age 64: officers in grade of
21 major general or rear admiral and above
22 "(a) SEPARATION REQUIRED.—Unless retired, trans23 ferred to the Retired Reserve, or discharged at an earlier
24 date, each reserve officer of the Army, Air Force, or Ma25 rine Corps in the grade of major general or above and

each reserve officer of the Navy in the grade of rear admi ral or above shall be separated in accordance with section
 14515 of this title on the last day of the month in which
 the officer becomes 64 years of age.

5 "(b) EXCEPTION FOR OFFICERS SERVING IN O-9 6 AND O-10 POSITIONS.—The retirement of a reserve offi-7 cer of the Army, Air Force, or Marine Corps in the grade 8 of lieutenant general or general, or a reserve officer of the 9 Navy in the grade of vice admiral or admiral, under sub-10 section (a) may be deferred—

"(1) by the President, but such a deferment
may not extend beyond the first day of the month
following the month in which the officer becomes 68
years of age; or

15 "(2) by the Secretary of Defense, but such a
16 deferment may not extend beyond the first day of
17 the month following the month in which the officer
18 becomes 66 years of age.

19 "(c) EXCEPTION FOR OFFICERS HOLDING CERTAIN
20 OFFICES.—This section does not apply to an officer cov21 ered by section 14512 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1407 of such title
is amended by striking the item relating to section
14511 and inserting the following new item:

	"14511. Separation at age 64: officers in grade of major general or rear admiral and above.".
1	(b) Conforming Amendments and Reserve Of-
2	FICERS HOLDING CERTAIN OTHER OFFICES.—Section
3	14512 of such title is amended—
4	(1) in subsection $(a)(2)$ —
5	(A) by striking subparagraph (A); and
6	(B) by redesignating subparagraphs (B),
7	(C), and (D) as subparagraphs (A), (B), and
8	(C), respectively; and
9	(2) in subsection (b)—
10	(A) by inserting "(1)" before "The Sec-
11	retary"; and
12	(B) by adding at the end the following new
13	paragraph:
14	"(2) The Secretary of Defense may defer the retire-
15	ment of a reserve officer serving in the position of Chief
16	of the Navy Reserve or Commander of the Marine Forces
17	Reserve, but such deferment may not extend beyond the
18	first day of the month following the month in which the
19	officer becomes 66 years of age. A deferment under this
20	paragraph shall not count toward the limitation on the
21	total number of officers whose retirement may be deferred
22	at any one time under paragraph (1).".
23	(c) Imposition of Years of Service Limita-
24	TION.—

(1) IMPOSITION OF LIMITATION.—Section
 14508 of such title is amended by inserting after
 subsection (c), as added by section 513, the fol lowing new subsection:

5 "(d) FORTY YEARS OF SERVICE FOR GENERALS AND ADMIRALS.—Unless retired, transferred to the Retired 6 Reserve, or discharged at an earlier date, each reserve offi-7 8 cer of the Army, Air Force, or Marine Corps in the grade 9 of general and each reserve officer of the Navy in the 10 grade of admiral shall be separated in accordance with section 14514 of this title on the first day of the first month 11 beginning after the date of the fifth anniversary of the 12 13 officer's appointment to that grade or 30 days after the date on which the officer completes 40 years of commis-14 15 sioned service, whichever is later.".

- 16 (2) CONFORMING AMENDMENTS.—Subsection
 17 (b) of section 10502 of such title, as amended by
 18 section 1811, is further amended—
- 19 (A) by inserting "(1)" before the first sen-20 tence; and
- 21 (B) by striking "While holding that office"22 and inserting the following:

23 "(2) Except as provided in section 14508(d) of this
24 title, while holding the office of Chief of the National
25 Guard Bureau".

1SEC. 1826. ADDITIONAL REPORTING REQUIREMENTS RE-2LATING TO NATIONAL GUARD EQUIPMENT.

3 Section 10541 of title 10, United States Code, is 4 amended by adding at the end the following new sub-5 section:

6 "(d) Each report under this section concerning equip-7 ment of the National Guard shall also include the fol-8 lowing:

9 "(1) A statement of the accuracy of the projec-10 tions required by subsection (b)(5)(D) contained in 11 earlier reports under this section, and an expla-12 nation, if the projection was not met, of why the 13 projection was not met.

14 "(2) A certification from the Chief of the Na15 tional Guard Bureau setting forth an inventory for
16 the preceding fiscal year of each item of equip17 ment—

- 18 "(A) for which funds were appropriated;
 19 "(B) which was due to be procured for the
 20 National Guard during that fiscal year; and
 21 "(C) which has not been received by a Na22 tional Guard unit as of the close of that fiscal
- 23 year.".

DIVISION B—MILITARY CON STRUCTION AUTHORIZA TIONS

4 SEC. 2001. SHORT TITLE.

5 This division may be cited as the "Military Construc-6 tion Authorization Act for Fiscal Year 2008".

7 SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND
8 AMOUNTS REQUIRED TO BE SPECIFIED BY
9 LAW.

10 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE 11 YEARS.—Except as provided in subsection (b), all author-12 izations contained in titles XXI through XXVII and in title XXIX for military construction projects, land acquisi-13 14 tion, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security 15 Investment Program (and authorizations of appropria-16 tions therefor) shall expire on the later of— 17

18 (1) October 1, 2010; or

19 (2) the date of the enactment of an Act author20 izing funds for military construction for fiscal year
21 2011.

(b) EXCEPTION.—Subsection (a) shall not apply to
authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Se-

curity Investment Program (and authorizations of appro priations therefor), for which appropriated funds have
 been obligated before the later of—

- 4 (1) October 1, 2010; or
- 5 (2) the date of the enactment of an Act author6 izing funds for fiscal year 2011 for military con7 struction projects, land acquisition, family housing
 8 projects and facilities, or contributions to the North
 9 Atlantic Treaty Organization Security Investment
 10 Program.

11

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Termination of authority to carry out fiscal year 2007 Army projects for which funds were not appropriated.
- Sec. 2106. Technical amendments to Military Construction Authorization Act for Fiscal Year 2007.
- Sec. 2107. Modification of authority to carry out certain fiscal year 2006 project.
- Sec. 2108. Extension of authorization of certain fiscal year 2005 project.
- Sec. 2109. Ground lease, SOUTHCOM headquarters facility, Miami-Doral, Florida.

12 SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND

- 13 ACQUISITION PROJECTS.
- 14 (a) INSIDE THE UNITED STATES.—Using amounts
- 15 appropriated pursuant to the authorization of appropria-
- 16 tions in section 2104(a)(1), the Secretary of the Army
- 17 may acquire real property and carry out military construc-
- 18 tion projects for the installations or locations inside the

- 1 United States, and in the amounts, set forth in the fol-
- 2 lowing table:

State	Installation or Location	Amount
Alabama	Anniston Army Depot	\$26,000,000
	Redstone Arsenal	\$22,000,000
Alaska	Fort Richardson	\$92,800,000
	Fort Wainwright	\$114,500,000
Arizona	Fort Huachuca	\$129,600,000
California	Fort Irwin	\$24,000,000
		\$28,000,000
Colorado		\$156,200,000
Delaware		\$17,500,000
Florida	Miami Doral	\$237,000,000
Georgia	Fort Benning	\$189,500,000
		\$123,500,000
Hawaii	-	\$31,000,000
		\$10,200,000
		\$88,000,000
		\$51,000,000
Illinois		\$3,350,000
Kansas		\$102,400,000
ixuiisus		\$140,200,000
Kentucky		\$113,600,000
пониску		\$6,700,000
Louisiana		\$15,900,000
Maryland		\$12,200,000
Michigan		\$18,500,000
Missouri		\$136,050,000
Nevada		\$11,800,000
New Jersey		\$9,900,000
New Mexico		\$71,000,000
New York	8	\$311,200,000
North Carolina		\$287,200,000
Oklahoma	88	, ,
South Carolina		\$7,500,000
Texas		\$85,000,000
	- · · ·	\$1,600,000
	00-P	\$11,200,000
		\$118,400,000
		\$163,400,000
		\$19,150,000
Vincinia	v 1	\$9,200,000
Virginia		\$13,000,000
		\$75,000,000
		\$22,600,000
	· ·	\$20,800,000
Washington		\$178,500,000
	Yakima Training Center	\$29,000,000

Army: Inside the United States

3 (b) OUTSIDE THE UNITED STATES.—Using amounts
4 appropriated pursuant to the authorization of appropria5 tions in section 2104(a)(2), the Secretary of the Army
6 may acquire real property and carry out military construc•HR 4986 CPH

- 1 tion projects for the installations or locations outside the
- 2 United States, and in the amounts, set forth in the fol-
- 3 lowing table:

Country	Installation or Location	Amount
Afghanistan	Afghanistan	\$13,800,000
Bulgaria	Nevo Selo FOS	\$61,000,000
Germany	Grafenwoehr	\$62,000,000
Honduras	Various locations	\$2,550,000
Italy	Aviano	\$12,100,000
-	Vicenza	\$160,900,000
Korea	Camp Humphreys	\$57,000,000
Romania	Mihail Kogalniceanu FOS	\$12,600,000

Army: Outside the United States

4 SEC. 2102. FAMILY HOUSING.

5 (a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of ap-6 7 propriations in section 2104(a)(5)(A), the Secretary of the 8 Army may construct or acquire family housing units (in-9 cluding land acquisition and supporting facilities) at the 10 installations or locations, in the number of units, and in 11 the amounts set forth in the following table:

Army: Family Housing

State or Country	Installation or Location	Units	Amount
	Dugway Proving Ground	28	\$5,000,000
	Ansbach	138	\$52,000,000

12 (b) PLANNING AND DESIGN.—Using amounts appro-13 priated pursuant to the authorization of appropriations in 14 section 2104(a)(5)(A), the Secretary of the Army may 15 carry out architectural and engineering services and con-16 struction design activities with respect to the construction or improvement of family housing units in an amount not
 to exceed \$2,000,000.

3 SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING 4 UNITS.

Subject to section 2825 of title 10, United States
Code, and using amounts appropriated pursuant to the
authorization of appropriations in section 2104(a)(5)(A),
the Secretary of the Army may improve existing military
family housing units in an amount not to exceed
\$365,400,000.

11 SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds
are hereby authorized to be appropriated for fiscal years
beginning after September 30, 2007, for military construction, land acquisition, and military family housing
functions of the Department of the Army in the total
amount of \$5,106,703,000 as follows:

18 (1) For military construction projects inside the
19 United States authorized by section 2101(a),
20 \$3,198,150,000.

(2) For military construction projects outside
the United States authorized by section 2101(b),
\$254,950,000.

	1200
1	(3) For unspecified minor military construction
2	projects authorized by section 2805 of title 10,
3	United States Code, \$25,900,000.
4	(4) For architectural and engineering services
5	and construction design under section 2807 of title
6	10, United States Code, \$321,983,000.
7	(5) For military family housing functions:
8	(A) For construction and acquisition, plan-
9	ning and design, and improvement of military
10	family housing and facilities, \$424,400,000.
11	(B) For support of military family housing
12	(including the functions described in section
13	2833 of title 10, United States Code),
14	\$731,920,000.
15	(6) For the construction of increment 2 of a
16	barracks complex at Fort Lewis, Washington, au-
17	thorized by section 2101(a) of the Military Construc-
18	tion Authorization Act for Fiscal Year 2007 (divi-
19	sion B of Public Law 109–364; 120 Stat. 2445), as
20	amended by section 20814 of the Continuing Appro-
21	priations Resolution, 2007 (division B of Public Law
22	
22	109–289), as added by section 2 of the Revised Con-
22 23	109–289), as added by section 2 of the Revised Con- tinuing Appropriations Resolution, 2007 (Public

(7) For the construction of increment 3 of a
 barracks complex at Fort Bragg, North Carolina,
 authorized by section 2101(a) of the Military Con struction Authorization Act for Fiscal Year 2006
 (division B of Public Law 109–163; 119 Stat.
 3485), \$47,400,000.

7 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION 8 PROJECTS.—Notwithstanding the cost variations author-9 ized by section 2853 of title 10, United States Code, and 10 any other cost variation authorized by law, the total cost 11 of all projects carried out under section 2101 of this Act 12 may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection
(a).

16 (2) \$137,000,000 (the balance of the amount
17 authorized under section 2101(a) for construction of
18 the United States Southern Command Head19 quarters, Miami, Florida).

20 (3) \$63,500,000 (the balance of the amount au21 thorized under section 2101(b) for construction of a
22 brigade complex operations support facility at
23 Vicenza, Italy).

24 (4) \$63,500,000 (the balance of the amount au25 thorized under section 2101(b) for construction of a

1	brigade complex barracks and community support
2	facility at Vicenza, Italy).
3	SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT
4	FISCAL YEAR 2007 ARMY PROJECTS FOR
5	WHICH FUNDS WERE NOT APPROPRIATED.
6	(a) Termination of Inside the United States
7	PROJECTS.—The table in section 2101(a) of the Military
8	Construction Authorization Act for Fiscal Year 2007 (di-
9	vision B of Public Law 109-364; 120 Stat. 2445), as
10	amended by section 20814 of the Continuing Appropria-
11	tions Resolution, 2007 (division B of Public Law 109–
12	289), as added by section 2 of the Revised Continuing Ap-
13	propriations Resolution, 2007 (Public Law 110–5), is fur-
14	ther amended—
15	(1) by striking the item relating to Redstone
16	Arsenal, Alabama;
17	(2) by striking the item relating to Fort Wain-
18	wright, Alaska;
19	(3) in the item relating to Fort Irwin, Cali-
20	fornia, by striking "\$18,200,000" in the amount col-
21	umn and inserting ''\$10,000,000'';
22	(4) in the item relating to Fort Carson, Colo-
23	rado, by striking "\$30,800,000" in the amount col-
24	umn and inserting ''\$24,000,000'';

1	(5) in the item relating to Fort Leavenworth,
2	Kansas, by striking "\$23,200,000" in the amount
3	column and inserting "\$15,000,000";
4	(6) in the item relating to Fort Riley, Kansas,
5	by striking "\$47,400,000" in the amount column
6	and inserting "\$37,200,000";
7	(7) in the item relating to Fort Campbell, Ken-
8	tucky, by striking "\$135,300,000" in the amount
9	column and inserting "\$115,400,000";
10	(8) by striking the item relating to Fort Polk,
11	Louisiana;
12	(9) by striking the item relating to Aberdeen
13	Proving Ground, Maryland;
14	(10) by striking the item relating to Fort
15	Detrick, Maryland;
16	(11) by striking the item relating to Detroit Ar-
17	senal, Michigan;
18	(12) in the item relating to Fort Leonard
19	Wood, Missouri, by striking "\$34,500,000" in the
20	amount column and inserting "\$17,000,000";
21	(13) by striking the item relating to Picatinny
22	Arsenal, New Jersey;
23	(14) in the item relating to Fort Drum, New
24	York, by striking "\$218,600,000" in the amount
25	column and inserting "\$209,200,000";

1	(15) in the item relating to Fort Bragg, North
2	Carolina, by striking "\$96,900,000" in the amount
3	column and inserting "\$89,000,000";
4	(16) by striking the item relating to
5	Letterkenny Depot, Pennsylvania;
6	(17) by striking the item relating to Corpus
7	Christi Army Depot, Texas;
8	(18) by striking the item relating to Fort Bliss,
9	Texas;
10	(19) in the item relating to Fort Hood, Texas,
11	by striking "\$93,000,000" in the amount column
12	and inserting ''\$75,000,000'';
13	(20) by striking the item relating to Red River
14	Depot, Texas; and
15	(21) by striking the item relating to Fort Lee,
16	Virginia.
17	(b) Conforming Amendments.—Section 2104(a)
18	of such Act (120 Stat. 2447) is amended—
19	(1) in the matter preceding paragraph (1) , by
20	striking "\$3,518,450,000" and inserting
21	"\$3,275,700,000"; and
22	(2) in paragraph (1) , by striking
23	"\$1,362,200,000" and inserting "\$1,119,450,000".

1SEC. 2106. TECHNICAL AMENDMENTS TO MILITARY CON-2STRUCTION AUTHORIZATION ACT FOR FIS-3CAL YEAR 2007.

4 (a) LOCATION OF PROJECT IN ROMANIA.—The table
5 in section 2101(b) of the Military Construction Authoriza6 tion Act for 2007 (division B of Public Law 109–364; 120
7 Stat. 2446) is amended by striking "Babadag Range" and
8 inserting "Mihail Kogalniceanu Air Base".

9 (b) SPELLING ERROR RELATING TO ARMY FAMILY
10 HOUSING.—The table in section 2102(a) of the Military
11 Construction Authorization Act for 2007 (division B of
12 Public Law 109–364; 120 Stat. 2446) is amended by
13 striking "Fort McCoyine" and inserting "Fort McCoy".
14 SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT
15 CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2101(a) of
the Military Construction Authorization Act for Fiscal
Year 2006 (division B of Public Law 109–163; 119 Stat.
3485) is amended in the item relating to Fort Bragg,
North Carolina, by striking "\$301,250,000" in the
amount column and inserting "\$308,250,000".

(b) CONFORMING AMENDMENTS.—Section
23 2104(b)(5) of that Act (119 Stat. 3488) is amended by
24 striking "\$77,400,000" and inserting "\$84,400,000".

1SEC. 2108. EXTENSION OF AUTHORIZATION OF CERTAIN2FISCAL YEAR 2005 PROJECT.

3 (a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization 4 5 Act for Fiscal Year 2005 (division B of Public Law 108– 375; 118 Stat. 2116), the authorization set forth in the 6 7 table in subsection (b), as provided in section 2101 of that 8 Act (118 Stat. 2101), shall remain in effect until October 9 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, 10 11 whichever is later.

12 (b) TABLE.—The table referred to in subsection (a)13 is as follows:

Army: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Schofield Barracks, Hawaii	. Training facility	\$35,542,000

14 SEC. 2109. GROUND LEASE, SOUTHCOM HEADQUARTERS

FACILITY, MIAMI-DORAL, FLORIDA.

(a) GROUND LEASE AUTHORIZED.—The Secretary of
the Army may utilize the State of Florida property as described in sublease number 4489–01, entered into between
the State of Florida and the United States (in this section
referred to as the "ground lease"), for the purpose of constructing a consolidated headquarters facility for the
United States Southern Command (SOUTHCOM).

¹⁵

(b) ADDITIONAL TERMS AND CONDITIONS.—The
 Secretary of the Army may carry out the project to con struct a new headquarters on property leased from the
 State of Florida when the following conditions have been
 met regarding the lease for the property:

6 (1) The United States Government shall have
7 the right to use the property without interruption
8 until at least December 31, 2055.

9 (2) The United States Government shall have 10 the right to use the property for general administra-11 tive purposes in the event the United States South-12 ern Command relocates or vacates the property.

13 (c) AUTHORITY TO OBTAIN GROUND LEASE OF AD-JACENT PROPERTY.—The Secretary may obtain the 14 15 ground lease of additional real property owned by the State of Florida that is adjacent to the real property 16 17 leased under the ground lease for purposes of completing the construction of the SOUTHCOM headquarters facil-18 19 ity, as long as the additional terms of the ground lease 20 required by subsection (b) apply to such adjacent prop-21 erty.

(d) LIMITATION.—The Secretary may not obligate or
expend funds appropriated pursuant to the authorization
of appropriations in section 2104(a)(1) for the construction of the SOUTHCOM headquarters facility authorized

under section 2101(a) until the Secretary transmits to the 1

2 congressional defense committees a modification to the

3 ground lease signed by the United States Government and

4 the State of Florida in accordance with subsection (b).

TITLE XXII—NAVY 5

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Termination of authority to carry out fiscal year 2007 Navy projects for which funds were not appropriated.

Sec. 2206. Modification of authority to carry out certain fiscal year 2005 project.

Sec. 2207. Repeal of authorization for construction of Navy Outlying Landing Field, Washington County, North Carolina.

6 SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND 7 **ACQUISITION PROJECTS.**

8 (a) INSIDE THE UNITED STATES.—Using amounts 9 appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may 10 11 acquire real property and carry out military construction projects for the installations or locations inside the United 12 13 States, and in the amounts, set forth in the following 14 table:

State	Installation or Location	Amount
Alabama	Outlying Field Evergreen	\$9,560,000
Arizona	Marine Corps Air Station, Yuma	\$33,720,000
California	Marine Corps Air Station, Miramar	\$26,760,000
	Marine Corps Base, Camp Pendleton	\$264, 360, 000
	Marine Corps Base, Twentynine Palms	\$142,619,000
	Naval Station, San Diego	\$3,000,000
	Naval Support Activity, Monterey	\$9,780,000

Submarine Base, San Diego

Submarine Base, New London

Marine Corps Logistics Base, Blount Island ... Naval Support Activity, Cape Canaveral

Naval Surface Warfare Center, Panama City

\$23,630,000

\$21,160,000 \$10,240,000

\$9,900,000

\$13,870,000

Navy: Inside the United States

•HR 4986 CPH

Connecticut

Florida

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Sec. 2202. Family housing.

State	Installation or Location	Amount
	Naval Training Center, Corry Field	\$3,140,000
Georgia	Marine Corps Logistics Base	\$9,980,000
Hawaii	Marine Corps Air Station, Kaneohe	\$37,961,000
	Naval Base, Pearl Harbor	\$99,860,000
	Naval Station Pearl Harbor, Wahiawa	\$65,410,000
	Pearl Harbor Naval Shipyard	\$30,200,000
Illinois	Naval Training Center, Great Lakes	\$10,221,000
Indiana	Naval Support Activity, Crane	\$23,800,000
Maine	Portsmouth Naval Shipyard	\$9,700,000
Maryland	Naval Air Warfare Center, Patuxent River	\$38,360,000
	Naval Surface Warfare Center, Indian Head	\$9,450,000
Mississippi	Naval Air Station, Meridian	\$6,770,000
Nevada	Naval Air Station, Fallon	\$11,460,000
New Jersey	Naval Air Warfare Center, Lakehurst	\$4,100,000
North Carolina	Marine Corps Air Station, Cherry Point	\$28,610,000
	Marine Corps Air Station, New River	\$58,700,000
	Marine Corps Base, Camp Lejeune	\$248,930,000
Rhode Island	Naval Station, Newport	\$13,760,000
South Carolina	Marine Corps Air Station, Beaufort	\$10,300,000
	Marine Corps Recruit Depot, Parris Island	\$55,282,000
Texas	Naval Air Station, Corpus Christi	\$14,290,000
Virginia	Marine Corps Base, Quantico	\$50,519,000
, ng	Naval Station, Norfolk	\$79,560,000
	Naval Support Activity, Chesapeake	\$8,450,000
	Naval Surface Warfare Center, Dahlgren	\$10,000,000
Washington	Naval Air Station, Whidbey Island	\$34,520,000
Washington	Naval Station, Bremerton	\$190,960,000
	Naval Station, Everett	\$10,940,000
	Naval Station, Kitsap	\$6,130,000
	ravar Station, Russap	φ0,100,000

Navy: Inside the United States—Continued

(b) OUTSIDE THE UNITED STATES.—Using amounts
 appropriated pursuant to the authorization of appropria tions in section 2204(a)(2), the Secretary of the Navy may
 acquire real property and carry out military construction
 projects for the installations or locations outside the
 United States, and in the amounts, set forth in the fol lowing table:

Navy: Outside the United States

Country	Installation or Location	Amount
Diego Garcia Djibouti	Southwest Asia Naval Support Facility, Diego Garcia Camp Lemonier Naval Activities, Guam	\$22,390,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts ap propriated pursuant to the authorization of appropriations
 in section 2204(a)(3), the Secretary of the Navy may ac quire real property and carry out military construction
 projects for unspecified installations or locations in the
 amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Wharf Utilities Upgrade	\$8,900,000

7 SEC. 2202. FAMILY HOUSING.

8 (a) CONSTRUCTION ACQUISITION.—Using AND 9 amounts appropriated pursuant to the authorization of ap-10 propriations in section 2204(a)(6)(A), the Secretary of the 11 Navy may construct or acquire family housing units (in-12 cluding land acquisition and supporting facilities) at the installations, in the number of units, and in the amounts 13 14 set forth in the following table:

Navy: Family Housing

Location	Installation	Units	Amount
	Twentynine Palms Naval Activities, Guam		\$4,800,000 \$57,167,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in
section 2204(a)(6)(A), the Secretary of the Navy may
carry out architectural and engineering services and construction design activities with respect to the construction

or improvement of military family housing units in an
 amount not to exceed \$3,172,000.

3 SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING 4 UNITS.

Subject to section 2825 of title 10, United States
Code, and using amounts appropriated pursuant to the
authorization of appropriations in section 2204(a)(6)(A),
the Secretary of the Navy may improve existing military
family housing units in an amount not to exceed
\$237,990,000.

11 SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

12 (a) IN GENERAL.—Funds are hereby authorized to 13 be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and 14 15 military family housing functions of the Department of the Navy in the total amount of \$2,885,317,000, as follows: 16 17 (1) For military construction projects inside the 18 United States authorized by section 2201(a), 19 \$1,628,762,000.

20 (2) For military construction projects outside
21 the United States authorized by section 2201(b),
22 \$292,946,000.

23 (3) For military construction projects at un24 specified worldwide locations authorized by section
25 2201(c), \$11,600,000.

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1	(4) For unspecified minor military construction
2	projects authorized by section 2805 of title 10,
3	United States Code, \$10,000,000.
4	(5) For architectural and engineering services
5	and construction design under section 2807 of title
6	10, United States Code, \$113,017,000.
7	(6) For military family housing functions:
8	(A) For construction and acquisition, plan-
9	ning and design, and improvement of military
10	family housing and facilities, \$293,129,000.
11	(B) For support of military family housing
12	(including functions described in section 2833
13	of title 10, United States Code), \$371,404,000.
14	(7) For the construction of increment 2 of the
15	construction of an addition to the National Maritime
16	Intelligence Center, Suitland, Maryland, authorized
17	by section 2201(a) of the Military Construction Au-
18	thorization Act for Fiscal Year 2007 (division B of
19	Public Law 109–364; 120 Stat. 2448), \$52,069,000.
20	(8) For the construction of increment 3 of re-
21	cruit training barracks infrastructure upgrade at
22	Recruit Training Command, Great Lakes, Illinois,
23	authorized by section 2201(a) of the Military Con-
24	struction Authorization Act for Fiscal Year 2006

1	(division B of Public Law 109–163; 119 Stat.
2	3490), \$16,650,000.
3	(9) For the construction of increment 3 of
4	wharf upgrades at Yokosuka, Japan, authorized by
5	section 2201(b) of the Military Construction Author-
6	ization Act of Fiscal Year 2006 (division B of Public
7	Law 109–163; 119 Stat. 3490), \$8,750,000.
8	(10) For the construction of increment 2 of the
9	Bachelor Enlisted Quarters Homeport Ashore Pro-
10	gram at Bremerton, Washington (formerly referred
11	to as a project at Naval Station, Everett), author-
12	ized by section 2201(a) of the Military Construction
13	Authorization Act of Fiscal Year 2006 (division B of
14	Public Law 109–163; 119 Stat. 3490), \$47,240,000.
15	(11) For the construction of increment 4 of the
16	limited area production and storage complex at
17	Naval Submarine Base, Kitsap, Bangor, Washington
18	(formerly referred to as a project at the Strategic
19	Weapons Facility Pacific, Bangor), authorized by
20	section 2201(a) of the Military Construction Author-
21	ization Act of Fiscal Year 2005 (division B of Public
22	Law 108–375; 118 Stat. 2105), as amended by sec-
23	tion 2206 of the Military Construction Authorization
24	Act for Fiscal Year 2006 (division B of Public Law
25	109–163; 119 Stat. 3493), \$39,750,000.

1 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION 2 PROJECTS.—Notwithstanding the cost variations author-3 ized by section 2853 of title 10, United States Code, and 4 any other cost variation authorized by law, the total cost 5 of all projects carried out under section 2201 of this Act may not exceed the sum of the following: 6 7 (1) The total amount authorized to be appro-8 priated under paragraphs (1), (2), and (3) of sub-9 section (a). 10 (2) \$50,000,000 (the balance of the amount au-11 thorized under section 2201(a) for a submarine 12 drive-in magnetic silencing facility in Pearl Harbor, 13 Hawaii). 14 (3) \$50,912,000 (the balance of the amount au-15 thorized under section 2201(b) for construction of a wharf extension in Apra Harbor, Guam). 16 17 (4) \$71,200,000 (the balance of the amount au-18 thorized under section 2201(a) for a nuclear aircraft 19 carrier maintenance pier at Naval Station Brem-20 erton, Washington). 21 SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT 22 FISCAL YEAR 2007 NAVY PROJECTS FOR 23 WHICH FUNDS WERE NOT APPROPRIATED. 24 (a) TERMINATION OF INSIDE THE UNITED STATES 25 **PROJECTS.**—The table in section 2201(a) of the Military

1	Construction Authorization Act for Fiscal Year 2007 (di-
2	vision B of Public Law 109-364; 120 Stat. 2449) is
3	amended—
4	(1) in the item relating to Marine Corps Base,
5	Twentynine Palms, California, by striking
6	"\$27,217,000" in the amount column and inserting
7	``\$8,217,000'';
8	(2) by striking the item relating to Naval Sup-
9	port Activity, Monterey, California;
10	(3) by striking the item relating to Naval Sub-
11	marine Base, New London, Connecticut;
12	(4) by striking the item relating to Cape Canav-
13	eral, Florida;
14	(5) in the item relating to Marine Corps Logis-
15	tics Base, Albany, Georgia, by striking
16	"\$70,540,000" in the amount column and inserting
17	``\$62,000,000`';
18	(6) by striking the item relating to Naval Mag-
19	azine, Pearl Harbor, Hawaii;
20	(7) by striking the item relating to Naval Ship-
21	yard, Pearl Harbor, Hawaii;
22	(8) by striking the item relating to Naval Sup-
23	port Activity, Crane, Indiana;
24	(9) by striking the item relating to Portsmouth
25	Naval Shipyard, Maine;

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1	(10) by striking the item relating to Naval Air
2	Station, Meridian, Mississippi;
3	(11) by striking the item relating to Naval Air
4	Station, Fallon, Nevada;
5	(12) by striking the item relating to Marine
6	Corps Air Station, Cherry Point, North Carolina;
7	(13) by striking the item relating to Naval Sta-
8	tion, Newport, Rhode Island;
9	(14) in the item relating to Marine Corps Air
10	Station, Beaufort, South Carolina, by striking
11	"\$25,575,000" in the amount column and inserting
12	``\$22,225,000'';
13	(15) by striking the item relating to Naval Spe-
14	cial Weapons Center, Dahlgren, Virginia;
15	(16) in the item relating to Naval Support Ac-
16	tivity, Norfolk, Virginia, by striking "\$41,712,000"
17	in the amount column and inserting "\$28,462,000";
18	(17) in the item relating to Naval Air Station,
19	Whidbey Island, Washington, by striking
20	"\$67,303,000" in the amount column and inserting
21	"\$57,653,000"; and
22	(18) in the item relating to Naval Base, Kitsap,
23	Washington, by striking "\$17,617,000" in the
24	amount column and inserting "\$13,507,000".

1 (b) TERMINATION OF MILITARY FAMILY HOUSING PROJECTS.—Section 2204(a)(6)(A) of such Act (120 2 Stat. 2450) is amended by striking "\$308,956,000" and 3 4 inserting "\$305,256,000". 5 (c) CONFORMING AMENDMENTS.—Section 2204(a) of 6 such Act (120 Stat. 2450) is amended— 7 (1) in the matter preceding paragraph (1), by 8 striking "\$2,109,367,000" and inserting 9 "\$1,946,867,000"; and (2)10 in paragraph (1),by striking 11 "\$832,982,000" and inserting "\$674,182,000". 12 SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT 13 **CERTAIN FISCAL YEAR 2005 PROJECT.** 14 (a) MODIFICATION.—The table in section 2201(a) of 15 the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 16 2105), as amended by section 2206 of the Military Con-17 struction Authorization Act for Fiscal Year 2006 (division 18 B of Public Law 109–163; 119 Stat. 3493) and section 19 20 2205 of the Military Construction Authorization Act for 21 Fiscal Year 2007 (division B of Public Law 109–364; 120 22 Stat. 2452), is amended—

23 (1) in the item relating to Strategic Weapons
24 Facility Pacific, Bangor, Washington, by striking

3 (2) by striking the amount identified as the
4 total in the amount column and inserting
5 "\$972,719,000".

6 (b) CONFORMING AMENDMENT.—Section 2204 of the 7 Military Construction Authorization Act for Fiscal Year 8 2005 (division B of Public Law 108–375; 118 Stat. 2107), 9 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) and section 2205 11 of the Military Construction Authorization Act for Fiscal 12 Year 2007 (division B of Public Law 109-364; 120 Stat. 13 (2453), is amended in subsection (b)(6), by striking 14 15 "\$95,320,000" and inserting "\$259,320,000".

16SEC. 2207. REPEAL OF AUTHORIZATION FOR CONSTRUC-17TION OF NAVY OUTLYING LANDING FIELD,

WASHINGTON COUNTY, NORTH CAROLINA.

(a) REPEAL OF AUTHORIZATION.—The table in section 2201(a) of the Military Construction Authorization
Act for Fiscal Year 2004 (division B of Public Law 108–
136; 117 Stat. 1704) is amended by striking the item relating to Navy Outlying Landing Field, Washington County, North Carolina, as added by section 2205(a) of the

18

Military Construction Authorization Act for Fiscal Year
 2007 (division B of Public Law 109–364; 120 Stat. 2452).

3 (b) REPEAL OF INCREMENTAL FUNDING AUTHOR4 ITY.—Section 2204(b) of that Act (117 Stat. 1706) is
5 amended by striking paragraph (6).

6 (c) EFFECT OF REPEAL.—The amendments made by 7 this section do not affect the expenditure of funds obli-8 gated, before the effective date of this title, for the con-9 struction of the Navy Outlying Landing Field, Wash-10 ington County, North Carolina, or the acquisition of real 11 property to facilitate such construction.

12 **TITLE XXIII—AIR FORCE**

Sec. 2301. Authorized Air Force construction and land acquisition projects. Sec. 2302. Family housing. Sec. 2303. Improvements to military family housing units. Sec. 2304. Authorization of appropriations, Air Force. Sec. 2305. Termination of authority to carry out fiscal year 2007 Air Force projects for which funds were not appropriated. Sec. 2306. Modification of authority to carry out certain fiscal year 2006 projects. Sec. 2307. Extension of authorizations of certain fiscal year 2005 projects. Sec. 2308. Extension of authorizations of certain fiscal year 2004 projects. 13 SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND 14 LAND ACQUISITION PROJECTS. 15 (a) INSIDE THE UNITED STATES.—Using amounts

appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force
may acquire real property and carry out military construction projects for the installations or locations inside the

- 1 United States, and in the amounts, set forth in the fol-
- 2 lowing table:

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	\$83,180,000
Arizona	Davis-Monthan Air Force Base	\$11,200,000
	Luke Air Force Base	\$5,500,000
Arkansas	Little Rock Air Force Base	\$19,600,000
California	Travis Air Force Base	\$37,400,000
Colorado	Fort Carson	\$13,500,000
	Schriever Air Force Base	\$24,500,000
	United States Air Force Academy	\$15,000,000
District of Colum- bia.	Bolling Air Force Base	\$2,500,000
Florida	Eglin Air Force Base	\$158,300,000
	MacDill Air Force Base	\$60,500,000
	Patrick Air Force Base	\$11,854,000
	Tyndall Air Force Base	\$52,514,000
Georgia	Moody Air Force Base	\$7,500,000
-	Robins Air Force Base	\$19,700,000
Hawaii	Hickam Air Force Base	\$31,971,000
Illinois	Scott Air Force Base	\$24,900,000
Kansas	Fort Riley	\$12,515,000
	McConnell Air Force Base	\$6,300,000
Massachusetts	Hanscom Air Force Base	\$12,800,000
Mississippi	Columbus Air Force Base	\$9,800,000
Missouri	Whiteman Air Force Base	\$11,400,000
Montana	Malmstrom Air Force Base	\$7,000,000
Nebraska	Offutt Air Force Base	\$16,952,000
Nevada	Nellis Air Force Base	\$4,950,000
New Mexico	Cannon Air Force Base	\$1,688,000
	Kirtland Air Force Base	\$15,100,000
North Dakota	Grand Forks Air Force Base	\$13,000,000
	Minot Air Force Base	\$18,200,000
Oklahoma	Altus Air Force Base	\$2,000,000
	Tinker Air Force Base	\$34,600,000
	Vance Air Force Base	\$7,700,000
South Carolina	Charleston Air Force Base	\$11,000,000
	Shaw Air Force Base	\$9,300,000
South Dakota	Ellsworth Air Force Base	\$16,600,000
Texas	Goodfellow Air Force Base	\$5,800,000
	Lackland Air Force Base	\$14,000,000
	Laughlin Air Force Base	\$5,200,000
	Randolph Air Force Base	\$2,950,000
	Shepard Air Force Base	\$7,000,000
Utah	Hill Air Force Base	\$25,999,000
Washington	Fairchild Air Force Base	\$6,200,000
Wyoming	Francis E. Warren Air Force Base	\$14,600,000

Air Force: Inside the United States

3 (b) OUTSIDE THE UNITED STATES.—Using amounts
4 appropriated pursuant to the authorization of appropria5 tions in section 2304(2), the Secretary of the Air Force
6 may acquire real property and carry out military construc•HR 4986 CPH

1 tion projects for the installations or locations outside the

- 2 United States, and in the amounts, set forth in the fol-
- 3 lowing table:

Country	Installation or Location	Amount
Germany	Ramstein Air Base	\$48,209,000
Guam	Andersen Air Force Base	\$15,816,000
Qatar	Al Udeid Air Base	\$22,300,000
Spain	Moron Air Base	\$1,800,000
United Kingdom	Royal Air Force Lakenheath	\$17,300,000
-	Royal Air Force Menwith Hill Station	\$41,000,000

Air Force: Outside the United States

4 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap5 propriated pursuant to the authorization of appropriations
6 in section 2304(3), the Secretary of the Air Force may
7 acquire real property and carry out military construction
8 projects for unspecified installations or locations in the
9 amount set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project Classified-Special Evaluation Program	\$1,500,000 \$12,328,000

10 SEC. 2302. FAMILY HOUSING.

(a) 11 CONSTRUCTION ACQUISITION.—Using AND 12 amounts appropriated pursuant to the authorization of ap-13 propriations in section 2304(6)(A), the Secretary of the Air Force may construct or acquire family housing units 14 15 (including land acquisition and supporting facilities) at the 16 installations or locations, in the number of units, and in 17 the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation or Location	Units	Amount
Germany	Ramstein Air Base	117	\$56,275,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-2 priated pursuant to the authorization of appropriations in 3 section 2304(6)(A), the Secretary of the Air Force may 4 carry out architectural and engineering services and con-5 struction design activities with respect to the construction 6 or improvement of military family housing units in an 7 amount not to exceed \$12,210,000.

8 SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING 9 UNITS.

10 Subject to section 2825 of title 10, United States 11 Code, and using amounts appropriated pursuant to the 12 authorization of appropriations in section 2304(6)(A), the 13 Secretary of the Air Force may improve existing military 14 family housing units in an amount not to exceed 15 \$259,262,000.

16SEC.2304.AUTHORIZATION OF APPROPRIATIONS, AIR17FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$2,175,829,000, as follows:

1	(1) For military construction projects inside the
2	United States authorized by section 2301(a),
3	\$872,273,000.
4	(2) For military construction projects outside
5	the United States authorized by section 2301(b),
6	\$146,425,000.
7	(3) For the military construction projects at
8	unspecified worldwide locations authorized by section
9	2301(c), \$13,828,000.
10	(4) For unspecified minor military construction
11	projects authorized by section 2805 of title 10,
12	United States Code, \$15,000,000.
13	(5) For architectural and engineering services
14	and construction design under section 2807 of title
15	10, United States Code, \$43,721,000.
16	(6) For military family housing functions:
17	(A) For construction and acquisition, plan-
18	ning and design, and improvement of military
19	family housing and facilities, \$327,747,000.
20	(B) For support of military family housing
21	(including functions described in section 2833
22	of title 10, United States Code), \$688,335,000.
23	(7) For the construction of increments 3 and 4
24	of the main base runway at Edwards Air Force
25	Base, California, authorized by section 2301(a) of

the Military Construction Authorization Act for Fis cal Year 2006 (division B of Public Law 109–163;
 119 Stat. 3494), \$43,500,000.

4 (8) For the construction of increment 3 of the 5 **CENTCOM** Joint Intelligence Center at MacDill Air 6 Force Base, Florida, authorized by section 2301(a) 7 of the Military Construction Authorization Act for 8 Fiscal Year 2006 (division B of Public Law 109– 9 163; 119 Stat. 3494), as amended by section 2305 10 of the Military Construction Authorization Act for 11 Fiscal Year 2007 (division B of Public Law 109– 12 364; 120 Stat. 2456), \$25,000,000.

13 SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT
14 FISCAL YEAR 2007 AIR FORCE PROJECTS FOR
15 WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES
PROJECTS.—The table in section 2301(a) of the Military
Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2453) is
amended—

(1) in the item relating to Elmendorf, Alaska,
by striking "\$68,100,000" in the amount column
and inserting "\$56,100,000";

1	(2) in the item relating to Davis-Monthan Air
2	Force Base, Arizona, by striking "\$11,800,000" in
3	the amount column and inserting "\$4,600,000";
4	(3) by striking the item relating to Little Rock
5	Air Force Base, Arkansas;
6	(4) in the item relating to Travis Air Force
7	Base, California, by striking "\$85,800,000" in the
8	amount column and inserting "\$73,900,000";
9	(5) by striking the item relating to Peterson Air
10	Force Base, Colorado;
11	(6) in the item relating to Dover Air Force,
12	Delaware, by striking "\$30,400,000" in the amount
13	column and inserting "\$26,400,000";
14	(7) in the item relating to Eglin Air Force
15	Base, Florida, by striking "\$30,350,000" in the
16	amount column and inserting "\$19,350,000";
17	(8) in the item relating to Tyndall Air Force
18	Base, Florida, by striking "\$8,200,000" in the
19	amount column and inserting "\$1,800,000";
20	(9) in the item relating to Robins Air Force
21	Base, Georgia, by striking "\$59,600,000" in the
22	amount column and inserting "\$38,600,000";
23	(10) in the item relating to Scott Air Force
24	Base, Illinois, by striking "\$28,200,000" in the
25	amount column and inserting "\$20,000,000";

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1	(11) by striking the item relating to McConnell
2	Air Force Base, Kansas;
3	(12) by striking the item relating to Hanscom
4	Air Force Base, Massachusetts;
5	(13) by striking the item relating to Whiteman
6	Air Force Base, Missouri;
7	(14) by striking the item relating to Malmstrom
8	Air Force Base, Montana;
9	(15) in the item relating to McGuire Air Force
10	Base, New Jersey, by striking "\$28,500,000" in the
11	amount column and inserting "\$15,500,000";
12	(16) by striking the item relating to Kirtland
13	Air Force Base, New Mexico;
14	(17) by striking the item relating to Minot Air
15	Force Base, North Dakota;
16	(18) in the item relating to Altus Air Force
17	Base, Oklahoma, by striking "\$9,500,000" in the
18	amount column and inserting "\$1,500,000";
19	(19) by striking the item relating to Tinker Air
20	Force Base, Oklahoma;
21	(20) by striking the item relating to Charleston
22	Air Force Base, South Carolina;
23	(21) in the item relating to Shaw Air Force
24	Base, South Carolina, by striking "\$31,500,000" in
25	the amount column and inserting "\$22,200,000";

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1	(22) by striking the item relating to Ellsworth
2	Air Force Base, South Dakota;
3	(23) by striking the item relating to Laughlin
4	Air Force Base, Texas;
5	(24) by striking the item relating to Sheppard
6	Air Force Base, Texas;
7	(25) in the item relating to Hill Air Force
8	Base, Utah, by striking "\$63,400,000" in the
9	amount column and inserting "\$53,400,000"; and
10	(26) by striking the item relating to Fairchild
11	Air Force Base, Washington.
12	(b) Conforming Amendments.—Section 2304(a)
13	of such Act (120 Stat. 2455) is amended—
14	(1) in the matter preceding paragraph (1) , by
15	striking "\$3,231,442,000" and inserting
16	"\$3,005,817,000"; and
17	(2) in paragraph (1) , by striking
18	"\$962,286,000" and inserting "\$736,661,000".
19	(c) EXCEPTION.—The termination of the authoriza-
20	tion of a military construction project or land acquisition
21	as a result of the amendment made by subsection (a) shall
22	not apply with respect to a military construction project
23	or land acquisition—
24	(1) that was authorized by section $2301(a)$ of
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25 such Act; and

(2) for which a contract for the construction or
 acquisition was entered into before October 1, 2007.
 SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT
 CERTAIN FISCAL YEAR 2006 PROJECTS.

5 (a) FURTHER MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2301(a) 6 7 of the Military Construction Authorization Act for Fiscal 8 Year 2006 (division B of Public Law 109–163; 119 Stat. 9 3494), as amended by section 2305(a) of the Military Con-10 struction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2456), is further 11 amended-12

(1) in the item relating to Edwards Air Force
Base, California, by striking "\$103,000,000" in the
amount column and inserting "\$111,500,000"; and
(2) in the item relating to MacDill Air Force
Base, Florida, by striking "\$101,500,000" in the
amount column and inserting "\$126,500,000".

(b) CONFORMING AMENDMENTS.—Section 2304(b)
of the Military Construction Authorization Act for Fiscal
Year 2006 (division B of Public Law 109–163; 119 Stat.
3496), as amended by section 2305(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division
B of Public Law 109–364; 120 Stat. 2456), is further
amended—

1 (1)in (3),striking paragraph by "\$66,000,000" and inserting "\$74,500,000"; and 2 3 (2)in paragraph (4),by striking "\$23,300,000" and inserting "\$48,300,000". 4

5 SEC. 2307. EXTENSION OF AUTHORIZATIONS OF CERTAIN 6 FISCAL YEAR 2005 PROJECTS.

7 (a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization 8 Act for Fiscal Year 2005 (division B of Public Law 108-9 10 375; 118 Stat. 2116), the authorizations set forth in the table in subsection (b), as provided in section 2302 of that 11 12 Act (118 Stat. 2110), shall remain in effect until October 13 1, 2008, or the date of the enactment of an Act author-14 izing funds for military construction for fiscal year 2009, 15 whichever is later.

16 (b) TABLE.—The table referred to in subsection (a)

17 is as follows:

Installation or Location	Project	Amount
Davis-Monthan Air Force Base, Ari- zona.	Family housing (250 units) \dots	\$48,500,000
Vandenberg Air Force Base, Cali- fornia.	Family housing (120 units)	\$30,906,000
MacDill Air Force Base, Florida	Family housing (61 units)	\$21,723,000
	Housing maintenance facility	\$1,250,000
Columbus Air Force Base, Mis- sissippi.	Housing management facility	\$711,000
Whiteman Air Force Base, Missouri	Family housing (160 units)	\$37,087,000
Seymour Johnson Air Force Base, North Carolina.	Family housing (167 units)	\$32,693,000
Goodfellow Air Force Base, Texas	Family housing (127 units)	\$20,604,000
Ramstein Air Base, Germany	USAFE Theater Aerospace Operations Support Center.	\$24,024,000

Air Force: Extension of 2005 Project Authorizations

1SEC. 2308. EXTENSION OF AUTHORIZATIONS OF CERTAIN2FISCAL YEAR 2004 PROJECTS.

3 (a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal 4 5 Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), authorizations set forth in the table in subsection 6 7 (b), as provided in section 2302 of that Act (117 Stat. 8 1710) and extended by section 2702 of the Military Con-9 struction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2464), shall remain 10 11 in effect until October 1, 2008, or the date of the enact-12 ment of an Act authorizing funds for military construction 13 for fiscal year 2009, whichever is later.

14 (b) TABLE.—The table referred to in subsection (a)

15 is as follows:

Air Force: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Travis Air Force Base, California	Family housing (56 units)	\$12,723,000
Eglin Air Force Base, Florida	Family housing (279 units)	\$32,166,000

16 TITLE XXIV—DEFENSE 17 AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.
- Sec. 2404. Termination or modification of authority to carry out certain fiscal year 2007 Defense Agencies projects.
- Sec. 2405. Munitions demilitarization facilities, Blue Grass Army Depot, Kentucky, and Pueblo Chemical Activity, Colorado.

Sec. 2406. Extension of authorizations of certain fiscal year 2005 projects.

TION AND LAND ACQUISITION PROJECTS.

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3 (a) INSIDE THE UNITED STATES.—Using amounts
4 appropriated pursuant to the authorization of appropria5 tions in section 2403(a)(1), the Secretary of Defense may
6 acquire real property and carry out military construction
7 projects for the installations or locations inside the United
8 States, and in the amounts, set forth in the following ta9 bles:

Defense Education Activity

State	Installation or Location	Amount
North Carolina	Marine Corps Base, Camp Lejeune	\$2,014,000

Defense Intelligence Agency

State	Installation or Location	Amount
District of Columbia	Bolling Air Force Base	\$1,012,000

Defense Logistics Agency

State	Installation or Location	Amount
Hawaii New Mexico Ohio Pennsylvania	Port Loma Annex Naval Air Station, Key West Hickam Air Force Base Kirtland Air Force Base Defense Supply Center, Columbus Defense Distribution Depot, New Cumberland Fort Belvoir	\$11,900,000 \$1,800,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	\$11,901,000

Special Operations Command

State	Installation or Location	Amount
Florida	Marine Corps Base, Camp Pendleton Naval Amphibious Base, Coronodo Hurlburt Field MacDill Air Force Base	\$20,030,000 \$12,000,000 \$29,111,000 \$47,700,000

State	Installation or Location	Amount
Georgia	Fort Benning	\$35,000,000
-	Hunter Army Air Field	\$13,800,000
Kentucky	Fort Campbell	\$53,500,000
Mississippi	Stennis Space Center	\$10,200,000
New Mexico	Cannon Air Force Base	\$7,500,000
North Carolina	Fort Bragg	\$47,250,000
	Marine Corps Base, Camp Lejeune	\$28,210,000
Virginia	Dam Neck	\$113,800,000
	Naval Amphibious Base, Little Creek	\$48,000,000
Washington	Fort Lewis	\$77,000,000

Special Operations Command—Continued

TRICARE Management Activity

State	Installation or Location	Amount
Illinois New York Texas Virginia	MacDill Air Force Base Naval Hospital, Great Lakes Fort Drum Camp Bullis Naval Station, Norfolk Fort Lewis	\$5,000,000 \$99,000,000 \$41,000,000 \$7,400,000 \$6,450,000 \$21,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts
 appropriated pursuant to the authorization of appropria tions in section 2403(a)(2), the Secretary of Defense may
 acquire real property and carry out military construction
 projects for the installations or locations outside the
 United States, and in the amounts, set forth in the fol lowing tables:

Defense Education Activity

Country	Installation or Location	Amount
Germany	Sterrebeek Ramstein Air Base Wiesbaden Air Base	\$5,992,000 \$5,393,000 \$20,472,000

Special Operations Command

Country	Installation or Location	Amount
	Southwest Asia Al Udeid AB	\$19,000,000 \$52,852,000

TRICARE Management Activity

Country	Installation or Location	Amount
Germany	Spangdahlem Air Base	\$30,100,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts
 appropriated pursuant to the authorization of appropria tions in section 2403(a)(3), the Secretary of Defense may
 acquire real property and carry out military construction
 projects for unspecified installations or locations in the
 amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classi- fied.	Classified Project	\$1,887,000

7 SEC. 2402. ENERGY CONSERVATION PROJECTS.

8 Using amounts appropriated pursuant to the author-9 ization of appropriations in section 2403(a)(7), the Sec-10 retary of Defense may carry out energy conservation 11 projects under chapter 173 of title 10, United States 12 Code, in the amount of \$70,000,000.

13 SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE14 FENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to
be appropriated for fiscal years beginning after September
30, 2007, for military construction, land acquisition, and
military family housing functions of the Department of

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1	Defense (other than the military departments) in the total
2	amount of \$1,763,120,000 as follows:
3	(1) For military construction projects inside the
4	United States authorized by section 2401(a),
5	791,902,000.
6	(2) For military construction projects outside
7	the United States authorized by section 2401(b),
8	\$133,809,000.
9	(3) For the military construction projects at
10	unspecified worldwide locations authorized by section
11	2301(c), \$1,887,000.
12	(4) For unspecified minor military construction
13	projects under section 2805 of title 10, United
14	States Code, \$23,711,000.
15	(5) For contingency construction projects of the
16	Secretary of Defense under section 2804 of title 10,
17	United States Code, \$5,000,000.
18	(6) For architectural and engineering services
19	and construction design under section 2807 of title
20	10, United States Code, \$155,569,000.
21	(7) For energy conservation projects authorized
22	by section 2402 of this Act, \$70,000,000.
23	(8) For military family housing functions:

(A) For support of military family housing 1 2 (including functions described in section 2833) 3 of title 10, United States Code), \$48,848,000. (B) For credit to the Department of De-4 5 fense Family Housing Improvement Fund es-6 tablished by section 2883(a)(1) of title 10, 7 United States Code, \$500,000. (9) For the construction of increment 3 of the 8 9 regional security operations center at Kunia, Hawaii, 10 authorized by section 2401(a) of the Military Con-11 struction Authorization Act of Fiscal Year 2006 (di-12 vision B of Public Law 109–163; 119 Stat. 3497), 13 as amended by section 7017 of the Emergency Sup-14 plemental Appropriations Act for Defense, the Glob-15 al War on Terror, and Hurricane Recovery, 2006 16 (Public Law 109-234;120Stat. 485), 17 \$136,318,000. 18 (10) For the construction of increment 3 of the

regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery,

1	2006 (Public Law 109–234; 120 Stat. 485),
2	\$100,000,000.
3	(11) For the construction of increment 2 of the
4	health clinic replacement at MacDill Air Force Base,
5	Florida, authorized by section 2401(a) of the Mili-
6	tary Construction Authorization Act of Fiscal Year
7	2007 (division B of Public Law 109–364; 120 Stat.
8	2457), \$41,400,000.
9	(12) For the construction of increment 2 of the
10	replacement of the Army Medical Research Institute
11	of Infectious Diseases at Fort Detrick, Maryland,
12	authorized by section 2401(a) of the Military Con-
13	struction Authorization Act of Fiscal Year 2007 (di-
14	vision B of Public Law 109–364; 120 Stat. 2457),
15	\$150,000,000.
16	(13) For the construction of increment 9 of a
17	munitions demilitarization facility at Pueblo Chem-
18	ical Activity, Colorado, authorized by section
19	2401(a) of the Military Construction Authorization
20	Act for Fiscal Year 1997 (division B of Public Law
21	104–201; 110 Stat. 2775), as amended by section
22	2406 of the Military Construction Authorization Act
23	for Fiscal Year 2000 (division B of Public Law 106–
24	65; 113 Stat. 839) and section 2407 of the Military
25	Construction Authorization Act for Fiscal Year 2003

1	(division B of Public Law 107–314; 116 Stat.
2	2698), \$35, 159, 000.

3 (14) For the construction of increment 8 of a 4 munitions demilitarization facility at Blue Grass 5 Army Depot, Kentucky, authorized by section 6 2401(a) of the Military Construction Authorization 7 Act for Fiscal Year 2000 (division B of Public Law 8 106-65; 113 Stat. 835), as amended by section 9 2405 of the Military Construction Authorization Act 10 for Fiscal Year 2002 (division B of Public Law 107– 11 107; 115 Stat. 1298) and section 2405 of the Mili-12 tary Construction Authorization Act for Fiscal Year 13 2003 (division B of Public Law 107-314; 116 Stat. 14 2698), \$69,017,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION
PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and
any other cost variation authorized by law, the total cost
of all projects carried out under section 2401 of this Act
may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

24 (2) \$84,300,000 (the balance of the amount au25 thorized for the Defense Logistics Agency under sec-

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1	tion 2401(a) for the replacement of fuel storage fa-
2	cilities, Point Loma Annex, California).
3	(3) $$47,250,000$ (the balance of the amount au-
4	thorized for the Special Operations Command under
5	section 2401(a) for a special operations forces oper-
6	ations facility at Dam Neck, Virginia).
7	SEC. 2404. TERMINATION OR MODIFICATION OF AUTHOR-
8	ITY TO CARRY OUT CERTAIN FISCAL YEAR
9	2007 DEFENSE AGENCIES PROJECTS.
10	(a) Termination of Projects for Which Funds
11	WERE NOT APPROPRIATED.—The table relating to Spe-
12	cial Operations Command in section 2401(a) of the Mili-
13	tary Construction Authorization Act for Fiscal Year 2007
14	(division B of Public Law 109–364; 120 Stat. 2457) is
15	amended—
16	(1) by striking the item relating to Stennis
17	Space Center, Mississippi; and
18	(2) in the item relating to Fort Bragg, North
19	Carolina, by striking "\$51,768,000" in the amount
20	column and inserting "\$44,868,000".
21	(b) Modification of Authority to Carry Out
22	CERTAIN BASE CLOSURE AND REALIGNMENT ACTIVI-
23	TIES.—Section $2405(a)(7)$ of that Act (120 Stat. 2460)
24	is amended by striking "\$191,220,000" and inserting
25	``\$252,279,000``.

1	(c) Modification of Munitions Demilitariza-
2	TION FACILITY PROJECT.—Section 2405(a)(15) of that
3	Act (120 Stat. 2461) is amended by striking
4	"\$99,157,000" and inserting "\$89,157,000".
5	(d) Conforming Amendments.—Section 2405(a)
6	of that Act (120 Stat. 2460) is amended—
7	(1) in the matter preceding paragraph (1) , by
8	striking "\$7,163,431,000" and inserting
9	"\$7,197,390,000"; and
10	(2) in paragraph (1), by striking
11	"\$533,099,000" and inserting "\$515,999,000".
12	SEC. 2405. MUNITIONS DEMILITARIZATION FACILITIES,
13	BLUE GRASS ARMY DEPOT, KENTUCKY, AND
13 14	BLUE GRASS ARMY DEPOT, KENTUCKY, AND PUEBLO CHEMICAL ACTIVITY, COLORADO.
14	PUEBLO CHEMICAL ACTIVITY, COLORADO.
14 15	PUEBLO CHEMICAL ACTIVITY, COLORADO. (a) MUNITIONS DEMILITARIZATION FACILITY, BLUE
14 15 16	PUEBLO CHEMICAL ACTIVITY, COLORADO. (a) MUNITIONS DEMILITARIZATION FACILITY, BLUE GRASS ARMY DEPOT.—
14 15 16 17	PUEBLO CHEMICAL ACTIVITY, COLORADO. (a) MUNITIONS DEMILITARIZATION FACILITY, BLUE GRASS ARMY DEPOT.— (1) AUTHORITY TO INCREASE AMOUNT FOR
14 15 16 17 18	PUEBLO CHEMICAL ACTIVITY, COLORADO. (a) MUNITIONS DEMILITARIZATION FACILITY, BLUE GRASS ARMY DEPOT.— (1) AUTHORITY TO INCREASE AMOUNT FOR CONSTRUCTION.—Consistent with the total project
14 15 16 17 18 19	PUEBLO CHEMICAL ACTIVITY, COLORADO. (a) MUNITIONS DEMILITARIZATION FACILITY, BLUE GRASS ARMY DEPOT.— (1) AUTHORITY TO INCREASE AMOUNT FOR CONSTRUCTION.—Consistent with the total project amount authorized for the construction a munitions
 14 15 16 17 18 19 20 	PUEBLO CHEMICAL ACTIVITY, COLORADO. (a) MUNITIONS DEMILITARIZATION FACILITY, BLUE GRASS ARMY DEPOT.— (1) AUTHORITY TO INCREASE AMOUNT FOR CONSTRUCTION.—Consistent with the total project amount authorized for the construction a munitions demilitarization facility at Blue Grass Army Depot,
 14 15 16 17 18 19 20 21 	PUEBLO CHEMICAL ACTIVITY, COLORADO. (a) MUNITIONS DEMILITARIZATION FACILITY, BLUE GRASS ARMY DEPOT.— (1) AUTHORITY TO INCREASE AMOUNT FOR CONSTRUCTION.—Consistent with the total project amount authorized for the construction a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, by section 2401(a) of the Military Con-
 14 15 16 17 18 19 20 21 22 	PUEBLO CHEMICAL ACTIVITY, COLORADO. (a) MUNITIONS DEMILITARIZATION FACILITY, BLUE GRASS ARMY DEPOT.— (1) AUTHORITY TO INCREASE AMOUNT FOR CONSTRUCTION.—Consistent with the total project amount authorized for the construction a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, by section 2401(a) of the Military Con- struction Authorization Act for Fiscal Year 2000

1	(division B of Public Law 107–107; 115 Stat. 1298)
2	and section 2405 of the Military Construction Au-
3	thorization Act for Fiscal Year 2003 (division B of
4	Public Law 107–314; 116 Stat. 2698), the Secretary
5	of Defense may transfer amounts of authorizations
6	made available by section $2403(a)(1)$ of this Act to
7	increase amounts available for the construction of
8	increment 8 of such munitions demilitarization facil-
9	ity.
10	(2) Aggregate limit.—The aggregate amount
11	of authorizations that the Secretary may transfer
12	under the authority of this subsection may not ex-
13	ceed \$17,300,000.
14	(b) MUNITIONS DEMILITARIZATION FACILITY, PUEB-
15	LO CHEMICAL ACTIVITY.—
16	(1) AUTHORITY TO INCREASE AMOUNT FOR
17	CONSTRUCTION.—Consistent with the total project
18	amount authorized for the construction a munitions
19	demilitarization facility at Pueblo Chemical Activity,
20	Colorado, by section 2401(a) of the Military Con-
21	struction Authorization Act for Fiscal Year 1997
22	(Public Law 104–201; 110 Stat. 2775), as amended
23	by section 2406 of the Military Construction Author-
24	ization Act for Fiscal Year 2000 (division B of Pub-
25	lic Law 106–65; 113 Stat. 839) and section 2407 of

1 the Military Construction Authorization Act for Fis-2 cal Year 2003 (division B of Public Law 107–314; 3 116 Stat. 2698), the Secretary of Defense may 4 transfer amounts of authorizations made available 5 by section 2403(a)(1) of this Act to increase 6 amounts available for the construction of increment 7 9 of such munitions demilitarization facility. 8 (2) AGGREGATE LIMIT.—The aggregate amount 9 of authorizations that the Secretary may transfer 10 under the authority of this subsection may not ex-11 ceed \$32,000,000. 12 (c) CERTIFICATION REQUIREMENT.—Before exer-13 cising the authority provided in subsection (a) or (b), the Secretary of Defense shall provide to the congressional de-14 15 fense committees— 16 (1) a certification that the transfer under such 17 subsection of amounts authorized to be appropriated 18 is in the best interest of national security; and 19 (2) a statement that the increased amount au-20 thorized to be appropriated will be used to carry out 21 authorized military construction activities. 22 SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN 23 FISCAL YEAR 2005 PROJECTS.

24 (a) EXTENSION AND RENEWAL.—Notwithstanding25 section 2701 of the Military Construction Authorization

Act for Fiscal Year 2005 (division B of Public Law 108–
 375; 118 Stat. 2116), the authorizations set forth in the
 table in subsection (b), as provided in section 2401 of that
 Act (118 Stat. 2112), shall remain in effect until October
 1, 2008, or the date of the enactment of an Act author izing funds for military construction for fiscal year 2009,
 whichever is later.

8 (b) TABLE.—The table referred to in subsection (a)

9 is as follows:

Defense Agencies: Extension of 2005 Project Authorizations

Installation or Location	Agency and Project	Amount
Naval Air Station, Oceana, Virginia	DLA bulk fuel storage tank.	\$3,589,000
Naval Air Station, Jacksonville, Florida	TMA hospital project	\$28,438,000

10 TITLE XXV—NORTH ATLANTIC 11 TREATY ORGANIZATION SE 12 CURITY INVESTMENT PRO 13 GRAM

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

14 SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND

15 ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for
the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10,
United States Code, in an amount not to exceed the sum
of the amount authorized to be appropriated for this pur-

pose in section 2502 and the amount collected from the
 North Atlantic Treaty Organization as a result of con struction previously financed by the United States.

4 SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for
fiscal years beginning after September 30, 2007, for contributions by the Secretary of Defense under section 2806
of title 10, United States Code, for the share of the United
9 States of the cost of projects for the North Atlantic Treaty
10 Organization Security Investment Program authorized by
section 2501, in the amount of \$201,400,000.

12 TITLE XXVI—GUARD AND 13 RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
- Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
- Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
- Sec. 2606. Authorization of appropriations, National Guard and Reserve.
- Sec. 2607. Termination of authority to carry out fiscal year 2007 Guard and Reserve projects for which funds were not appropriated.
- Sec. 2608. Modification of authority to carry out fiscal year 2006 Air Force Reserve construction and acquisition projects.
- Sec. 2609. Extension of authorizations of certain fiscal year 2005 projects.
- Sec. 2610. Extension of authorizations of certain Fiscal Year 2004 projects.

14 SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-

15 STRUCTION AND LAND ACQUISITION

- 16 **PROJECTS.**
- 17 Using amounts appropriated pursuant to the author-
- 18 ization of appropriations in section 2606(1)(A), the Sec-

retary of the Army may acquire real property and carry
 out military construction projects for the Army National
 Guard locations, and in the amounts, set forth in the fol lowing table:

State	Location	Amount
Alabama	Springville	\$3,300,000
Arizona	Florence	\$10,870,000
Arkansas	Camp Robinson	\$25,823,000
California	Camp Roberts	\$2,850,000
	Sacramento Army Depot	\$21,000,000
Connecticut	Niantic	\$13,600,000
Florida	Camp Blanding	\$15,524,000
	Jacksonville	\$12,200,000
Idaho	Gowen Field	\$7,615,000
	Orchard Training Area	\$1,700,000
Illinois	St. Clair County	\$8,100,000
Indiana	Muscatatuck	\$4,996,000
Iowa	Iowa City	\$13,186,000
Kentucky	London	\$2,427,000
Michigan	Camp Grayling	\$2,450,000
	Lansing	\$4,239,000
Minnesota	Camp Ripley	\$17,450,000
Mississippi	Camp Shelby	\$4,000,000
Missouri	Whiteman Air Force Base	\$30,000,000
North Carolina	Asheville	\$3,733,000
North Dakota	Camp Grafton	\$33,416,000
Oregon	Ontario	\$11,000,000
Pennsylvania	Carlisle	\$7,800,000
	East Fallowfield Township	\$8,300,000
	Fort Indiantown Gap	\$9,500,000
	Gettysburg	\$6,300,000
	Graterford	\$7,300,000
	Hanover	\$5,500,000
	Hazelton	\$5,600,000
	Holidaysburg	\$9,400,000
	Huntingdon	\$7,500,000
	Kutztown	\$6,800,000
	Lebanon	\$7,800,000
	Philadelphia	\$13,650,000
	Waynesburg	\$9,000,000
Rhode Island	East Greenwich	\$8,200,000
	North Kingstown	\$33,000,000
Texas	Camp Bowie	\$1,500,000
	Fort Wolters	\$2,100,000
Utah	North Salt Lake	\$12,200,000
Vermont	Ethan Allen Range	\$1,996,000
Virginia	Fort Pickett	\$26,211,000
	Winchester	\$3,113,000
West Virginia	Camp Dawson	\$9,400,000
Wyoming	Camp Guernsey	\$2,650,000

Army National Guard

1 SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION 2 AND LAND ACQUISITION PROJECTS.

3 Using amounts appropriated pursuant to the author-4 ization of appropriations in section 2606(1)(B), the Sec-5 retary of the Army may acquire real property and carry 6 out military construction projects for the Army Reserve 7 locations, and in the amounts, set forth in the following 8 table:

State	Location	Amount
California	BT Collins	\$6,874,000
	Fort Hunter Liggett	\$7,035,000
	Garden Grove	\$25,440,000
Montana	Butte	\$7,629,000
New Jersey	Fort Dix	\$22,900,000
New York	Fort Drum	\$15,923,000
Texas	Ellington Field	\$15,000,000
	Fort Worth	\$15,076,000
Wisconsin	Ellsworth	\$9,100,000
	Fort McCoy	\$8,523,000

Army Reserve

9 SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE

10 CORPS RESERVE CONSTRUCTION AND LAND

11 ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
	Miramar Selfridge	\$5,580,000 \$4,030,000

State	Location	Amount
Oregon South Dakota Texas	Wright-Patterson Air Force Base Portland Sioux Falls Austin Fort Worth Quantico	\$1,900,000 \$3,730,000 \$6,490,000 \$27,484,000

Navy Reserve and Marine Corps Reserve—Continued

1 SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-

TION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

State	Location	Amount
Colorado	Buckley Air National Guard Base	\$7,300,000
Delaware	New Castle	\$10,800,000
Florida	Jacksonville International Airport	\$6,000,000
Georgia	Savannah International Airport	\$9,000,000
Indiana	Hulman Regional Airport	\$7,700,000
Kansas	Smoky Hill Air National Guard Range	\$9,000,000
Louisiana	Camp Beauregard	\$1,800,000
Massachusetts	Otis Air National Guard Base	\$1,800,000
	Barnes Air National Guard Base	\$7,300,000
Mississippi	Key Field	\$6,100,000
Nebraska	Lincoln	\$8,900,000
Nevada	Reno-Tahoe International Airport	\$5,200,000
New Hampshire	Pease Air National Guard Base	\$8,900,000
New Jersey	Atlantic City	\$9,800,000
New York	Gabreski Airport	\$8,400,000
	Griffiss	\$6,600,000
	Hancock Field	\$5,100,000
North Carolina	Charlotte	\$4,000,000
Ohio	Rickenbacker Air National Guard Base	\$7,600,000
Pennsylvania	Fort Indiantown Gap	\$12,700,000
	Harrisburg	\$1,000,000
Rhode Island	Quonset State Airport	\$5,000,000
South Dakota	Joe Foss Field	\$7,900,000
Tennessee	Lovell Field	\$8,200,000
	McGhee-Tyson Airport	\$3,200,000
	Memphis International Airport	\$11,376,000
Texas	Ellington Field	\$7,200,000
Vermont	Burlington	\$6,600,000
West Virginia	Eastern WV Regional Airport	\$50,776,000

Air National Guard

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²

Air National Guard—Continued

State	Location	Amount
consin	Yeager Truax Field	\$17,300,000 \$7,000,000

1 SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-

2

TION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
	Elmendorf Air Force Base Hill Air Force Base	

9 SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-10 TIONAL GUARD AND RESERVE.

11 Funds are hereby authorized to be appropriated for 12 fiscal years beginning after September 30, 2007, for the 13 costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve 14 Forces, and for contributions therefor, under chapter 15 16 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following 17 18 amounts:

19 (1) For the Department of the Army—

1	(A) for the Army National Guard of the
2	United States, \$536,656,000; and
3	(B) for the Army Reserve, \$148,133,000.
4	(2) For the Department of the Navy, for the
5	Navy and Marine Corps Reserve, \$64,430,000.
6	(3) For the Department of the Air Force—
7	(A) for the Air National Guard of the
8	United States, \$287,537,000; and
9	(B) for the Air Force Reserve,
10	\$28,359,000.
11	SEC. 2607. TERMINATION OF AUTHORITY TO CARRY OUT
12	FISCAL YEAR 2007 GUARD AND RESERVE
13	PROJECTS FOR WHICH FUNDS WERE NOT AP-
14	PROPRIATED.
15	Section 2601 of the Military Construction Authoriza-
16	tion Act for Fiscal Year 2007 (division B of Public Law
17	109–364; 120 Stat. 2463) is amended—
18	(1) in paragraph (1) —
19	(A) in subparagraph (A), by striking
20	"\$561,375,000" and inserting "\$476,697,000";
21	and
22	(B) in subparagraph (B), by striking
23	"\$190,617,000" and inserting "\$167,987,000";
24	(2) in paragraph (2), by striking "49,998,000"
25	and inserting "\$43,498,000"; and

1 (3) in paragraph (3)—

2 (A) in subparagraph (A), by striking
3 "\$294,283,000" and inserting "\$133,983,000";
4 and

5 (B) in subparagraph (B), by striking
6 "\$56,836,000" and inserting "\$47,436,000".

7 SEC. 2608. MODIFICATION OF AUTHORITY TO CARRY OUT
8 FISCAL YEAR 2006 AIR FORCE RESERVE CON9 STRUCTION AND ACQUISITION PROJECTS.

Section 2601(3)(B) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public
Law 109–163; 119 Stat. 3501) is amended by striking
"\$105,883,000" and inserting "\$102,783,000".

14 SEC. 2609. EXTENSION OF AUTHORIZATIONS OF CERTAIN
15 FISCAL YEAR 2005 PROJECTS.

16 (a) EXTENSION AND RENEWAL.—Notwithstanding 17 section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-18 19 375; 118 Stat. 2116), the authorizations set forth in the tables in subsection (b), as provided in section 2601 of 20 21 that Act (118 Stat. 2115), shall remain in effect until Oc-22 tober 1, 2008, or the date of the enactment of an Act 23 authorizing funds for military construction for fiscal year 24 2009, whichever is later.

1 (b) TABLES.—The tables referred to in subsection (a)

2 are as follows:

Army National Guard: Extension of 2005 Project Authorizations

Installation or Location	Project	Amount
Dublin, California	Readiness center	\$11,318,000
Gary, Indiana	Reserve center	\$9,380,000

Army Reserve: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Corpus Christi (Robstown), Texas	Storage facility	\$9,038,000

3 SEC. 2610. EXTENSION OF AUTHORIZATIONS OF CERTAIN 4 FISCAL YEAR 2004 PROJECTS.

5 (a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal 6 7 Year 2004 (division B of Public Law 108–136; 117 Stat. 8 1716), the authorizations set forth in the table in sub-9 section (b), as provided in section 2601 of that Act (117 10 Stat. 1715) and extended by section 2702 of the Military 11 Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2464), shall 12 remain in effect until October 1, 2008, or the date of the 13 enactment of an Act authorizing funds for military con-14 15 struction for fiscal year 2009, whichever is later.

16 (b) TABLE.—The table referred to in subsection (a)

17 is as follows:

Army National Guard: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Albuquerque, New Mexico	Readiness center	\$2,533,000

Army National Guard: Extension of 2004 Project Authorizations—Continued

Installation or Location	Project	Amount
Fort Indiantown Gap, Pennsylvania	Multi-purpose training range	\$15,338,000

1 TITLE XXVII—BASE CLOSURE

2 AND REALIGNMENT ACTIVITIES

- Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
- Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2704. Authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.
- Sec. 2705. Transfer of funds from Department of Defense Base Closure Account 2005 to Department of Defense Housing Funds.
- Sec. 2706. Comprehensive accounting of funding required to ensure timely implementation of 2005 Defense Base Closure and Realignment Commission recommendations.
- Sec. 2707. Relocation of units from Roberts United States Army Reserve Center and Navy-Marine Corps Reserve Center, Baton Rouge, Louisiana.
- Sec. 2708. Acquisition of real property, Fort Belvoir, Virginia, as part of the realignment of the installation.
- Sec. 2709. Report on availability of traffic infrastructure and facilities to support base realignment.

3 SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR
4 BASE CLOSURE AND REALIGNMENT ACTIVI5 TIES FUNDED THROUGH DEPARTMENT OF
6 DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for
fiscal years beginning after September 30, 2007, for base
closure and realignment activities, including real property
acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act

1	of 1990 (part A of title XXIX of Public Law 101–510;
2	10 U.S.C. 2687 note) and funded through the Department
3	of Defense Base Closure Account 1990 established by sec-
4	tion 2906 of such Act, in the total amount of
5	\$295,689,000, as follows:
6	(1) For the Department of the Army,
7	\$98,716,000.
8	(2) For the Department of the Navy,
9	\$50,000,000.
10	(3) For the Department of the Air Force,
11	\$143,260,000.
12	(4) For the Defense Agencies, \$3,713,000.
12	(1) I of the Defense Highletes, ψ 5, (15,000.
12	SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN-
13	SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN-
13 14	SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN- MENT ACTIVITIES FUNDED THROUGH DE-
13 14 15	SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN- MENT ACTIVITIES FUNDED THROUGH DE- PARTMENT OF DEFENSE BASE CLOSURE AC-
 13 14 15 16 17 	SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN- MENT ACTIVITIES FUNDED THROUGH DE- PARTMENT OF DEFENSE BASE CLOSURE AC- COUNT 2005.
 13 14 15 16 17 	SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN- MENT ACTIVITIES FUNDED THROUGH DE- PARTMENT OF DEFENSE BASE CLOSURE AC- COUNT 2005. Using amounts appropriated pursuant to the author-
 13 14 15 16 17 18 	SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN- MENT ACTIVITIES FUNDED THROUGH DE- PARTMENT OF DEFENSE BASE CLOSURE AC- COUNT 2005. Using amounts appropriated pursuant to the author- ization of appropriations in section 2703, the Secretary
 13 14 15 16 17 18 19 	SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN- MENT ACTIVITIES FUNDED THROUGH DE- PARTMENT OF DEFENSE BASE CLOSURE AC- COUNT 2005. Using amounts appropriated pursuant to the author- ization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment
 13 14 15 16 17 18 19 20 	SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN- MENT ACTIVITIES FUNDED THROUGH DE- PARTMENT OF DEFENSE BASE CLOSURE AC- COUNT 2005. Using amounts appropriated pursuant to the author- ization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military
 13 14 15 16 17 18 19 20 21 22 	SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN- MENT ACTIVITIES FUNDED THROUGH DE- PARTMENT OF DEFENSE BASE CLOSURE AC- COUNT 2005. Using amounts appropriated pursuant to the author- ization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base

 $24 \ \ {\rm funded \ through \ the \ Department \ of \ Defense \ Base \ Closure}$

Account 2005 established by section 2906A of such Act,
 in the amount of \$8,718,988,000.

3 SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR 4 BASE CLOSURE AND REALIGNMENT ACTIVI5 TIES FUNDED THROUGH DEPARTMENT OF 6 DEFENSE BASE CLOSURE ACCOUNT 2005.

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds 8 are hereby authorized to be appropriated for fiscal years 9 beginning after September 30, 2007, for base closure and 10 realignment activities, including real property acquisition and military construction projects, as authorized by the 11 Defense Base Closure and Realignment Act of 1990 (part 12 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 13 note) and funded through the Department of Defense 14 15 Base Closure Account 2005 established by section 2906A of such Act, in the total amount of \$8,040,401,000, as 16 follows: 17

18 (1) For the Department of the Army,
19 \$4,015,746,000.

20 (2) For the Department of the Navy,
21 \$733,695,000.

22 (3) For the Department of the Air Force,
23 \$1,183,812,000.

24 (4) For the Defense Agencies, \$2,241,062,000.

(b) GENERAL REDUCTION.—The amount otherwise
 authorized to be appropriated by subsection (a) is reduced
 by \$133,914,000.

4 SEC. 2704. AUTHORIZED COST AND SCOPE OF WORK VARI5 ATIONS FOR MILITARY CONSTRUCTION AND
6 MILITARY FAMILY HOUSING PROJECTS RE7 LATED TO BASE CLOSURES AND REALIGN8 MENTS.

9 (a) VARIATIONS AUTHORIZED.—Section 2905A of
10 the Defense Base Closure and Realignment Act of 1990
11 (part A of title XXIX of Public Law 101–510; 10 U.S.C.
12 2687 note) is amended by adding at the end the following
13 new subsection:

14 "(f) AUTHORIZED COST AND SCOPE OF WORK VARI-15 ATIONS.—(1) Subject to paragraphs (2) and (3), the cost authorized for a military construction project or military 16 family housing project to be carried out using funds in 17 the Account may not be increased or reduced by more than 18 19 20 percent or \$2,000,000, whichever is greater, of the 20 amount specified for the project in the conference report 21 to accompany the Military Construction Authorization Act 22 authorizing the project. The scope of work for such a 23 project may not be reduced by more than 25 percent from 24 the scope specified in the most recent budget documents for the projects listed in such conference report. 25

1 "(2) Paragraph (1) shall not apply to a military con-2 struction project or military family housing project to be 3 carried out using funds in the Account with an estimated 4 cost of less than \$5,000,000, unless the project has not 5 been previously identified in any budget submission for the Account and exceeds the applicable minor construction 6 7 threshold under section 2805 of title 10. United States 8 Code.

9 "(3) The limitation on cost or scope variation in para-10 graph (1) shall not apply if the Secretary of Defense makes a determination that an increase or reduction in 11 12 cost or a reduction in the scope of work for a military 13 construction project or military family housing project to be carried out using funds in the Account needs to be 14 15 made for the sole purpose of meeting unusual variations in cost or scope. If the Secretary makes such a determina-16 tion, the Secretary shall notify the congressional defense 17 18 committees of the variation in cost or scope not later than 19 21 days before the date on which the variation is made in connection with the project or, if the notification is pro-2021 vided in an electronic medium pursuant to section 480 of 22 title 10, United States Code, not later than 14 days before 23 the date on which the variation is made. The Secretary 24 shall include the reasons for the variation in the notification.". 25

1 (b) REPORT ON EXISTING PROJECTS.—Not later 2 than 90 days after the date of the enactment of this Act, 3 the Secretary of Defense shall submit to the congressional 4 defense committees a report specifying all military con-5 struction projects and military family housing projects carried out using funds in the Department of Defense 6 Base Closure Account 2005 for which a cost or scope of 7 8 work variation was made before that date that would have 9 been subject to subsection (f) of section 2905A of the De-10 fense Base Closure and Realignment Act of 1990, as added by this section, if such subsection had been in effect 11 12 when the cost or scope of work variation was made. The 13 Secretary shall include a description of each variation covered by the report and the reasons for the variation. 14

15 SEC. 2705. TRANSFER OF FUNDS FROM DEPARTMENT OF

16DEFENSE BASE CLOSURE ACCOUNT 2005 TO17DEPARTMENT OF DEFENSE HOUSING FUNDS.

(a) TRANSFER AUTHORITY.—Subsection (c) of section 2883 of title 10, United States Code, is amended—
(1) in paragraph (1), by adding at the end the
following new subparagraph:

"(G) Subject to subsection (f), any amounts
that the Secretary of Defense transfers to that Fund
from amounts in the Department of Defense Base
Closure Account 2005."; and

1	(2) in paragraph (2), by adding at the end the
2	following new subparagraph:
3	"(G) Subject to subsection (f), any amounts
4	that the Secretary of Defense transfers to that Fund
5	from amounts in the Department of Defense Base
6	Closure Account 2005.".
7	(b) Notification and Justification for Trans-
8	FER.—Subsection (f) of such section is amended—
9	(1) by striking "paragraph $(1)(B)$ or $(2)(B)$ "
10	and inserting "subparagraph (B) or (G) of para-
11	graph (1) or subparagraph (B) or (G) of paragraph
12	(2)"; and
13	(2) by adding at the end the following new sen-
14	tence: "In addition, the notice required in connection
15	with a transfer under subparagraph (G) of para-
16	graph (1) or subparagraph (G) of paragraph (2)
17	shall include a certification that the amounts to be
18	transferred from the Department of Defense Base
19	Closure Account 2005 were specified in the con-
20	ference report to accompany the most recent Mili-
21	tary Construction Authorization Act.".

SEC. 2706. COMPREHENSIVE ACCOUNTING OF FUNDING RE QUIRED TO ENSURE TIMELY IMPLEMENTA TION OF 2005 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION RECOMMENDA TIONS.

6 The Secretary of Defense shall submit to Congress 7 with the budget materials for fiscal year 2009 a com-8 prehensive accounting of the funding required to ensure 9 that the plan for implementing the final recommendations of the 2005 Defense Base Closure and Realignment Com-10 11 mission remains on schedule for completion by September 15, 2011, as required by section 2904(c)(5) of the Defense 12 13 Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note). 14

15 SEC. 2707. RELOCATION OF UNITS FROM ROBERTS UNITED
16 STATES ARMY RESERVE CENTER AND NAVY17 MARINE CORPS RESERVE CENTER, BATON
18 ROUGE, LOUISIANA.

19 The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in 20 paragraphs (1) and (2) of section 2703 for the purpose 21 22 of siting an Army Reserve Center and Navy and Marine 23 Corps Reserve Center on land under the control of the 24 State of Louisiana adjacent to, or in the vicinity of, the Baton Rouge Metropolitan Airport in Baton Rouge, Lou-25 26 isiana, at a location determined by the Secretary to be •HR 4986 CPH

in the best interest of national security and in the public
 interest.

3 SEC. 2708. ACQUISITION OF REAL PROPERTY, FORT 4 BELVOIR, VIRGINIA, AS PART OF THE RE5 ALIGNMENT OF THE INSTALLATION.

6 (a) ACQUISITION AUTHORITY.—Pursuant to section 7 2905(a)(1)(A) of the Defense Base Closure and Realign-8 ment Act of 1990 (part A of title XXIX of Public Law 9 101–510; 10 U.S.C. 2687 note), the relocation of members of the Armed Forces and civilian employees of the 10 Department of Defense who are scheduled to be relocated 11 12 to Fort Belvoir, Virginia, shall be limited to the following 13 locations:

14 (1) Fort Belvoir.

(2) A parcel of real property consisting of approximately 69.5 acres, under the administrative jurisdiction of the Administrator of General Services
(in this section referred to as the "Administrator")
and containing warehouse facilities in Springfield,
Virginia (in this section referred to as the "GSA
Property").

(3) Any other parcels of land (using including
any improvement thereon) that are acquired, using
competitive procedures, in fee in the vicinity of Fort
Belvoir.

(b) ACQUISITION SELECTION CRITERIA.—The Sec retary of the Army shall select the site to be used under
 subsection (a) based on the best value to the Government,
 and, in making that determination, the Secretary shall
 consider cost and schedule.

6 (c) GSA PROPERTY TRANSFER AUTHORIZED.—Pur-7 suant to the relocation alternative authorized by sub-8 section (a)(2), the Administrator may transfer the GSA 9 Property to the administrative jurisdiction of the Sec-10 retary of the Army for the purpose of permitting the Secretary to construct facilities on the property to support 11 12 administrative functions to be located at Fort Belvoir, Virginia. 13

14 (d) IMPLEMENTATION OF GSA PROPERTY TRANS-15 FER.—

16 (1) CONSIDERATION.—As consideration for the
17 transfer of the GSA Property under subsection (c),
18 the Secretary of the Army shall—

(A) pay all reasonable costs to move personnel, furnishings, equipment, and other material related to the relocation of functions identified by the Administrator; and

23 (B) if determined to be necessary by the24 Administrator—

1	(i) transfer to the administrative ju-
2	risdiction of the Administrator a parcel of
3	property in the National Capital Region
4	under the jurisdiction of the Secretary and
5	determined to be suitable by the Adminis-
6	trator;
7	(ii) design and construct storage fa-
8	cilities, utilities, security measures, and ac-
9	cess to a road infrastructure on the parcel
10	transferred under clause (i) to meet the re-
11	quirements of the Administrator; and
12	(iii) enter into a memorandum of
13	agreement with the Administrator for sup-
14	port services and security at the new facili-
15	ties constructed pursuant to clause (ii).
16	(2) Equal value transfer.—As a condition
17	of the transfer of the GSA Property under sub-
18	section (c), the transfer agreement shall provide that
19	the fair market value of the GSA Property and the
20	consideration provided under paragraph (1) shall be
21	equal or, if not equal, shall be equalized through the
22	use of a cash equalization payment.
23	(3) DESCRIPTION OF PROPERTY.—The exact
24	acreage and legal description of the GSA Property

1	shall be determined by surveys satisfactory to the
2	Administrator and the Secretary of the Army.
3	(4) CONGRESSIONAL NOTICE.—Before under-
4	taking an activity under subsection (c) that would
5	require approval of a prospectus under section 3307
6	of title 40, United States Code, the Administrator
7	shall provide to the Committee on Transportation
8	and Infrastructure of the House of Representatives,
9	the Committee on Environment and Public Works of
10	the Senate, and the congressional defense commit-
11	tees a written notice containing a description of the
12	activity to be undertaken.
13	(5) NO EFFECT ON COMPLIANCE WITH ENVI-
14	RONMENTAL LAWS.—Nothing in this section or sub-
15	section (c) may be construed to affect or limit the
16	application of or obligation to comply with any envi-
17	ronmental law, including section 120(h) of the Com-
18	prehensive Environmental Response, Compensation,
19	and Liability Act of 1980 (42 U.S.C. 9620(h)).
20	(6) Additional terms and conditions.—
21	The Administrator and the Secretary of the Army
22	may require such additional terms and conditions in
23	connection with the GSA Property transfer as the
24	Administrator, in consultation with the Secretary,
25	determines appropriate to protect the interests of

the United States and further the purposes of this
 section.

3 (e) ADMINISTRATION OF TRANSFERRED OR AC4 QUIRED PROPERTY.—Upon completion of any property
5 transfer or acquisition authorized by subsection (a), the
6 property shall be administered by the Secretary of the
7 Army as a part of Fort Belvoir.

8 (f) STATUS REPORT.—Not later than March 1, 2008,
9 the Secretary of the Army shall submit to the congres10 sional defense committees a report on the status and esti11 mated costs of implementing subsection (a).

12 SEC. 2709. REPORT ON AVAILABILITY OF TRAFFIC INFRA-

- 13 STRUCTURE AND FACILITIES TO SUPPORT
 14 BASE REALIGNMENT.
- 15 (a) SENSE OF CONGRESS.—

16 (1)DESIGNATION OF DEFENSE ACCESS 17 ROADS.—It is the sense of Congress that roads lead-18 ing onto Fort Belvoir, Virginia, and other military 19 installations that will be significantly impacted by an 20 increase in the number of members of the Armed 21 Forces and civilian employees of the Department of 22 Defense assigned to the installation as a result of 23 the 2005 round of defense base closures and realign-24 ments under the Defense Base Closure and Realign-25 ment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) or any other
 significant impact resulting from a realignment of
 forces should be considered for designation as de fense access roads for purposes of section 210 of
 title 23, United States Code.

6 (2) FACILITIES AND INFRASTRUCTURE.—It is 7 the sense of Congress that the Secretary of Defense 8 should seek to ensure that the permanent facilities 9 and infrastructure necessary to support the mission 10 of the Armed Forces and the quality of life needs of 11 members of the Armed Forces, civilian employees, 12 and their families are ready for use at receiving loca-13 tions before units are transferred to such locations 14 as a result of the 2005 round of defense base clo-15 sures and realignments.

16 (b) STUDY OF MILITARY INFRASTRUCTURE AND SURFACE 17 TRANSPORTATION INFRASTRUCTURE.—Not later than April 1, 2008, the Comptroller General shall 18 19 submit to the congressional defense committees a report with regard to each military installation that will be sig-20 21 nificantly impacted by an increase in assigned forces or 22 civilian personnel, as described in subsection (a), for the 23 purpose of determining whether(1) military facility requirements (including
 quality of life projects) will be met before the arrival
 of assigned forces; and

4 (2) the Department of Defense has pro5 grammed sufficient funding to mitigate community
6 traffic congestion in accordance with the defense ac7 cess roads program under section 210 of title 23,
8 United States Code.

9 TITLE XXVIIII—MILITARY CON10 STRUCTION GENERAL PROVI11 SIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Authority to use operation and maintenance funds for construction projects outside the United States.
- Sec. 2802. Clarification of requirement for authorization of military construction.
- Sec. 2803. Increase in thresholds for unspecified minor military construction projects.
- Sec. 2804. Temporary authority to support revitalization of Department of Defense laboratories through unspecified minor military construction projects.
- Sec. 2805. Extension of authority to accept equalization payments for facility exchanges.
- Sec. 2806. Modifications of authority to lease military family housing.
- Sec. 2807. Expansion of authority to exchange reserve component facilities.
- Sec. 2808. Limitation on use of alternative authority for acquisition and improvement of military housing for privatization of temporary lodging facilities.
- Sec. 2809. Two-year extension of temporary program to use minor military construction authority for construction of child development centers.
- Sec. 2810. Report on housing privatization initiatives.

Subtitle B—Real Property and Facilities Administration

- Sec. 2821. Requirement to report real property transactions resulting in annual costs of more than \$750,000.
- Sec. 2822. Continued consolidation of real property provisions without substantive change.
- Sec. 2823. Modification of authority to lease non-excess property of the military departments.

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- Sec. 2824. Cooperative agreement authority for management of cultural resources on certain sites outside military installations.
- Sec. 2825. Agreements to limit encroachments and other constraints on military training, testing, and operations.
- Sec. 2826. Expansion to all military departments of Army pilot program for purchase of certain municipal services for military installations.
- Sec. 2827. Prohibition on commercial flights into Selfridge Air National Guard Base.
- Sec. 2828. Sense of Congress on Department of Defense actions to protect installations, ranges, and military airspace from encroachment.
- Sec. 2829. Reports on Army and Marine Corps operational ranges.
- Sec. 2830. Niagara Air Reserve Base, New York, basing report.
- Sec. 2831. Report on the Pinon Canyon Maneuver Site, Colorado.

Subtitle C—Land Conveyances

- Sec. 2841. Modification of conveyance authority, Marine Corps Base, Camp Pendleton, California.
- Sec. 2842. Grant of easement, Eglin Air Force Base, Florida.
- Sec. 2843. Land conveyance, Lynn Haven Fuel Depot, Lynn Haven, Florida.
- Sec. 2844. Modification of lease of property, National Flight Academy at the National Museum of Naval Aviation, Naval Air Station, Pensacola, Florida.
- Sec. 2845. Land exchange, Detroit, Michigan.
- Sec. 2846. Transfer of jurisdiction, former Nike missile site, Grosse Ile, Michigan.
- Sec. 2847. Modification to land conveyance authority, Fort Bragg, North Carolina.
- Sec. 2848. Land conveyance, Lewis and Clark United States Army Reserve Center, Bismarck, North Dakota.
- Sec. 2849. Land exchange, Fort Hood, Texas.

Subtitle D—Energy Security

- Sec. 2861. Repeal of congressional notification requirement regarding cancellation ceiling for Department of Defense energy savings performance contracts.
- Sec. 2862. Definition of alternative fueled vehicle.
- Sec. 2863. Use of energy efficient lighting fixtures and bulbs in Department of Defense facilities.
- Sec. 2864. Reporting requirements relating to renewable energy use by Department of Defense to meet Department electricity needs.

Subtitle E—Other Matters

- Sec. 2871. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
- Sec. 2872. Transfer of jurisdiction over Air Force Memorial to Department of the Air Force.
- Sec. 2873. Report on plans to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia.
- Sec. 2874. Increased authority for repair, restoration, and preservation of Lafayette Escadrille Memorial, Marnes-la-Coquette, France.
- Sec. 2875. Addition of Woonsocket local protection project.
- Sec. 2876. Repeal of moratorium on improvements at Fort Buchanan, Puerto Rico.

- Sec. 2877. Establishment of national military working dog teams monument on suitable military installation.
- Sec. 2878. Report required prior to removal of missiles from 564th Missile Squadron.
- Sec. 2879. Report on condition of schools under jurisdiction of Department of Defense Education Activity.
- Sec. 2880. Report on facilities and operations of Darnall Army Medical Center, Fort Hood Military Reservation, Texas.
- Sec. 2881. Report on feasibility of establishing a regional disaster response center at Kelly Air Field, San Antonio, Texas.
- Sec. 2882. Naming of housing facility at Fort Carson, Colorado, in honor of the Honorable Joel Hefley, a former member of the United States House of Representatives.
- Sec. 2883. Naming of Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of the Honorable Lane Evans, a former member of the United States House of Representatives.
- Sec. 2884. Naming of research laboratory at Air Force Rome Research Site, Rome, New York, in honor of the Honorable Sherwood L. Boehlert, a former member of the United States House of Representatives.
- Sec. 2885. Naming of administration building at Joint Systems Manufacturing Center, Lima, Ohio, in honor of the Honorable Michael G. Oxley, a former member of the United States House of Representatives.
- Sec. 2886. Naming of Logistics Automation Training Facility, Army Quartermaster Center and School, Fort Lee, Virginia, in honor of General Richard H. Thompson.
- Sec. 2887. Authority to relocate Joint Spectrum Center to Fort Meade, Maryland.

Subtitle A—Military Construction Program and Military Family Housing Changes

4 SEC. 2801. AUTHORITY TO USE OPERATION AND MAINTE-

5NANCEFUNDSFORCONSTRUCTION6PROJECTS OUTSIDE THE UNITED STATES.

7 (a) ONE-YEAR EXTENSION OF AUTHORITY.—Sub8 section (a) of section 2808 of the Military Construction
9 Authorization Act for Fiscal Year 2004 (division B of
10 Public Law 108–136; 117 Stat. 1723), as amended by sec11 tion 2810 of the Military Construction Authorization Act
12 for Fiscal Year 2005 (division B of Public Law 108–375;

118 Stat. 2128), section 2809 of the Military Construction
 Authorization Act for Fiscal Year 2006 (division B of
 Public Law 109–163; 119 Stat. 3508), and section 2802
 of the Military Construction Authorization Act for Fiscal
 Year 2007 (division B of Public Law 109–364; 120 Stat.
 2466), is further amended by striking "2007" and insert ing "2008".

8 (b) PRENOTIFICATION REQUIREMENT.—Subsection 9 (b) of such section is amended by striking the first sen-10 tence and inserting the following new sentences: "Before using appropriated funds available for operation and 11 12 maintenance to carry out a construction project outside 13 the United States that has an estimated cost in excess of the amounts authorized for unspecified minor military 14 15 construction projects under section 2805(c) of title 10, United States Code, the Secretary of Defense shall submit 16 to the congressional committees specified in subsection (f) 17 a notice regarding the construction project. The project 18 may be carried out only after the end of the 10-day period 19 beginning on the date the notice is received by the commit-20 21 tees or, if earlier, the end of the 7-day period beginning 22 on the date on which a copy of the notification is provided 23 in an electronic medium pursuant to section 480 of title 24 10, United States Code.".

(c) ANNUAL LIMITATION ON USE OF AUTHORITY.—
 Subsection (c) of such section is amended to read as fol lows:

"(c) ANNUAL LIMITATION ON USE OF AUTHORITY.— 4 5 The total cost of the construction projects carried out under the authority of this section using, in whole or in 6 7 part, appropriated funds available for operation and main-8 tenance shall not exceed \$200,000,000 in a fiscal year.". 9 (d) CONFORMING AMENDMENT.—Subsection (g) of such section is amended by striking "notice of the" and 10 inserting "advance notice of the proposed". 11

12 (e) RATIFICATION OF PROPOSED CONSTRUCTION 13 AND LAND ACQUISITION PROJECTS USING FISCAL YEAR 2007 OPERATION AND MAINTENANCE FUNDS.—The nine 14 15 construction projects outside the United States proposed to be carried out using funds appropriated to the Depart-16 ment of Defense for operation and maintenance for fiscal 17 year 2007, but for which the obligation or expenditure of 18 funds was prohibited by subsection (g) of section 2808 of 19 the Military Construction Authorization Act for Fiscal 20 21 Year 2004 (division B of Public Law 108–136; 117 Stat. 22 1723), as added by section 2809 of the Military Construc-23 tion Authorization Act for Fiscal Year 2006 (division B 24 of Public Law 109–163; 119 Stat. 3508), may be carried out using such funds after the date of the enactment of
 this Act notwithstanding such subsection (g).

3 SEC. 2802. CLARIFICATION OF REQUIREMENT FOR AU-4 THORIZATION OF MILITARY CONSTRUCTION.

5 (a) CLARIFICATION OF REQUIREMENT FOR AUTHOR6 IZATION.—Section 2802(a) of title 10, United States
7 Code, is amended by inserting after "military construction
8 projects" the following: ", land acquisitions, and defense
9 access road projects (as described under section 210 of
10 title 23)".

(b) CLARIFICATION OF DEFINITION.—Section
2801(a) of such title is amended by inserting after "permanent requirements" the following: ", or any acquisition
of land or construction of a defense access road (as described in section 210 of title 23)".

16SEC. 2803. INCREASE IN THRESHOLDS FOR UNSPECIFIED17MINOR MILITARY CONSTRUCTION PROJECTS.

18 Section 2805(a)(1) of title 10, United States Code,
19 is amended by striking "\$1,500,000" and inserting
20 "\$2,000,000".

1	SEC. 2804. TEMPORARY AUTHORITY TO SUPPORT REVITAL-
2	IZATION OF DEPARTMENT OF DEFENSE LAB-
3	ORATORIES THROUGH UNSPECIFIED MINOR
4	MILITARY CONSTRUCTION PROJECTS.
5	(a) LABORATORY REVITALIZATION.—Section 2805 of
6	title 10, United States Code, is amended—
7	(1) by redesignating subsection (d) as sub-
8	section (e); and
9	(2) by inserting after subsection (c) the fol-
10	lowing new subsection (d):
11	"(d) LABORATORY REVITALIZATION.—(1) For the
12	revitalization and recapitalization of laboratories owned by
13	the United States and under the jurisdiction of the Sec-
14	retary concerned, the Secretary concerned may obligate
15	and expend—
16	"(A) from appropriations available to the Sec-
17	retary concerned for operation and maintenance,
18	amounts necessary to carry out an unspecified minor
19	military construction project costing not more than
20	\$2,000,000; or
21	"(B) from appropriations available to the Sec-
22	retary concerned for military construction not other-
23	wise authorized by law, amounts necessary to carry
24	out an unspecified minor military construction

25 project costing not more than \$4,000,000.

1 "(2) For an unspecified minor military construction 2 project conducted pursuant to this subsection, \$2,000,000 3 shall be deemed to be the amount specified in subsection 4 (b)(1) regarding when advance approval of the project by 5 the Secretary concerned and congressional notification is required. The Secretary of Defense shall establish proce-6 7 dures for the review and approval of requests from the 8 Secretary of a military department to carry out a con-9 struction project under this subsection.

"(3) For purposes of this subsection, the total
amount allowed to be applied in any one fiscal year to
projects at any one laboratory shall be limited to the larger
of the amounts applicable under paragraph (1).

14 "(4) Not later than February 1, 2010, the Secretary 15 of Defense shall submit to the congressional defense committees a report on the use of the authority provided by 16 this subsection. The report shall include a list and descrip-17 tion of the construction projects carried out under this 18 19 subsection, including the location and cost of each project. 20 "(5) In this subsection, the term 'laboratory' in-21 cludes-

22 "(A) a research, engineering, and development23 center; and

24 "(B) a test and evaluation activity.

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"(6) The authority to carry out a project under this
subsection expires on September 30, 2012.".
(b) Stylistic Amendments.—Such section is fur-
ther amended—
(1) in subsection (a), by inserting "AUTHORITY
to Carry Out Unspecified Minor Military
CONSTRUCTION PROJECTS.—" after "(a)";
(2) in subsection (b), by inserting "APPROVAL
and Congressional Notification.—" after
''(b)'';
(3) in subsection (c), by inserting "Use of Op-
eration and Maintenance Funds.—" after
"(c)"; and
(4) in subsection (e), as redesignated by sub-
section (a)(1), by inserting "Prohibition on Use
FOR NEW HOUSING UNITS.—" after "(e)".
SEC. 2805. EXTENSION OF AUTHORITY TO ACCEPT EQUALI-
ZATION PAYMENTS FOR FACILITY EX-
ZATION PAYMENTS FOR FACILITY EX- CHANGES.
CHANGES.
CHANGES. Section 2809(c)(5) of the Military Construction Au-
CHANGES. Section 2809(c)(5) of the Military Construction Au- thorization Act for Fiscal Year 2005 (division B of Public

1	SEC. 2806. MODIFICATIONS OF AUTHORITY TO LEASE MILI-
2	TARY FAMILY HOUSING.
3	(a) Increased Maximum Lease Amount Applica-
4	BLE TO CERTAIN DOMESTIC ARMY FAMILY HOUSING
5	LEASES.—Subsection (b) of section 2828 of title 10,
6	United States Code, is amended—
7	(1) in paragraph (2) , by striking "paragraphs
8	(3) and (4)" and inserting "paragraphs (3), (4), and
9	(7)";
10	(2) in paragraph (5) , by striking "paragraphs
11	(2) and (3) " and inserting "paragraphs (2) , (3) , and
12	(7)"; and
13	(3) by adding at the end the following new
14	paragraph:
15	((7)(A) Not more than 600 housing units may be
16	leased by the Secretary of the Army under subsection (a)
17	for which the expenditure for the rental of such units (in-
18	cluding the cost of utilities, maintenance, and operation)
19	exceeds the maximum amount per unit per year in effect
20	under paragraph (2) but does not exceed \$18,620 per unit
21	per year, as adjusted from time to time under paragraph
22	(5).

"(B) The maximum lease amount provided in subparagraph (A) shall apply only to Army family housing
in areas designated by the Secretary of the Army.

"(C) The term of a lease under subparagraph (A)
 may not exceed 2 years.".

3 (b) FOREIGN MILITARY FAMILY HOUSING 4 LEASES.—Subsection (e)(2) of such section is amended by 5 striking "the Secretary of the Navy may lease not more than 2,800 units of family housing in Italy, and the Sec-6 7 retary of the Army may lease not more than 500 units of family housing in Italy" and inserting "the Secretaries 8 9 of the military departments may lease not more than 10 3,300 units of family housing in Italy".

(c) INCREASED THRESHOLD FOR CONGRESSIONAL
NOTIFICATION FOR FOREIGN MILITARY FAMILY HOUSING LEASES.—Subsection (f) of such section is amended
by striking "\$500,000" and inserting "\$1,000,000".

15 (d) REPORT REQUIRED.—Not later than March 1, 2008, the Secretary of Defense shall submit to the con-16 17 gressional defense committees a report on the rental of family housing in foreign countries (including the costs of 18 19 utilities, maintenance, and operations) that exceed \$60,000 per unit per year. The report shall include a list 2021 and description of rental units (including total gross 22 square feet and number of bedrooms), location, rental 23 cost, the requirement for the rental, and the options that 24 the Secretary has available to decrease the costs associated with the rentals. 25

1 SEC. 2807. EXPANSION OF AUTHORITY TO EXCHANGE RE 2 SERVE COMPONENT FACILITIES.

3 Section 18240(a) of title 10, United States Code, is
4 amended by striking "with a State" in the first sentence
5 and inserting "with an Executive agency (as defined in
6 section 105 of title 5), the United States Postal Service,
7 or a State".

8 SEC. 2808. LIMITATION ON USE OF ALTERNATIVE AUTHOR-

9 ITY FOR ACQUISITION AND IMPROVEMENT
10 OF MILITARY HOUSING FOR PRIVATIZATION
11 OF TEMPORARY LODGING FACILITIES.

12 (a) LIMITATION ON PRIVATIZATION OF TEMPORARY LODGING FACILITIES.—Notwithstanding any other provi-13 sion of subchapter IV of chapter 169 of title 10, United 14 States Code, the privatization of temporary lodging facili-15 ties under such subchapter is limited to the military instal-16 lations authorized in subsection (b) until 120 days after 17 18 the date on which the report described in subsection (d)(1)19 is submitted.

(b) AUTHORIZED INSTALLATIONS.—The military installations at which the privatization of temporary lodging
facilities may proceed under subsection (a) are the following:

- 24 (1) Redstone Arsenal, Alabama.
- 25 (2) Fort Rucker, Alabama.
- 26 (3) Yuma Proving Ground, Arizona.

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1	(4) Fort McNair, District of Columbia.
2	(5) Fort Shafter, Hawaii.
3	(6) Tripler Army Medical Center, Hawaii.
4	(7) Fort Leavenworth, Kansas.
5	(8) Fort Riley, Kansas.
6	(9) Fort Polk, Louisiana.
7	(10) Fort Sill, Oklahoma.
8	(11) Fort Hood, Texas.
9	(12) Fort Sam Houston, Texas.
10	(13) Fort Myer, Virginia.
11	(c) EFFECT OF LIMITATION.—The limitation im-
12	posed by subsection (a) prohibits the issuance of contract
13	solicitations for the privatization of temporary lodging fa-
14	cilities at any military installation not specified in sub-
15	section (b).
16	(d) Reporting Requirements.—
17	(1) Report by secretary of the army
18	Not earlier than eight months after the date on
19	which the notice of transfer associated with the mili-
20	tary installations specified in subsection (b) is
21	issued, the Secretary of the Army shall submit to

the congressional defense committees and the Comp-

23 troller General a report that—

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1	(A) describes the implementation of the
2	privatization of temporary lodging facilities at
3	the installations specified in subsection (b);
4	(B) evaluates the efficiency of the pro-
5	gram; and
6	(C) contains such recommendations as the
7	Secretary considers appropriate regarding ex-
8	pansion of the program.
9	(2) Report by comptroller general.—Not
10	later than 90 days after receiving the report under
11	paragraph (1), the Comptroller General shall submit
12	to the congressional defense committees a review of
13	both the privatization of temporary lodging facilities
14	and the report of the Secretary.
15	SEC. 2809. TWO-YEAR EXTENSION OF TEMPORARY PRO-
16	GRAM TO USE MINOR MILITARY CONSTRUC-
17	TION AUTHORITY FOR CONSTRUCTION OF
18	CHILD DEVELOPMENT CENTERS.
19	(a) EXTENSION.—Subsection (e) of section 2810 of
20	the Military Construction Authorization Act for Fiscal
21	Year 2006 (division B of Public Law 109–163; 119 Stat.
22	3510) is amended by striking "September 30, 2007" and
23	inserting "September 30, 2009".

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(b) REPORT REQUIRED.—Subsection (d) of such sec tion is amended by striking "March 1, 2007" and insert ing "March 1, 2009".

4 SEC. 2810. REPORT ON HOUSING PRIVATIZATION INITIA-5 TIVES.

6 (a) REPORT REQUIRED.—Not later than March 31,
7 2008, the Comptroller General shall submit to the Com8 mittees on Armed Services of the Senate and the House
9 of Representatives a report containing—

10 (1) a list of all housing privatization trans11 actions carried out by the Department of Defense
12 that, as of such date, are behind schedule or in de13 fault; and

(2) recommendations regarding the opportunities for the Federal Government to ensure that all
terms of each housing privatization transaction are
completed according to the original schedule and
budget.

(b) SPECIFIC INFORMATION REGARDING EACH
TRANSACTION.—For each housing privatization transaction included in the report required by subsection (a),
the report shall provide a description of the following:

23 (1) The reasons for schedule delays, cost over24 runs, or default.

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1	(2) How solicitations and competitions were
2	conducted for the project.
3	(3) How financing, partnerships, legal arrange-
4	ments, leases, or contracts in relation to the project
5	were structured.
6	(4) Which entities, including Federal entities,
7	are bearing financial risk for the project, and to
8	what extent.
9	(5) The remedies available to the Federal Gov-
10	ernment to restore the transaction to schedule or en-
11	sure completion of the terms of the transaction in
12	question at the earliest possible time.
13	(6) The extent to which the Federal Govern-
14	ment has the ability to affect the performance of
15	various parties involved in the project.
16	(7) The remedies available to subcontractors to
17	recoup liens in the case of default, non-payment by
18	the developer or other party to the transaction or
19	lease agreement, or re-structuring.
20	(8) The remedies available to the Federal Gov-
21	ernment to affect receivership actions or transfer of
22	ownership of the project.
23	(9) The names of the developers for the project
24	and any history of previous defaults or bankruptcies
25	by these developers or their affiliates.

(c) HOUSING PRIVATIZATION TRANSACTION DE-

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2 FINED.—In this section, the term "housing privatization transaction" means any contract or other transaction for 3 4 the construction or acquisition of military family housing 5 or military unaccompanied housing entered into under the 6 authority of subchapter IV of chapter 169 of title 10, 7 United States Code. Subtitle B—Real Property and 8 **Facilities Administration** 9 10 SEC. 2821. REQUIREMENT TO REPORT REAL PROPERTY 11 TRANSACTIONS RESULTING IN ANNUAL 12 COSTS OF MORE THAN \$750,000. 13 (a) INCLUSION OF TRANSACTIONS INVOLVING DE-FENSE AGENCIES.— 14 (1) REQUIREMENT TO REPORT.—Subsection (a) 15 16 of section 2662 of title 10, United States Code, is 17 amended-18 (A) in paragraph (1), by striking ", or his 19 designee," and inserting "or, with respect to a 20 Defense Agency, the Secretary of Defense"; and 21 (B) in paragraph (3), by inserting after "military department" the following: "or the 22 23 Secretary of Defense". 24 (2)ANNUAL REPORT REGARDING MINOR

TRANSACTIONS.—Subsection (b) of such section is

25

1	amended by inserting after "military department"
2	the following: "and, with respect to Defense Agen-
3	cies, the Secretary of Defense''.
4	(3) EXCEPTIONS.—Subsection (g) of such sec-
5	tion is amended by adding at the end the following
6	new paragraph:
7	"(4) In this subsection, the term 'Secretary con-
8	cerned' includes, with respect to Defense Agencies, the
9	Secretary of Defense.".
10	(b) Inclusion of Additional Transaction.—
11	Subsection $(a)(1)$ of such section is amended by adding
12	at the end the following new subparagraph:
13	"(G) Any transaction or contract action that re-
14	sults in, or includes, the acquisition or use by, or the
15	lease or license to, the United States of real prop-
16	erty, if the estimated annual rental or cost for the
17	use of the real property is more than \$750,000.".
18	SEC. 2822. CONTINUED CONSOLIDATION OF REAL PROP-
19	ERTY PROVISIONS WITHOUT SUBSTANTIVE
20	CHANGE.
21	(a) Consolidation.—Section 2663 of title 10,
22	United States Code, is amended by adding at the end the
23	following new subsection:
24	"(h) Land Acquisition Options in Advance of
25	MILITARY CONSTRUCTION PROJECTS.—(1) The Secretary

of a military department may acquire an option on a par cel of real property before or after its acquisition is au thorized by law, if the Secretary considers it suitable and
 likely to be needed for a military project of the military
 department under the jurisdiction of the Secretary.

6 "(2) As consideration for an option acquired under 7 paragraph (1), the Secretary may pay, from funds avail-8 able to the military department under the jurisdiction of 9 the Secretary for real property activities, an amount that 10 is not more than 12 percent of the appraised fair market 11 value of the property.".

12 (b) REPEAL OF SUPERSEDED PROVISION.—

13 (1) REPEAL.—Section 2677 of such title is re14 pealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title
is amended by striking the item relating to section
2677.

19SEC. 2823. MODIFICATION OF AUTHORITY TO LEASE NON-20EXCESS PROPERTY OF THE MILITARY DE-21PARTMENTS.

(a) ELIMINATION OF AUTHORITY TO ACCEPT FACILITIES OPERATION SUPPORT AS IN-KIND CONSIDERATION.—Subsection (c)(1) of section 2667 of title 10,
United States Code, is amended—

(1) by redesignating subparagraph (E) as sub-
paragraph (F); and
(2) by striking subparagraph (D) and inserting
the following new subparagraphs:
"(D) Provision or payment of utility services
for the Secretary concerned.
"(E) Provision of real property maintenance
services for the Secretary concerned.".
(b) Elimination of Authority to Use Rental
and Certain Other Proceeds for Facilities Oper-
ATION SUPPORT.—Subsection (e)(1)(C) of such section is
amended—
(1) by adjusting the margins of clauses (ii) and
(iii) to conform to the margin of clause (i); and
(2) by striking clause (iv) and inserting the fol-
lowing new clauses:
"(iv) Payment of utility services.
"(v) Real property maintenance services.".
(c) Use of Competitive Procedures for Selec-
TION OF CERTAIN LESSEES.—Subsection (h) of such sec-
tion is amended—
(1) in paragraph (1), by striking "exceeds one
(1) in paragraph (1) , by striking "exceeds one

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1	(2) by redesignating paragraph (3) as para-
2	graph (4); and
3	(3) by striking paragraph (2) and inserting the
4	following new paragraphs:
5	"(2) Paragraph (1) does not apply if the Secretary
6	concerned determines that—
7	"(A) a public interest will be served as a result
8	of the lease; and
9	"(B) the use of competitive procedures for the
10	selection of certain lessees is unobtainable or not
11	compatible with the public benefit served under sub-
12	paragraph (A).
13	"(3) Not later than 45 days before entering into a
14	lease described in paragraph (1), the Secretary concerned
15	shall submit to Congress written notice describing the
16	terms of the proposed lease and—
17	"(A) the competitive procedures used to select
18	the lessee; or
19	"(B) in the case of a lease involving the public
20	benefit exception authorized by paragraph (2), a de-
21	scription of the public benefit to be served by the
22	lease.".
23	(d) Technical Amendments Related to Prior-
24	YEAR AMENDMENT.—Subsection (e) of such section is
25	amended—

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1	(1) in paragraph (1)(B)(ii), by striking "para-
2	graph (4) , (5) , or (6) " and inserting "paragraph (3) ,
3	(4), or (5)"; and
4	(2) by redesignating paragraphs (4) , (5) , and
5	(6) as paragraphs (3) , (4) , and (5) .
6	SEC. 2824. COOPERATIVE AGREEMENT AUTHORITY FOR
7	MANAGEMENT OF CULTURAL RESOURCES ON
8	CERTAIN SITES OUTSIDE MILITARY INSTAL-
9	LATIONS.
10	(a) Expanded Authority.—Section 2684 of title
11	10, United States Code, is amended—
12	(1) in subsection (a), by striking "on military
13	installations" and inserting "located on a site au-
14	thorized by subsection (b)";
15	
	(2) by redesignating subsections (b) and (c) as
16	(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and
16 17	
	subsections (c) and (d), respectively; and
17	subsections (c) and (d), respectively; and (3) by inserting after subsection (a) the fol-
17 18	subsections (c) and (d), respectively; and(3) by inserting after subsection (a) the following new subsection (b):
17 18 19	 subsections (c) and (d), respectively; and (3) by inserting after subsection (a) the following new subsection (b): "(b) AUTHORIZED CULTURAL RESOURCES SITES.—
17 18 19 20	 subsections (c) and (d), respectively; and (3) by inserting after subsection (a) the following new subsection (b): "(b) AUTHORIZED CULTURAL RESOURCES SITES.— To be covered by a cooperative agreement under sub-
17 18 19 20 21	 subsections (c) and (d), respectively; and (3) by inserting after subsection (a) the following new subsection (b): "(b) AUTHORIZED CULTURAL RESOURCES SITES.— To be covered by a cooperative agreement under subsection (a), cultural resources must be located—
 17 18 19 20 21 22 	 subsections (c) and (d), respectively; and (3) by inserting after subsection (a) the following new subsection (b): "(b) AUTHORIZED CULTURAL RESOURCES SITES.— To be covered by a cooperative agreement under subsection (a), cultural resources must be located— "(1) on a military installation; or

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1	that would or might restrict, impede, or otherwise
2	interfere, whether directly or indirectly, with current
3	or anticipated military training, testing, or oper-
4	ations on a military installation.".
5	(b) Cultural Resource Defined.—Subsection
6	(d) of such section, as redesignated by subsection $(a)(2)$,
7	is amended by adding at the end the following new para-
8	graph:
9	"(5) An Indian sacred site, as defined in section
10	1(b)(iii) of Executive Order No. 13007.".
11	SEC. 2825. AGREEMENTS TO LIMIT ENCROACHMENTS AND
12	OTHER CONSTRAINTS ON MILITARY TRAIN-
12	ING, TESTING, AND OPERATIONS.
13	ING, IESIING, AND OI ERATIONS.
13	(a) Management of Natural Resources of Ac-
14	(a) Management of Natural Resources of Ac-
14 15	(a) MANAGEMENT OF NATURAL RESOURCES OF AC- QUIRED PROPERTY.—Subsection (d) of section 2684a of
14 15 16	 (a) MANAGEMENT OF NATURAL RESOURCES OF AC- QUIRED PROPERTY.—Subsection (d) of section 2684a of title 10, United States Code, is amended—
14 15 16 17	 (a) MANAGEMENT OF NATURAL RESOURCES OF AC- QUIRED PROPERTY.—Subsection (d) of section 2684a of title 10, United States Code, is amended— (1) by redesignating paragraphs (3), (4), (5),
14 15 16 17 18	 (a) MANAGEMENT OF NATURAL RESOURCES OF ACQUIRED PROPERTY.—Subsection (d) of section 2684a of title 10, United States Code, is amended— (1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively.
14 15 16 17 18 19	 (a) MANAGEMENT OF NATURAL RESOURCES OF AC- QUIRED PROPERTY.—Subsection (d) of section 2684a of title 10, United States Code, is amended— (1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respec- tively; and
 14 15 16 17 18 19 20 	 (a) MANAGEMENT OF NATURAL RESOURCES OF ACQUIRED PROPERTY.—Subsection (d) of section 2684a of title 10, United States Code, is amended— (1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and (2) by inserting after paragraph (2) the fol-
 14 15 16 17 18 19 20 21 	 (a) MANAGEMENT OF NATURAL RESOURCES OF ACQUIRED PROPERTY.—Subsection (d) of section 2684a of title 10, United States Code, is amended— (1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and (2) by inserting after paragraph (2) the following new paragraph (3):
 14 15 16 17 18 19 20 21 22 	 (a) MANAGEMENT OF NATURAL RESOURCES OF ACQUIRED PROPERTY.—Subsection (d) of section 2684a of title 10, United States Code, is amended— (1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and (2) by inserting after paragraph (2) the following new paragraph (3): "(3) An agreement with an eligible entity under this

subsection and for the payment by the United States of
 all or a portion of the costs of such natural resource man agement if the Secretary concerned determines that there
 is a demonstrated need to preserve or restore habitat for
 the purpose described in subsection (a)(2).".

6 (b) LIMITATION ON PORTION OF ACQUISITION COSTS
7 BORNE BY UNITED STATES.—Paragraph (4) of such sub8 section, as redesignated by subsection (a)(1), is amend9 ed—

10 (1) by redesignating subparagraph (D) as sub11 paragraph (E);

(2) in subparagraph (C), by striking "equal to
the fair market value" and all that follows through
the period at the end and inserting "equal to, at the
discretion of the Secretary concerned—

"(i) the fair market value of any property or interest in property to be transferred to the United
States upon the request of the Secretary concerned
under paragraph (5); or

"(ii) the cumulative fair market value of all
properties or interests to be transferred to the
United States under paragraph (5) pursuant to an
agreement under subsection (a)."; and

24 (3) by inserting after subparagraph (C) the fol-25 lowing new subparagraph:

1	"(D) The portion of acquisition costs borne by the
2	United States under subparagraph (A) may exceed the
3	amount determined under subparagraph (C), but only if—
4	"(i) the Secretary concerned provides written
5	notice to the Committee on Armed Services of the
6	Senate and the Committee on Armed Services of the
7	House of Representatives containing—
8	"(I) a certification by the Secretary that
9	the military value to the United States of the
10	property or interest to be acquired justifies a
11	payment in excess of the fair market value of
12	the property or interest; and
13	"(II) a description of the military value to
14	be obtained; and
15	"(ii) the contribution toward the acquisition
16	costs of the property or interest is not made until
17	at least 14 days after the date on which the notice
18	is submitted under clause (i) or, if earlier, at least
19	10 days after the date on which a copy of the notice
20	is provided in an electronic medium pursuant to sec-
21	tion 480 of this title.".

1	SEC. 2826. EXPANSION TO ALL MILITARY DEPARTMENTS OF
2	ARMY PILOT PROGRAM FOR PURCHASE OF
3	CERTAIN MUNICIPAL SERVICES FOR MILI-
4	TARY INSTALLATIONS.
5	(a) Expansion of Pilot Program.—Section 325
6	of the Ronald W. Reagan National Defense Authorization
7	Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C.
8	2461 note) is amended—
9	(1) in the section heading, by striking " ARMY "
10	and inserting " MILITARY ";
11	(2) in subsection (a)—
12	(A) by striking "Secretary of the Army"
13	and inserting "Secretary of a military depart-
14	ment"; and
15	(B) by striking "an Army installation" and
16	inserting "a military installation under the ju-
17	risdiction of the Secretary"; and
18	(3) in subsection (d), by striking "The Sec-
19	retary" and inserting "The Secretary of a military
20	department".
21	(b) PARTICIPATING INSTALLATIONS.—Subsection (c)
22	of such section is amended by striking "two Army installa-
23	tions" and inserting "three military installations from
24	each military service".

(c) EXTENSION OF DURATION OF PROGRAM.—Such
 section is further amended by striking subsections (e) and
 (f) and inserting the following new subsection:

4 "(e) TERMINATION OF PILOT PROGRAM.—The pilot
5 program shall terminate on September 30, 2012. Any con6 tract entered into under the pilot program shall terminate
7 not later than that date.".

8 SEC. 2827. PROHIBITION ON COMMERCIAL FLIGHTS INTO 9 SELFRIDGE AIR NATIONAL GUARD BASE.

10 The Secretary of Defense shall prohibit the use of
11 Selfridge Air National Guard Base by commercial service
12 aircraft.

13 SEC. 2828. SENSE OF CONGRESS ON DEPARTMENT OF DE14 FENSE ACTIONS TO PROTECT INSTALLA15 TIONS, RANGES, AND MILITARY AIRSPACE
16 FROM ENCROACHMENT.

(a) FINDINGS.—In light of the initial report of the
Department of Defense submitted pursuant to section
2684a(g) of title 10, United States Code, and of the
RAND Corporation report entitled "The Thin Green Line:
An Assessment of DoD's Readiness and Environmental
Protection Initiative to Buffer Installation Encroachment", Congress makes the following findings:

24 (1) Development and loss of habitat in the vi-25 cinity of, or in areas ecologically related to, military

installations, ranges, and airspace pose a continuing
 and significant threat to the readiness of the Armed
 Forces.

4 (2) The Range Sustainability Program (RSP) 5 of the Department of Defense, and in particular the 6 Readiness and Environmental Protection Initiative 7 (REPI) involving agreements pursuant to section 8 2684a of title 10, United States Code, have been ef-9 fective in addressing this threat to readiness with re-10 gard to a number of important installations, ranges, 11 and airspace.

(3) The opportunities to take effective action to
protect installations, ranges, and airspace from encroachment is in many cases transient, and delay in
taking action will result in either higher costs or permanent loss of the opportunity effectively to address
encroachment.

(b) SENSE OF CONGRESS.—It is the sense of Con-gress that the Department of Defense should—

(1) develop additional policy guidance on the
further implementation of the Readiness and Environmental Protection Initiative (REPI), to include
additional emphasis on protecting biodiversity and
on further refining procedures;

(2) give greater emphasis to effective coopera tion and collaboration on matters of mutual concern
 with other Federal agencies charged with managing
 Federal land; and

5 (3) ensure that each military department takes
6 full advantage of the authorities provided by section
7 2684a of title 10, United States Code, in addressing
8 encroachment adversely affecting, or threatening to
9 adversely affect, the installations, ranges, and mili10 tary airspace of the department.

11 (c) REPORTING REQUIREMENT.—Not later than 90 12 days after the date of the enactment of this Act, the Secretary of Defense shall review Chapter 6 of the initial re-13 port submitted to Congress under section 2684a(g) of title 14 15 10, United States Code, and report to the congressional defense committees on the specific steps, if any, that the 16 Secretary plans to take, or recommends that Congress 17 take, to address the issues raised in such chapter. 18

19 SEC. 2829. REPORTS ON ARMY AND MARINE CORPS OPER20 ATIONAL RANGES.

(a) REPORT ON UTILIZATION AND POTENTIAL EX22 PANSION OF ARMY OPERATIONAL RANGES.—Not later
23 than 180 days after the date of the enactment of this Act,
24 the Secretary of the Army shall submit to the congres25 sional defense committees a report containing an assess-

1	ment of the Army operational ranges used to support
2	training and range activities of the Army. The report shall
3	include the following information:
4	(1) The size, description, and mission-essential
5	tasks supported by each Army operational range
6	during fiscal year 2003.
7	(2) A description of the projected changes in
8	Army operational range requirements, including the
9	size, characteristics, and attributes for mission-es-
10	sential activities at each Army operational range and
11	the extent to which any changes in requirements are
12	a result of—
13	(A) decisions made as part of the 2005
14	round of defense base closure and realignment
15	under the Defense Base Closure and Realign-
16	ment Act of 1990 (part A of title XXIX of
17	Public Law 101–510; 10 U.S.C. 2687 note);
18	(B) the conversion of Army brigades to a
19	modular format;
20	(C) the Integrated Global Presence and
21	Basing Strategy;
22	(D) the proposal contained in the budget
23	justification materials submitted in support of
24	the Department of Defense budget for fiscal
25	year 2008 to increase the size of the active

1	component of the Army to 547,400 personnel
2	by the end of fiscal year 2012 and any modi-
3	fication or acceleration contemplated in the
4	budget submission for fiscal year 2009; or
5	(E) high operational tempos or surge re-
6	quirements.
7	(3) The projected deficit or surplus of land at
8	each Army operational range, and a description of
9	the Army's plan to address that projected deficit or
10	surplus of land as well as the upgrade of range at-
11	tributes at each existing Army operational range.
12	(4) A description of the Army's prioritization
13	process and investment strategy to address the po-
14	tential expansion or upgrade of Army operational
15	ranges.
16	(5) An analysis of alternatives to the expansion
17	of Army operational ranges, including an assessment
18	of the joint use of operational ranges under the ju-
19	risdiction, custody, or control of the Secretary of an-
20	other military department.
21	(6) An analysis of the cost of, potential military
22	value of, and potential legal or practical impedi-
23	ments to, the expansion of the Joint Readiness
24	Training Center at Fort Polk, Louisiana, through

1	the acquisition of additional land adjacent to or in
2	the vicinity of the installation.
3	(7) An analysis of the impact of the proposal
4	described in paragraph $(2)(D)$ on the plan developed
5	prior to such proposal to relocate forces from Ger-
6	many to the United States and vacate installations
7	in Germany as part of the Integrated Global Pres-
8	ence and Basing Strategy, including a comparative
9	analysis of—
10	(A) the projected utilization of the three
11	combat training centers of the Army if all of
12	the six light infantry brigades proposed to be
13	added to the active component of the Army
14	would be based in the United States; and
15	(B) the projected utilization of such ranges
16	if at least one of those brigades would be based
17	in Germany or if one of the brigades proposed
18	to be relocated pursuant to the plan in para-
19	graph $(a)(2)(C)$ is retained in Germany.
20	(8) If the analysis required by paragraph (7)
21	indicates that the Joint Multi-National Readiness
22	Center in Hohenfels, Germany, or the Army's train-
23	ing complex at Grafenwoehr, Germany, would not be
24	fully utilized under the basing scenarios analyzed, an

1	estimate of the cost to replicate the training capa-
2	bility at that center in another location.
3	(b) Report on Potential Expansion of Marine
4	CORPS OPERATIONAL RANGES.—Not later than 180 days
5	after the date of the enactment of this Act, the Secretary
6	of the Navy shall submit to the congressional defense com-
7	mittees a report containing an assessment of Marine
8	Corps operational ranges used to support training and
9	range activities of the Marine Corps. The report required
10	shall include the following information:

11 (1) The size, description, and mission-essential 12 tasks supported by each major Marine Corps oper-13 ational range during fiscal year 2003.

14 (2) A description of the projected changes in 15 Marine Corps operational range requirements, including the size, characteristics, and attributes for 16 17 mission-essential activities at each range and the ex-18 tent to which any changes in requirements are a re-19 sult of the proposal contained in the fiscal year 2008 20 budget request to increase the size of the active component of the Marine Corps to 202,000 personnel by 21 22 the end of fiscal year 2012 and any modification or 23 acceleration contemplated in the budget submission 24 for fiscal year 2009.

1 (3) The projected deficit or surplus of land at 2 each major Marine Corps operational range, and a 3 description of the Secretary's plan to address that 4 projected deficit or surplus of land as well as the up-5 grade of range attributes at each existing Marine 6 Corps operational range.

7 (4) A description of the Secretary's
8 prioritization process and investment strategy to ad9 dress the potential expansion or upgrade of Marine
10 Corps operational ranges.

(5) An analysis of alternatives to the expansion
of Marine Corps operational ranges, including an assessment of the joint use of operational ranges
under the jurisdiction, custody, or control of the
Secretary of another military department.

(6) An analysis of the cost of, potential military
value of, and potential legal or practical impediments to, the expansion of Marine Corps Base,
Twentynine Palms, California, through the acquisition of additional land adjacent to or in the vicinity
of that installation that is under the control of the
Bureau of Land Management.

(c) SUPPLEMENTAL REPORT.—Not later than 90
days after the date on which the second of the two reports
required by subsections (a) and (b) is submitted, the Sec-

1	retary of Defense shall submit to the congressional defense
2	committees a report containing the following information:
3	(1) A description of initiatives by the Secretary
4	of Defense to coordinate the range expansion activi-
5	ties of the Army and Marine Corps in order to gain
6	efficiencies in investment and resource allocation.
7	(2) An analysis of training requirements for the
8	Army and the Marine Corps that could be accom-
9	plished through joint use of existing ranges.
10	(3) An analysis of the responses provided by the
11	Secretary of the Army under subsection $(a)(5)$ and
12	the Secretary of the Navy subsection $(b)(5)$.
13	(4) Any other matter that the Secretary of De-
14	fense considers to be of importance to ensure the ef-
15	fective and timely expansion of ranges to meet Army
16	and Marine Corps training requirements.
17	(d) DEFINITIONS.—In this section:
18	(1) The term "Army operational range" has the
19	meaning given the term "operational range" in sec-
20	tion 101(e)(3) of title 10, United States Code, ex-
21	cept that the term is limited to operational ranges
22	under the jurisdiction, custody, or control of the
23	Secretary of the Army.
24	(2) The term "Marine Corps operational range"
25	has the meaning given the term "operational range"

1 in section 101(e)(3) of such title, except that the 2 term is limited to operational ranges under the juris-3 diction, custody, or control of the Secretary of the 4 Navy that are used by or available for use by the 5 Marine Corps. 6 (3) The term "range activities" has the mean-7 ing given that term in section 101(e)(2) of such 8 title. 9 SEC. 2830. NIAGARA AIR RESERVE BASE, NEW YORK, BAS-10 ING REPORT. 11 Not later than March 1, 2008, the Secretary of the 12 Air Force shall submit to the congressional defense com-13 mittees a report containing a detailed plan of the current 14 and future aviation assets that the Secretary expects will 15 be based at Niagara Air Reserve Base, New York. The

16 report shall include a description of all of the aviation as-17 sets that will be impacted by the series of relocations to18 be made to or from Niagara Air Reserve Base and the19 timeline for such relocations.

20 SEC. 2831. REPORT ON THE PINON CANYON MANEUVER21SITE, COLORADO.

22 (a) REPORT ON THE PINON CANYON MANEUVER23 SITE.—

24 (1) REPORT REQUIRED.—Not later than 180
25 days after the date of the enactment of this Act, the

1	Secretary of the Army shall submit to the congres-
2	sional defense committees a report on the Pinon
3	Canyon Maneuver Site (referred to in this section as
4	"the Site").
5	(2) CONTENT.—The report required under
6	paragraph (1) shall include the following:
7	(A) An analysis of whether existing train-
8	ing facilities at Fort Carson, Colorado, and the
9	Site are sufficient to support the training needs
10	of units stationed or planned to be stationed at
11	Fort Carson, including the following:
12	(i) A description of any new training
13	requirements or significant developments
14	affecting training requirements for units
15	stationed or planned to be stationed at
16	Fort Carson since the 2005 Defense Base
17	Closure and Realignment Commission
18	found that the base has "sufficient capac-
19	ity" to support four brigade combat teams
20	and associated support units at Fort Car-
21	son.
22	(ii) A study of alternatives for enhanc-
23	ing training facilities at Fort Carson and
24	the Site within their current geographic
25	footprint, including whether these addi-

1	tional investments or measures could sup-
2	port additional training activities.
3	(iii) A description of the current train-
4	ing calendar and training load at the Site,
5	including-
6	(I) the number of brigade-sized
7	and battalion-sized military exercises
8	held at the Site since its establish-
9	ment;
10	(II) an analysis of the maximum
11	annual training load at the Site, with-
12	out expanding the Site; and
13	(III) an analysis of the training
14	load and projected training calendar
15	at the Site when all brigades stationed
16	or planned to be stationed at Fort
17	Carson are at home station.
18	(B) A report of need for any proposed ad-
19	dition of training land to support units sta-
20	tioned or planned to be stationed at Fort Car-
21	son, including the following:
22	(i) A description of additional training
23	activities, and their benefits to operational
24	readiness, which would be conducted by
25	units stationed at Fort Carson if, through

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1	leases or acquisition from consenting land-
2	owners, the Site were expanded to in-
3	clude—
4	(I) the parcel of land identified
5	as "Area A" in the Potential PCMS
6	Land expansion map;
7	(II) the parcel of land identified
8	as "Area B" in the Potential PCMS
9	Land expansion map;
10	(III) the parcels of land identi-
11	fied as "Area A" and "Area B" in the
12	Potential PCMS Land expansion map;
13	(IV) acreage sufficient to allow
14	simultaneous exercises of a light in-
15	fantry brigade and a heavy infantry
16	brigade at the Site;
17	(V) acreage sufficient to allow si-
18	multaneous exercises of two heavy in-
19	fantry brigades at the Site;
20	(VI) acreage sufficient to allow
21	simultaneous exercises of a light in-
22	fantry brigade and a battalion at the
23	Site; and
24	(VII) acreage sufficient to allow
25	simultaneous exercises of a heavy in-

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1	fantry brigade and a battalion at the
2	Site.
3	(ii) An analysis of alternatives for ac-
4	quiring or utilizing training land at other
5	installations in the United States to sup-
6	port training activities of units stationed at
7	Fort Carson.
8	(iii) An analysis of alternatives for
9	utilizing other federally owned land to sup-
10	port training activities of units stationed at
11	Fort Carson.
12	(C) An analysis of alternatives for enhanc-
13	ing economic development opportunities in
14	southeastern Colorado at the current Site or
15	through any proposed expansion, including the
16	consideration of the following alternatives:
17	(i) The leasing of land on the Site or
18	any expansion of the Site to ranchers for
19	grazing.
20	(ii) The leasing of land from private
21	landowners for training.
22	(iii) The procurement of additional
23	services and goods, including biofuels and
24	

24 beef, from local businesses.

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1	(iv) The creation of an economic de-
2	velopment fund to benefit communities,
3	local governments, and businesses in
4	southeastern Colorado.
5	(v) The establishment of an outreach
6	office to provide technical assistance to
7	local businesses that wish to bid on De-
8	partment of Defense contracts.
9	(vi) The establishment of partnerships
10	with local governments and organizations
11	to expand regional tourism through ex-
12	panded access to sites of historic, cultural,
13	and environmental interest on the Site.
14	(vii) An acquisition policy that allows
15	willing sellers to minimize the tax impact
16	of a sale.
17	(viii) Additional investments in Army
18	missions and personnel, such as stationing
19	an active duty unit at the Site, including—
20	(I) an analysis of anticipated
21	operational benefits; and
22	(II) an analysis of economic im-
23	pacts to surrounding communities.
24	(3) POTENTIAL PCMS LAND EXPANSION MAP
25	DEFINED.—In this subsection, the term "Potential

PCMS Land expansion map" means the June 2007 1 2 map entitled "Potential PCMS Land expansion". 3 (b) COMPTROLLER GENERAL REVIEW OF REPORT.— 4 Not later than 180 days after the Secretary of Defense 5 submits the report required under subsection (a), the Comptroller General of the United States shall submit to 6 7 Congress a review of the report and of the justification 8 of the Army for expansion at the Site. 9 (c) PUBLIC COMMENT.—After the report required 10 under subsection (b) is submitted to Congress, the Army

11 shall solicit public comment on the report for a period of12 not less than 90 days. Not later than 30 days after the13 public comment period has closed, the Secretary shall sub-14 mit to Congress a written summary of comments received.

15 Subtitle C—Land Conveyances
16 sec. 2841. MODIFICATION OF CONVEYANCE AUTHORITY,
17 MARINE CORPS BASE, CAMP PENDLETON,
18 CALIFORNIA.

Section 2851(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law
105–261; 112 Stat. 2219) is amended by striking ", notwithstanding any provision of State law to the contrary,",
as added by section 2867 of Public Law 107–107 (115
Stat. 1334).

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3 (a) GRANT AUTHORIZED.—Secretary of the Air Force may use the authority provided by section 2668 of 4 5 title 10, United States Code, to grant to the Mid Bay Bridge Authority an easement for a roadway right-of-way 6 7 over such land at Eglin Air Force Base, Florida, as the 8 Secretary determines necessary to facilitate the construc-9 tion of a road connecting the northern landfall of the Mid 10 Bay Bridge to Florida State Highway 85.

(b) CONSIDERATION.—As consideration for the grant
of the easement under subsection (a), the Mid Bay Bridge
Authority shall pay to the Secretary an amount equal to
the fair-market-value of the easement, as determined by
the Secretary.

16 (c) COSTS OF PROJECT.—As a condition of the grant 17 of the easement under subsection (a), the Mid Bay Bridge 18 Authority shall be responsible for all costs associated with 19 the highway project described in such subsection, includ-20 ing all costs the Secretary determines to be necessary to 21 address any impacts that the project may have on the de-22 fense missions at Eglin Air Force Base.

23 SEC. 2843. LAND CONVEYANCE, LYNN HAVEN FUEL DEPOT,

24 LYNN HAVEN, FLORIDA.

25 (a) CONVEYANCE AUTHORIZED.—The Secretary of
26 the Air Force may convey to Florida State University (in
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this section referred to as the "University") all right, title,
 and interest of the United States in and to a parcel of
 real property, including improvements thereon, consisting
 of approximately 40 acres located at the Lynn Haven Fuel
 Depot in Lynn Haven, Florida, as a public benefit convey ance for the purpose of permitting the University to de velop the property as a new satellite campus.

8 (b) CONSIDERATION.—

9 (1) IN GENERAL.—For the conveyance of the 10 property under subsection (a), the University shall 11 provide the United States with consideration in an 12 amount that is acceptable to the Secretary, whether 13 in the form of cash payment, in-kind consideration, 14 or a combination thereof.

(2) REDUCED TUITION RATES.—The Secretary
may accept as in-kind consideration under paragraph (1) reduced tuition rates or scholarships for
military personnel at the University.

19 (c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall
require the University to cover costs to be incurred
by the Secretary, or to reimburse the Secretary for
costs incurred by the Secretary, to carry out the
conveyance under subsection (a), including survey
costs, appraisal costs, and other costs related to the

conveyance. If amounts are collected from the Uni versity in advance of the Secretary incurring the ac tual costs, and the amount collected exceeds the
 costs actually incurred by the Secretary to carry out
 the conveyance, the Secretary shall refund the excess
 amount to the University.

7 (2)TREATMENT OF AMOUNTS RECEIVED.-8 Amounts received under paragraph (1) as reim-9 bursement for costs incurred by the Secretary to 10 carry out the conveyance under subsection (a) shall 11 be credited to the fund or account that was used to 12 cover the costs incurred by the Secretary in carrying 13 out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and 14 15 shall be available for the same purposes, and subject 16 to the same conditions and limitations, as amounts 17 in such fund or account.

18 (d) Use of Property for Other Than Intended 19 PURPOSES.—If the Secretary determines at any time that 20 the real property conveyed under subsection (a) is not 21 being used in accordance with the purposes of the convey-22 ance specified in such subsection, the University shall pay 23 to the United States an amount equal to the fair market value of the property, as of the time of such determination. 24 25 The fair market value of the property, excluding the value of any improvements made to the property by the Univer sity, shall be determined by the Secretary in accordance
 with Federal appraisal standards and procedures.

4 (e) DESCRIPTION OF PROPERTY.—The exact acreage
5 and legal description of the real property to be conveyed
6 under subsection (a) shall be determined by a survey satis7 factory to the Secretary.

8 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-9 retary may require such additional terms and conditions 10 in connection with the conveyance under subsection (a) as 11 the Secretary considers appropriate to protect the inter-12 ests of the United States.

13 SEC. 2844. MODIFICATION OF LEASE OF PROPERTY, NA14 TIONAL FLIGHT ACADEMY AT THE NATIONAL 15 MUSEUM OF NAVAL AVIATION, NAVAL AIR 16 STATION, PENSACOLA, FLORIDA.

Section 2850(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd
D. Spence National Defense Authorization Act for Fiscal
Year 2001 (as enacted into law by Public Law 106–398;
114 Stat. 1654A–428)) is amended—

(1) by striking "naval aviation and" and insert-ing "naval aviation,"; and

(2) by inserting before the period at the end thefollowing: ", and, as of January 1, 2008, to teach

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1	the science, technology, engineering, and mathe-
2	matics disciplines that have an impact on and relate
3	to aviation".
4	SEC. 2845. LAND EXCHANGE, DETROIT, MICHIGAN.
5	(a) DEFINITIONS.—In this section:
6	(1) Administrator.—The term "Adminis-
7	trator" means the Administrator of General Serv-
8	ices.
9	(2) CITY.—The term "City" means the City of
10	Detroit, Michigan.
11	(3) CITY LAND.—The term "City land" means
12	the approximately 0.741 acres of real property, in-
13	cluding any improvement thereon, as depicted on the
14	exchange maps, that is commonly identified as 110
15	Mount Elliott Street, Detroit, Michigan.
16	(4) COMMANDANT.—The term "Commandant"
17	means the Commandant of the United States Coast
18	Guard.
19	(5) EDC.—The term "EDC" means the Eco-
20	nomic Development Corporation of the City of De-
21	troit.
22	(6) EXCHANGE MAPS.—The term "exchange
23	maps" means the maps entitled "Atwater Street
24	Land Exchange Maps" prepared pursuant to sub-
25	section (f).

1	(7) FEDERAL LAND.—The term "Federal land"
2	means approximately 1.26 acres of real property, in-
3	cluding any improvements thereon, as depicted on
4	the exchange maps, that is commonly identified as
5	2660 Atwater Street, Detroit, Michigan, and under
6	the administrative control of the United States
7	Coast Guard.
8	(8) Sector Detroit.—The term "Sector De-
9	troit" means Coast Guard Sector Detroit of the
10	Ninth Coast Guard District.
11	(b) CONVEYANCE AUTHORIZED.—The Commandant
12	of the Coast Guard, in coordination with the Adminis-
13	trator, may convey to the EDC all right, title, and interest
14	of the United States in and to the Federal land.
14	of the United States in and to the Pederal land.
14	(c) CONSIDERATION.—
15	(c) Consideration.—
15 16	(c) CONSIDERATION.— (1) IN GENERAL.—As consideration for the con-
15 16 17	 (c) CONSIDERATION.— (1) IN GENERAL.—As consideration for the conveyance under subsection (b)—
15 16 17 18	 (c) CONSIDERATION.— (1) IN GENERAL.—As consideration for the conveyance under subsection (b)— (A) the City shall convey to the United
15 16 17 18 19	 (c) CONSIDERATION.— (1) IN GENERAL.—As consideration for the conveyance under subsection (b)— (A) the City shall convey to the United States all right, title, and interest in and to the
15 16 17 18 19 20	 (c) CONSIDERATION.— (1) IN GENERAL.—As consideration for the conveyance under subsection (b)— (A) the City shall convey to the United States all right, title, and interest in and to the City land; and
 15 16 17 18 19 20 21 	 (c) CONSIDERATION.— (1) IN GENERAL.—As consideration for the conveyance under subsection (b)— (A) the City shall convey to the United States all right, title, and interest in and to the City land; and (B) the EDC shall construct a facility and

(A) IN GENERAL.—The Commandant may, upon the agreement of the City and the EDC, waive the requirement to construct a facility and parking lot under paragraph (1)(B) and accept in lieu thereof an equalization payment from the City equal to the difference between the value, as determined by the Administrator at the time of transfer, of the Federal land and the City land.

10 (B) **AVAILABILITY** OF FUNDS.—Any 11 amounts received pursuant to subparagraph (A) 12 shall be available to the Commandant, without 13 further appropriation and until expended, to 14 construct, expand, or improve facilities related 15 to Sector Detroit's aids to navigation or vessel 16 maintenance.

17 (d) CONDITIONS OF EXCHANGE.—

18 (1) COVENANTS.—All conditions placed within
19 the deeds of title shall be construed as covenants
20 running with the land.

(2) AUTHORITY TO ACCEPT QUITCLAIM
DEED.—The Commandant may accept a quitclaim
deed for the City land and may convey the Federal
land by quitclaim deed.

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(3) ENVIRONMENTAL REMEDIATION.—Prior to 1 2 the time of the exchange, the Coast Guard and the 3 EDC shall remediate any and all contaminants exist-4 ing on their respective properties to levels required 5 by applicable State and Federal law. The Com-6 mandant and, as a condition of the exchange, the 7 EDC shall make available for review and inspection 8 any record relating to hazardous materials on the 9 land to be exchanged under this section. The costs 10 of remedial actions relating to hazardous materials 11 on exchanged land shall be paid by those entities re-12 sponsible for costs under applicable law.

13 (e) AUTHORITY TO ENTER INTO LICENSE OR LEASE.—The Commandant may enter into a license or 14 15 lease agreement with the Detroit Riverfront Conservancy for the use of a portion of the Federal land for the Detroit 16 17 Riverfront Walk. Such license or lease shall be at no cost 18 to the City and upon such other terms that are acceptable 19 to the Commandant, and shall terminate upon the comple-20 tion of the exchange authorized by this section, or the date 21 specified in subsection (h), whichever occurs earlier.

22 (f) MAP AND LEGAL DESCRIPTIONS OF LAND.—

(1) IN GENERAL.—As soon as practicable after
the date of enactment of this Act, the Commandant
shall file with the Committee on Commerce, Science

1	and Transportation of the Senate and the Com-
2	mittee on Transportation and Infrastructure of the
3	House of Representatives the maps, entitled
4	"Atwater Street Land Exchange Maps", which de-
5	pict the Federal land and the City lands and provide
6	a legal description of each property to be exchanged.
7	(2) FORCE OF LAW.—The maps and legal de-
8	scriptions filed under paragraph (1) shall have the
9	same force and effect as if included in this Act, ex-
10	cept that the Commandant may correct typo-
11	graphical errors in the maps and each legal descrip-
12	tion.
13	(3) PUBLIC AVAILABILITY.—Each map and
14	legal description filed under paragraph (1) shall be
15	on file and available for public inspection in the ap-
16	propriate offices of the Coast Guard and the City.
17	(g) Additional Terms and Conditions.—The
18	Commandant may require such additional terms and con-
19	ditions in connection with the exchange under this section
20	as the Commandant considers appropriate to protect the
21	interests of the United States.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The
authority to enter into the exchange authorized by this
section shall expire three years after the date of enactment
of this Act.

1SEC. 2846. TRANSFER OF JURISDICTION, FORMER NIKE2MISSILE SITE, GROSSE ILE, MICHIGAN.

3 (a) TRANSFER.—Administrative jurisdiction over the
4 property described in subsection (b) is hereby transferred
5 from the Administrator of the Environmental Protection
6 Agency to the Secretary of the Interior.

7 (b) PROPERTY DESCRIBED.—The property referred 8 to in subsection (a) is the former Nike missile site located 9 at the southern end of Grosse Ile, Michigan, as depicted 10 on the map entitled "07–CE" on file with the Environ-11 mental Protection Agency and dated May 16, 1984.

(c) ADMINISTRATION OF PROPERTY.—Subject to
subsection (d), the Secretary of the Interior shall administer the property described in subsection (b)—

15 (1) acting through the United States Fish and16 Wildlife Service;

17 (2) as part of the Detroit River International18 Wildlife Refuge; and

(3) for use as a habitat for fish and wildlife and
as a recreational property for outdoor education and
environmental appreciation.

(d) MANAGEMENT OF REMEDIATION.—The Secretary of Defense, acting through the Army Corps of Engineers, shall manage and carry out environmental remediation activities with respect to the property described in
subsection (b) that, at a minimum, achieve the standard
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sufficient to allow the property to be used as provided in 1 2 subsection (c)(3). Such remediation activities, with the ex-3 ception of long-term monitoring, shall be completed to 4 achieve that standard not later than two years after the 5 date of the enactment of this Act. The Secretary of Defense may use amounts made available from the account 6 7 established by section 2703(a)(5) of title 10, United 8 States Code, to carry out such remediation.

9 (e) SAVINGS PROVISION.—Nothing in this section 10 shall be construed to affect or limit the application of, or 11 any obligation to comply with, any environmental law, in-12 cluding the Comprehensive Environmental Response, 13 Compensation, and Liability Act of 1980 (42 U.S.C. 9601 14 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 15 et seq.).

16 SEC. 2847. MODIFICATION TO LAND CONVEYANCE AUTHOR-

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ITY, FORT BRAGG, NORTH CAROLINA.

(a) REQUIREMENT TO CONVEY TRACT NO. 404–1
PROPERTY WITHOUT CONSIDERATION.—Section 2836 of
the Military Construction Authorization Act for Fiscal
Year 1998 (division B of Public Law 105–85; 111 Stat.
2005) is amended—

(1) in subsection (a)(3), by striking "at fair
market value" and inserting "without consideration";

1 (2) in subsection (b), by striking paragraph (2) 2 and inserting the following new paragraph: 3 "(2) The conveyances under paragraphs (2) and (3)4 of subsection (a) shall be subject to the condition that the 5 County develop and use the conveyed properties for educational purposes and the construction of public school 6 7 structures."; and 8 (3) in subsection (c), by striking paragraph (2) 9 and inserting the following new paragraph: 10 "(2) If the Secretary determines at any time that the real property conveyed under paragraph (2) or paragraph 11 12 (3) of subsection (a) is not being used in accordance with 13 subsection (b)(2), all right, title, and interest in and to the property conveyed under such paragraph, including 14 15 any improvements thereon, shall revert, at the option of

16 the Secretary, to the United States, and the United States17 shall have the right of immediate entry thereon.".

(b) PAYMENT OF COSTS OF CONVEYANCE.—Suchsection is further amended by adding at the end the fol-lowing new subsection:

21 "(f) PAYMENT OF COSTS OF CONVEYANCE OF TRACT
22 No. 404–1 PROPERTY.—

23 "(1) PAYMENT REQUIRED.—The Secretary
24 shall require the County to cover costs to be in25 curred by the Secretary, or to reimburse the Sec-

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2 out the conveyance under subsection (a)(3), includ-3 ing survey costs, costs related to environmental doc-4 umentation, and other administrative costs related 5 to the conveyance. If amounts are collected from the 6 County in advance of the Secretary incurring the ac-7 tual costs, and the amount collected exceeds the 8 costs actually incurred by the Secretary to carry out 9 the conveyance, the Secretary shall refund the excess 10 amount to the County.

11 "(2) TREATMENT OF AMOUNTS RECEIVED. 12 Amounts received as reimbursement under para-13 graph (1) shall be credited to the fund or account 14 that was used to cover the costs incurred by the Sec-15 retary in carrying out the conveyance. Amounts so 16 credited shall be merged with amounts in such fund 17 or account, and shall be available for the same pur-18 poses, and subject to the same conditions and limita-19 tions, as amounts in such fund or account.".

20 SEC. 2848. LAND CONVEYANCE, LEWIS AND CLARK UNITED

21 STATES ARMY RESERVE CENTER, BISMARCK, 22 NORTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of
the Army may convey, without consideration, to the
United Tribes Technical College all right, title, and inter-

est of the United States in and to a parcel of real property,
 including improvements thereon, consisting of approxi mately 2 acres located at the Lewis and Clark United
 States Army Reserve Center, 3319 University Drive, Bis marck, North Dakota, for the purpose of supporting edu cation at the United Tribes Technical College.

7 (b) REVERSIONARY INTEREST.—

8 (1) IN GENERAL.—Subject to paragraph (2), if 9 the Secretary determines at any time that the real 10 property conveyed under subsection (a) is not being 11 used in accordance with the purposes of the convey-12 ance specified in such subsection, all right, title, and 13 interest in and to the property shall revert, at the 14 option of the Secretary, to the United States, and 15 the United States shall have the right of immediate 16 entry onto the property. Any determination of the 17 Secretary under this subsection shall be made on the 18 record after an opportunity for a hearing.

19 (2) EXPIRATION.—The reversionary interest
20 under paragraph (1) shall expire upon satisfaction of
21 the following conditions:

(A) The real property conveyed under subsection (a) is used in accordance with the purposes of the conveyance specified in such sub-

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1	section for a period of not less than 30 years
2	following the date of the conveyance.
3	(B) After the end of period specified in
4	subparagraph (A), the United Tribes Technical
5	College applies to the Secretary for the release
6	of the reversionary interest.
7	(C) The Secretary certifies, in a manner
8	that can be filed with the appropriate land rec-
9	ordation office, that the condition under sub-
10	paragraph (A) has been satisfied.
11	(c) PAYMENT OF COSTS OF CONVEYANCE.—
12	(1) PAYMENT REQUIRED.—The Secretary shall
13	require the United Tribes Technical College to cover
14	costs to be incurred by the Secretary, or to reim-
15	burse the Secretary for costs incurred by the Sec-
16	retary, to carry out the conveyance under subsection
17	(a), including survey costs, costs related to environ-
18	mental documentation, and other administrative
19	costs related to the conveyance. If amounts are col-
20	lected from the United Tribes Technical College in
21	advance of the Secretary incurring the actual costs,
22	and the amount collected exceeds the costs actually
23	incurred by the Secretary to carry out the convey-
24	ance, the Secretary shall refund the excess amount
25	to the United Tribes Technical College.

1 (2)TREATMENT OF AMOUNTS RECEIVED.— 2 Amounts received as reimbursements under para-3 graph (1) shall be credited to the fund or account 4 that was used to cover the costs incurred by the Sec-5 retary in carrying out the conveyance. Amounts so 6 credited shall be merged with amounts in such fund 7 or account and shall be available for the same pur-8 poses, and subject to the same conditions and limita-9 tions, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact
acreage and legal description of the real property to be
conveyed under subsection (a) shall be determined by a
survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The
Secretary may require such additional terms and conditions in connection with the conveyance under subsection
(a) as the Secretary considers appropriate to protect the
interests of the United States.

19 SEC. 2849. LAND EXCHANGE, FORT HOOD, TEXAS.

(a) EXCHANGE AUTHORIZED.—The Secretary of the
Army may convey to the City of Copperas Cove, Texas
(in this section referred to as the "City"), all right, title,
and interest of the United States in and to a parcel of
real property, including any improvements thereon, consisting of approximately 200 acres at Fort Hood, Texas,

for the purpose of permitting the City to improve arterial
 transportation routes in the community.

3 (b) CONSIDERATION.—As consideration for the con-4 veyance under subsection (a), the City shall convey to the 5 Secretary all right, title, and interest of the City in and to one or more parcels of real property that are acceptable 6 7 to the Secretary. The fair market value of the real prop-8 erty acquired by the Secretary under this subsection shall 9 be at least equal to the fair market value of the real prop-10 erty conveyed under subsection (a), as determined by ap-11 praisals acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage
and legal description of the real property to be exchanged
under this section shall be determined by surveys satisfactory to the Secretary.

16 (d) PAYMENT OF COSTS OF CONVEYANCES.—

17 (1) PAYMENT REQUIRED.—The Secretary shall 18 require the City to cover costs to be incurred by the 19 Secretary, or to reimburse the Secretary for costs in-20 curred by the Secretary, to carry out the convey-21 ances under this section, including survey costs re-22 lated to the conveyances. If amounts are collected 23 from the City in advance of the Secretary incurring 24 the actual costs, and the amount collected exceeds 25 the costs actually incurred by the Secretary to carry out the conveyances, the Secretary shall refund the
 excess amount to the City.

3 (2)TREATMENT OF AMOUNTS RECEIVED.-4 Amounts received under paragraph (1) as reim-5 bursement for costs incurred by the Secretary to 6 carry out the conveyances under this section shall be credited to the fund or account that was used to 7 8 cover the costs incurred by the Secretary in carrying 9 out the conveyances. Amounts so credited shall be 10 merged with amounts in such fund or account and 11 shall be available for the same purposes, and subject 12 to the same conditions and limitations, as amounts 13 in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions
in connection with the conveyances under this section as
the Secretary considers appropriate to protect the interests of the United States.

19 Subtitle D—Energy Security

20 SEC. 2861. REPEAL OF CONGRESSIONAL NOTIFICATION RE-

21QUIREMENTREGARDINGCANCELLATION22CEILING FOR DEPARTMENT OF DEFENSE EN-

23 ERGY SAVINGS PERFORMANCE CONTRACTS.

24 Section 2913 of title 10, United States Code, is25 amended by striking subsection (e).

1	SEC. 2862. DEFINITION OF ALTERNATIVE FUELED VEHICLE.
2	Section $301(3)$ of the Energy Policy Act of 1992 (42)
3	U.S.C. 13211(3)) is amended—
4	(1) by striking "(3) the term" and inserting the
5	following:
6	"(3) Alternative fueled vehicle.—
7	"(A) IN GENERAL.—The term"; and
8	(2) by adding at the end the following:
9	"(B) INCLUSIONS.—The term 'alternative
10	fueled vehicle' includes—
11	"(i) a new qualified fuel cell motor ve-
12	hicle (as defined in section $30B(b)(3)$ of
13	the Internal Revenue Code of 1986);
14	"(ii) a new advanced lean burn tech-
15	nology motor vehicle (as defined in section
16	30B(c)(3) of that Code);
17	"(iii) a new qualified hybrid motor ve-
18	hicle (as defined in section $30B(d)(3)$ of
19	that Code); and
20	"(iv) any other type of vehicle that
21	the Administrator demonstrates to the Sec-
22	retary would achieve a significant reduc-
23	tion in petroleum consumption.".

SEC. 2863. USE OF ENERGY EFFICIENT LIGHTING FIXTURES AND BULBS IN DEPARTMENT OF DEFENSE FACILITIES.

4 (a) CONSTRUCTION AND ALTERATION OF BUILD5 INGS.—Each building constructed or significantly altered
6 by the Secretary of Defense or the Secretary of a military
7 department shall be equipped, to the maximum extent fea8 sible as determined by the Secretary concerned, with light9 ing fixtures and bulbs that are energy efficient.

10 (b) MAINTENANCE OF BUILDINGS.—Each lighting 11 fixture or bulb that is replaced in the normal course of 12 maintenance of buildings under the jurisdiction of the Sec-13 retary of Defense or the Secretary of a military depart-14 ment shall be replaced, to the maximum extent feasible 15 as determined by the Secretary concerned, with a lighting 16 fixture or bulb that is energy efficient.

(c) CONSIDERATIONS.—In making a determination
under this section concerning the feasibility of installing
a lighting fixture or bulb that is energy efficient, the Secretary of Defense or the Secretary of a military department shall consider—

- (1) the life cycle cost effectiveness of the fixtureor bulb;
- 24 (2) the compatibility of the fixture or bulb with25 existing equipment;

1 (3) whether use of the fixture or bulb could re-2 sult in interference with productivity; 3 (4) the aesthetics relating to use of the fixture 4 or bulb; and 5 (5) such other factors as the Secretary con-6 cerned determines appropriate. 7 (d) ENERGY STAR.—A lighting fixture or bulb shall 8 be treated as being energy efficient for purposes of this section if— 9 10 (1) the fixture or bulb is certified under the En-11 ergy Star program established by section 324A of 12 the Energy Policy and Conservation Act (42 U.S.C. 6294a); or 13 14 (2) the Secretary of Defense or the Secretary of 15 a military department has otherwise determined that 16 the fixture or bulb is energy efficient. 17 (e) SIGNIFICANT ALTERATIONS.—A building shall be treated as being significantly altered for purposes of sub-18 19 section (a) if the alteration is subject to congressional authorization under section 2802 of title 10, United States 20 21 Code. 22 (f) WAIVER AUTHORITY.—The Secretary of Defense 23 may waive the requirements of this section if the Secretary 24 determines that such a waiver is necessary to protect the 25 national security interests of the United States.

(g) EFFECTIVE DATE.—The requirements of sub sections (a) and (b) shall take effect one year after the
 date of the enactment of this Act.

4 SEC. 2864. REPORTING REQUIREMENTS RELATING TO RE5 NEWABLE ENERGY USE BY DEPARTMENT OF
6 DEFENSE TO MEET DEPARTMENT ELEC7 TRICITY NEEDS.

8 (a) INITIAL REPORT.—Not later than 120 days after 9 the date of the enactment of this Act, the Under Secretary 10 of Defense for Acquisition, Technology, and Logistics shall 11 submit to the congressional defense committees a report 12 containing the following information:

(1) The extent to which energy from renewable
energy sources is used to meet the electricity needs
of the Department of Defense, to be stated as a percentage of total facility electricity use for the previous fiscal year.

(2) The extent to which energy from renewable
energy sources was procured through alternative financing methods, to be stated as a percentage of
total renewable energy procurement and as a dollar
amount for the previous fiscal year.

(3) The extent to which energy from renewable
energy sources was procured through the use of appropriated funds, to be stated as a percentage of

total renewable energy procurement and as a dollar
 amount for the previous fiscal year.

3 (4) A graphical illustration of energy use from 4 renewable energy sources by the Department as a 5 percentage of total facility electricity use over time, 6 starting no later than fiscal year 2000 and running 7 through fiscal year 2025, including projected future 8 trends in renewable energy consumption through fis-9 cal year 2025 in order to meet the goals for renew-10 able energy set forth in section 2911(e) of title 10, 11 United States Code, or other goals, as appropriate. 12 (b) SUBSEQUENT REPORTS.—For fiscal year 2008 13 and each fiscal year thereafter, the information required by paragraphs (1) through (4) of subsection (a) shall be 14 15 included in the Annual Energy Management Report prepared by the Under Secretary of Defense for Acquisition, 16 17 Technology, and Logistics.

(c) RENEWABLE ENERGY SOURCES DEFINED.—In
this section, the term "renewable energy sources" has the
meaning given that term in section 203(b) of the Energy
Policy Act of 2005 (42 U.S.C. 15852(b)).

Subtitle E—Other Matters sec. 2871. Revised deadline for transfer of arling ton naval annex to arlington na tional cemetery.

5 Subsection (h) of section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division 6 7 B of Public Law 106–65; 113 Stat. 879), as amended by 8 section 2863 of the Military Construction Authorization 9 Act for Fiscal Year 2002 (division B of Public Law 107– 10 107; 115 Stat. 1330), section 2851 of the Military Construction Authorization Act for Fiscal Year 2003 (division 11 12 B of Public Law 107–314; 116 Stat. 2726), and section 13 2881 of the Military Construction Authorization Act for 14 Fiscal Year 2005 (division B of Public Law 108–375; 115) 15 Stat. 2153), is further amended by striking paragraphs 16 (1) and (2) and inserting the following new paragraphs: 17 "(1) January 1, 2011:

"(2) the date on which the Navy Annex property is no longer required (as determined by the Secretary of Defense) for use as temporary office space;
or

"(3) one year after the date on which the Secretary of the Army notifies the Secretary of Defense
that the Navy Annex property is needed for the expansion of Arlington National Cemetery.".

1SEC. 2872. TRANSFER OF JURISDICTION OVER AIR FORCE2MEMORIAL TO DEPARTMENT OF THE AIR3FORCE.

4 (a) TRANSFER OF JURISDICTION.—Notwithstanding 5 section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106– 6 7 65; 113 Stat. 879) and section 2863 of the Military Con-8 struction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1330; 40 U.S.C. 9 10 1003 note), the Secretary of the Army may transfer ad-11 ministrative jurisdiction, custody, and control of the parcel of Federal land described in subsection (b)(1) of such sec-12 tion 2863 to the Secretary of the Air Force. 13

(b) LIMITATION ON PAYMENT OF EXPENSES.—If the
Air Force Memorial is transferred to the Secretary of the
Air Force as authorized by subsection (a), the United
States shall not pay any costs incurred for the maintenance and repair of the Air Force Memorial.

19SEC. 2873. REPORT ON PLANS TO REPLACE THE MONU-20MENT AT THE TOMB OF THE UNKNOWNS AT21ARLINGTON NATIONAL CEMETERY, VIRGINIA.

(a) REPORT REQUIRED.—Not later than 180 days
after the date of the enactment of this Act, the Secretary
of the Army and the Secretary of Veterans Affairs shall
jointly submit to Congress a report setting forth the following:

1	(1) The current plans of the Secretaries with
2	respect to—
3	(A) replacing the monument at the Tomb
4	of the Unknowns at Arlington National Ceme-
5	tery, Virginia; and
6	(B) disposing of the current monument at
7	the Tomb of the Unknowns, if it were removed
8	and replaced.
9	(2) An assessment of the feasibility and advis-
10	ability of repairing the monument at the Tomb of
11	the Unknowns rather than replacing it.
12	(3) A description of the current efforts of the
13	Secretaries to maintain and preserve the monument
14	at the Tomb of the Unknowns.
15	(4) An explanation of why no attempt has been
16	made since 1989 to repair the monument at the
17	Tomb of the Unknowns.
18	(5) A comprehensive estimate of the cost of re-
19	placement of the monument at the Tomb of the Un-
20	knowns and the cost of repairing such monument.
21	(6) An assessment of the structural integrity of
22	the monument at the Tomb of the Unknowns.
23	(b) LIMITATION ON ACTION.—The Secretary of the
24	Army and the Secretary of Veterans Affairs may not take
25	any action to replace the monument at the Tomb of the

Unknowns at Arlington National Cemetery, Virginia, until
 180 days after the date of the receipt by Congress of the
 report required by subsection (a).

4 (c) EXCEPTION.—The limitation in subsection (b) 5 shall not prevent the Secretary of the Army or the Sec-6 retary of Veterans Affairs from repairing the current 7 monument at the Tomb of the Unknowns or from acquir-8 ing any blocks of marble for uses related to such monu-9 ment, subject to the availability of appropriations for those 10 purposes.

11 SEC. 2874. INCREASED AUTHORITY FOR REPAIR, RESTORA12 TION, AND PRESERVATION OF LAFAYETTE
13 ESCADRILLE MEMORIAL, MARNES-LA-CO14 QUETTE, FRANCE.

15 Section 1065 of the National Defense Authorization
16 Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat.
17 1233) is amended—

18 (1) in subsection (a)(2), by striking
19 "\$2,000,000" and inserting "\$2,500,000"; and

20 (2) in subsection (e), by striking "under section
21 301(a)(4)".

22 SEC. 2875. ADDITION OF WOONSOCKET LOCAL PROTEC23 TION PROJECT.

Section 2866 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law

1 109–364; 120 Stat. 2499) is amended by adding at the2 end the following new subsection:

3 "(d) WOONSOCKET LOCAL PROTECTION PROJECT.--"(1) ASSUMPTION OF RESPONSIBILITY.—The 4 5 Secretary of the Army, acting through the Chief of 6 Engineers, shall assume responsibility for the annual 7 operation and maintenance of the Woonsocket local 8 protection project authorized by section 10 of the 9 Act of December 22, 1944 (commonly known as the 10 Flood Control Act of 1944; 58 Stat. 892, chapter 11 665), including by acquiring, in accordance with 12 (2),any interest of the paragraph city of 13 Woonsocket, Rhode Island, in and to land and struc-14 tures required for the continued operation and main-15 tenance, repair, replacement, rehabilitation, and 16 structural integrity of the project, as identified by 17 the city, in coordination with the Secretary.

18 "(2) ACQUISITION.—As a condition on the Sec-19 assumption of responsibility retary's for the 20 Woonsocket local protection project under paragraph 21 (1), the city of Woonsocket shall convey, not later 22 than one year after the date of the enactment of the 23 National Defense Authorization Act for Fiscal Year 24 2008, to the Secretary of the Army, by guitclaim 25 deed and without consideration, all right, title, and interest of the city in and to the Woonsocket local
 protection project, including any interest of the city
 in and to land and structures required for the con tinued operation and maintenance, repair, replace ment, rehabilitation, and structural integrity of the
 project, as identified by the city.".

7 SEC. 2876. REPEAL OF MORATORIUM ON IMPROVEMENTS 8 AT FORT BUCHANAN, PUERTO RICO.

9 Section 1507 of the Floyd D. Spence National De10 fense Authorization Act for Fiscal Year 2001 (as enacted
11 into law by Public Law 106–398; 114 Stat. 1654A–355)
12 is repealed.

13 SEC. 2877. ESTABLISHMENT OF NATIONAL MILITARY WORK-

14 ING DOG TEAMS MONUMENT ON SUITABLE15 MILITARY INSTALLATION.

16 (a) AUTHORITY TO ESTABLISH MONUMENT.—The 17 Secretary of Defense may permit the National War Dogs 18 Monument, Inc., to establish and maintain, at a suitable 19 location at Fort Belvoir, Virginia, or another military in-20stallation in the United States, a national monument to 21 honor the sacrifice and service of United States Armed 22 Forces working dog teams that have participated in the 23 military operations of the United States.

(b) LOCATION AND DESIGN OF MONUMENT.—Theactual location and final design of the monument author-

ized by subsection (a) shall be subject to the approval of
 the Secretary. In selecting the military installation and
 site on such installation to serve as the location for the
 monument, the Secretary shall seek to maximize access
 to the resulting monument for both visitors and their dogs.

6 (c) MAINTENANCE.—The maintenance of the monu-7 ment authorized by subsection (a) by the National War 8 Dogs Monument, Inc., shall be subject to such conditions 9 regarding access to the monument, and such other condi-10 tions, as the Secretary considers appropriate to protect the 11 interests of the United States.

(d) LIMITATION ON PAYMENT OF EXPENSES.—The
United States Government shall not pay any expense for
the establishment or maintenance of the monument authorized by subsection (a).

16 SEC. 2878. REPORT REQUIRED PRIOR TO REMOVAL OF MIS-

17

SILES FROM 564TH MISSILE SQUADRON.

18 (a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a re-19 port on the feasibility of establishing an association be-20 21 tween the 120th Fighter Wing of the Montana Air Na-22 tional Guard and active duty personnel stationed at 23 Malmstrom Air Force Base, Montana. In preparing the 24 report, the Secretary shall include the following evaluations: 25

1	(1) An evaluation of the requirement of the Air
2	Force for additional F–15 aircraft active or reserve
3	component force structure.
4	(2) An evaluation of the airspace training op-
5	portunities in the immediate airspace around Great
6	Falls International Airport Air Guard Station.
7	(3) An evaluation of the impact of civilian oper-
8	ations on military operations at Great Falls Inter-
9	national Airport.
10	(4) An evaluation of the level of civilian en-
11	croachment on the facilities and airspace of the
12	120th Fighter Wing.
13	(5) An evaluation of the support structure
14	available, including active military bases nearby.
15	(6) An evaluation of opportunities for additional
16	association between the Montana National Guard
17	and the 341st Space Wing.
18	(b) Limitation on Removal Pending Report.—
19	Not more than 40 missiles may be removed from the
20	564th Missile Squadron until 15 days after the report re-
21	quired in subsection (a) has been submitted.

SEC. 2879. REPORT ON CONDITION OF SCHOOLS UNDER JU RISDICTION OF DEPARTMENT OF DEFENSE EDUCATION ACTIVITY.

4 (a) REPORT REQUIRED.—Not later than March 1,
5 2008, the Secretary of Defense shall submit to the con6 gressional defense committees a report on the conditions
7 of schools under the jurisdiction of the Department of De8 fense Education Activity.

9 (b) CONTENT.—The report required under subsection10 (a) shall include the following:

(1) A description of each school under the control of the Secretary, including the location, year
constructed, grades of attending children, maximum
capacity, and current capacity of the school.

(2) A description of the standards and processes used by the Secretary to assess the adequacy
of the size of school facilities, the ability of facilities
to support school programs, and the current condition of facilities.

20 (3) A description of the conditions of the facil21 ity or facilities at each school, including the level of
22 compliance with the standards described in para23 graph (2), any existing or projected facility defi24 ciencies or inadequate conditions at each facility,
25 and whether any of the facilities listed are tem26 porary structures.

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(4) An investment strategy planned for each
 school to correct deficiencies identified in paragraph
 (3), including a description of each project to correct
 such deficiencies, cost estimates, and timelines to
 complete each project.

6 (5) A description of requirements for new
7 schools to be constructed over the next 10 years as
8 a result of changes to the population of military per9 sonnel.

(c) USE OF REPORT AS MASTER PLAN FOR REPAIR,
UPGRADE, AND CONSTRUCTION OF SCHOOLS.—The Secretary shall use the report required under subsection (a)
as a master plan for the repair, upgrade, and construction
of schools in the Department of Defense system that support dependents of members of the Armed Forces and civilian employees of the Department of Defense.

17SEC. 2880. REPORT ON FACILITIES AND OPERATIONS OF18DARNALL ARMY MEDICAL CENTER, FORT

HOOD MILITARY RESERVATION, TEXAS.

(a) IN GENERAL.—Not later than 120 days after the
date of the enactment of this Act, the Secretary of Defense
shall submit to the congressional defense committees a report assessing the facilities and operations of the Darnall
Army Medical Center at Fort Hood Military Reservation,
Texas.

19

1	(b) CONTENT.—The report required under subsection
2	(a) shall include the following:
3	(1) A specific determination of whether the fa-
4	cilities currently housing Darnall Army Medical Cen-
5	ter meet Department of Defense standards for Army
6	medical centers.
7	(2) A specific determination of whether the ex-
8	isting facilities adequately support the operations of
9	Darnall Army Medical Center, including the mis-
10	sions of medical treatment, medical hold, medical
11	holdover, and Warriors in Transition.
12	(3) A specific determination of whether the ex-
13	isting facilities provide adequate physical space for
14	the number of personnel that would be required for
15	Darnall Army Medical Center to function as a full-
16	sized Army medical center.
17	(4) A specific determination of whether the cur-
18	rent levels of medical and medical-related personnel
19	at Darnall Army Medical Center are adequate to
20	support the operations of a full-sized Army medical
21	center.
22	(5) A specific determination of whether the cur-
23	rent levels of graduate medical education and med-
24	ical residency programs currently in place at Darnall

1	Army Medical Center are adequate to support the
2	operations of a full-sized Army medical center.
3	(6) A description of any and all deficiencies
4	identified by the Secretary.
5	(7) A proposed investment plan and timeline to
6	correct such deficiencies.
7	SEC. 2881. REPORT ON FEASIBILITY OF ESTABLISHING A
8	REGIONAL DISASTER RESPONSE CENTER AT
9	KELLY AIR FIELD, SAN ANTONIO, TEXAS.
10	(a) FINDINGS.—Congress makes the following find-
11	ings:
12	(1) The Federal response to Hurricane Katrina
13	demonstrated the need for greater coordination and
14	planning capability at the Federal, State, and local
15	levels of government.
16	(2) Coordination of State and local assets can
17	be more effectively accomplished if such assets are
18	organized on a regional basis similar to the manner
19	in which the Federal Emergency Management Agen-
20	cy organizes its efforts.
21	(3) Despite the obvious need for experienced
22	and routinely exercised operational headquarters
23	skilled in disaster response, no such headquarters
24	have been established.

(4) Such a headquarters would be appropriately
 located on available Federal property in Region VI
 of the Federal Emergency Management Agency,
 which includes Texas, Louisiana, Oklahoma, Arkan sas, and New Mexico, and is a region subject to for est fires, floods, hurricanes, and tornadoes.

7 (b) REPORT REQUIRED.—Not later than March 31, 8 2008, the Secretary of Defense, in coordination with the 9 Secretary of Homeland Security, shall submit to Congress 10 a report on the feasibility of establishing at Kelly Air Field in San Antonio, Texas, a permanent, regionally oriented 11 12 disaster response center responsible for planning, coordi-13 nating, and directing the Federal, State, and local re-14 sponse to man-made and natural disasters that occur in 15 Region VI of the Federal Emergency Management Agen-16 cy.

17 (c) CONTENT.—The report required under subsection18 (b) shall include the following:

(1) A determination of how the regional disaster response center, if established at Kelly Air
Field, would organize and leverage capabilities of the
following currently co-located organizations, facilities, and forces located in San Antonio, Texas:

24 (A) Lackland Air Force Base.

25 (B) Fort Sam Houston.

	1423
1	(C) Brooke Army Medical Center.
2	(D) Wilford Hall Medical Center.
3	(E) City of San Antonio/Bexar County
4	Emergency Operations Center.
5	(F) Audie Murphy Veterans Administra-
6	tion Medical Center.
7	(G) 433rd Airlift Wing C-5 Heavy Lift
8	Aircraft.
9	(H) 149 Fighter Wing and Texas Air Na-
10	tional Guard F–16 fighter aircraft.
11	(I) Army Northern Command.
12	(J) The three level 1 trauma centers of the
13	National Trauma Institute.
14	(K) Texas Medical Rangers.
15	(L) San Antonio Metro Health Depart-
16	ment.
17	(M) The University of Texas Health
18	Science Center at San Antonio.
19	(N) The Air Intelligence Surveillance and
20	Reconnaissance Agency at Lackland Air Force
21	Base.
22	(O) The United States Air Force Security
23	Police Training Department at Lackland Air
24	Force Base.

1	(P) The large manpower pools and blood
2	donor pools from the more than 6,000 trainees
3	at Lackland Air Force Base.
4	(2) A determination of the number of military
5	and civilian personnel who would have to be mobi-
6	lized to run the logistics, planning, and maintenance
7	of the regional disaster response center, if estab-
8	lished at Kelly Air Field, during a time of disaster
9	recovery.
10	(3) A determination of the number of military
11	and civilian personnel who would be required to run
12	the logistics, planning, and maintenance of the re-
13	gional disaster response center during a time when
14	no disaster is occurring.
15	(4) A determination of the cost of improving
16	the current infrastructure at Kelly Air Field to meet
17	the needs of displaced victims of a disaster equiva-
18	lent to that of Hurricanes Katrina and Rita or a
19	natural or man-made disaster of similar scope, in-
20	cluding adequate beds, food stores, and decon-
21	tamination stations to triage radiation or other
22	chemical or biological agent contamination victims.
23	(5) An evaluation of the current capability of
24	the Department of Defense and the Department of
25	Homeland Security to respond to these mission re-

11=0
quirements and an assessment of any additional ca-
pabilities that are required.
(6) An assessment of the costs and benefits of
adding such capabilities at Kelly Air Field to the
costs and benefits of other locations.
SEC. 2882. NAMING OF HOUSING FACILITY AT FORT CAR-
SON, COLORADO, IN HONOR OF THE HONOR-
ABLE JOEL HEFLEY, A FORMER MEMBER OF
THE UNITED STATES HOUSE OF REPRESENT-
ATIVES.
(a) FINDINGS.—Congress makes the following find-
ings:
(1) Representative Joel Hefley was elected to
represent Colorado's 5th Congressional district in
1986 and served in the House of Representatives
1986 and served in the House of Representatives
1986 and served in the House of Representatives until the end of the 109th Congress in 2007 with
1986 and served in the House of Representatives until the end of the 109th Congress in 2007 with distinction, class, integrity, and honor.
1986 and served in the House of Representativesuntil the end of the 109th Congress in 2007 withdistinction, class, integrity, and honor.(2) Representative Hefley served on the Com-
 1986 and served in the House of Representatives until the end of the 109th Congress in 2007 with distinction, class, integrity, and honor. (2) Representative Hefley served on the Committee on Armed Services of the House of Rep-
 1986 and served in the House of Representatives until the end of the 109th Congress in 2007 with distinction, class, integrity, and honor. (2) Representative Hefley served on the Committee on Armed Services of the House of Representatives for 18 years, including service as Chair-
 1986 and served in the House of Representatives until the end of the 109th Congress in 2007 with distinction, class, integrity, and honor. (2) Representative Hefley served on the Committee on Armed Services of the House of Representatives for 18 years, including service as Chairman of the Subcommittee on Military Installations

1 (3) Representative Hefley was a fair and effec-2 tive lawmaker who worked for the national interest 3 while never forgetting his Western roots. 4 (4) Representative Hefley's efforts on the Com-5 mittee on Armed Services were instrumental to the 6 military value of, and quality of life at, installations 7 in the State of Colorado, including Fort Carson, 8 Cheyenne Mountain, Peterson Air Force Base, 9 Schriever Air Force Base, Buckley Air Force Base, 10 and the United States Air Force Academy. 11 (5) Representative Hefley was a leader in ef-12 forts to retain and expand Fort Carson as an essen-13 tial part of the national defense system during the 14 Defense Base Closure and Realignment process. 15 (6) Representative Hefley consistently advo-16 cated for providing members of the Armed Forces 17 and their families with quality, safe, and affordable 18 housing and supportive communities. 19 (7) Representative Hefley spearheaded the Mili-20 tary Housing Privatization Initiative to eliminate in-21 adequate housing on military installations, with the 22 first pilot program located at Fort Carson. 23 (8) Representative Hefley's leadership on the 24 Military Housing Privatization Initiative allowed for 25 the privatization of more than 121,000 units of mili-

1 tary family housing, which brought meaningful im-2 provements to living conditions for thousands of 3 members of the Armed Forces and their spouses and children at installations throughout the United 4 States. 5 6 (9) It is fitting and proper that an appropriate 7 military family housing area or structure at Fort 8 Carson be designated in honor of Representative Hefley. 9 10 (b) DESIGNATION.—Notwithstanding Army Regulation AR 1–33, the Secretary of the Army shall designate 11 12 one of the military family housing areas or facilities con-13 structed for Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, 14 15 United States Code, as the "Joel Hefley Village". 16 SEC. 2883. NAMING OF NAVY AND MARINE CORPS RESERVE 17 CENTER AT ROCK ISLAND, ILLINOIS, IN 18 HONOR OF THE HONORABLE LANE EVANS, A 19 FORMER MEMBER OF THE UNITED STATES 20 HOUSE OF REPRESENTATIVES. 21 (a) FINDINGS.—Congress makes the following find-22 ings: 23 (1) Representative Lane Evans was elected to 24 the House of Representatives in 1982 and served in 25 the House of Representatives until the end of the

1	109th Congress in 2007 representing the people of
2	Illinois' 17th Congressional district.
3	(2) As a member of the Committee on Armed
4	Services of the House of Representatives, Represent-
5	ative Evans worked to bring common sense priorities
6	to defense spending and strengthen the military's
7	conventional readiness.
8	(3) Representative Evans was a tireless advo-
9	cate for military veterans, ensuring that veterans re-
10	ceive the medical care they need and advocating for
11	individuals suffering from post-traumatic stress dis-
12	order and Gulf War Syndrome.
13	(4) Representative Evans' efforts to improve
14	the transition of individuals from military service to
15	the care of the Department of Veterans Affairs will
16	continue to benefit generations of veterans long into
17	the future.
18	(5) Representative Evans was credited with
19	bringing new services to veterans living in his Con-
20	gressional district, including outpatient clinics in the
21	Quad Cities and Quincy and the Quad-Cities Vet
22	Center.
23	(6) Representative Evans worked with local
24	leaders to promote the Rock Island Arsenal, and it
25	earned new jobs and missions through his support.

(7) In honor of his service in the Marine Corps
 and to his district and the United States, it is fitting
 and proper that the Navy and Marine Corps Reserve
 Center at Rock Island Arsenal be named in honor of
 Representative Evans.

6 (b) DESIGNATION.—The Navy and Marine Corps Re-7 serve Center at Rock Island Arsenal, Illinois, shall be 8 known and designated as the "Lane Evans Navy and Ma-9 rine Corps Reserve Center". Any reference in a law, map, 10 regulation, document, paper, or other record of the United States to the Navy and Marine Corps Reserve Center at 11 Rock Island Arsenal shall be deemed to be a reference to 12 13 the Lane Evans Navy and Marine Corps Reserve Center. 14 SEC. 2884. NAMING OF RESEARCH LABORATORY AT AIR 15 FORCE ROME RESEARCH SITE, ROME, NEW 16 YORK, IN HONOR OF THE HONORABLE SHER-17 WOOD L. BOEHLERT, A FORMER MEMBER OF 18 THE UNITED STATES HOUSE OF REPRESENT-19 ATIVES.

The new laboratory building at the Air Force Rome Research Site, Rome, New York, shall be known and designated as the "Sherwood Boehlert Center of Excellence for Information Science and Technology". Any reference in a law, map, regulation, document, paper, or other record of the United States to such laboratory facility shall be deemed to be a reference to the Sherwood Boeh lert Center of Excellence for Information Science and
 Technology.

4 SEC. 2885. NAMING OF ADMINISTRATION BUILDING AT
5 JOINT SYSTEMS MANUFACTURING CENTER,
6 LIMA, OHIO, IN HONOR OF THE HONORABLE
7 MICHAEL G. OXLEY, A FORMER MEMBER OF
8 THE UNITED STATES HOUSE OF REPRESENT9 ATIVES.

10 The administration building under construction at the Joint Systems Manufacturing Center in Lima, Ohio, 11 12 shall be known and designated as the "Michael G. Oxley 13 Administration and Technology Center". Any reference in a law, map, regulation, document, paper, or other record 14 15 of the United States to such building shall be deemed to be a reference to the Michael G. Oxley Administration and 16 Technology Center. 17

18 SEC. 2886. NAMING OF LOGISTICS AUTOMATION TRAINING

19FACILITY, ARMY QUARTERMASTER CENTER20AND SCHOOL, FORT LEE, VIRGINIA, IN21HONOR OF GENERAL RICHARD H. THOMP-22SON.

Notwithstanding Army Regulation AR 1–33, the Logistics Automation Training Facility of the Army Quartermaster Center and School at Fort Lee, Virginia, shall be

known and designated as the "General Richard H. 1 Thompson Logistics Automation Training Facility" in 2 3 honor of General Richard H. Thompson, the only quartermaster to have risen from private to full general. Any ref-4 5 erence in a law, map, regulation, document, paper, or 6 other record of the United States to such facility shall be 7 deemed to be a reference to the General Richard H. 8 Thompson Logistics Automation Training Facility.

9 SEC. 2887. AUTHORITY TO RELOCATE JOINT SPECTRUM 10 CENTER TO FORT MEADE, MARYLAND.

(a) AUTHORITY TO CARRY OUT RELOCATION AGREEMENT.—The Secretary of Defense may carry out an
agreement to relocate the Joint Spectrum Center, a geographically separated unit of the Defense Information
Systems Agency, from Annapolis, Maryland, to Fort
Meade, Maryland, or another military installation if—

(1) the Secretary determines that the relocation
of the Joint Spectrum Center is in the best interest
of national security and the physical protection of
personnel and missions of the Department of Defense; and

(2) the agreement between the lease holder and
the Department of Defense provides equitable and
appropriate terms to facilitate the relocation.

(b) AUTHORIZATION.—Any facility, road, or infra structure constructed or altered on a military installation
 as a result of the agreement referred to in subsection (a)
 is deemed to be authorized in accordance with section
 2802 of title 10, United States Code.

6 (c) TERMINATION OF EXISTING LEASE.—Upon com-7 pletion of the relocation of the Joint Spectrum Center, all 8 right, title, and interest of the United States in and to 9 the existing lease for the Joint Spectrum Center shall be 10 terminated, as contemplated under Condition 29.B of the 11 lease.

12 TITLE XXIX—WAR-RELATED AND 13 EMERGENCY MILITARY CON 14 STRUCTION AUTHORIZA 15 TIONS

Sec. 2901. Authorized Army construction and land acquisition projects.

- Sec. 2902. Authorized Navy construction and land acquisition projects.
- Sec. 2903. Authorized Air Force construction and land acquisition projects.
- Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2905. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005 and related authorization of appropriations.

16 SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND

17 ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts
appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Army may
acquire real property and carry out military construction

projects for the installations or locations inside the United
 States, and in the amounts, set forth in the following
 table:

State	Installation or Location	Amount
Colorado Georgia Kansas Kentucky Louisiana New York Texas	Fort Stewart Fort Riley Fort Campbell Fort Polk	\$50,000,000

Army: Inside the United States

4 (b) OUTSIDE THE UNITED STATES.—Using amounts 5 appropriated pursuant to the authorization of appropria-6 tions in subsection (c)(2), the Secretary of the Army may 7 acquire real property and carry out military construction 8 projects for the installations or locations outside the 9 United States, and in the amounts, set forth in the fol-10 lowing table:

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	\$249,600,000
	Ghazni	\$5,000,000
	Kabul	\$36,000,000
Iraq	Camp Adder	\$80,650,000
	Al Asad	\$92,600,000
	Camp Anaconda	\$53,500,000
	Camp Constitution	\$11,700,000
	Camp Cropper	\$9,500,000
	Fallujah	\$880,000
	Camp Marez	\$880,000
	Mosul	\$43,000,000
	Q-West	\$26,000,000
	Čamp Ramadi	\$880,000
	Scania	\$14,200,000
	Camp Speicher	\$83,900,000
	Camp Taqqadum	\$880,000
	Tikrit	\$43,000,000
	Camp Victory	\$65,400,000
	Camp Warrior	\$880,000
	Various Locations	\$207,000,000
Kuwait	Camp Arifjan	\$30,000,000

Army: Outside the United States

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(c) AUTHORIZATION OF APPROPRIATIONS.—Funds
 are hereby authorized to be appropriated for fiscal years
 beginning after September 30, 2007, for military con struction, land acquisition, and military family housing
 functions of the Department of the Army in the total
 amount of \$1,257,750,000 as follows:

7 (1) For military construction projects inside the
8 United States authorized by subsection (a),
9 \$123,500,000.

10 (2) For military construction projects outside
11 the United States authorized by subsection (b),
12 \$1,055,450,000.

13 (3) For architectural and engineering services
14 and construction design under section 2807 of title
15 10, United States Code, \$78,800,000.

16 (d) Report Required Before Commencing Cer-TAIN PROJECTS.—Funds may not be obligated for the 17 projects authorized by subsection (b) for Camp Arifjan, 18 Kuwait, or Camp Cropper, Iraq, until 14 days after the 19 date on which the Secretary of Defense submits to the 20 21 congressional defense committees a report, in either un-22 classified or classified form, containing a detailed justifica-23 tion for the project, including the overall intent of the re-24 quested construction, host-nation views, longevity of the

site selected, and timelines for completion. The Secretary
 shall submit the report not later than January 15, 2008.
 SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND
 ACQUISITION PROJECTS.

5 (a) INSIDE THE UNITED STATES.—Using amounts 6 appropriated pursuant to the authorization of appropria-7 tions in subsection (d)(1), the Secretary of the Navy may 8 acquire real property and carry out military construction 9 projects for the installations or locations inside the United 10 States, and in the amounts, set forth in the following 11 table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton Twentynine Palms	\$102,034,000
North Carolina	Twentynine Palms Camp Lejeune	\$4,440,000 \$43,340,000

12 (b) OUTSIDE THE UNITED STATES.—Using amounts 13 appropriated pursuant to the authorization of appropria-14 tions in subsection (d)(2), the Secretary of the Navy may 15 acquire real property and carry out military construction 16 projects for the installations or locations outside the 17 United States, and in the amounts, set forth in the fol-18 lowing table:

Navy: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemonier	\$25,410,000

(c) FAMILY HOUSING.—Using amounts appropriated
 pursuant to the authorization of appropriations in sub section (d)(4), the Secretary of the Navy may construct
 or acquire family housing units (including land acquisition
 and supporting facilities) at the installations or locations,
 and in the amounts, set forth in the following table:

Navy:	Family	Housing
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State	Installation or Location	Amount
California	Camp Pendleton Twentynine Palms	\$10,692,000 \$1,074,000

7 (d) AUTHORIZATION OF APPROPRIATIONS.—Subject 8 to section 2825 of title 10, United States Code, funds are 9 hereby authorized to be appropriated for fiscal years be-10 ginning after September 30, 2007, for military construc-11 tion, land acquisition, and military family housing func-12 tions of the Department of the Navy in the total amount 13 of \$198,781,000, as follows:

14 (1) For military construction projects inside the
15 United States authorized by subsection (a),
16 \$149,814,000.

17 (2) For military construction projects outside
18 the United States authorized by subsection (a),
19 \$25,410,000.

20 (3) For architectural and engineering services
21 and construction design under section 2807 of title
22 10, United States Code, \$11,791,000.

(4) For construction and acquisition, planning
 and design, and improvement of military family
 housing and facilities, \$11,766,000.
 4 SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND

5

LAND ACQUISITION PROJECTS.

6 (a) OUTSIDE THE UNITED STATES.—Using amounts 7 appropriated pursuant to the authorization of appropria-8 tions in subsection (b)(1), the Secretary of the Air Force 9 may acquire real property and carry out military construc-10 tion projects for the installations or locations outside the 11 United States, and in the amounts, set forth in the fol-12 lowing table:

Air Force: Outside the United States

Country	Installation or Location	Amount
	Bagram Air Base Kandahar	\$108,800,000 \$26,300,000
Iraq Kyrgyzstan	Balad Air Base Manas Air Base	\$58,300,000 \$30,300,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds
are hereby authorized to be appropriated for fiscal years
beginning after September 30, 2007, for military construction, land acquisition, and military family housing
functions of the Department of the Air Force in the total
amount of \$258,700,000, as follows:

19 (1) For military construction projects outside
20 the United States authorized by subsection (a),
21 \$223,700,000.

(2) For architectural and engineering services
 and construction design under section 2807 of title
 10, United States Code, \$35,000,000.
 SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUC TION AND LAND ACQUISITION PROJECTS.

6 (a) INSIDE THE UNITED STATES.—Using amounts 7 appropriated pursuant to the authorization of appropria-8 tions in subsection (c)(1), the Secretary of Defense may 9 acquire real property and carry out military construction 10 projects for the installations or locations inside the United 11 States, and in the amounts, set forth in the following 12 table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Texas	Fort Sam Houston	\$21,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts
appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of Defense may
acquire real property and carry out military construction
projects for the installations or locations outside the
United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Qatar	Al Udeid	\$6,600,000

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Funds 2 are hereby authorized to be appropriated for fiscal years 3 beginning after September 30, 2007, for military con-4 struction, land acquisition, and military family housing 5 functions of the Department of Defense (other than the 6 military departments) in the total amount of \$27,600,000 7 as follows:

8 (1) For military construction projects inside the
9 United States authorized by subsection (a),
10 \$21,000,000.

11 (2) For military construction projects outside
12 the United States authorized by subsection (a),
13 \$6,600,000.

14SEC. 2905. AUTHORIZED BASE CLOSURE AND REALIGN-15MENT ACTIVITIES FUNDED THROUGH DE-16PARTMENT OF DEFENSE BASE CLOSURE AC-17COUNT 2005 AND RELATED AUTHORIZATION18OF APPROPRIATIONS.

19 (a) AUTHORIZED BASE CLOSURE AND REALIGN-MENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF 20 21 Defense BASE CLOSURE Account 2005.—Using 22 amounts authorized appropriated pursuant to the author-23 ization of appropriations in subsection (b), the Secretary 24 of Defense may carry out base closure and realignment 25 activities otherwise authorized by section 2702 of this Act,

including real property acquisition and military construc-1 tion projects, as authorized by the Defense Base Closure 2 3 and Realignment Act of 1990 (part A of title XXIX of 4 Public Law 101–510; 10 U.S.C. 2687 note) and funded 5 through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the 6 7 amount of \$423,650,000. Such amount is in addition to 8 the amount specified for such base closure and realign-9 ment activities in section 2702 of this Act.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds 11 are hereby authorized to be appropriated for fiscal years 12 beginning after September 30, 2007, for base closure and 13 realignment activities authorized by subsection (a) and 14 funded through the Department of Defense Base Closure 15 Account 2005 in the total amount of \$415,910,000.

DIVISION **C**—**DEPARTMENT** OF 16 **ENERGY NATIONAL SECURITY** 17 AUTHORIZATIONS AND 18 **OTHER AUTHORIZATIONS** 19 XXXI—DEPARTMENT TITLE OF 20ENERGY NATIONAL SECURITY 21 PROGRAMS 22

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.
- Sec. 3105. Energy security and assurance.

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Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Reliable Replacement Warhead program.
- Sec. 3112. Nuclear test readiness.
- Sec. 3113. Modification of reporting requirement.
- Sec. 3114. Limitation on availability of funds for Fissile Materials Disposition program.
- Sec. 3115. Modification of limitations on availability of funds for Waste Treatment and Immobilization Plant.
- Sec. 3116. Modification of sunset date of the Office of the Ombudsman of the Energy Employees Occupational Illness Compensation Program.
- Sec. 3117. Technical amendments.

Subtitle C—Other Matters

- Sec. 3121. Study on using existing pits for the Reliable Replacement Warhead program.
- Sec. 3122. Report on retirement and dismantlement of nuclear warheads.
- Sec. 3123. Plan for addressing security risks posed to nuclear weapons complex.
- Sec. 3124. Department of Energy protective forces.
- Sec. 3125. Evaluation of National Nuclear Security Administration strategic plan for advanced computing.
- Sec. 3126. Sense of Congress on the nuclear nonproliferation policy of the United States and the Reliable Replacement Warhead program.
- Sec. 3127. Department of Energy report on plan to strengthen and expand International Radiological Threat Reduction program.
- Sec. 3128. Department of Energy report on plan to strengthen and expand Materials Protection, Control, and Accounting program.
- Sec. 3129. Agreements and reports on nuclear forensics capabilities.
- Sec. 3130. Report on status of environmental management initiatives to accelerate the reduction of environmental risks and challenges posed by the legacy of the Cold War.

Subtitle D—Nuclear Terrorism Prevention

- Sec. 3131. Definitions.
- Sec. 3132. Sense of Congress on the prevention of nuclear terrorism.
- Sec. 3133. Minimum security standard for nuclear weapons and formula quantities of strategic special nuclear material.
- Sec. 3134. Annual report.

1 Subtitle A—National Security

2

Programs Authorizations

3 SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-

4 TION.

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds6 are hereby authorized to be appropriated to the Depart-

1	ment of Energy for fiscal year 2008 for the activities of
2	the National Nuclear Security Administration in carrying
3	out programs necessary for national security in the
4	amount of \$9,576,095,000, to be allocated as follows:
5	(1) For weapons activities, \$6,465,574,000.
6	(2) For defense nuclear nonproliferation activi-
7	ties, \$1,902,646,000.
8	(3) For naval reactors, \$808,219,000.
9	(4) For the Office of the Administrator for Nu-
10	clear Security, \$399,656,000.
11	(b) Authorization of New Plant Projects.—
12	From funds referred to in subsection (a) that are available
13	for carrying out plant projects, the Secretary of Energy
14	may carry out new plant projects for the National Nuclear
15	Security Administration as follows:
16	(1) For readiness in technical base and facili-
17	ties, the following new plant projects:
18	Project 08–D–801, High pressure fire
19	loop, Pantex Plant, Amarillo, Texas,
20	\$7,000,000.
21	Project 08–D–802, High explosive pressing
22	facility, Pantex Plant, Amarillo, Texas,
23	\$25,300,000.

1	Project 08–D–804, Technical Area 55 re-
2	investment project, Los Alamos National Lab-
3	oratory, Los Alamos, New Mexico, \$6,000,000.
4	(2) For facilities and infrastructure recapital-
5	ization, the following new plant projects:
6	Project 08–D–601, Mercury highway, Ne-
7	vada Test Site, Nevada, \$7,800,000.
8	Project 08–D–602, Potable water system
9	upgrades, Y–12 Plant, Oak Ridge, Tennessee,
10	\$22,500,000.
11	(3) For safeguards and security, the following
12	new plant project:
13	Project 08–D–701, Nuclear materials safe-
14	guards and security upgrade, Los Alamos Na-
15	tional Laboratory, Los Alamos, New Mexico,
16	\$49,496,000.
17	(4) For naval reactors, the following new plant
18	projects:
19	Project 08–D–901, Shipping and receiving
20	and warehouse complex, Bettis Atomic Power
21	Laboratory, West Mifflin, Pennsylvania,
22	\$9,000,000.
23	Project 08–D–190, Project engineering
24	and design, Expended Core Facility M–290 Re-

1	covering Discharge Station, Naval Reactors Fa-
2	cility, Idaho Falls, Idaho, \$550,000.
3	SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.
4	(a) Authorization of Appropriations.—Funds
5	are hereby authorized to be appropriated to the Depart-
6	ment of Energy for fiscal year 2008 for defense environ-
7	mental cleanup activities in carrying out programs nec-
8	essary for national security in the amount of
9	\$5,367,905,000.

(b) AUTHORIZATION FOR NEW PLANT PROJECT.—
11 From funds referred to in subsection (a) that are available
12 for carrying out plant projects, the Secretary of Energy
13 may carry out, for defense environmental cleanup activi14 ties, the following new plant project:

Project 08–D–414, Project engineering and design, Plutonium Vitrification Facility, various locations, \$9,000,000.

18 SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to
the Department of Energy for fiscal year 2008 for other
defense activities in carrying out programs necessary for
national security in the amount of \$763,974,000.

23 SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated tothe Department of Energy for fiscal year 2008 for defense

nuclear waste disposal for payment to the Nuclear Waste
 Fund established in section 302(c) of the Nuclear Waste
 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount
 of \$292,046,000.

5 SEC. 3105. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to
the Department of Energy for fiscal year 2008 for energy
security and assurance programs necessary for national
security in the amount of \$5,860,000.

10 Subtitle B—Program Authoriza11 tions, Restrictions, and Limita12 tions

13 SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.

14 No funds appropriated pursuant to the authorization 15 of appropriations in section 3101(a)(1) or otherwise made available for weapons activities of the National Nuclear 16 Security Administration for fiscal year 2008 may be obli-17 gated or expended for activities under the Reliable Re-18 placement Warhead program under section 4204a of the 19 Atomic Energy Defense Act (50 U.S.C. 2524a) beyond 20 21 phase 2A activities.

22 SEC. 3112. NUCLEAR TEST READINESS.

(a) REPEAL OF REQUIREMENTS ON READINESS POSTURE.—Section 3113 of the National Defense Authoriza-

tion Act for Fiscal Year 2004 (Public Law 108–136; 117
 Stat. 1743; 50 U.S.C. 2528a) is repealed.

3 (b) REPORTS ON NUCLEAR TEST READINESS POS-4 TURES.—

5 (1) IN GENERAL.—Section 4208 of the Atomic
6 Energy Defense Act (50 U.S.C. 2528) is amended to
7 read as follows:

8 "SEC. 4208. REPORTS ON NUCLEAR TEST READINESS.

9 "(a) IN GENERAL.—Not later than March 1, 2009, 10 and every odd-numbered year thereafter, the Secretary of 11 Energy shall submit to the congressional defense commit-12 tees a report on the nuclear test readiness of the United 13 States.

14 "(b) ELEMENTS.—Each report under subsection (a)
15 shall include, current as of the date of such report, the
16 following:

"(1) An estimate of the period of time that
would be necessary for the Secretary of Energy to
conduct an underground test of a nuclear weapon
once directed by the President to conduct such a
test.

"(2) A description of the level of test readiness
that the Secretary of Energy, in consultation with
the Secretary of Defense, determines to be appropriate.

1	"(3) A list and description of the workforce
2	skills and capabilities that are essential to carrying
3	out an underground nuclear test at the Nevada Test
4	Site.
5	"(4) A list and description of the infrastructure
6	and physical plant that are essential to carrying out
7	an underground nuclear test at the Nevada Test
8	Site.
9	"(5) An assessment of the readiness status of
10	the skills and capabilities described in paragraph (3)
11	and the infrastructure and physical plant described
12	in paragraph (4).
13	"(c) FORM.—Each report under subsection (a) shall
14	be submitted in unclassified form, but may include a clas-
15	sified annex.".
16	(2) CLERICAL AMENDMENT.—The item relating
17	to section 4208 in the table of contents for such Act
18	is amended to read as follows: "Sec. 4208. Reports on nuclear test readiness.".
19	SEC. 3113. MODIFICATION OF REPORTING REQUIREMENT.
20	Section 3111 of the National Defense Authorization
21	Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
22	3539) is amended—
23	(1) by redesignating subsections (c) and (d) as
24	(d) and (e), respectively;

1 (2) by inserting after subsection (b) the fol-2 lowing: 3 "(c) FORM.—The report required by subsection (b) shall be submitted in classified form, and shall include a 4 5 detailed unclassified summary."; and 6 (3) in subsection (e), as so redesignated, by 7 striking "(c)" and inserting "(d)". 8 SEC. 3114. LIMITATION ON AVAILABILITY OF FUNDS FOR 9 FISSILE MATERIALS DISPOSITION PROGRAM. 10 (a) LIMITATION PENDING REPORT ON USE OF PRIOR FISCAL YEAR FUNDS.—No more than 75 percent of the 11 12 fiscal year 2008 Fissile Materials Disposition program 13 funds may be obligated for the Fissile Materials Disposition program until the Secretary of Energy, in consulta-14 15 tion with the Administrator for Nuclear Security, submits to the congressional defense committees a report setting 16 forth a plan for obligating and expending funds made 17 available for that program in fiscal years before fiscal year 18 19 2008 that remain available for obligation or expenditure as of January 1, 2005, and for fiscal year 2008. 20 (b) AVAILABILITY OF UNUTILIZED FUNDS UNDER 21 22 CERTIFICATION OF PARTIAL USE.—Any funds identified 23 in the plan required in subsection (a) that are not planned

25 be available for any defense nuclear nonproliferation ac-

to be obligated by the end of fiscal year 2009 shall also

24

tivities (other than the Fissile Materials Disposition pro gram) for which amounts are authorized to be appro priated by section 3101(a)(2).

4 (c) FISCAL YEAR 2008 FISSILE MATERIALS DISPOSI5 TION PROGRAM FUNDS DEFINED.—In this section, the
6 term "fiscal year 2008 Fissile Materials Disposition pro7 gram funds" means amounts authorized to be appro8 priated by section 3101(a)(2) and available for the Fissile
9 Materials Disposition program.

10SEC. 3115. MODIFICATION OF LIMITATIONS ON AVAIL-11ABILITY OF FUNDS FOR WASTE TREATMENT12AND IMMOBILIZATION PLANT.

Paragraph (2) of section 3120(a) of the John Warner
National Defense Authorization Act for Fiscal Year 2007
(Public Law 109–364; 120 Stat. 2510) is amended—

16 (1) by striking "the Defense Contract Manage-17 ment Agency has recommended for acceptance" and 18 inserting "an independent entity has reviewed"; and 19 (2) by inserting "and that the system has been 20 certified by the Secretary for use by a construction 21 contractor at the Waste Treatment and Immobiliza-22 tion Plant" after "Waste Treatment and Immo-23 bilization Plant".

1	SEC. 3116. MODIFICATION OF SUNSET DATE OF THE OFFICE
2	OF THE OMBUDSMAN OF THE ENERGY EM-
3	PLOYEES OCCUPATIONAL ILLNESS COM-
4	PENSATION PROGRAM.
5	Section 3686(g) of the Energy Employees Occupa-
6	tional Illness Compensation Program Act of 2000 (42
7	U.S.C. 7385s–15(g)) is amended by striking "on the date
8	that is 3 years after the date of the enactment of this
9	section" and inserting "October 28, 2012".
10	SEC. 3117. TECHNICAL AMENDMENTS.
11	The Atomic Energy Defense Act (50 U.S.C. 2521 et
12	seq.) is amended as follows:
13	(1) The heading of section $4204a$ (50 U.S.C.
14	2524a) is amended to read as follows:
15	"SEC. 4204A. RELIABLE REPLACEMENT
16	WARHEAD PROGRAM.".
17	(2) The table of contents for that Act is amend-
18	ed by inserting after the item relating to section
19	4204 the following new item: "Sec. 4204A. Reliable Replacement Warhead program.".
20	Subtitle C—Other Matters
21	SEC. 3121. STUDY ON USING EXISTING PITS FOR THE RELI-
22	ABLE REPLACEMENT WARHEAD PROGRAM.
23	(a) Study Required.—The Administrator for Nu-
24	clear Security, in consultation with the Nuclear Weapons
25	Council, shall carry out a study analyzing the feasibility

of using existing pits in the Reliable Replacement War head program.

3 (b) Report.—

4 (1) IN GENERAL.—Not later six months after 5 the date of the enactment of this Act, the Adminis-6 trator shall submit to the congressional defense com-7 mittees a report on the results of the study. The re-8 port shall be in unclassified form, but may include 9 a classified annex.

10 (2) MATTERS INCLUDED.—The report shall
11 contain the assessment of the Administrator of the
12 results of the study, including—

13 (A) an assessment of—
14 (i) whether using existing pits in the
15 program is technically feasible;

16 (ii) whether using existing pits in the
17 program is more advantageous than using
18 newly manufactured pits in the program;

19(iii) the number of existing pits suit-20able for such use;

21 (iv) whether proceeding to use existing
22 pits in the program before using newly
23 manufactured pits in the program is desir24 able; and

1	(v) the extent to which using existing
2	pits, as compared to using newly manufac-
3	tured pits, in the program would reduce
4	future requirements for new pit produc-
5	tion, and how such use of existing pits
6	would affect the schedule and scope for
7	new pit production; and
8	(B) a comparison of the requirements for
9	certifying-
10	(i) reliable replacement warheads
11	using existing pits;
12	(ii) reliable replacement warheads
13	using newly manufactured pits; and
14	(iii) warheads maintained by the
15	Stockpile Life Extension Program.
16	(c) FUNDING.—Of the amounts made available pur-
17	suant to the authorization of appropriations in section
18	3101(a)(1), such funds as may be necessary shall be avail-
19	able to carry out this section.
20	SEC. 3122. REPORT ON RETIREMENT AND DISMANTLEMENT
21	OF NUCLEAR WARHEADS.
22	Not later than March 1, 2008, the Administrator for
23	Nuclear Security, in consultation with the Nuclear Weap-
24	ons Council, shall submit to the congressional defense
25	committees a report on the retirement and dismantlement

1	of the nuclear warheads that will not be part of the endur-
2	ing stockpile as of December 31, 2012, but that have not
3	yet been retired or dismantled. The report shall include—
4	(1) the existing plan and schedule for retiring
5	and dismantling those warheads;
6	(2) an assessment of the capacity of the nuclear
7	weapons complex to accommodate an accelerated
8	schedule for retiring and dismantling those war-
9	heads, taking into account the full range of capabili-
10	ties in the complex; and
11	(3) an identification of the resources needed to
12	accommodate such an accelerated schedule for retir-
13	ing and dismantling those warheads.
13 14	ing and dismantling those warheads. SEC. 3123. PLAN FOR ADDRESSING SECURITY RISKS POSED
14	SEC. 3123. PLAN FOR ADDRESSING SECURITY RISKS POSED
14 15	SEC. 3123. PLAN FOR ADDRESSING SECURITY RISKS POSED TO NUCLEAR WEAPONS COMPLEX.
14 15 16	SEC. 3123. PLAN FOR ADDRESSING SECURITY RISKS POSED TO NUCLEAR WEAPONS COMPLEX. Section 3253(b) of the National Nuclear Security Ad-
14 15 16 17	SEC. 3123. PLAN FOR ADDRESSING SECURITY RISKS POSED TO NUCLEAR WEAPONS COMPLEX. Section 3253(b) of the National Nuclear Security Ad- ministration Act (50 U.S.C. 2453(b)) is amended by add-
14 15 16 17 18	SEC. 3123. PLAN FOR ADDRESSING SECURITY RISKS POSED TO NUCLEAR WEAPONS COMPLEX. Section 3253(b) of the National Nuclear Security Ad- ministration Act (50 U.S.C. 2453(b)) is amended by add- ing at the end the following:
14 15 16 17 18 19	SEC. 3123. PLAN FOR ADDRESSING SECURITY RISKS POSED TO NUCLEAR WEAPONS COMPLEX. Section 3253(b) of the National Nuclear Security Ad- ministration Act (50 U.S.C. 2453(b)) is amended by add- ing at the end the following: "(6) A plan, developed in consultation with the
 14 15 16 17 18 19 20 	SEC. 3123. PLAN FOR ADDRESSING SECURITY RISKS POSED TO NUCLEAR WEAPONS COMPLEX. Section 3253(b) of the National Nuclear Security Ad- ministration Act (50 U.S.C. 2453(b)) is amended by add- ing at the end the following: "(6) A plan, developed in consultation with the Director of the Office of Health, Safety, and Secu-
 14 15 16 17 18 19 20 21 	 SEC. 3123. PLAN FOR ADDRESSING SECURITY RISKS POSED TO NUCLEAR WEAPONS COMPLEX. Section 3253(b) of the National Nuclear Security Administration Act (50 U.S.C. 2453(b)) is amended by adding at the end the following: "(6) A plan, developed in consultation with the Director of the Office of Health, Safety, and Security of the Department of Energy, for the research

1	cyber security threats during the applicable five-fis-
2	cal year period, together with—
3	"(A) for each site in the nuclear weapons
4	complex, a description of the technologies de-
5	ployed to address the physical and cyber secu-
6	rity threats posed to that site;
7	"(B) for each site and for the nuclear
8	weapons complex, the methods used by the Na-
9	tional Nuclear Security Administration to es-
10	tablish priorities among investments in physical
11	and cyber security technologies; and
12	"(C) a detailed description of how the
13	funds identified for each program element spec-
14	ified pursuant to paragraph (1) in the budget
15	for the Administration for each fiscal year dur-
16	ing that five-fiscal year period will help carry
17	out that plan.".
18	SEC. 3124. DEPARTMENT OF ENERGY PROTECTIVE FORCES.
19	(a) Comptroller General Report on Depart-
20	MENT OF ENERGY PROTECTIVE FORCE MANAGEMENT
21	(1) IN GENERAL.—Not later than 180 days
22	after the date of the enactment of this Act, the
23	Comptroller General of the United States shall sub-
24	mit to the Committee on Armed Services of the Sen-
25	ate and the Committee on Armed Services of the

1	House of Representatives a report on the manage-
2	ment of the protective forces of the Department of
3	Energy.
4	(2) CONTENTS.—The report shall include the
5	following:
6	(A) An identification of each Department
7	of Energy site with Category I nuclear mate-
8	rials.
9	(B) For each site identified under subpara-
10	graph (A)—
11	(i) a description of the management
12	and contractual structure for protective
13	forces at the site;
14	(ii) a statement of the number and
15	category of protective force members at the
16	site;
17	(iii) a description of the manner in
18	which the site is moving to a tactical re-
19	sponse force as required by the policy of
20	the Department of Energy and an assess-
21	ment of the issues or problems, if any, in-
22	volved in moving to such a force;
23	(iv) a description of the extent to
24	which the protective force at the site has
25	been assigned or is responsible for law en-

1 forcement or law-enforcement related ac-2 tivities; 3 (v) an assessment of the ability of the 4 protective force at the site to fulfill any such law enforcement or law enforcement-5 6 related responsibilities; and 7 (vi) an assessment of whether the pro-8 tective force at the site is adequately 9 staffed, trained, and equipped to comply with the requirements of the Design Basis 10 11 Threat issued by the Department of En-12 ergy in November 2005 and, if not, when 13 it is projected to be. 14 (C) An analysis comparing the manage-15 ment, training, pay, benefits, duties, respon-16 sibilities, and assignments of the protective 17 force at each site identified under subparagraph 18 (A) with the management, training, pay, bene-19 fits, duties, responsibilities, and assignments of 20 the Federal transportation security force of the 21 Department of Energy. 22 (D) A statement of options for managing 23 the protective force at sites identified under 24 subparagraph (A) in a more uniform manner, 25 an analysis of the advantages and disadvantages of each option, and an assessment of the
 approximate cost of each option when compared
 with the costs associated with the existing man agement of the protective force at such sites.

5 (3) FORM.—The report shall be submitted in
6 unclassified form, but may include a classified
7 annex.

8 (b) DEPARTMENT OF ENERGY ANALYSIS OF ALTER9 NATIVES FOR MANAGING AND DEPLOYING PROTECTIVE
10 FORCES.—

11 (1) IN GENERAL.—Not later than 90 days after 12 the date on which the report is submitted under sub-13 section (a), the Secretary of Energy, in conjunction 14 with the Administrator for Nuclear Security and the 15 Assistant Secretary for Environmental Management, shall submit to the Committee on Armed Services of 16 17 the Senate and the Committee on Armed Services of 18 the House of Representatives a report on the man-19 agement of the protective forces of the Department 20 of Energy.

21 (2) CONTENTS.—The report shall include the22 following:

23 (A) Each of the matters specified in sub24 paragraphs (A), (B), and (C) of subsection
25 (a)(2).

1	(B) Each of the matters specified in sub-
2	paragraph (D) of subsection $(a)(2)$, except
3	that—
4	(i) the options analyzed shall include
5	each of the options included in the report
6	submitted under subsection (a), as well as
7	any other options identified by the Sec-
8	retary; and
9	(ii) the analysis and assessment shall
10	also include an analysis of the role played
11	by incentives inherent in the use of private
12	contractors to provide protective forces in
13	the performance of those protective forces.
14	(3) FORM.—The report shall be submitted in
15	unclassified form, but may include a classified
16	annex.
17	SEC. 3125. EVALUATION OF NATIONAL NUCLEAR SECURITY
18	ADMINISTRATION STRATEGIC PLAN FOR AD-
19	VANCED COMPUTING.
20	(a) IN GENERAL.—The Secretary of Energy shall—
21	(1) enter into an agreement with an inde-
22	pendent entity to conduct an evaluation of the stra-
23	tegic plan for advanced computing of the National
24	Nuclear Security Administration; and

1	(2) not later than one year after the date of the
2	enactment of this Act, submit to the congressional
3	defense committees a report containing the results of
4	the evaluation described in paragraph (1).
5	(b) ELEMENTS.—The evaluation described in sub-
6	section (a)(1) shall include the following:
7	(1) An assessment of—
8	(A) the adequacy of the strategic plan in
9	supporting the Stockpile Stewardship Program;
10	(B) the role of research into, and develop-
11	ment of, high-performance computing supported
12	by the National Nuclear Security Administra-
13	tion in fulfilling the mission of the National
14	Nuclear Security Administration and in main-
15	taining the leadership of the United States in
16	high-performance computing; and
17	(C) the impacts of changes in investment
18	levels or research and development strategies on
19	fulfilling the missions of the National Nuclear
20	Security Administration.
21	(2) An assessment of the efforts of the Depart-
22	ment of Energy to—
23	(A) coordinate high-performance com-
24	puting work within the Department, in par-

1	ticular between the National Nuclear Security
2	Administration and the Office of Science;
3	(B) develop joint strategies with other
4	Federal agencies and private industry groups
5	for the development of high-performance com-
6	puting; and
7	(C) share high-performance computing de-
8	velopments with private industry and capitalize
9	on innovations in private industry in high-per-
10	formance computing.
11	SEC. 3126. SENSE OF CONGRESS ON THE NUCLEAR NON-
12	PROLIFERATION POLICY OF THE UNITED
13	STATES AND THE RELIABLE REPLACEMENT
14	WARHEAD PROGRAM.
15	It is the sense of Congress that—
16	(1) the United States should maintain its com-
17	mitment to Article VI of the Treaty on the Non-Pro-
18	liferation of Nuclear Weapons, done at Washington,
19	London, and Moscow July 1, 1968, and entered into
20	force March 5, 1970 (in this section referred to as
21	the "Nuclear Non-Proliferation Treaty");
22	
	(2) the United States should initiate talks with
23	(2) the United States should initiate talks with Russia to reduce the number of nonstrategic nuclear

1	stockpiles of the United States and Russia in a
2	transparent and verifiable fashion and in a manner
3	consistent with the security of the United States;
4	(3) the United States and other declared nu-
5	clear weapons state parties to the Nuclear Non-Pro-
6	liferation Treaty, together with weapons states that
7	are not parties to the Treaty, should work to reduce
8	the total number of nuclear weapons in the respec-
9	tive stockpiles and related delivery systems of such
10	states;
11	(4) the United States, Russia, and other states
12	should work to negotiate, and then sign and ratify,
13	a treaty setting forth a date for the cessation of the
14	production of fissile material;
15	(5) the United States should sustain the
16	science-based stockpile stewardship program, which
17	provides the basis for certifying the United States
18	nuclear deterrent and maintaining the moratorium
19	on underground nuclear weapons testing;
20	(6) the United States should commit to dis-
21	mantle as soon as possible all retired warheads or
22	warheads that are planned to be retired from the
23	United States nuclear weapons stockpile;
24	(7) the United States, along with the other de-
25	clared nuclear weapons state parties to the Nuclear

1	Non-Proliferation Treaty, should participate in
2	transparent discussions regarding their nuclear
3	weapons programs and plans, including plans for
4	any new weapons or warheads, and how such pro-
5	grams and plans relate to their obligations as nu-
6	clear weapons state parties under the Treaty;
7	(8) the United States and the declared nuclear
8	weapons state parties to the Nuclear Non-Prolifera-
9	tion Treaty should work to decrease reliance on, and
10	the importance of, nuclear weapons; and
11	(9) the United States should formulate any de-
12	cision on whether to manufacture or deploy a reli-
13	able replacement warhead within the broader context
14	of the progress made by the United States toward
15	achieving each of the goals described in paragraphs
16	(1) through (8).
17	SEC. 3127. DEPARTMENT OF ENERGY REPORT ON PLAN TO
18	STRENGTHEN AND EXPAND INTERNATIONAL
19	RADIOLOGICAL THREAT REDUCTION PRO-
20	GRAM.
21	Not later than 120 days after the date of the enact-
22	ment of this Act, the Secretary of Energy shall submit
23	to Congress a report that sets forth a specific plan for
24	strengthening and expanding the Department of Energy

25 International Radiological Threat Reduction (IRTR) pro-

gram within the Global Threat Reduction Initiative. The
 plan shall address concerns raised and recommendations
 made by the Government Accountability Office in its re port of March 13, 2007, titled "Focusing on the Highest
 Priority Radiological Sources Could Improve DOE's Ef forts to Secure Sources in Foreign Countries", and shall
 specifically include actions to—

8 (1) improve the Department's coordination with
9 the Department of State and the Nuclear Regu10 latory Commission;

(2) improve information-sharing between the
Department and the International Atomic Energy
Agency;

(3) with respect to hospitals and clinics containing radiological sources that receive security upgrades, give high priority to those determined to be
the highest risk;

18 (4) accelerate efforts to remove as many radio19 isotope thermoelectric generators (RTGs) in the
20 Russian Federation as practicable;

(5) develop a long-term sustainability plan for
security upgrades that includes, among other things,
future resources required to implement such a plan;
and

(6) develop a long-term operational plan that
 ensures sufficient funding for the IRTR program
 and ensures sufficient funding to identify, recover,
 and secure all vulnerable high-risk radiological
 sources worldwide as quickly and effectively as pos sible.

7 SEC. 3128. DEPARTMENT OF ENERGY REPORT ON PLAN TO
8 STRENGTHEN AND EXPAND MATERIALS PRO9 TECTION, CONTROL, AND ACCOUNTING PRO10 GRAM.

11 Not later than 120 days after the date of the enact-12 ment of this Act, the Secretary of Energy shall submit 13 to Congress a specific plan for strengthening and expanding the Department of Energy Materials Protection, Con-14 15 trol, and Accounting (MPC&A) program. The plan shall address concerns raised and recommendations made by 16 17 the Government Accountability Office in its report of February 2007, titled "Progress Made in Improving Security" 18 19 at Russian Nuclear Sites, but the Long-Term Sustain-20 ability of U.S. Funded Security Upgrades is Uncertain", 21 and shall specifically include actions to—

(1) strengthen program management and the
effectiveness of the Department's efforts to improve
security at weapons-usable nuclear material and

1	warhead sites in the Russian Federation and other
2	countries by—
3	(A) revising the metrics used to measure
4	MPC&A program progress to better reflect the
5	level of security upgrade completion at buildings
6	reported as "secure";
7	(B) actively working with other countries,
8	in coordination with the Secretary of State, to
9	develop an appropriate access plan for each
10	country; and
11	(C) developing a management information
12	system to track the Department's progress in
13	providing Russia with a sustainable MPC&A
14	system by 2013; and
15	(2) develop a long-term operational plan that
16	ensures sufficient funding for the MPC&A program,
17	including for National Programs and Sustainability,
18	and ensures sufficient funding to secure all weapons-
19	usable nuclear material and warhead sites as quickly
20	and effectively as possible.
21	SEC. 3129. AGREEMENTS AND REPORTS ON NUCLEAR
22	FORENSICS CAPABILITIES.
23	(a) INTERNATIONAL AGREEMENTS.—

(1) IN GENERAL.—Title XLIII of the Atomic
 Energy Defense Act (50 U.S.C. 2561 et seq.) is
 amended by adding at the end the following:

4 "SEC. 4307. INTERNATIONAL AGREEMENTS ON NUCLEAR 5 WEAPONS DATA.

6 "The Secretary of Energy may, with the concurrence 7 of the Secretary of State and in coordination with the Sec-8 retary of Defense, the Secretary of Homeland Security, 9 and the Director of National Intelligence, enter into agree-10 ments with countries or international organizations to conduct data collection and analysis to determine accurately 11 12 and in a timely manner the source of any components of, 13 or fissile material used or attempted to be used in, a nuclear device or weapon. 14

15 "SEC. 4308. INTERNATIONAL AGREEMENTS ON INFORMA-16 TION ON RADIOACTIVE MATERIALS.

17 "The Secretary of Energy may, with the concurrence
18 of the Secretary of State and in coordination with the Sec19 retary of Defense, the Secretary of Homeland Security,
20 and the Director of National Intelligence, enter into agree21 ments with countries or international organizations—

22 "(1) to acquire for the materials information 23 program of the Department of Energy validated in-24 formation on the physical characteristics of radio-25 active material produced, used, or stored at various

1	locations, in order to facilitate the ability to deter-
2	mine accurately and in a timely manner the source
3	of any components of, or fissile material used or at-
4	tempted to be used in, a nuclear device or weapon;
5	and
6	((2) to obtain access to information described
7	in paragraph (1) in the event of—
8	"(A) a nuclear detonation; or
9	"(B) the interdiction or discovery of a nu-
10	clear device or weapon or nuclear material.".
11	(2) CLERICAL AMENDMENT.—The table of con-
12	tents at the beginning of such Act is amended by in-
13	serting after the item relating to section 4306A the
14	following: "Sec. 4307. International agreements on nuclear weapons data. "Sec. 4308. International agreements on information on radioactive mate- rials.".
15	(b) REPORT ON AGREEMENTS.—Not later than one
16	year after the date of the enactment of this Act, the Sec-
17	retary of Energy shall, in coordination with the Secretary
18	of State, submit to Congress a report identifying—
19	(1) the countries or international organizations
20	with which the Secretary has sought to make agree-
21	ments pursuant to sections 4307 and 4308 of the
22	Atomic Energy Defense Act, as added by subsection
23	(a);

1	(2) any countries or international organizations
2	with which such agreements have been finalized and
3	the measures included in such agreements; and
4	(3) any major obstacles to completing such
5	agreements with other countries and international
6	organizations.
7	(c) Report on Standards and Capabilities.—
8	Not later than 180 days after the date of the enactment
9	of this Act, the President shall submit to Congress a re-
10	port—
11	(1) setting forth standards and procedures to
12	be used in determining accurately and in a timely
13	manner any country or group that knowingly or neg-
14	ligently provides to another country or group—
15	(A) a nuclear device or weapon;
16	(B) a major component of a nuclear device
17	or weapon; or
18	(C) fissile material that could be used in a
19	nuclear device or weapon;
20	(2) assessing the capability of the United States
21	to collect and analyze nuclear material or debris in
22	a manner consistent with the standards and proce-
23	dures described in paragraph (1); and
24	(3) including a plan and proposed funding for
25	rectifying any shortfalls in the nuclear forensics ca-

pabilities of the United States by September 30,
 2010.

3 SEC. 3130. REPORT ON STATUS OF ENVIRONMENTAL MAN4 AGEMENT INITIATIVES TO ACCELERATE THE
5 REDUCTION OF ENVIRONMENTAL RISKS AND
6 CHALLENGES POSED BY THE LEGACY OF THE
7 COLD WAR.

8 (a) IN GENERAL.—Not later than September 30, 9 2008, the Secretary of Energy shall submit to the congres-10 sional defense committees and the Comptroller General of the United States a report on the status of the environ-11 mental management initiatives undertaken to accelerate 12 13 the reduction of the environmental risks and challenges that, as a result of the legacy of the Cold War, are faced 14 15 by the Department of Energy, contractors of the Department, and applicable Federal and State agencies with reg-16 ulatory jurisdiction. 17

18 (b) ELEMENTS.—The report required by subsection19 (a) shall include the following:

20 (1) A discussion and assessment of the progress
21 made in reducing the environmental risks and challenges described in subsection (a) in each of the following areas:

24 (A) Acquisition strategy and contract man-25 agement.

1	(B) Regulatory agreements.
2	(C) Interim storage and final disposal of
3	high-level waste, spent nuclear fuel, transuranic
4	waste, and low-level waste.
5	(D) Closure and transfer of environmental
6	remediation sites.
7	(E) Achievements in innovation by contrac-
8	tors of the Department with respect to acceler-
9	ated risk reduction and cleanup.
10	(F) Consolidation of special nuclear mate-
11	rials and improvements in safeguards and secu-
12	rity.
13	(2) An assessment of whether legislative
14	changes or clarifications would improve or accelerate
15	environmental management activities.
16	(3) A listing of the major mandatory milestones
17	and commitments by site, by type of agreement, and
18	by year to the extent that they are currently defined,
19	together with a summary of the major mandatory
20	milestones by site that are projected to be missed or
21	are in jeopardy of being missed, with categories to
22	explain the reason for non-compliance.
23	(4) An estimate of the life cycle cost of the cur-
24	rent scope of the environmental management pro-
25	gram as of October 1, 2007, by project baseline

summary and summarized by site, including assump tions impacting cost projections and descriptions of
 the work to be done at each site.

4 (5) For environmental cleanup liabilities and 5 excess facilities projected to be transferred to the en-6 vironmental management program, a description of 7 the process for nomination and acceptance of new 8 work scope into the program, a listing of pending 9 nominations, and life cycle cost estimates and sched-10 ules to address them.

(c) REVIEW BY COMPTROLLER GENERAL.—Not later
than March 30, 2009, the Comptroller General shall submit to the congressional defense committees a report containing a review of the report required by subsection (a).

Subtitle D—Nuclear Terrorism Prevention

17 SEC. 3131. DEFINITIONS.

18 In this subtitle:

(1) The term "Convention on the Physical Protection of Nuclear Material" means the Convention
on the Physical Protection of Nuclear Material,
signed at New York and Vienna March 3, 1980.

(2) The term "formula quantities of strategic
special nuclear material" means uranium-235 (contained in uranium enriched to 20 percent or more in

1	the U–235 isotope), uranium–233, or plutonium in
2	any combination in a total quantity of 5,000 grams
3	or more computed by the formula, grams $=$ (grams
4	contained U–235) + 2.5 (grams U–233 + grams
5	plutonium), as set forth in the definitions of "for-
6	mula quantity" and "strategic special nuclear mate-
7	rial" in section 73.2 of title 10, Code of Federal
8	Regulations.
9	(3) The term "Nuclear Non-Proliferation Trea-
10	ty" means the Treaty on the Non-Proliferation of
11	Nuclear Weapons, done at Washington, London, and
12	Moscow July 1, 1968, and entered into force March
13	5, 1970 (21 UST 483).
14	(4) The term "nuclear weapon" means any de-
15	vice utilizing atomic energy, exclusive of the means
16	for transporting or propelling the device (where such
17	means is a separable and divisible part of the de-
18	vice), the principal purpose of which is for use as,
19	or for the development of, a weapon, a weapon pro-
20	totype, or a weapon test device.
21	SEC. 3132. SENSE OF CONGRESS ON THE PREVENTION OF
22	NUCLEAR TERRORISM.
23	It is the sense of Congress that—

(1) the President should make the prevention of
 a nuclear terrorist attack on the United States a
 high priority;

4 (2) the President should accelerate programs, 5 requesting additional funding as appropriate, to pre-6 vent nuclear terrorism, including combating nuclear 7 smuggling, securing and accounting for nuclear 8 weapons, and eliminating, removing, or securing and 9 accounting for formula quantities of strategic special 10 nuclear material wherever such quantities may be;

11 (3) the United States, together with the inter-12 national community, should take a comprehensive 13 approach to reducing the danger of nuclear ter-14 rorism, including by making additional efforts to 15 identify and eliminate terrorist groups that aim to 16 acquire nuclear weapons, to ensure that nuclear 17 weapons worldwide are secure and accounted for and 18 that formula quantities of strategic special nuclear 19 material worldwide are eliminated, removed, or se-20 cure and accounted for to a degree sufficient to de-21 feat the threat that terrorists and criminals have 22 shown they can pose, and to increase the ability to 23 find and stop terrorist efforts to manufacture nu-24 clear explosives or to transport nuclear explosives 25 and materials anywhere in the world;

1	(4) within such a comprehensive approach, a
2	high priority must be placed on ensuring that all nu-
3	clear weapons worldwide are secure and accounted
4	for and that all formula quantities of strategic spe-
5	cial nuclear material worldwide are eliminated, re-
6	moved, or secure and accounted for; and
7	(5) the International Atomic Energy Agency
8	should be funded appropriately to fulfill its role in
9	coordinating international efforts to protect nuclear
10	material and to combat nuclear smuggling.
11	SEC. 3133. MINIMUM SECURITY STANDARD FOR NUCLEAR
12	WEAPONS AND FORMULA QUANTITIES OF
13	STRATEGIC SPECIAL NUCLEAR MATERIAL.
13 14	STRATEGIC SPECIAL NUCLEAR MATERIAL. (a) POLICY.—It is the policy of the United States to
14	(a) POLICY.—It is the policy of the United States to
14 15	(a) POLICY.—It is the policy of the United States to work with the international community to take all possible
14 15 16 17	(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world
14 15 16 17	(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quan-
14 15 16 17 18	(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quan- tities of strategic special nuclear material are eliminated,
14 15 16 17 18 19	(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quan- tities of strategic special nuclear material are eliminated, removed, or secure and accounted for to a level sufficient
 14 15 16 17 18 19 20 	(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quan- tities of strategic special nuclear material are eliminated, removed, or secure and accounted for to a level sufficient to defeat the threats posed by terrorists and criminals.
 14 15 16 17 18 19 20 21 	 (a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quantities of strategic special nuclear material are eliminated, removed, or secure and accounted for to a level sufficient to defeat the threats posed by terrorists and criminals. (b) INTERNATIONAL NUCLEAR SECURITY STAND-
 14 15 16 17 18 19 20 21 22 	 (a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quantities of strategic special nuclear material are eliminated, removed, or secure and accounted for to a level sufficient to defeat the threats posed by terrorists and criminals. (b) INTERNATIONAL NUCLEAR SECURITY STANDARD.—It is the sense of Congress that, in furtherance of

olution 1540 (2004), as well as the Nuclear Non-Prolifera tion Treaty and the Convention on the Physical Protection
 of Nuclear Material, the President, in consultation with
 relevant Federal departments and agencies, should seek
 the broadest possible international agreement on a global
 standard for nuclear security that—

- 7 (1) ensures that nuclear weapons and formula
 8 quantities of strategic special nuclear material are
 9 secure and accounted for to a sufficient level to de10 feat the threats posed by terrorists and criminals;
- (2) takes into account the limitations of equip-ment and human performance; and
- 13 (3) includes steps to provide confidence that the14 needed measures have in fact been implemented.
- (c) INTERNATIONAL EFFORTS.—It is the sense of
 Congress that, in furtherance of the policy described in
 subsection (a), the President, in consultation with relevant
 Federal departments and agencies, should—
- (1) work with other countries and the International Atomic Energy Agency to assist as appropriate, and if necessary work to convince, the governments of any and all countries in possession of
 nuclear weapons or formula quantities of strategic
 special nuclear material to ensure that security is
 upgraded to meet the standard described in sub-

section (b) as rapidly as possible and in a manner
 that—

3 (A) accounts for the nature of the terrorist
4 and criminal threat in each such country; and
5 (B) ensures that any measures to which
6 the United States and any such country agree
7 are sustained after United States and other
8 international assistance ends;

9 (2) ensure that United States financial and 10 technical assistance is available, as appropriate, to 11 countries for which the provision of such assistance 12 would accelerate the implementation of, or improve 13 the effectiveness of, such security upgrades; and

(3) work with the governments of other countries to ensure that effective nuclear security rules,
accompanied by effective regulation and enforcement, are put in place to govern all nuclear weapons
and formula quantities of strategic special nuclear
material around the world.

20 SEC. 3134. ANNUAL REPORT.

(a) IN GENERAL.—Not later than September 1 of
each year through 2012, the President, in consultation
with relevant Federal departments and agencies, shall submit to Congress a report on the security of nuclear weap-

ons and related equipment and formula quantities of stra-1 2 tegic special nuclear material outside of the United States. 3 (b) ELEMENTS.—The report required under sub-4 section (a) shall include the following: 5 (1) A section on the programs for the security 6 and accounting of nuclear weapons and the elimi-7 nation, removal, and security and accounting of for-8 mula quantities of strategic special nuclear material, 9 established under section 3132(b) of the Ronald W. 10 Reagan National Defense Authorization Act for Fis-11 cal Year 2005 (50 U.S.C. 2569(b)), which shall in-12 clude the following: 13 (A) A survey of the facilities and sites 14 worldwide that contain nuclear weapons or re-15 lated equipment, or formula quantities of stra-

16 tegic special nuclear material.

17 (B) A list of such facilities and sites deter-18 mined to be of the highest priority for security 19 and accounting of nuclear weapons and related 20 equipment, or the elimination, removal, or secu-21 rity and accounting of formula quantities of 22 strategic special nuclear material, taking into 23 account risk of theft from such facilities and 24 sites, and organized by level of priority.

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1	(C) A prioritized plan, including measur-
2	able milestones, metrics, estimated timetables,
3	and estimated costs of implementation, on the
4	following:
5	(i) The security and accounting of nu-
6	clear weapons and related equipment and
7	the elimination, removal, or security and
8	accounting of formula quantities of stra-
9	tegic special nuclear material at such fa-
10	cilities and sites worldwide.
11	(ii) Ensuring that security upgrades
12	and accounting reforms implemented at
13	such facilities and sites worldwide, using
14	the financial and technical assistance of
15	the United States, are effectively sustained
16	after such assistance ends.
17	(iii) The role that international agen-
18	cies and the international community have
19	committed to play, together with a plan for
20	securing international contributions.
21	(D) An assessment of the progress made in
22	implementing the plan described in subpara-
23	graph (C), including a description of the efforts
24	of foreign governments to secure and account
25	for nuclear weapons and related equipment and

1	to eliminate, remove, or secure and account for
2	formula quantities of strategic special nuclear
3	material.
4	(2) A section on efforts to establish and imple-
5	ment the international nuclear security standard de-
6	scribed in section 3133(b) and related policies.
7	(c) FORM.—The report may be submitted in classi-
8	fied form but shall include a detailed unclassified sum-
9	mary.
10	TITLE XXXII—WAR-RELATED NA-
11	TIONAL NUCLEAR SECURITY
12	ADMINISTRATION AUTHOR-
13	IZATIONS

14 SEC. 3201. ADDITIONAL WAR-RELATED AUTHORIZATION OF

- 15 APPROPRIATIONS FOR NATIONAL NUCLEAR
- 16 SECURITY ADMINISTRATION.

(a) IN GENERAL.—Funds are hereby authorized to
be appropriated for fiscal year 2008 to the Department
of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation in the amount of
\$50,000,000, of which \$30,000,000 is for the International Nuclear Materials Protection and Cooperation
program and \$20,000,000 is for the Global Threat Reduction Initiative.

Sec. 3201. Additional war-related authorization of appropriations for National Nuclear Security Administration.

(b) TREATMENT AS ADDITIONAL AUTHORIZATION.—
 The amounts authorized to be appropriated by this section
 are in addition to amounts otherwise authorized to be ap propriated by this Act.

5 TITLE XXXIII—DEFENSE NU6 CLEAR FACILITIES SAFETY 7 BOARD

Sec. 3301. Authorization.

8 SEC. 3301. AUTHORIZATION.

9 There are authorized to be appropriated for fiscal
10 year 2008, \$22,499,000 for the operation of the Defense
11 Nuclear Facilities Safety Board under chapter 21 of the
12 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

13 TITLE XXXIV—NAVAL 14 PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.Sec. 3402. Remedial action at Moab uranium milling site.

15 SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy \$17,301,000 for fiscal year 2008 for the purpose of carrying out activities
under chapter 641 of title 10, United States Code, relating
to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated
pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

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3 Section 3405(i) of the Strom Thurmond National De4 fense Authorization Act for Fiscal Year 1999 (Public Law
5 105–261; 10 U.S.C. 7420 note) is amended by adding at
6 the end the following new paragraph:

7 "(6)(A) Not later than October 1, 2019, the Sec8 retary of Energy shall complete remediation at the Moab
9 site and removal of the tailings to the Crescent Junction
10 site in Utah.

11 "(B) In the event the Secretary of Energy is unable 12 to complete remediation at the Moab Site by October 1, 13 2019, the Secretary shall submit to Congress a plan set-14 ting forth the projected completion date and the estimated 15 funding to meet the revised date. The Secretary shall 16 submit the plan, if required, to Congress not later than 17 October 2, 2019.".

18 TITLE XXXV—MARITIME 19 ADMINISTRATION

Subtitle A-Maritime Administration Reauthorization

Sec.	3501.	Authorization of appropriations for fiscal year 2008.
Sec.	3502.	Temporary authority to transfer obsolete combatant vessels to Navy
		for disposal.
Sec.	3503.	Vessel disposal program.

Subtitle B—Programs

Sec. 3511. Commercial vessel chartering authority.

Sec. 3512. Maritime Administration vessel chartering authority.

Sec. 3513. Chartering to State and local governmental instrumentalities.

Sec. 3514. Disposal of obsolete Government vessels.

Sec. 3515. Vessel transfer authority.

Sec. 3516. Sea trials for Ready Reserve Force.

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Sec. 3517. Review of applications for loans and guarantees.

Subtitle C—Technical Corrections

Sec. 3521. Personal injury to or death of seamen.	
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Sec. 3522. Amendments to Chapter 537 based on Public Law 109–163.

Sec. 3523. Additional amendments based on Public Law 109–163.

Sec. 3524. Amendments based on Public Law 109–171.

Sec. 3525. Amendments based on Public Law 109–241.

Sec. 3526. Amendments based on Public Law 109–364.

Sec. 3527. Miscellaneous amendments.

Sec. 3528. Application of sunset provision to codified provision.

Sec. 3529. Additional technical corrections.

Subtitle A—Maritime Administration Reauthorization

3 SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FIS-

CAL YEAR 2008.

4

5 Funds are hereby authorized to be appropriated for 6 fiscal year 2008, to be available without fiscal year limita-7 tion if so provided in appropriations Acts, for the use of 8 the Department of Transportation for the Maritime Ad-9 ministration as follows:

10 (1) For expenses necessary for operations and
11 training activities, \$124,303,000, of which—

12 (A) \$63,958,000 shall remain available
13 until expended for expenses and capital im14 provements at the United States Merchant Ma15 rine Academy; and

16 (B) \$11,500,000 which shall remain avail17 able until expended for maintenance and repair
18 of school ships at the State Maritime Acad19 emies.

1	(2) For expenses to maintain and preserve a
2	United States-flag merchant fleet to serve the na-
3	tional security needs of the United States under
4	chapter 531 of title 46, United States Code,
5	\$156,000,000.
6	(3) For paying reimbursement under section
7	3517 of the Maritime Security Act of 2003 (46)
8	U.S.C. 53101 note), \$19,500,000.
9	(4) For assistance to small shipyards and mari-
10	time communities under section 54101 of title 46,
11	United States Code, \$25,000,000.
12	(5) For expenses to dispose of obsolete vessels
13	in the National Defense Reserve Fleet, including
14	provision of assistance under section 7 of Public
15	Law 92–402, \$20,000,000.
16	(6) For the cost (as defined in section $502(5)$
17	of the Federal Credit Reform Act of 1990 (2 U.S.C
18	661a(5)) of loan guarantees under the program au-
19	thorized by chapter 537 of title 46, United States
20	Code, \$30,000,000.
21	(7) For administrative expenses related to the
22	implementation of the loan guarantee program
23	under chapter 537 of title 46, United States Code,
24	administrative expenses related to implementation of
25	the reimbursement program under section 3517 of

1 the Maritime Security Act of 2003 (46 U.S.C. 2 53101 note), and administrative expenses related to 3 the implementation of the small shipyards and mari-4 time communities assistance program under section 5 54101 of title 46, United States Code, \$6,000,000. 6 SEC. 3502. TEMPORARY AUTHORITY TO TRANSFER OBSO-7 LETE COMBATANT VESSELS TO NAVY FOR 8 **DISPOSAL.**

9 The Secretary of Transportation shall, subject to the 10 availability of appropriations and consistent with section 1535 of title 31, United States Code, popularly known as 11 12 the Economy Act, transfer to the Secretary of the Navy 13 during fiscal year 2008 for disposal by the Navy, no fewer than 3 combatant vessels in the nonretention fleet of the 14 15 Maritime Administration that are acceptable to the Secretary of the Navy. 16

17 SEC. 3503. VESSEL DISPOSAL PROGRAM.

18 (a) IN GENERAL.—Within 30 days after the date of 19 the enactment of this Act, the Secretary of Transportation 20shall convene a working group to review and make rec-21 ommendations on best practices for the storage and dis-22 posal of obsolete vessels owned or operated by the Federal 23 Government. The Secretary shall invite senior representa-24 tives from the Maritime Administration, the Coast Guard, 25 the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the United
 States Navy to participate in the working group. The Sec retary may request the participation of senior representa tives of any other Federal department or agency, as appro priate, and may also request participation from concerned
 State environmental agencies.

7 (b) SCOPE.—Among the vessels to be considered by
8 the working group are Federally owned or operated vessels
9 that are—

10 (1) to be scrapped or recycled;

11 (2) to be used as artificial reefs; or

12 (3) to be used for the Navy's SINKEX pro-13 gram.

14 (c) PURPOSE.—The working group shall—

(1) examine current storage and disposal policies, procedures, and practices for obsolete vessels
owned or operated by Federal agencies;

(2) examine Federal and State laws and regulations governing such policies, procedures, and practices and any applicable environmental laws; and

(3) within 90 days after the date of enactment
of the Act, submit a plan to the Committee on
Armed Services and the Committee on Commerce,
Science and Transportation of the Senate and the
Committee on Armed Services of the House of Rep-

1	resentatives to improve and harmonize practices for
2	storage and disposal of such vessels, including the
3	interim transportation of such vessels.
4	(d) Contents of Plan.—The working group shall
5	include in the plan submitted under subsection $(c)(3)$ —
6	(1) a description of existing measures for the
7	storage, disposal, and interim transportation of ob-
8	solete vessels owned or operated by Federal agencies
9	in compliance with Federal and State environmental
10	laws in a manner that protects the environment;
11	(2) a description of Federal and State laws and
12	regulations governing the current policies, proce-
13	dures, and practices for the storage, disposal, and
14	interim transportation of such vessels;
15	(3) recommendations for environmental best
16	practices that meet or exceed, and harmonize, the
17	requirements of Federal environmental laws and reg-
18	ulations applicable to the storage, disposal, and in-
19	terim transportation of such vessels;
20	(4) recommendations for environmental best
21	practices that meet or exceed the requirements of
22	State laws and regulations applicable to the storage,
23	disposal, and interim transportation of such vessels;
24	(5) procedures for the identification and reme-
25	diation of any environmental impacts caused by the

storage, disposal, and interim transportation of such
 vessels; and

3 (6) recommendations for necessary steps, in4 cluding regulations if appropriate, to ensure that
5 best environmental practices apply to all such ves6 sels.

7 (e) Implementation of Plan.—

8 (1) IN GENERAL.—As soon as practicable after 9 the date of enactment of the Act, the head of each 10 Federal department or agency participating in the 11 working group, in consultation with the other Fed-12 eral departments and agencies participating in the 13 working group, shall take such action as may be nec-14 essary, including the promulgation of regulations, 15 under existing authorities to ensure that the imple-16 mentation of the plan provides for compliance with 17 all Federal and State laws and for the protection of 18 the environment in the storage, interim transpor-19 tation, and disposal of obsolete vessels owned or op-20 erated by Federal agencies.

(2) ARMED SERVICES VESSELS.—The Secretary
and the Secretary of Defense, in consultation with
the Administrator of the Environmental Protection
Agency, shall each ensure that environmental best
practices are observed with respect to the storage,

disposal, and interim transportation of obsolete ves sels owned or operated by the Department of De fense.

4 (f) RULE OF CONSTRUCTION.—Nothing in this sec5 tion shall be construed to supersede, limit, modify, or oth6 erwise affect any other provision of law, including environ7 mental law.

8 Subtitle B—Programs

9 SEC. 3511. COMMERCIAL VESSEL CHARTERING AUTHORITY.

(a) IN GENERAL.—Subchapter III of chapter 575 of
title 46, United States Code, is amended by adding at the
end the following:

13 "§ 57533. Vessel chartering authority

14 "The Secretary of Transportation may enter into 15 contracts or other agreements on behalf of the United 16 States to purchase, charter, operate, or otherwise acquire 17 the use of any vessels documented under chapter 121 of 18 this title and any other related real or personal property. 19 The Secretary is authorized to use this authority as the 20 Secretary deems appropriate.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 575 of such title is amended by adding
at the end the following:

3 at the end the following: "57533. Vessel chartering authority".

1	SEC. 3512. MARITIME ADMINISTRATION VESSEL CHAR-
2	TERING AUTHORITY.
3	Section 50303 of title 46, United States Code, is
4	amended by—
5	(1) inserting "vessels," after "piers,"; and
6	(2) by striking "control;" in subsection $(a)(1)$
7	and inserting "control, except that the prior consent
8	of the Secretary of Defense for such use shall be re-
9	quired with respect to any vessel in the Ready Re-
10	serve Force or in the National Defense Reserve
11	Fleet which is maintained in a retention status for
12	the Department of Defense;".
13	SEC. 3513. CHARTERING TO STATE AND LOCAL GOVERN-
14	MENTAL INSTRUMENTALITIES.
15	Section 11(b) of the Merchant Ship Sales Act of 1946
16	(50 U.S.C. App. 1744(b)), is amended—
17	(1) by striking "or" after the semicolon in
18	paragraph (3);
19	(2) by striking "Defense." in paragraph (4) and
20	inserting "Defense; or"; and
21	(3) by adding at the end thereof the following:
22	"(5) on a reimbursable basis, for charter to the
23	government of any State, locality, or Territory of the
24	United States, except that the prior consent of the
25	Secretary of Defense for such use shall be required
26	with respect to any vessel in the Ready Reserve

1	Force or in the National Defense Reserve Fleet
2	which is maintained in a retention status for the De-
3	partment of Defense.".
4	SEC. 3514. DISPOSAL OF OBSOLETE GOVERNMENT VES-
5	SELS.
6	Section $6(c)(1)$ of the National Maritime Heritage
7	Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—
8	(1) by inserting "(either by sale or purchase of
9	disposal services)" after "shall dispose"; and
10	(2) by striking subparagraph (A) of paragraph
11	(1) and inserting the following:
12	"(A) in accordance with a priority system
13	for disposing of vessels, as determined by the
14	Secretary, which shall include provisions requir-
15	ing the Maritime Administration to—
16	"(i) dispose of all deteriorated high
17	priority ships that are available for dis-
18	posal, within 12 months of their designa-
19	tion as such; and
20	"(ii) give priority to the disposition of
21	those vessels that pose the most significant
22	danger to the environment or cost the most
23	to maintain;".

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1 SEC. 3515. VESSEL TRANSFER AUTHORITY.

2 Section 50304 of title 46, United States Code, is3 amended by adding at the end thereof the following:

4 "(d) VESSEL CHARTERS OTHER DEPART-ТО 5 MENTS.—On a reimbursable or nonreimbursable basis, as determined by the Secretary of Transportation, the Sec-6 7 retary may charter or otherwise make available a vessel 8 under the jurisdiction of the Secretary to any other de-9 partment, upon the request by the Secretary of the Department that receives the vessel. The prior consent of the 10 11 Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in 12 the National Defense Reserve Fleet which is maintained 13 in a retention status for the Department of Defense.". 14

15 SEC. 3516. SEA TRIALS FOR READY RESERVE FORCE.

Section 11(c)(1)(B) of the Merchant Ship Sales Act
of 1946 (50 U.S.C. App. 1744(c)(1)(B)) is amended to
read as follows:

19 "(B) activate and conduct sea trials on20 each vessel at least once every 30 months;".

21 SEC. 3517. REVIEW OF APPLICATIONS FOR LOANS AND 22 GUARANTEES.

23 (a) FINDINGS.—The Congress makes the following24 findings:

25 (1) The maritime loan guarantee program was
26 established by the Congress through the Merchant
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1 Marine Act, 1936 to encourage domestic ship-2 building by making available federally backed loan 3 guarantees for new construction to ship owners and 4 operators. 5 (2) The maritime loan guarantee program has 6 a long and successful history of ship construction 7 with a low historical default rate. 8 (3) The current process for review of applica-9 tions for maritime loans in the Department of 10 Transportation has effectively discontinued the pro-11 gram as envisioned by the Congress. 12 (4) The President has requested no funding for 13 the loan guarantee program despite the stated na-14 tional policy to foster the development and encour-15 age the maintenance of a merchant marine in sec-16 tion 50101 of title 46, United States Code. 17 (5) United States commercial shipyards were 18 placed at a competitive disadvantage in the world 19 shipbuilding market by government subsidized for-20 eign commercial shipyards. 21 (6) The maritime loan guarantee program has 22 the potential to modernize shipyards and the ships 23 of the United States coastwise trade and restore a 24 competitive position in the world shipbuilding mar-25 ket for United States shipyards.

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1	(7) The maritime loan guarantee program is a
2	useful tool to encourage domestic shipbuilding, pre-
3	serving a vital industrial capacity critical to the se-
4	curity of the United States.
5	(b) REQUIREMENTS.—
6	(1) IN GENERAL.—Within 180 days after the
7	date of enactment of this Act, the Administrator of
8	the Maritime Administration shall develop and im-
9	plement a comprehensive plan for the review of ap-
10	plications for loan guarantees under chapter 537 of
11	title 46, United States Code.
12	(2) Deadline for action on application.—
13	(A) TRADITIONAL APPLICATIONS.—In the
14	comprehensive plan the Administrator will en-
15	sure that within the 90-day period following re-
16	ceipt of all pertinent documentation required
17	for review of a traditional loan application, the
18	application shall be either accepted or rejected.
19	(B) Nontraditional applications.—In
20	the comprehensive plan the Administrator will
21	ensure that within the 180-day period following
22	receipt of all pertinent documentation required
23	for review of a nontraditional loan application,
24	the application shall be either accepted or re-
25	jected.

(c) SUBMISSION TO CONGRESS.—The Administrator
 shall submit a copy of the comprehensive plan to the Com mittee on Commerce, Science, and Transportation of the
 Senate and the Committee on Armed Services of the
 House of Representatives within 180 days after the date
 of enactment of this Act.

7 (d) DEFINITIONS.—In this section:

8 (1)TRADITIONAL APPLICATION.—The term 9 "traditional application" means an application for a 10 loan, guarantee, or commitment to guarantee sub-11 mitted pursuant to chapter 537 of title 46, United 12 States Code, that involves a market, technology, and 13 financial structure of a type that has proven success-14 ful in previous applications and does not present an 15 unreasonable risk to the United States, as deter-16 mined by the Administrator of the Maritime Admin-17 istration.

18 (2) NONTRADITIONAL APPLICATION.—The term
19 "nontraditional application" means an application
20 for a loan, guarantee, or commitment to guarantee
21 submitted pursuant to chapter 537 of title 46,
22 United States Code, that is not a traditional applica23 tion, as determined by the Administrator of the
24 Maritime Administration.

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1	Subtitle C—Technical Corrections
2	SEC. 3521. PERSONAL INJURY TO OR DEATH OF SEAMEN.
3	(a) AMENDMENT.—Section 30104 of title 46, United
4	States Code, is amended—
5	(1) by striking "(a) CAUSE OF ACTION.—"; and
6	(2) by repealing subsection (b).
7	(b) EFFECTIVE DATE.—The amendment made by
8	subsection (a) shall be effective as if included in the enact-
9	ment of Public Law 109–304.
10	SEC. 3522. AMENDMENTS TO CHAPTER 537 BASED ON PUB-
11	LIC LAW 109-163.
12	(a) AMENDMENTS.—Title 46, United States Code, is
13	amended as follows:
14	(1) Section 53701 is amended by—
15	(A) redesignating paragraphs (2) through
16	(13) as paragraphs (3) through (14) , respec-
17	tively;
18	(B) inserting after paragraph (1) the fol-
19	lowing:
20	"(2) Administrator.—The term 'Adminis-
21	trator' means the Administrator of the Maritime Ad-
22	ministration."; and
23	(C) striking paragraph (13) (as redesig-
24	nated) and inserting the following:

1	"(13) Secretary.—The term 'Secretary'
2	means the Secretary of Commerce with respect to
3	fishing vessels and fishery facilities.".
4	(2) Section 53706(c) is amended to read as fol-
5	lows:
6	"(c) Priorities for Certain Vessels.—
7	"(1) VESSELS.—In guaranteeing or making a
8	commitment to guarantee an obligation under this
9	chapter, the Administrator shall give priority to—
10	"(A) a vessel that is otherwise eligible for
11	a guarantee and is constructed with assistance
12	under subtitle D of the Maritime Security Act
13	of 2003 (46 U.S.C. 53101 note); and
14	"(B) after applying subparagraph (A), a
15	vessel that is otherwise eligible for a guarantee
16	and that the Secretary of Defense determines—
17	"(i) is suitable for service as a naval
18	auxiliary in time of war or national emer-
19	gency; and
20	"(ii) meets a shortfall in sealift capac-
21	ity or capability.
22	"(2) TIME FOR DETERMINATION.—The Sec-
23	retary of Defense shall determine whether a vessel
24	satisfies paragraph $(1)(B)$ not later than 30 days

1	after receipt of a request from the Administrator for
2	such a determination.".
3	(3) Section 53707 is amended—
4	(A) by inserting "or Administrator" in
5	subsections (a) and (d) after "Secretary" each
6	place it appears;
7	(B) by striking "Secretary of Transpor-
8	tation" in subsection (b) and inserting "Admin-
9	istrator";
10	(C) by striking "of Commerce" in sub-
11	section (c); and
12	(D) in subsection $(d)(2)$, by—
13	(i) inserting "if the Secretary or Ad-
14	ministrator considers necessary," before
15	"the waiver"; and
16	(ii) striking "the increased" and in-
17	serting "any significant increase in".
18	(4) Section 53708 is amended—
19	(A) by striking "Secretary of Trans-
20	PORTATION" in the heading of subsection (a)
21	and inserting "ADMINISTRATOR";
22	(B) by striking "Secretary" and "Sec-
23	retary of Transportation" each place they ap-
24	pear in subsection (a) and inserting "Adminis-
25	trator";

(C) by striking "OF COMMERCE" in the
heading of subsection (b);
(D) by striking "of Commerce" in sub-
sections (b) and (c);
(E) in subsection (d), by—
(i) inserting "or Administrator" after
"Secretary" the first place it appears; and
(ii) striking "financial structures, or
other risk factors identified by the Sec-
retary. Any independent analysis con-
ducted under this subsection shall be per-
formed by a party chosen by the Sec-
retary." and inserting "or financial struc-
tures. A third party independent analysis
conducted under this subsection shall be
performed by a private sector expert in as-
sessing such risk factors who is selected by
the Secretary or Administrator."; and
(F) in subsection (e), by—
(i) inserting "or Administrator" after
"Secretary" the first place it appears; and
(ii) striking "financial structures, or
other risk factors identified by the Sec-
retary" and inserting "or financial struc-
tures".

(5) Section $53710(b)(1)$ is amended by striking
"Secretary's" and inserting "Administrator's".
(6) Section 53712(b) is amended by striking
the last sentence and inserting "If the Secretary or
Administrator has waived a requirement under sec-
tion 53707(d) of this title, the loan agreement shall
include requirements for additional payments, collat-
eral, or equity contributions to meet the waived re-
quirement upon the occurrence of verifiable condi-
tions indicating that the obligor's financial condition
enables the obligor to meet the waived require-
ment.".
(7) Subsections (c) and (d) of section 53717
are each amended—
(A) by striking "OF COMMERCE" in the
subsection heading; and
(B) by striking "of Commerce" each place
it appears.
(8) Section $53732(e)(2)$ is amended by insert-
ing "of Defense" after "Secretary" the second place
it appears.
(9) The following provisions are amended by
striking "Secretary" and "Secretary of Transpor-
tation" and inserting "Administrator":
(A) Section 53710(b)(2)(A)(i).

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(B) Section 53717(b) each place it appears
in a heading and in text.
(C) Section 53718.
(D) Section 53731 each place it appears,
except where "Secretary" is followed by "of En-
ergy".
(E) Section 53732 (as amended by para-
graph (8)) each place it appears, except where
"Secretary" is followed by "of the Treasury",
"of State", or "of Defense".
(F) Section 53733 each place it appears.
(10) The following provisions are amended by
inserting "or Administrator" after "Secretary" each
place it appears in headings and text, except where
"Secretary" is followed by "of Transportation" or
"of the Treasury":
(A) The items relating to sections 53722
and 53723 in the chapter analysis for chapter
537.
(B) Sections 53701(1), (4), and (9) (as re-
designated by paragraph (1)(A)), 53702(a),
53703, 53704, 53706(a)(3)(B)(iii),
53709(a)(1), (b)(1) and (2)(A), and (d),
53710(a) and (c), 53711, 53712 (except in the
last sentence of subsection (b) as amended by

1	paragraph (6)), 53713 to 53716, 53721 to
2	53725, and 53734.
3	(11) Sections $53715(d)(1)$, $53716(d)(3)$,
4	53721(c), $53722(a)(1)$ and $(b)(1)(B)$, and $53724(b)$
5	are amended by inserting "or Administrator's" after
6	"Secretary's".
7	(b) Repeal of Superseded Amendments.—Sec-
8	tion 3507 (except subsection $(c)(4)$) of the National De-
9	fense Authorization Act for Fiscal Year 2006 (Public Law
10	109–163) is repealed.
11	SEC. 3523. ADDITIONAL AMENDMENTS BASED ON PUBLIC
12	LAW 109–163.
13	(a) AMENDMENTS.—Title 46, United States Code, is
13 14	(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:
14	amended as follows:
14 15	amended as follows: (1) Chapters 513 and 515 are amended by
14 15 16	amended as follows: (1) Chapters 513 and 515 are amended by striking "Naval Reserve" each place it appears in
14 15 16 17	amended as follows: (1) Chapters 513 and 515 are amended by striking "Naval Reserve" each place it appears in analyses, headings, and text and inserting "Navy
14 15 16 17 18	amended as follows: (1) Chapters 513 and 515 are amended by striking "Naval Reserve" each place it appears in analyses, headings, and text and inserting "Navy Reserve".
14 15 16 17 18 19	 amended as follows: (1) Chapters 513 and 515 are amended by striking "Naval Reserve" each place it appears in analyses, headings, and text and inserting "Navy Reserve". (2) Section 51504(f) is amended to read as fol-
 14 15 16 17 18 19 20 	 amended as follows: (1) Chapters 513 and 515 are amended by striking "Naval Reserve" each place it appears in analyses, headings, and text and inserting "Navy Reserve". (2) Section 51504(f) is amended to read as follows:
 14 15 16 17 18 19 20 21 	 amended as follows: (1) Chapters 513 and 515 are amended by striking "Naval Reserve" each place it appears in analyses, headings, and text and inserting "Navy Reserve". (2) Section 51504(f) is amended to read as follows: "(f) FUEL COSTS.—
 14 15 16 17 18 19 20 21 22 	 amended as follows: (1) Chapters 513 and 515 are amended by striking "Naval Reserve" each place it appears in analyses, headings, and text and inserting "Navy Reserve". (2) Section 51504(f) is amended to read as follows: "(f) FUEL COSTS.— "(1) IN GENERAL.—Subject to the availability

1	vessel provided under this section while used for
2	training.
3	"(2) MAXIMUM AMOUNTS.—The amount of the
4	payment to a State maritime academy under para-
5	graph (1) may not exceed—
6	"(A) \$100,000 for fiscal year 2006;
7	"(B) \$200,000 for fiscal year 2007; and
8	"(C) $$300,000$ for fiscal year 2008 and
9	each fiscal year thereafter.".
10	(3) Section $51505(b)(2)(B)$ is amended by
11	striking " $$200,000$ " and inserting " $$300,000$ for
12	fiscal year 2006, $$400,000$ for fiscal year 2007, and
13	\$500,000 for fiscal year 2008 and each fiscal year
14	thereafter".
15	(4) Section 51701(a) is amended by striking
16	"of the United States." and inserting "of the United
17	States and to perform functions to assist the United
18	States merchant marine, as determined necessary by
19	the Secretary.".
20	(5)(A) Section 51907 is amended to read as fol-
21	lows:
22	"§51907. Provision of decorations, medals, and re-
23	placements
24	"The Secretary of Transportation may provide—

1	((1) the decorations and medals authorized by
2	this chapter and replacements for those decorations
3	and medals; and
4	((2)) replacements for decorations and medals
5	issued under a prior law.".
6	(B) The item relating to section 51907 in the
7	chapter analysis for chapter 519 is amended to read
8	as follows: "51907. Provision of decorations, medals, and replacements".
9	(6)(A) The following new chapter is inserted
10	after chapter 539:
11	"CHAPTER 541—MISCELLANEOUS
	"Sec "54101. Assistance for small shipyards and maritime communities".
12	(B) Section 3506 of the National Defense Au-
13	thorization Act for Fiscal Year 2006 (46 U.S.C.
14	53101 note) is transferred to and redesignated as
15	section 54101 of title 46, United States Code, to ap-
16	pear at the end of chapter 541 of title 46, as in-
17	serted by subparagraph (A).
18	(C) The heading of such section, as transferred
19	by subparagraph (B), is amended to read as follows:
20	"§54101. Assistance for small shipyards and maritime
21	communities".
22	(D) Paragraph (1) of subsection (h) of such
23	section, as transferred by subparagraph (B), is

1	amended by striking "(15 U.S.C. 632);" and insert-
2	ing "(15 U.S.C. 632));".
3	(E) The table of chapters at the beginning of
4	subtitle V is amended by inserting after the item re-
5	lating to chapter 539 the following new item: "541. Miscellaneous
6	(b) Repeal of Superseded Amendments.—Sec-
7	tions $515(g)(2)$, 3502 , 3509 , and 3510 of the National
8	Defense Authorization Act for Fiscal Year 2006 (Public
9	Law 109–163) are repealed.
10	SEC. 3524. AMENDMENTS BASED ON PUBLIC LAW 109-171.
11	(a) Amendments.—Section 60301 of title 46,
12	United States Code, is amended—
13	(1) by striking "2 cents per ton (but not more
14	than a total of 10 cents per ton per year)" in sub-
15	section (a) and inserting "4.5 cents per ton, not to
16	exceed a total of 22.5 cents per ton per year, for fis-
17	cal years 2006 through 2010, and 2 cents per ton,
18	not to exceed a total of 10 cents per ton per year,
19	for each fiscal year thereafter,"; and
20	(2) by striking "6 cents per ton (but not more
21	than a total of 30 cents per ton per year)" in sub-
22	section (b) and inserting "13.5 cents per ton, not to
23	exceed a total of 67.5 cents per ton per year, for fis-
24	cal ware 2006 through 2010 and 6 conta non tan

1 not to exceed a total of 30 cents per ton per year, 2 for each fiscal year thereafter,". 3 (b) Repeal of Superseded Amendments.—Sec-4 tion 4001 of the Deficit Reduction Act of 2005 (Public Law 109–171) is repealed. 5 SEC. 3525. AMENDMENTS BASED ON PUBLIC LAW 109-241. 6 7 (a) AMENDMENTS.—Title 46, United States Code, is 8 amended as follows: 9 (1) Section 12111 is amended by adding at the 10 end the following: 11 "(d) ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.— 12 13 "(1) IN GENERAL.—Only a vessel for which a 14 certificate of documentation with a registry endorse-15 ment is issued may engage in— "(A) the setting, relocation, or recovery of 16 17 the anchors or other mooring equipment of a 18 mobile offshore drilling unit that is located over 19 the outer Continental Shelf (as defined in sec-20 tion 2(a) of the Outer Continental Shelf Lands 21 Act (43 U.S.C. 1331(a))); or 22 "(B) the transportation of merchandise or 23 personnel to or from a point in the United 24 States from or to a mobile offshore drilling unit

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1	located over the outer Continental Shelf that is
2	not attached to the seabed.
3	"(2) Coastwise trade not authorized.—
4	Nothing in paragraph (1) authorizes the employment
5	in the coastwise trade of a vessel that does not meet
6	the requirements of section 12112 of this title.".
7	(2) Section 12139(a) is amended by striking
8	"and charterers" and inserting "charterers, and
9	mortgagees".
10	(3) Section 51307 is amended—
11	(A) by striking "and" at the end of para-
12	graph (2);
13	(B) by striking "organizations." in para-
14	graph (3) and inserting "organizations; and";
15	and
16	(C) by adding at the end the following:
17	"(4) on any other vessel considered by the Sec-
18	retary to be necessary or appropriate or in the na-
19	tional interest.".
20	(4) Section 55105(b)(3) is amended by striking
21	"Secretary of the department in which the Coast
22	Guard is operating" and inserting "Secretary of
23	Homeland Security".
24	(5) Section 70306(a) is amended by striking
25	"Not later than February 28 of each year, the Sec-

1	retary shall submit a report" and inserting "The
2	Secretary shall submit an annual report".
3	(6) Section $70502(d)(2)$ is amended to read as
4	follows:
5	"(2) RESPONSE TO CLAIM OF REGISTRY.—The
6	response of a foreign nation to a claim of registry
7	under paragraph (1)(A) or (C) may be made by
8	radio, telephone, or similar oral or electronic means,
9	and is proved conclusively by certification of the Sec-
10	retary of State or the Secretary's designee.".
11	(b) Repeal of Superseded Amendments.—Sec-
12	tions 303, 307, 308, 310, 901(q), and 902(o) of the Coast
13	Guard and Maritime Transportation Act of 2006 (Public
14	Law 109–241) are repealed.
15	SEC. 3526. AMENDMENTS BASED ON PUBLIC LAW 109-364.
16	(a) Updating of Cross References.—Section
17	1017(b)(2) of the John Warner National Defense Author-
18	ization Act for Fiscal Year 2007 (Public Law 109–364,
19	10 U.S.C. 2631 note) is amended by striking "section 27
20	of the Merchant Marine Act, 1920 (46 U.S.C. 883), sec-
21	tion 12106 of title 46, United States Code, and section
22	2 of the Shipping Act, 1916 (46 U.S.C. App. 802)" and
23	inserting "sections 12112, 50501, and 55102 of title 46,
24	United States Code".
25	(b) Section 51306(e).—

(1) IN GENERAL.—Section 51306 of title 46,
 United States Code, is amended by adding at the
 end the following:

4 "(e) Alternative Service.—

"(1) Service as commissioned officer.—An 5 6 individual who, for the 5-year period following grad-7 uation from the Academy, serves as a commissioned 8 officer on active duty in an armed force of the 9 United States or as a commissioned officer of the 10 National Oceanic and Atmospheric Administration 11 or the Public Health Service shall be excused from 12 the requirements of paragraphs (3) through (5) of 13 subsection (a).

"(2) MODIFICATION OR WAIVER.—The Secretary may modify or waive any of the terms and
conditions set forth in subsection (a) through the
imposition of alternative service requirements.".

(2) APPLICATION.—Section 51306(e) of title
46, United States Code, as added by paragraph (1),
applies only to an individual who enrolls as a cadet
at the United States Merchant Marine Academy,
and signs an agreement under section 51306(a) of
title 46, after October 17, 2006.

24 (c) SECTION 51306(f).—

(1) IN GENERAL.—Section 51306 of title 46,
 United States Code, is further amended by adding
 at the end the following:

4 "(f) SERVICE OBLIGATION PERFORMANCE REPORT5 ING REQUIREMENT.—

6 "(1) IN GENERAL.—Subject to any otherwise 7 applicable restrictions on disclosure in section 552a 8 of title 5, the Secretary of Defense, the Secretary of 9 the department in which the Coast Guard is oper-10 ating, the Administrator of the National Oceanic 11 and Atmospheric Administration, and the Surgeon 12 General of the Public Health Service—

13 "(A) shall report the status of obligated
14 service of an individual graduate of the Acad15 emy upon request of the Secretary; and

"(B) may, in their discretion, notify the 16 17 Secretary of any failure of the graduate to per-18 form the graduate's duties, either on active 19 duty or in the Ready Reserve component of 20 their respective service, or as a commissioned 21 officer of the National Oceanic and Atmos-22 pheric Administration or the Public Health 23 Service, respectively.

24 "(2) INFORMATION TO BE PROVIDED.—A re25 port or notice under paragraph (1) shall identify any

1 graduate determined to have failed to comply with 2 service obligation requirements and provide all re-3 quired information as to why such graduate failed to 4 comply. "(3) Considered as in default.—Upon re-5 6 ceipt of such a report or notice, such graduate may 7 be considered to be in default of the graduate's serv-8 ice obligations by the Secretary, and subject to all 9 remedies the Secretary may have with respect to 10 such a default.". 11 (2) APPLICATION.—Section 51306(f) of title 12 46, United States Code, as added by paragraph (1), 13 does not apply with respect to an agreement entered 14 into under section 51306(a) of title 46. United 15 States Code, before October 17, 2006. 16 (d) SECTION 51509(c).—Section 51509(c) of title 46, 17 United States Code, is amended— 18 (1) by striking "MIDSHIPMAN AND" in the sub-19 section heading and "midshipman and" in the text; 20 and (2) inserting "or the Coast Guard Reserve" 21 22 after "Reserve)". 23 (e) SECTION 51908(a).—Section 51908(a) of title 46,

United States Code, is amended by striking "under this

24

chapter" and inserting "by this chapter or the Secretary
 of Transportation".

3 (f) SECTION 53105(e)(2).—Section 53105(e)(2) of
4 title 46, United States Code, is amended by striking "sec5 tion 2 of the Shipping Act, 1916 (46 U.S.C. App. 802),"
6 and inserting "section 50501 of this title".

7 (g) REPEAL OF SUPERSEDED AMENDMENTS.—Sec8 tions 3505, 3506, 3508, and 3510(a) and (b) of the John
9 Warner National Defense Authorization Act for Fiscal
10 Year 2007 (Public Law 109–364) are repealed.

11 SEC. 3527. MISCELLANEOUS AMENDMENTS.

12 (a) DELETION OF OBSOLETE REFERENCE TO CAN13 TON ISLAND.—Section 55101(b) of title 46, United States
14 Code, is amended—

15 (1) by inserting "or" after the semicolon at the16 end of paragraph (2);

17 (2) by striking paragraph (3); and

18 (3) by redesignating paragraph (4) as para-19 graph (3).

20 (b) IMPROVEMENT OF HEADING.—Title 46, United21 States Code, is amended as follows:

(1) The heading of section 55110 is amended
by inserting "valueless material or" before
"dredged material".

1 (2) The item for section 55110 in the analysis 2 for chapter 551 is amended by inserting "valueless 3 material or" before "dredged material". 4 SEC. 3528. APPLICATION OF SUNSET PROVISION TO CODI-5 FIED PROVISION. 6 For purposes of section 303 of the Jobs and Growth 7 Tax Relief Reconciliation Act of 2003 (Public Law 108– 8 27, 26 U.S.C. 1 note), the amendment made by section 9 301(a)(2)(E) of that Act shall be deemed to have been 10 made to section 53511(f)(2) of title 46, United States 11 Code. 12 SEC. 3529. ADDITIONAL TECHNICAL CORRECTIONS. 13 (a) AMENDMENTS TO TITLE 46.—Title 46, United 14 States Code, is amended as follows: 15 (1) The analysis for chapter 21 is amended by 16 striking the item relating to section 2108. 17 (2) Section 12113(g) is amended by inserting 18 "and" after "Conservation". 19 (3) Section 12131 is amended by striking "command" and inserting "command". 20 21 (b) Amendments to Public Law 109–304.— 22 (1) AMENDMENTS.—Public Law 109–304 is 23 amended as follows:

1	(A) Section $15(10)$ is amended by striking
2	"46 App. U.S.C." and inserting "46 U.S.C.
3	App.".
4	(B) Section 15(30) is amended by striking
5	"Shipping Act, 1936" and inserting "Shipping
6	Act, 1916".
7	(C) The schedule of Statutes at Large re-
8	pealed in section 19, as it relates to the Act of
9	June 29, 1936, is amended by—
10	(i) striking the second section "1111"
11	(relating to 46 U.S.C. App. 1279f) and in-
12	serting section "1113"; and
13	(ii) striking the second section "1112"
14	(relating to 46 U.S.C. App. 1279g) and in-
15	serting section "1114".
16	(2) Effective date.—The amendments made
17	by paragraph (1) shall be effective as if included in
18	the enactment of Public Law 109–304.
19	(c) Repeal of Duplicative or Unexecutable
20	Amendments.—
21	(1) REPEAL.—Sections $9(a)$, $15(21)$ and
22	(33)(A) through $(D)(i)$, and $16(c)(2)$ of Public Law
23	109–304 are repealed.

(2) INTENDED EFFECT.—The provisions re pealed by paragraph (1) shall be treated as if never
 enacted.

4 (d) LARGE PASSENGER VESSEL CREW REQUIRE5 MENTS.—Section 8103(k)(3)(C)(iv) of title 46, United
6 States Code, is amended by inserting "and section 252
7 of the Immigration and Nationality Act (8 U.S.C. 1282)"
8 after "of such section".

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