

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4986

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IN THE SENATE OF THE UNITED STATES

JANUARY 22 (legislative day, JANUARY 3), 2008

Received

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## AN ACT

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 judgments 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.

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

3 **SECTION 1. SHORT TITLE; TREATMENT OF EXPLANATORY**  
4 **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  
11 of the 110th Congress (Report 110–477) shall be deemed  
12 to be part of the legislative history of this Act and shall  
13 have the same effect with respect to the implementation  
14 of this Act as it would have had with respect to the imple-  
15 mentation of H.R. 1585, if such bill had been enacted.

16 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**  
17 **CONTENTS.**

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

20 (1) Division A—Department of Defense Au-  
21 thorizations.

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

1           (3) Division C—Department of Energy Na-  
 2           tional Security Authorizations and Other Authoriza-  
 3           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

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- 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.
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- Sec. 201. Authorization of appropriations.
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- 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

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- 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.
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- Sec. 241. Federally funded research and development center assessment of the Defense Experimental Program to Stimulate Competitive Research.
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- Sec. 314. Report on control of the brown tree snake.
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#### Subtitle C—Workplace and Depot Issues

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- 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.
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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.
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- 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.

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- 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.
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- 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.
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- 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.
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- 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.

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- 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.
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- Sec. 533. Report on utilization of tuition assistance by members of the Armed Forces.
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- Sec. 543. Modification of authorities on senior members of the Judge Advocate Generals' Corps.
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- 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.
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- 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.

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- Sec. 591. Transportation of remains of deceased members of the Armed Forces and certain other persons.
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- 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.

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- Sec. 604. Income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
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- Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
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- Sec. 615. Increase in incentive special pay and multiyear retention bonus for medical officers.
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- Sec. 618. Definition of sea duty for career sea pay to include service as off-cycle crewmembers of multi-crew ships.
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- Sec. 621. Availability of nuclear officer continuation pay for officers with more than 26 years of commissioned service.
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- Sec. 705. Authority for expansion of persons eligible for continued health benefits coverage.
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- Sec. 908. Assistant Secretaries of the military departments for acquisition matters; principal military deputies.
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- 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.

TITLE XXIX—WAR-RELATED AND EMERGENCY MILITARY  
CONSTRUCTION AUTHORIZATIONS

- 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.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY  
PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.
- Sec. 3105. Energy security and assurance.

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.

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.

1           **Subtitle A—Authorization of**  
 2                                   **Appropriations**

3   **SEC. 101. ARMY.**

4           Funds are hereby authorized to be appropriated for  
 5 fiscal year 2008 for procurement for the Army as follows:

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.



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

2 (a) NAVY.—Funds are hereby authorized to be appro-  
3 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 tor-  
7 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.

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

14 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
15 are hereby authorized to be appropriated for fiscal year  
16 2008 for procurement of ammunition for the Navy and  
17 the Marine Corps in the amount of \$1,058,832,000.

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

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

22 (1) For aircraft, \$12,117,800,000.

23 (2) For ammunition, \$854,167,000.

24 (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.**

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

12 **Subtitle B—Army Programs**

13 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
14 **M1A2 ABRAMS SYSTEM ENHANCEMENT PACK-**  
15 **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 UP-**  
23 **GRADES.**

24 The Secretary of the Army, in accordance with sec-  
25 tion 2306b of title 10, United States Code, may enter into  
26 a multiyear contract, beginning with the fiscal year 2008

1 program year, for procurement of M2A3/M3A3 Bradley  
2 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.

11 **SEC. 114. MULTIYEAR PROCUREMENT AUTHORITY FOR CH-**  
12 **47F HELICOPTERS.**

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

17 **SEC. 115. LIMITATION ON USE OF FUNDS FOR INCREMENT**  
18 **1 OF THE WARFIGHTER INFORMATION NET-**  
19 **WORK-TACTICAL PROGRAM PENDING CER-**  
20 **TIFICATION TO CONGRESS.**

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

1 not more than 50 percent may be obligated or expended  
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  
11 Network-Tactical program includes all program elements  
12 described as constituting “Increment 1” in the memo-  
13 randum titled “Warfighter Information Network-Tactical  
14 (WIN-T) Program Acquisition Decision Memorandum”,  
15 dated June 5, 2007, and signed by the Under Secretary  
16 of Defense for Acquisition, Technology, and Logistics.

17 **SEC. 116. PROHIBITION ON CLOSURE OF ARMY TACTICAL**  
18 **MISSILE SYSTEM PRODUCTION LINE PEND-**  
19 **ING REPORT.**

20 (a) PROHIBITION.—Amounts appropriated pursuant  
21 to the authorization of appropriations in section 101(2)  
22 for missiles, Army, and in section 1502(4) for missile pro-  
23 curement, Army, and any other appropriated funds avail-  
24 able to the Secretary of the Army may not be used to close  
25 the production line for the Army Tactical Missile System

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

4 (1) the certification of the Secretary that the  
5 long range surface-to-surface strike and counter bat-  
6 tery mission of the Army can be adequately per-  
7 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 in-  
10 dustrial base that would be created by the closure of  
11 the production line.

12 (b) SUBMISSION OF REPORT.—The report referred to  
13 in subsection (a) is required not later than April 1, 2008.

14 **SEC. 117. STRYKER MOBILE GUN SYSTEM.**

15 (a) LIMITATION ON AVAILABILITY OF FUNDS.—None  
16 of the amounts authorized to be appropriated by sections  
17 101(3) and 1501(3) for procurement of weapons and  
18 tracked combat vehicles for the Army may be obligated  
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-

1 ment associated with the Virginia-class submarine pro-  
2 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 the  
11 date of the transmission of such certification.

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

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

21 (1) potential improvements in design tools and  
22 techniques, material management, technology inser-  
23 tion, systems integration and testing, and other key  
24 processes and functions that would lead to reduced  
25 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 infra-  
6           structure that support construction process improve-  
7           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:

13           (1) An assessment of the shipbuilding industrial  
14          base, as measured by a 10-year history for major  
15          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 improve-  
21                   ments; and

22                   (E) costs for related Navy shipbuilding  
23                   projects.



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  
6       2005 and 2006 Global Shipbuilding Industrial Base  
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.

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

13       (a) SENSE OF CONGRESS.—It is the sense of Con-  
14       gress that the preservation of a robust domestic skilled  
15       workforce is required for the national shipbuilding infra-  
16       structure and particularly essential to the construction of  
17       ships for the United States Navy.

18       (b) STUDY REQUIRED.—

19           (1) IN GENERAL.—The Secretary of the Navy  
20       shall determine, on a one-time, non-recurring basis,  
21       and in consultation with the Department of Labor,  
22       the average number of H2B visa workers employed  
23       by the major shipbuilders in the construction of  
24       United States Navy ships during the calendar year  
25       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 congress-  
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.

1           (4) The Navy’s estimated cost at completion  
2           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 pro-  
3 gram for the construction of combatant and support  
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.**

16       Section 124 of the National Defense Authorization  
17 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.  
18 3157) is amended by striking subsections (a), (b), (c), and  
19 (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 ves-  
24 sel.

1           “(2) PROCUREMENT COSTS.—For purposes of  
2 this section, procurement costs shall include all costs  
3 for plans, basic construction, change orders, elec-  
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.

19          “(c) LIMITATION OF GOVERNMENT LIABILITY.—The  
20 Secretary of the Navy shall not enter into a contract, or  
21 modify a contract, for construction or final delivery of  
22 post-2007 LCS vessels if the limitation of the Govern-  
23 ment’s cost liability, when added to the sum of other budg-  
24 eted procurement costs, would exceed \$460,000,000 per  
25 vessel.

1       “(d) ADJUSTMENT OF LIMITATION AMOUNT.—The  
2 Secretary of the Navy may adjust the amount set forth  
3 in subsections (a)(1) and (c) for vessels referred to in such  
4 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 Sep-  
8 tember 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.**

13       No funds appropriated pursuant to an authorization  
14 of appropriations or otherwise made available for procure-  
15 ment, or for research, development, test, and evaluation,  
16 may be obligated or expended for the Joint Cargo Aircraft  
17 until 30 days after the Secretary of Defense submits to  
18 the congressional defense committees each of the fol-  
19 lowing:

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

22           (2) The Department of Defense Intra-Theater  
23 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).

1 (b) CONTINGENT AUTHORITY TO RETIRE CERTAIN  
2 C-130E AIRCRAFT.—Effective as of the date specified in  
3 subsection (d), subsection (a) shall not apply to C-130E  
4 tactical airlift aircraft, and the number of such aircraft  
5 retired by the Secretary of the Air Force during fiscal year  
6 2008 may not exceed 24.

7 (c) TREATMENT OF RETIRED AIRCRAFT.—The Sec-  
8 retary of the Air Force shall maintain each C-130E tac-  
9 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.

12 (d) SPECIFIED DATE.—The date specified in this  
13 subsection is the date that is 30 days after the date on  
14 which the Secretary of the Air Force submits to the con-  
15 gressional defense committees the Fleet Mix Analysis  
16 Study.

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

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

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

1 subsection (c), the number of such aircraft retired by the  
2 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-  
17 test).

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

19 **C-130E TACTICAL AIRLIFT AIRCRAFT.**

20 The Secretary of the Air Force may transfer not  
21 more than 3 C-130E tactical airlift aircraft, allowed to  
22 be retired under the John Warner National Defense Au-  
23 thorization Act for Fiscal Year 2007 (Public Law 109-  
24 364), 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 sessed 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-**  
15       **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 demonstra-  
          tion of Joint Light Tactical Vehicle Program.

Sec. 213. Requirement to obligate and expend funds for development and pro-  
          curement 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.

## 1            **Subtitle A—Authorization of** 2            **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:

- 7            (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.

1 **Subtitle B—Program Requirements, Restrictions, and Limitations**  
2  
3

4 **SEC. 211. OPERATIONAL TEST AND EVALUATION OF FUTURE COMBAT SYSTEMS NETWORK.**  
5

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

14 (1) be conducted in accordance with a Future Combat Systems Test and Evaluation Master Plan  
15 approved by the Director, Operational Test and Evaluation;  
16  
17

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

20 (3) be conducted in a manner that simulates a full Future Combat Systems brigade;  
21

22 (4) be conducted, to the maximum extent possible, using actual communications equipment instead of computer simulations;  
23  
24

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

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

7           (b) FCS NETWORK DEFINED.—In this section, the  
8           term “FCS network” includes all sensors, information sys-  
9           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 ef-  
18                fectiveness of the FCS network, including—

19                    (A) an evaluation of the FCS network’s ca-  
20                    pability to transmit the volume and classes of  
21                    data required by Future Combat Systems ap-  
22                    proved requirements; and

23                    (B) an evaluation of the FCS network’s  
24                    performance in a degraded condition due to  
25                    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  
22           the Secretary determines that such a waiver is crit-  
23           ical for national security. Such a waiver shall not be-  
24           come effective until 45 days after the date on which

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 ization of appropriations or otherwise made available for  
12 the Joint Light Tactical Vehicle Program for the acquisi-  
13 tion program phase of systems development and dem-  
14 onstration for fiscal year 2008 or any fiscal year there-  
15 after, no more than 50 percent of those amounts may be  
16 obligated or expended until after—

17 (1) the Under Secretary of Defense for Acquisi-  
18 tion, Technology, and Logistics, or the appropriate  
19 milestone decision authority, makes the certification  
20 required by section 2366a of title 10, United States  
21 Code, with respect to the Joint Light Tactical Vehi-  
22 cle Program; and

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

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

5 Of the funds appropriated pursuant to an authoriza-  
6 tion of appropriations or otherwise made available for fis-  
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 devel-  
12 opment and procurement of 2 options for the propulsion  
13 system for the Joint Strike Fighter in order to ensure the  
14 development and competitive production for the propulsion  
15 system for the Joint Strike Fighter.

16 **SEC. 214. LIMITATION ON USE OF FUNDS FOR DEFENSE-**  
17 **WIDE MANUFACTURING SCIENCE AND TECH-**  
18 **NOLOGY PROGRAM.**

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

24 (1) A component of the Department of Defense  
25 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

1 be transferred to the Advanced Sensor Applications Pro-  
2 gram not later than 60 days after the date of the enact-  
3 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  
14 specified in the classified annex to the statement of man-  
15 agers accompanying this Act are met. The program shall  
16 be executed by the Commander, Naval Air Systems Com-  
17 mand in consultation with the Program Executive Officer  
18 for Aviation for the Navy.

19 **SEC. 216. ACTIVE PROTECTION SYSTEMS.**

20 (a) LIVE-FIRE TESTS REQUIRED.—

21 (1) IN GENERAL.—The Secretary of Defense  
22 shall undertake live-fire tests, of appropriate foreign  
23 and domestic active protection systems with size,  
24 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).

1           **Subtitle C—Ballistic Missile**  
2                           **Defense**

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, is  
7 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):

12                   “(f)(1) The Director of the Missile Defense Agency  
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  
16 conducted by the Missile Defense Agency in connection  
17 with tests and evaluations in the Missile Defense Agency.

18                   “(2) The Director of Operational Test and Evalua-  
19 tion may require that such observers as the Director des-  
20 ignates be present during the preparation for and the con-  
21 ducting of any test and evaluation conducted by the Mis-  
22 sile Defense Agency.

23                   “(3) The Director of Operational Test and Evalua-  
24 tion shall have access to all records and data in the De-  
25 partment of Defense (including the records and data of

1 the Missile Defense Agency) that the Director considers  
2 necessary to review in order to carry out his duties under  
3 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 re-  
15 view of the structure, roles, and missions of the Mis-  
16 sile Defense Agency.

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

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

22 (B) relationship of the Missile Defense  
23 Agency with—

- 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,

1 briefings, and other information necessary for the fulfill-  
2 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 De-  
11 fense.

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

14 (a) REVISED BUDGET STRUCTURE.—The budget jus-  
15 tification materials submitted to Congress in support of  
16 the Department of Defense budget for any fiscal year after  
17 fiscal year 2009 (as submitted with the budget of the  
18 President under section 1105(a) of title 31, United States  
19 Code) shall set forth separately amounts requested for the  
20 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

1 Year 2005 (Public Law 108–375; 118 Stat. 1837; 10  
2 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  
5 to the Committee on Armed Services of the Senate and  
6 the Committee on Armed Services of the House of Rep-  
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, de-  
11 velopment, test, and evaluation funds for the appropriate  
12 budget activities, and for transitioning from incremental  
13 funding to full funding for fiscal years after fiscal year  
14 2010.

15 (g) OBJECTIVES FOR ACQUISITION ACTIVITIES.—

16 (1) IN GENERAL.—Commencing as soon as  
17 practicable, but not later than the submittal to Con-  
18 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 objec-  
22 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  
22 an agreement to replace the unitary warhead on the  
23 SM-3 Block IIA missile; and

24 (2) replacing the unitary warhead on the SM-  
25 3 Block IIA missile with the Multiple Kill Vehicle

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**  
14 **PROCUREMENT, CONSTRUCTION, AND DE-**  
15 **PLOYMENT OF MISSILE DEFENSES IN EU-**  
16 **ROPE.**

17 (a) GENERAL LIMITATION.—No funds authorized to  
18 be appropriated by this Act may be obligated or expended  
19 for procurement, site activation, construction, preparation  
20 of equipment for, or deployment of a long-range missile  
21 defense system in Europe until the following conditions  
22 have been met:

23 (1) The governments of the countries in which  
24 major components of such missile defense system  
25 (including interceptors and associated radars) are

1 proposed to be deployed have each given final ap-  
2 proval to any missile defense agreements negotiated  
3 between such governments and the United States  
4 Government concerning the proposed deployment of  
5 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 ap-  
11 propriated by this Act may be obligated or expended for  
12 the acquisition or deployment of operational missiles of a  
13 long-range missile defense system in Europe until the Sec-  
14 retary of Defense, after receiving the views of the Director  
15 of Operational Test and Evaluation, submits to Congress  
16 a report certifying that the proposed interceptor to be de-  
17 ployed as part of such missile defense system has dem-  
18 onstrated, through successful, operationally realistic flight  
19 testing, a high probability of working in an operationally  
20 effective manner.

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

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

1 funded research and development center to conduct  
2 an independent assessment of options for ballistic  
3 missile defense for forward deployed forces of the  
4 United States and its allies in Europe and for the  
5 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:

15 (A) The threat to Europe and the United  
16 States of ballistic missiles (including short-  
17 range, medium-range, intermediate-range, and  
18 long-range ballistic missiles) from Iran, includ-  
19 ing the likelihood and timing of such threats.

20 (B) The technical capabilities of the sys-  
21 tem, as so deployed, to effectively protect for-  
22 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.

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

5           (5) COOPERATION OF OTHER AGENCIES.—The  
6 Secretary of Defense shall provide the federally  
7 funded research and development center selected  
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.

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

1           (7) FUNDING.—Of the amounts appropriated or  
2 otherwise made available pursuant to the authoriza-  
3 tion of appropriations in section 201(4), \$1,000,000  
4 is available to carry out the study required by this  
5 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 CO-**  
14 **OPERATION WITH ISRAEL.**

15           (a) SENSE OF CONGRESS.—It is the sense of Con-  
16 gress that the United States should have an active pro-  
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-**  
14 **TORS IN ALASKA.**

15 None of the funds authorized to be appropriated by  
16 this Act may be obligated or expended to deploy more than  
17 40 Ground-Based Interceptors at Fort Greely, Alaska,  
18 until the Secretary of Defense, after receiving the views  
19 of the Director of Operational Test and Evaluation, sub-  
20 mits to Congress a certification that the Block 2006  
21 Ground-based Midcourse Defense element of the Ballistic  
22 Missile Defense System has demonstrated, through oper-  
23 ationally realistic end-to-end flight testing, that it has a  
24 high probability of working in an operationally effective  
25 manner.

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

1 human systems integration activities throughout the ac-  
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)—

22 (A) in paragraph (2) by striking “and” at  
23 the end;

24 (B) in paragraph (3) by striking the period  
25 at the end and inserting “; and”; and



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  
25 military department or Defense Agency, as the case may

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  
11 Program required by section 2521 of title 10, United  
12 States Code.

13 (b) ELEMENTS.—The report shall identify each tech-  
14 nology or process implemented and, for each such tech-  
15 nology or process, shall identify—

16 (1) the project of the Manufacturing Tech-  
17 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;

21 (2) the organization or program implementing  
22 the technology or process, and a description of the  
23 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  
5           record; or

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 pro-  
11          grams of the military departments and Defense Agencies  
12          for fiscal years 2003 through 2005.

13       **SEC. 235. ASSESSMENT OF SUFFICIENCY OF TEST AND**  
14                               **EVALUATION PERSONNEL.**

15          (a) ASSESSMENT REQUIRED.—The Director of Oper-  
16          ational Test and Evaluation shall assess whether the Di-  
17          rector’s professional staff meets the requirement of section  
18          139(j) of title 10, United States Code, that the staff be  
19          sufficient to carry out the Director’s duties and respon-  
20          sibilities.

21          (b) INCLUSION IN REPORT.—The Director shall in-  
22          clude the results of the assessment in the report, required  
23          by section 139(g) of title 10, United States Code, summa-  
24          rizing the operational test and evaluation activities during  
25          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  
11 States Code, is amended to read as follows:

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

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 Sec-  
23 retary shall develop a plan for the program that includes  
24 the following:

1           “(A) The overall manufacturing technology  
2 goals, milestones, priorities, and investment strategy  
3 for the program.

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

8           “(2) The Secretary shall include in the plan mecha-  
9 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, shall  
14 cover a period of five fiscal years.”.

15          (b) INITIAL DEVELOPMENT AND SUBMISSION OF  
16 PLAN.—

17           (1) DEVELOPMENT.—The Secretary of Defense  
18 shall develop the strategic plan required by sub-  
19 section (e) of section 2521 of title 10, United States  
20 Code (as added by subsection (a) of this section), so  
21 that the plan goes into effect at the beginning of fis-  
22 cal year 2009.

23           (2) SUBMISSION.—Not later than the date on  
24 which the budget of the President for fiscal year  
25 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 **TO STIMULATE COMPETITIVE 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  
12 amended by striking “shall” each place it appears and in-  
13 serting “may”.

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  
18 Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat.  
19 2500; 10 U.S.C. 2358 note) is amended—

20 (1) in paragraph (2), by striking “in nanoscale  
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-  
23          fense Agencies; and

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

1 of Defense, with other departments and agen-  
2 cies of the United States, and with the National  
3 Nanotechnology Initiative.

4 “(D) A review and analysis of the findings  
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 global  
25 nanotechnology research and development in

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.

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

5           (5) An analysis of the advantages and disadvan-  
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.

13           (6) An identification of mechanisms for improv-  
14 ing the management and implementation of the pro-  
15 gram, including modification of the statute author-  
16 izing the program, Department regulations, program  
17 structure, funding levels, funding strategy, or the ac-  
18 tivities of the State committees.

19           (7) Any other matters the Secretary considers  
20 appropriate.

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

24           (a) REPORT REQUIRED.—Not later than 90 days  
25 after the date of the enactment of this Act, the Secretary

1 of Defense shall submit to the congressional defense com-  
2 mittees a report containing a cost-benefit analysis of the  
3 proposed reduction in Army research, development, test,  
4 and evaluation funding for the High Energy Laser Sys-  
5 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.**

13 (a) RESEARCH, DEVELOPMENT, AND TESTING  
14 PLAN.—The Secretary of Defense shall submit to the con-  
15 gressional defense committees a research, development,  
16 and testing plan for prompt global strike program objec-  
17 tives for fiscal years 2008 through 2013.

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

20 (1) IN GENERAL.—The Under Secretary of De-  
21 fense for Acquisition, Technology, and Logistics  
22 shall submit to the congressional defense committees  
23 a plan for obligation and expenditure of funds avail-  
24 able for prompt global strike for fiscal year 2008.  
25 The plan shall include correlations between each

1 technology application being developed in fiscal year  
 2 2008 and the prompt global strike alternative or al-  
 3 ternatives toward which the technology application  
 4 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.



- 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.
- 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 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.

1           **Subtitle A—Authorization of**  
2                           **Appropriations**

3   **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

4           Funds are hereby authorized to be appropriated for  
5   fiscal year 2008 for the use of the Armed Forces and other  
6   activities and agencies of the Department of Defense for  
7   expenses, not otherwise provided for, for operation and  
8   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           (1) TRANSFER AMOUNT.—Using funds de-  
2           scribed in subsection (b), the Secretary of Defense  
3           may, notwithstanding section 2215 of title 10,  
4           United States Code, transfer not more than  
5           \$91,588.51 to the Moses Lake Wellfield Superfund  
6           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 reim-  
16          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.

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

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

1 (b) SOURCE OF FUNDS.—Any payment under sub-  
2 section (a) shall be made using funds authorized to be ap-  
3 propriated by section 301(16) for operation and mainte-  
4 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**  
10 **AGENCY OF STIPULATED PENALTIES IN CON-**  
11 **NECTION WITH JACKSON PARK HOUSING**  
12 **COMPLEX, WASHINGTON.**

13 (a) AUTHORITY TO TRANSFER FUNDS.—

14 (1) TRANSFER AMOUNT.—Using funds de-  
15 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.

19 (2) PURPOSE OF TRANSFER.—The payment  
20 under paragraph (1) is to pay a stipulated penalty  
21 assessed by the Environmental Protection Agency on  
22 October 25, 2005, against the Jackson Park Hous-  
23 ing Complex, Washington, for the failure by the  
24 Navy to timely submit a draft final Phase II Reme-  
25 dial Investigation Work Plan for the Jackson Park

1 Housing Complex Operable Unit (OU-3T-JPHC)  
2 pursuant to a schedule included in an Interagency  
3 Agreement (Administrative Docket No. CERCLA-  
4 10-2005-0023).

5 (b) SOURCE OF FUNDS.—Any payment under sub-  
6 section (a) shall be made using funds authorized to be ap-  
7 propriated by section 301(14) for operation and mainte-  
8 nance for Environmental Restoration, Navy.

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

13 **SEC. 314. REPORT ON CONTROL OF THE BROWN TREE**  
14 **SNAKE.**

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 ecol-  
20 ogy of Guam.

21 (2) If introduced into Hawaii, the Common-  
22 wealth of the Northern Mariana Islands, or the con-  
23 tinental United States, the brown tree snake would  
24 pose an immediate and serious economic and ecologi-  
25 cal 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          wahi, 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.



1 (b) REPORT.—Not later than 180 days after the date  
2 of the enactment of this Act, the Secretary of Defense  
3 shall submit to the congressional defense committees a re-  
4 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.

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

1 crease of military personnel stationed on Guam does  
2 not increase the threat of introduction of the brown  
3 tree snake from Guam into Hawaii, the Common-  
4 wealth of the Northern Mariana Islands, the conti-  
5 nental United States, or other non-native environ-  
6 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 DRINK-**  
19 **ING WATER CONTAMINATION.**

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

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

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

16 (c) NOTIFICATION OF FORMER CIVILIAN EMPLOYEES  
17 AT CAMP LEJEUNE.—Not later than 1 year after the date  
18 of the enactment of this Act, the Secretary of the Navy  
19 shall make reasonable efforts to identify and notify di-  
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.—

1           (1) FINDINGS.—Congress makes the following  
2 findings:

3           (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

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.

1     **Subtitle C—Workplace and Depot**  
2                     **Issues**

3     **SEC. 321. AVAILABILITY OF FUNDS IN DEFENSE INFORMA-**  
4                     **TION SYSTEMS AGENCY WORKING CAPITAL**  
5                     **FUND FOR TECHNOLOGY UPGRADES TO DE-**  
6                     **ENSE INFORMATION SYSTEMS NETWORK.**

7             (a) IN GENERAL.—Notwithstanding section 2208 of  
8 title 10, United States Code, funds in the Defense Infor-  
9 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.—Funds  
13 may not be used under subsection (a) for—

14                 (1) any technology insertion to the Defense In-  
15 formation Systems Network that significantly  
16 changes the performance envelope of an end item; or

17                 (2) any component with an estimated total cost  
18 in excess of \$500,000.

19             (c) LIMITATION IN FISCAL YEAR PENDING TIMELY  
20 REPORT.—If in any fiscal year the report required by  
21 paragraph (1) of subsection (d) is not submitted by the  
22 date specified in paragraph (2) of subsection (d), funds  
23 may not be used under subsection (a) in such fiscal year  
24 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  
14 the submittal to Congress of the budget of the Presi-  
15 dent for the succeeding fiscal year pursuant to sec-  
16 tion 1105 of title 31, United States Code.

17 (e) SUNSET.—The authority in subsection (a) shall  
18 expire on October 1, 2011.

19 **SEC. 322. MODIFICATION TO PUBLIC-PRIVATE COMPETI-**  
20 **TION REQUIREMENTS BEFORE CONVERSION**  
21 **TO CONTRACTOR PERFORMANCE.**

22 (a) COMPARISON OF RETIREMENT SYSTEM COSTS.—  
23 Section 2461(a)(1) of title 10, United States Code, is  
24 amended—

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



1 employees of the Department of Defense under  
2 chapter 84 of title 5; and”.

3 (b) CONFORMING AMENDMENTS.—Such title is fur-  
4 ther amended—

5 (1) by striking section 2467; and

6 (2) in section 2461—

7 (A) by redesignating subsections (b)  
8 through (d) as subsections (c) through (e), re-  
9 spectively; and

10 (B) by inserting after subsection (a) the  
11 following new subsection (b):

12 “(b) REQUIREMENT TO CONSULT DOD EMPLOY-  
13 EES.—(1) Each officer or employee of the Department of  
14 Defense responsible for determining under Office of Man-  
15 agement and Budget Circular A–76 whether to convert to  
16 contractor performance any function of the Department  
17 of Defense—

18 “(A) shall, at least monthly during the develop-  
19 ment and preparation of the performance work  
20 statement and the management efficiency study used  
21 in making that determination, consult with civilian  
22 employees who will be affected by that determination  
23 and consider the views of such employees on the de-  
24 velopment and preparation of that statement and  
25 that study; and

1           “(B) may consult with such employees on other  
2 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 re-  
7 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 amend-  
20 ed—

21           (1) in subsection (a)(1)—

22           (A) in subparagraph (B), by inserting after  
23 “2003” the following: “, or any successor cir-  
24 cular”; 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 amended  
9 by striking the item relating to section 2467.

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

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

16 “(4) A military department or Defense Agency may  
17 not be required to conduct a public-private competition  
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  
21 agreement entered into with Department of Defense civil-  
22 ian employees pursuant to a public-private competition for  
23 any function of the Department of Defense performed by  
24 Department of Defense civilian employees.”.

1 **SEC. 324. GUIDELINES ON INSOURCING NEW AND CON-**  
2 **TRACTED OUT FUNCTIONS.**

3 (a) CODIFICATION AND REVISION OF REQUIREMENT  
4 FOR GUIDELINES.—

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 Sec-  
12 retary of Defense for Personnel and Readiness shall devise  
13 and implement guidelines and procedures to ensure that  
14 consideration is given to using, on a regular basis, Depart-  
15 ment of Defense civilian employees to perform new func-  
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 deter-  
20 mines such regulations are necessary for implementing  
21 such guidelines within that military department.

22 “(2) The guidelines and procedures required under  
23 paragraph (1) may not include any specific limitation or  
24 restriction on the number of functions or activities that  
25 may be converted to performance by Department of De-  
26 fense 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.

1       “(c) EXCLUSION OF CERTAIN FUNCTIONS FROM  
2 COMPETITIONS.—The Secretary of Defense may not con-  
3 duct a public-private competition under this chapter, Of-  
4 fice of Management and Budget Circular A-76, or any  
5 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;

10              “(2) in the case of any Department of Defense  
11 function described in subsection (b), converting the  
12 function to performance by Department of Defense  
13 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)  
18 The Secretary of Defense may use the flexible hiring au-  
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

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

4 “(e) DEFINITIONS.—In this section the term ‘func-  
5 tions closely associated with inherently governmental func-  
6 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 De-  
partment of Defense functions.”.

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

18 (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 sub-  
21 mit to the congressional defense committees a report on  
22 the implementation of this section and the amendments  
23 made by this section.

1 (c) CONFORMING REPEAL.—The National Defense  
2 Authorization Act for Fiscal Year 2006 (Public Law 109–  
3 163) 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,  
11 continue, or complete a public-private competition or di-  
12 rect conversion of a Department of Defense function to  
13 performance by a contractor under Office of Management  
14 and Budget Circular A–76, or any other successor regula-  
15 tion, directive, or policy.

16 (b) RESTRICTION ON SECRETARY OF DEFENSE.—  
17 The Secretary of Defense or the Secretary of a military  
18 department may not prepare for, undertake, continue, or  
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,  
23 or policy by reason of any direction or requirement pro-  
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-**  
 13       **vate competitions**

14       “For any protest of a public-private competition con-  
 15       ducted under Office of Management and Budget Circular  
 16       A-76 with respect to the performance of an activity or  
 17       function of a Federal agency, the Comptroller General  
 18       shall administer the provisions of this subchapter in the  
 19       manner best suited for expediting the final resolution of  
 20       the protest and the final action in the public-private com-  
 21       petition.”.

22       (2) CLERICAL AMENDMENT.—The chapter anal-  
 23       ysis at the beginning of such chapter is amended by  
 24       inserting after the item relating to section 3556 the  
 25       following new item:

“3557. Expedited action in protests of public-private competitions.”.

1 (c) RIGHT TO INTERVENE IN CIVIL ACTION.—Sec-  
2 tion 1491(b) of title 28, United States Code, is amended  
3 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 para-  
6 graph (1) with respect to a public-private competition con-  
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 perform-  
11 ance without a competition under Office of Management  
12 and Budget Circular A–76, then an interested party de-  
13 scribed in section 3551(2)(B) of title 31 shall be entitled  
14 to intervene in that action.”

15 (d) APPLICABILITY.—Subparagraph (B) of section  
16 3551(2) of title 31, United States Code (as added by sub-  
17 section (a)), and paragraph (5) of section 1491(b) of title  
18 28, United States Code (as added by subsection (c)), shall  
19 apply to—

20 (1) a protest or civil action that challenges final  
21 selection of the source of performance of an activity  
22 or function of a Federal agency that is made pursu-  
23 ant to a study initiated under Office of Management  
24 and Budget Circular A–76 on or after January 1,  
25 2004; and

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 Budget  
7           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—

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 sollicita-  
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—

1           “(A) modified, reorganized, divided, or in any  
2 way changed for the purpose of exempting the con-  
3 version of the function from the requirements of this  
4 section; or

5           “(B) converted to performance by a contractor  
6 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 perform-  
11 ance any function of the executive agency—

12           “(A) shall, at least monthly during the develop-  
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 other  
21 matters relating to that determination.

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



1 with representatives of that labor organization shall sat-  
2 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 appro-  
5 priate representatives of those employees shall satisfy the  
6 consultation requirement in paragraph (1).

7 “(C) The head of each executive agency shall pre-  
8 scribe regulations to carry out this subsection. The regula-  
9 tions shall include provisions for the selection or designa-  
10 tion of appropriate representatives of employees referred  
11 to in paragraph (2)(B) for purposes of consultation re-  
12 quired by paragraph (1).

13 “(c) CONGRESSIONAL NOTIFICATION.—(1) Before  
14 commencing a public-private competition under subsection  
15 (a), the head of an executive agency shall submit to Con-  
16 gress a report containing the following:

17 “(A) The function for which such public-private  
18 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 employee  
22 positions potentially affected.

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

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

3 “(E) A certification that a proposed perform-  
4 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 max-  
9 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  
25 the public-private competition. The objection shall be in

1 writing and shall be submitted within 90 days after the  
2 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 cer-  
9           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  
14          in the submitted report, the function for which the public-  
15          private competition was conducted for which the objection  
16          was submitted may not be the subject of a solicitation of  
17          offers for, or award of, a contract until, respectively, the  
18          report is submitted or a report containing the certification  
19          in full compliance with the certification requirement is  
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           (2) in subsection (k), by striking “2009” and  
2 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 sub-  
7 mitted to Congress for fiscal years 2009 through  
8 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 OF**  
20 **MULTI-TRADES DEMONSTRATION PROJECT.**

21           (a) REAUTHORIZATION AND EXPANSION.—Section  
22 338 of the National Defense Authorization Act for Fiscal  
23 Year 2004 (Public Law 108–136; 10 U.S.C. 5013 note)  
24 is amended—

1           (1) by striking subsection (a) and inserting the  
2 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  
6 out a demonstration project under which workers who are  
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  
10 follows:

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 Cen-  
20 ter, Navy Fleet Readiness Center, or Army  
21 depot”; and

22           (B) by striking “Secretary” and inserting  
23 “Secretary of the military department con-  
24 cerned”;

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 “2014”;

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 such  
5 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 improve-  
17 ment covered by the pilot program is the procurement and  
18 installation of a component or subsystem of a weapon sys-  
19 tem platform or major end item that would improve the  
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           (1) any product improvement that significantly  
2           changes the performance envelope of an end item; or

3           (2) any component with an estimated total cost  
4           in excess of \$1,000,000.

5           (d) LIMITATION IN FISCAL YEAR PENDING TIMELY  
6 REPORT.—If during any fiscal year the report required  
7 by paragraph (1) of subsection (e) is not submitted by  
8 the date specified in paragraph (3) of that subsection,  
9 funds may not be used under subsection (a) in such fiscal  
10 year during the period—

11           (1) beginning on the date specified in para-  
12           graph (3) of subsection (e); and

13           (2) ending on the date of the submittal of the  
14           report under paragraph (1) of subsection (e).

15           (e) ANNUAL REPORT.—

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

24           (2) RECOMMENDATION.—In the case of the re-  
25           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.

## 14 **Subtitle D—Extension of Program** 15 **Authorities**

### 16 **SEC. 341. EXTENSION OF ARSENAL SUPPORT PROGRAM INI-** 17 **TIATIVE.**

18 Section 343 of the Floyd D. Spence National Defense  
19 Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551  
20 note) is amended—

21 (1) in subsection (a), by striking “2008” and  
22 inserting “2010”; and

23 (2) in subsection (g)(1), by striking “2008”  
24 and inserting “2010”.

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.

10 **SEC. 343. EXTENSION OF TEMPORARY AUTHORITY FOR**  
11 **CONTRACT PERFORMANCE OF SECURITY**  
12 **GUARD FUNCTIONS.**

13 (a) EXTENSION.—Subsection (c) of section 332 of  
14 the Bob Stump National Defense Authorization Act for  
15 Fiscal Year 2003 (Public Law 107–314) is amended by  
16 striking “September 30, 2009” both places it appears and  
17 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 the  
21 end;

22 (2) in paragraph (3), by striking the period and  
23 inserting a semicolon; and

24 (3) by adding at the end the following new  
25 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** 14                                   **EMERGENCIES AND MAJOR DISASTERS.**

15           (a) ANNUAL REPORTS ON EQUIPMENT.—Section  
16   10541(b) of title 10, United States Code, is amended by  
17   adding at the end the following new paragraph:

18           “(9) An assessment of the extent to which the  
19   National Guard possesses the equipment required to  
20   perform the responsibilities of the National Guard  
21   pursuant to sections 331, 332, 333, 12304(b), and  
22   12406 of this title in response to an emergency or  
23   major disaster (as such terms are defined in section  
24   102 of the Robert T. Stafford Disaster Relief and

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

3               “(A) identify any shortfall in equipment  
4               provided to the National Guard by the Depart-  
5               ment of Defense throughout the United States  
6               and the territories and possessions of the  
7               United States that is likely to affect the ability  
8               of the National Guard to perform such respon-  
9               sibilities;

10              “(B) evaluate the effect of any such short-  
11              fall on the capacity of the National Guard to  
12              perform such responsibilities in response to an  
13              emergency or major disaster that occurs in the  
14              United States or a territory or possession of the  
15              United States; and

16              “(C) identify the requirements and invest-  
17              ment strategies for equipment provided to the  
18              National Guard by the Department of Defense  
19              that are necessary to plan for a reduction or  
20              elimination of any such shortfall.”.

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

1           (1) in subsection (a), by striking “and (e)” and  
2           inserting “(e), and (f)”;

3           (2) by redesignating subsection (f) as sub-  
4           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 in-  
9           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.

12          “(2) Any information in an assessment under this  
13          subsection that is relevant to the National Guard of a par-  
14          ticular State shall also be made available to the Governor  
15          of that State.

16          “(3) The Secretary shall ensure that each State Gov-  
17          ernor has an opportunity to provide to the Secretary an  
18          independent evaluation of that State’s National Guard,  
19          which the Secretary shall include with each assessment  
20          submitted under this subsection.”.

21          (c) EFFECTIVE DATE.—

22                 (1) ANNUAL REPORT ON NATIONAL GUARD AND  
23                 RESERVE COMPONENT EQUIPMENT.—The amend-  
24                 ment made by subsection (a) shall apply with respect

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

3 (2) QUARTERLY REPORTS ON PERSONNEL AND  
4 UNIT READINESS.—The amendment made by sub-  
5 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 years 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 as-  
23 sessing the personnel, equipment, and training readi-  
24 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  
11 the date of the submission of the President’s budget re-  
12 quest for a fiscal year under section 1105 of title 31, the  
13 Secretary of Defense shall submit to the congressional de-  
14 fense committees a report on the status of the materiel  
15 in the prepositioned stocks as of the end of the fiscal year  
16 preceding the fiscal year during which the report is sub-  
17 mitted. Each report shall be unclassified and may contain  
18 a classified annex. Each report shall include the following  
19 information:

20 “(1) The level of fill for major end items of  
21 equipment and spare parts in each prepositioned set  
22 as of the end of the fiscal year covered by the report.

23 “(2) The material condition of equipment in the  
24 prepositioned stocks as of the end of such fiscal  
25 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 Gen-  
9 eral access to the data and preliminary results to be used  
10 by the Secretary in preparing each such report before the  
11 Secretary submits the report to enable the Comptroller  
12 General to conduct each review required under paragraph  
13 (1) in a timely manner.

14       “(3) The requirement to conduct a review under this  
15 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.**

21       Section 323(b)(2) of the John Warner National De-  
22 fense Authorization Act for Fiscal Year 2007 (Public Law  
23 109–364; 120 Stat. 2146; 10 U.S.C. 229 note) is amend-  
24 ed—

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  
18 345 of the John Warner National Defense Authorization  
19 Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.  
20 2156) is amended by striking “June 1, 2007” and insert-  
21 ing “June 1, 2008”.

22           (b) **ELEMENTS.**—Subsection (b) of such section is  
23 amended—

24           (1) by striking paragraph (2);

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.”.

1 (c) DEPARTMENT OF DEFENSE COOPERATION.—

2 Such section is further amended—

3 (1) by redesignating subsection (c) as sub-  
4 section (d); and

5 (2) by inserting after subsection (b) the fol-  
6 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 Gen-  
10 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.**

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

22 (1) a summary of the readiness of each report-  
23 ing unit of the ground forces of the active and re-  
24 serve components and a summary of the readiness of

1 each major combat unit of each Armed Force by  
2 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 up-  
6 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  
22 of the active and reserve components and achieve the  
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  
16          under subsection (a), the Comptroller General shall review  
17          the report and, as the Comptroller General determines ap-  
18          propriate, submit to the congressional defense committees  
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



1 Secretary of Defense submits the fifth report required  
2 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 as-  
7 sessment of the viability of the Civil Reserve Air Fleet to  
8 be conducted by a federally-funded research and develop-  
9 ment center selected by the Secretary.

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

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

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

22 (B) the extent of charter air carrier par-  
23 ticipation in fulfilling increased Department of  
24 Defense transportation requirements as a result  
25 of the increased global mobility requirements in

1 response to the terrorist attacks of September  
2 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  
8 of such policy on the air carrier industry in  
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

13 (D) any risks to the charter air carrier in-  
14 dustry as a result of the expansion of the indus-  
15 try in response to contingency operations result-  
16 ing in increased demand by the Department of  
17 Defense.

18 (2) A strategic assessment of the viability of the  
19 Civil Reserve Air Fleet that compares such viability  
20 as of the date of the enactment of this Act with the  
21 projected viability of the Civil Reserve Air Fleet 5,  
22 10, and 15 years after the date of the enactment of  
23 this Act, including for activations at each of stages  
24 1, 2, and 3—

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.

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

5 **SEC. 357. DEPARTMENT OF DEFENSE INSPECTOR GENERAL**  
6 **REPORT ON PHYSICAL SECURITY OF DE-**  
7 **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 subsection  
14 (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.

23 (2) Recommendations based on the findings of  
24 the Comptroller General of the United States in the  
25 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  
13 to the congressional defense committees a report on the  
14 conduct and findings of the review required under sub-  
15 section (a) along with a summary of changes to policy,  
16 regulation, or asset allocation necessary to ensure that De-  
17 partment of Defense helicopter aircrews are adequately  
18 trained in high-altitude or power-limited flying conditions  
19 prior to being exposed to such conditions operationally.

20 **SEC. 359. REPORTS ON SAFETY MEASURES AND ENCROACH-**  
21 **MENT ISSUES AND MASTER PLAN FOR WAR-**  
22 **REN GROVE GUNNERY RANGE, NEW JERSEY.**

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

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

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

7 (1) IN GENERAL.—Not later than 180 days  
8 after the date of the enactment of this Act, the Sec-  
9 retary of the Air Force shall submit to the congress-  
10 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 re-  
21 quired under paragraph (1), the Secretary shall seek  
22 input from relevant stakeholders at the Federal,  
23 State, and local level.



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

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

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

11 (1) An assessment of the search and rescue ca-  
12 pabilities required to support Air Force operations  
13 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 sec-  
17 tion as the “NSRP”) for Washington, Oregon,  
18 Idaho, and Montana.

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

22 (4) A description of the use of such search and  
23 rescue assets during the 3-year period preceding the  
24 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

1       northwestern United States, including plans that  
2       take into consideration requirements related to sup-  
3       port for both Air Force operations and training and  
4       compliance with the NSRP.

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

10       (c) USE OF REPORT FOR PURPOSES OF CERTIFI-  
11       CATION REGARDING SEARCH AND RESCUE CAPABILI-  
12       TIES.—Section 1085 of the Ronald W. Reagan National  
13       Defense Authorization Act for Fiscal Year 2005 (Public  
14       Law 108–375; 118 Stat. 2065; 10 U.S.C. 113 note) is  
15       amended by striking “unless the Secretary first certifies”  
16       and inserting “unless the Secretary, after reviewing the  
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 con-  
22       gressional committees” means—

23               (1) the Committee on Armed Services, the  
24       Committee on Homeland Security and Governmental  
25       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 determined as part of ongoing security-related

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-

1 wise made available for fiscal year 2008 for operation and  
2 maintenance for the Air Force that are available for the  
3 Cheyenne Mountain Transformation project, \$5,000,000  
4 may not be obligated or expended until Congress receives  
5 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 RECAPITALIZATION  
14 PLAN.—

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

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

21 (A) a description of the projects that are  
22 needed to improve the infrastructure required  
23 for supporting missions associated with Chey-  
24 enne Mountain Air Station; and

1 (B) a funding plan explaining the expected  
2 timetable for the Air Force to support such  
3 projects.

## 4 **Subtitle F—Other Matters**

### 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  
16 of Corrosion Policy and Oversight within the Office of the  
17 Under Secretary of Defense for Acquisition, Technology,  
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 Acqui-

1 sition, Technology, and Logistics) for the prevention and  
2 mitigation of corrosion of the military equipment and in-  
3 frastructure of the Department of Defense. The Director  
4 shall report directly to the Under Secretary.

5 “(3) In order to qualify to be assigned to the position  
6 of Director, an individual shall—

7 “(A) have management expertise in, and profes-  
8 sional experience with, corrosion project and policy  
9 implementation, including an understanding of the  
10 effects of corrosion policies on infrastructure; re-  
11 search, development, test, and evaluation; and main-  
12 tenance; and

13 “(B) have an understanding of Department of  
14 Defense budget formulation and execution, policy  
15 formulation, and planning and program require-  
16 ments.

17 “(4) The Secretary of Defense shall designate the po-  
18 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—

22 (A) in paragraph (1), by striking “official  
23 or organization designated under subsection  
24 (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 corrosion prevention agencies, academic research  
22 and educational institutions, and scientific organiza-  
23 tions engaged in corrosion prevention, including the  
24 National Academy of Sciences.”.



1           (c) INCLUSION OF COOPERATIVE RESEARCH AGREE-  
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  
5 after “operational strategies” the following: “, including  
6 through the establishment of memoranda of agreement,  
7 joint funding agreements, public-private partnerships, uni-  
8 versity research and education centers, and other coopera-  
9 tive research agreements”.

10           (d) REPORT REQUIREMENT.—Section 2228 of such  
11 title is further amended by inserting after subsection (d)  
12 (as redesignated by subsection (b)) the following new sub-  
13 section:

14           “(e) REPORT.—(1) For each budget for a fiscal year,  
15 beginning with the budget for fiscal year 2009, the Sec-  
16 retary of Defense shall submit, with the defense budget  
17 materials, a report on the following:

18                   “(A) Funding requirements for the long-term  
19 strategy developed under subsection (d).

20                   “(B) The return on investment that would be  
21 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—

4               “(A) an analysis of the budget submission for  
5 corrosion control and prevention by the Department  
6 of Defense; and

7               “(B) an analysis of the report required under  
8 paragraph (1).”.

9       (e) DEFINITIONS.—Subsection (f) of section 2228 of  
10 such title, as redesignated by subsection (b), is amended  
11 by adding at the end the following new paragraphs:

12               “(4) The term ‘budget’, with respect to a fiscal  
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

1 event based upon an injury or wound incurred  
2 in the line of duty in the armed force and vet-  
3 erans who are participating in the sporting  
4 event based upon a service-connected dis-  
5 ability.”; and

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

8 “(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 estab-  
13 lished by section 5802 of the Omnibus Consolidated Ap-  
14 propriations Act, 1997 (Public Law 104–208; 10 U.S.C.  
15 2564 note), notwithstanding any limitation under that sec-  
16 tion relating to the availability of funds in such account  
17 for the provision of support for international sporting com-  
18 petitions.

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

22 (b) SOURCE OF FUNDS.—Section 5802 of the Omni-  
23 bus Consolidated Appropriations Act, 1997 (Public Law  
24 104–208; 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(e)(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                          **VALUE FOR LOST OR DAMAGED PERSONAL**  
11                          **PROPERTY TRANSPORTED AT GOVERNMENT**  
12                          **EXPENSE.**

13           Section 2636a(d) of title 10, United States Code, is  
14           amended by adding at the end the following new sentence:  
15           “The regulations may include a requirement that a mem-  
16           ber of the armed forces or civilian employee of the Depart-  
17           ment of Defense comply with reasonable restrictions or  
18           conditions prescribed by the Secretary in order to receive  
19           the full amount deducted under subsection (b).”.

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  
15 Defense shall provide transportation on Department of  
16 Defense aircraft on a space-available basis for any member  
17 or former member of the uniformed services described in  
18 subsection (b), and a single dependent of the member if  
19 needed to accompany the member, at a priority level in  
20 the same category as the priority level for an unaccom-  
21 panied dependent over the age of 18 traveling on environ-  
22 mental and morale leave.

23 “(b) ELIGIBLE MEMBERS AND FORMER MEM-  
24 BERS.—A member or former member eligible for priority  
25 transport under subsection (a) is a covered beneficiary  
26 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 fol-  
4 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 disposi-**  
11 **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



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

8 “(c) DELIVERY OF SEIZED PROPERTY.—If an officer  
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.

19 (B) Section 4836.

20 (C) Section 9832.

21 (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**

2 **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.

“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.

“7913. Supplies: military instruction camps.

9 **“§ 7911. Arms, tentage, and equipment: educational**  
10 **institutions not maintaining units of**  
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 equip-  
14 ment that the Secretary considers necessary for proper  
15 military training, to any educational institution at which  
16 no unit of the Reserve Officers’ Training Corps is main-  
17 tained, but which has a course in military training pre-  
18 scribed by the Secretary and which has at least 50 phys-  
19 ically fit students over 14 years of age.

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

4 “(a) **AUTHORITY TO LEND.**—The Secretary of the  
5 Navy may lend, without expense to the United States,  
6 magazine rifles and appendages that are not of the exist-  
7 ing service models in use at the time and that are not  
8 necessary for a proper reserve supply, to any educational  
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 mid-  
12 shipman for each range at which target practice is held,  
13 but not more than 120 rounds each year for each mid-  
14 shipman participating in target practice.

15 “(b) **RESPONSIBILITIES OF INSTITUTIONS.**—The in-  
16 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.

21 “(c) **REGULATIONS.**—The Secretary of the Navy  
22 shall prescribe regulations to carry out this section, con-  
23 taining such other requirements as he considers necessary  
24 to safeguard the interests of the United States.

1 **“§ 7913. Supplies: military instruction camps**

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

12 (b) CLERICAL AMENDMENT.—The table of chapters  
13 at the beginning of subtitle C of such title, and the table  
14 of chapters at the beginning of part IV of such subtitle,  
15 are each amended by inserting after the item relating to  
16 chapter 665 the following new item:

“667. Issue of serviceable material other than to Armed Forces ..... 7911.”.

17 **SEC. 378. REAUTHORIZATION OF AVIATION INSURANCE**  
18 **PROGRAM.**

19 Section 44310 of title 49, United States Code, is  
20 amended by striking “March 30, 2008” and inserting  
21 “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:

- 6                   (1) The Army, 525,400.
- 7                   (2) The Navy, 329,098.
- 8                   (3) The Marine Corps, 189,000.
- 9                   (4) The Air Force, 329,563.

10           (b) LIMITATION.—

11                   (1) ARMY.—The authorized strength for the  
12 Army provided in paragraph (1) of subsection (a)  
13 for active duty personnel for fiscal year 2008 is sub-  
14 ject 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               “(2) For the Navy, 328,400.

19               “(3) For the Marine Corps, 189,000.

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

1 **SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF**  
2 **ARMY AND MARINE CORPS ACTIVE DUTY END**  
3 **STRENGTHS FOR FISCAL YEARS 2009 AND**  
4 **2010.**

5 (a) **AUTHORITY TO INCREASE ARMY ACTIVE DUTY**  
6 **END STRENGTHS.**—For each of fiscal years 2009 and  
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.

13 (b) **MARINE CORPS.**—For each of fiscal years 2009  
14 and 2010, the Secretary of Defense may, as the Secretary  
15 determines necessary for the purposes described in sub-  
16 section (c), establish the active-duty end strength for the  
17 Marine Corps at a number greater than the number other-  
18 wise authorized by law up to the number equal to the fis-  
19 cal-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 num-  
26 bers of combat brigades and battalions, increased



1 unit manning, force stabilization and shaping, and  
2 rebalancing of the active and reserve component  
3 forces.

4 (d) RELATIONSHIP TO PRESIDENTIAL WAIVER AU-  
5 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.—

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

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

1 shall include the amounts necessary for funding that  
2 active duty end strength in excess of the fiscal year  
3 2008 active duty end strength authorized for that  
4 service under section 401.

5 (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  
16 TO TEMPORARILY INCREASE ARMY AND MARINE CORPS  
17 ACTIVE DUTY END STRENGTHS.—Section 403 of the  
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.

1 **SEC. 404. INCREASE IN AUTHORIZED STRENGTHS FOR**  
 2 **ARMY OFFICERS ON ACTIVE DUTY IN THE**  
 3 **GRADE OF MAJOR.**

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 (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	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, COM-**  
 10 **MANDER, AND CAPTAIN.**

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

“Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	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”.

1 **SEC. 406. INCREASE IN AUTHORIZED DAILY AVERAGE OF**  
2 **NUMBER 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 per-  
5 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:

11 (1) The Army National Guard of the United  
12 States, 351,300.

13 (2) The Army Reserve, 205,000.

14 (3) The Navy Reserve, 67,800.

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

1           (5) The Air National Guard of the United  
2 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 Re-  
7 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.

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

1 of such units and by the total number of such individual  
2 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 United  
13 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 United  
18 States, 13,936.

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

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

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

1 standing section 129 of title 10, United States Code) shall  
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

1 Reserve as of September 30, 2008, may not exceed  
2 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 AU-**  
8 **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 United  
16 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 United  
21 States, 16,000.

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



1 **SEC. 416. FUTURE AUTHORIZATIONS AND ACCOUNTING**  
2 **FOR CERTAIN RESERVE COMPONENT PER-**  
3 **SONNEL AUTHORIZED TO BE ON ACTIVE**  
4 **DUTY OR FULL-TIME NATIONAL GUARD DUTY**  
5 **TO PROVIDE OPERATIONAL SUPPORT.**

6 (a) REVIEW OF OPERATIONAL SUPPORT MISSIONS  
7 PERFORMED BY CERTAIN RESERVE COMPONENT PER-  
8 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 com-  
18 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 pre-  
21 vious 1,460 days; and

22 (B) determining which long-term oper-  
23 ational support missions being performed by  
24 such members would more appropriately be per-  
25 formed by members of the Armed Forces on ac-  
26 tive 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:

15 “(4) As part of the budget justification materials sub-  
16 mitted by the Secretary of Defense to Congress in support  
17 of the end strength authorizations required under sub-  
18 paragraphs (A) and (B) of subsection (a)(1) for fiscal year  
19 2009 and each fiscal year thereafter, the Secretary shall  
20 provide the following:

21 “(A) The number of members, specified by re-  
22 serve component, authorized under subparagraphs  
23 (A) and (B) of paragraph (1) who were serving on  
24 active duty or full-time National Guard duty for  
25 operational support beyond each of the limits speci-

1       fied under subparagraphs (A) and (B) of paragraph  
2       (2) at the end of the fiscal year preceding the fiscal  
3       year for which the budget justification materials are  
4       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.

12              “(C) The number of members, specified by re-  
13      serve component, on active duty or full-time Na-  
14      tional Guard duty for operational support who are  
15      included in, and counted against, the end strength  
16      authorizations requested under subparagraphs (A)  
17      and (B) of subsection (a)(1).

18              “(D) A summary of the missions being per-  
19      formed by members identified under subparagraphs  
20      (A) and (B).”.

21   **SEC. 417. REVISION OF VARIANCES AUTHORIZED FOR SE-**  
22                           **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 per-  
25      cent”.

1           **Subtitle C—Authorization of**  
 2                           **Appropriations**

3 **SEC. 421. MILITARY PERSONNEL.**

4           There is hereby authorized to be appropriated to the  
 5 Department of Defense for military personnel for fiscal  
 6 year 2008 a total of \$117,091,420,000. The authorization  
 7 in the preceding sentence supersedes any other authoriza-  
 8 tion of appropriations (definite or indefinite) for such pur-  
 9 pose for fiscal year 2008.

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

- 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.

## 1        **Subtitle A—Officer Personnel**

### 2                                **Policy**

#### 3    **SEC. 501. ASSIGNMENT OF OFFICERS TO DESIGNATED PO-**

#### 4                                **SITIONS OF IMPORTANCE AND RESPONSI-**

#### 5                                **BILITY.**

6            (a) CONTINUATION IN GRADE WHILE AWAITING OR-

7    DERS.—Section 601(b) of title 10, United States Code,

8    is amended—

9            (1) by striking “and” at the end of paragraph

10          (3);

11          (2) by redesignating paragraph (4) as para-

12          graph (5); and

13          (3) by inserting after paragraph (3) the fol-

14          lowing new paragraph (4):

15                “(4) at the discretion of the Secretary of De-

16          fense, while the officer is awaiting orders after being

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 new  
9 paragraph:

10 “(2) The limitations of this section also do not apply  
11 to a number, as specified by the Secretary of the military  
12 department concerned, of reserve component general or  
13 flag officers authorized to serve on active duty for a period  
14 of not more than 365 days. The number so specified for  
15 an armed force may not exceed the number equal to 10  
16 percent of the authorized number of general or flag offi-  
17 cers, as the case may be, of that armed force under section  
18 12004 of this title. In determining such number, any frac-  
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 PROBA-**  
23 **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  
7 amended by striking “but such period may not (except as  
8 provided under section 1251(b) of this title) extend beyond  
9 the date of the officer’s sixty-second birthday” and insert-  
10 ing “except as provided under section 1251 or 1253 of  
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 sub-  
18 section:

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

1 professional specialty specified by the Secretary for pur-  
2 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

7 “(B) in the case of an officer who has accepted  
8 an accession bonus or executed a contract or agree-  
9 ment for the multiyear receipt of special pay for  
10 service in the armed forces, the period of obligated  
11 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 appoint-  
21 ment” and inserting “an appointment”; and

22 (2) in subsection (b)—

23 (A) in paragraph (1), by striking “a Re-  
24 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**

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

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.”.

22                  (2) CLERICAL AMENDMENT.—The table of sec-  
23          tions at the beginning of such chapter is amended  
24          by striking the item relating to section 6970 and in-  
25          serting the following new items:

“6970. Permanent professors: promotion.

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

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

3 (1) by striking “and the registrar” and insert-  
4 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 Sec-  
8 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  
12 section 6970 of title 10, United States Code, as added by  
13 subsection (a), for permanent professors of the United  
14 States Naval Academy, including an evaluation of the ex-  
15 tent to which the implementation of the promotion system  
16 has resulted in a competitive environment for the selection  
17 of permanent professors and an evaluation of whether the  
18 goals of the permanent professor program have been  
19 achieved, including adequate career progression and pro-  
20 motion opportunities for participating officers. Not later  
21 than December 31, 2009, the Secretary shall submit to  
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  
6 section 523(b)(8) of title 10, United States Code, and a  
7 discussion of the Navy’s requirement, if any, and projec-  
8 tions for use of additional exemptions by grade.

9 **Subtitle B—Reserve Component**  
10 **Management**

11 **SEC. 511. RETENTION OF MILITARY TECHNICIANS WHO**  
12 **LOSE DUAL STATUS IN THE SELECTED RE-**  
13 **SERVE DUE TO COMBAT-RELATED DIS-**  
14 **ABILITY.**

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  
19 LOSE DUAL STATUS DUE TO COMBAT-RELATED DIS-  
20 ABILITY.—(1) Notwithstanding subsection (d) of this sec-  
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

4           “(B) the person, while a non-dual status techni-  
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-**  
18 **FESSIONS.**—Paragraph (2) of section 12207(b) of title 10,  
19 United States Code, is amended to read as follows:

20          “(2)(A) If the Secretary of Defense determines that  
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

1 such reserve component in such grades, the Secretary of  
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  
5 health profession with a period of constructive credit in  
6 such amount (in addition to any amount credited such  
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 in  
11 subparagraph (A) include the following:

12 “(i) Any health profession performed by officers  
13 in the Medical Corps of the Army or the Navy or by  
14 officers of the Air Force designated as a medical of-  
15 ficer.

16 “(ii) Any health profession performed by offi-  
17 cers in the Dental Corps of the Army or the Navy  
18 or by officers of the Air Force designated as a den-  
19 tal officer.

20 “(iii) Any health profession performed by offi-  
21 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 offi-  
24 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

1 at an earlier date, each reserve officer of the Army, Air  
2 Force, or Marine Corps in the grade of lieutenant general  
3 and each reserve officer of the Navy in the grade of vice  
4 admiral shall be separated in accordance with section  
5 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 of-  
9           ficer’s appointment in the grade of lieutenant gen-  
10          eral or vice admiral.”.

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

13                 (1) in subsection (a), by inserting “FOR BRIGA-  
14          DIER GENERALS AND REAR ADMIRALS (LOWER  
15          HALF)” after “GRADE” in the subsection heading;  
16          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 PERIOD OF TEMPORARY FEDERAL**  
2 **RECOGNITION OF PERSON AS ARMY NA-**  
3 **TIONAL GUARD OFFICER OR AIR NATIONAL**  
4 **GUARD OFFICER.**

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  
14 who will be called or ordered to active duty for a period  
15 of more than 30 days in support of a contingency oper-  
16 ation (as defined in section 101(a)(13) of title 10, United  
17 States Code) receives notice in advance of the mobilization  
18 date. In so far as is practicable, the notice shall be pro-  
19 vided not less than 30 days before the mobilization date,  
20 but with a goal of 90 days before the mobilization date.

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 Con-  
26 gress or to meet mission requirements. If the waiver or

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

5 **SEC. 516. REPORT ON RELIEF FROM PROFESSIONAL LICEN-**  
6 **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 certifi-  
22 cation requirements for members of the reserve com-  
23 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  
3 submit to the Committees on Armed Services of the Sen-  
4 ate and House of Representative a report containing the  
5 results of the study and such recommendations as the  
6 Comptroller General considers appropriate to provide fur-  
7 ther relief for members of the reserve components from  
8 professional or other licensure or certification require-  
9 ments while on active duty for an extended period of time.

10 **Subtitle C—Education and**  
11 **Training**

12 **SEC. 521. REVISIONS TO AUTHORITY TO PAY TUITION FOR**  
13 **OFF-DUTY TRAINING OR EDUCATION.**

14 (a) INCLUSION OF COAST GUARD.—Subsection (a) of  
15 section 2007 of title 10, United States Code, is amended  
16 by striking “Subject to subsection (b), the Secretary of  
17 a military department” and inserting “Subject to sub-  
18 sections (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)—

22 (A) by inserting after “commissioned offi-  
23 cer on active duty” the following: “(other than  
24 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.



1           “(2) Subject to paragraphs (4) and (5), the Secretary  
2 concerned may pay the charges of an educational institu-  
3 tion for the tuition or expenses described in subsection (a)  
4 of a member of the Individual Ready Reserve who has a  
5 military occupational specialty designated by the Secretary  
6 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.

20           “(5) The Secretary of a military department may re-  
21 quire an enlisted member of the Selected Reserve or Indi-  
22 vidual Ready Reserve to enter into an agreement to serve  
23 for up to 4 years in the Selected Reserve or Individual  
24 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.

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

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

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

17 “(B) Subparagraph (A) applies with respect to the  
18 following persons:

19 “(i) A cadet under this section at a military  
20 junior college.

21 “(ii) A cadet or former cadet under this section  
22 who is selected under section 2114 of this title to be  
23 a medical student at the Uniformed Services Univer-  
24 sity of the Health Sciences.

25 “(iii) A cadet or former cadet under this section  
26 who signs an agreement under section 2122 of this

1 title for participation in the Armed Forces Health  
2 Professions Scholarship and Financial Assistance  
3 program.

4 “(C) The modification of an agreement described in  
5 paragraph (1)(F) may be made only if the Secretary deter-  
6 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 ASSIST-**  
11 **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 MEM-**  
17 **BERS IN UNIFORMED MEDICAL ACCESSION**  
18 **PROGRAMS.**

19 (a) MEDICAL STUDENTS OF USUHS.—

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

23 (A) by redesignating subsections (e)  
24 through (h) as subsections (d) through (i), re-  
25 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 section  
25 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 participa-  
3 tion, on which the basic pay for the member in the mem-  
4 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), re-  
15 spectively; and

16 (B) by inserting after subsection (d) the  
17 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 student  
25 has prior active service in a pay grade and with years of



1 service credited for pay that would entitle the officer, if  
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  
6 years of service credited for pay. The amount of such basic  
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  
11 and years of service until the date, whether occurring be-  
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  
16 and years of service.”.

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

20 **SEC. 525. REPEAL OF POST-2007-2008 ACADEMIC YEAR PRO-**  
21 **HIBITION ON PHASED INCREASE IN CADET**  
22 **STRENGTH LIMIT AT THE UNITED STATES**  
23 **MILITARY ACADEMY.**

24 Section 4342(j)(1) of title 10, United States Code,  
25 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.—Sec-  
4 tion 2163 of title 10, United States Code, is amended—

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.—  
24 Paragraph (4) of section 2163(b) of title 10, United  
25 States Code, as added by subsection (a) of this section,

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

4   **“§ 16131a. Accelerated payment of educational assist-**  
5                                   **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.

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

14                  “(1) enrolled in an approved program of edu-  
15                  cation not exceeding two years in duration and not  
16                  leading to an associate, bachelors, masters, or other  
17                  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.

1       “(c)(1) The amount of the accelerated payment of  
2 educational assistance payable with respect to an eligible  
3 person making an election under subsection (a) for a pro-  
4 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

7               “(B) the aggregate amount of educational as-  
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 sub-  
11 paragraph (B), the term ‘established charges’, in the case  
12 of a program of education, means the actual charges (as  
13 determined pursuant to regulations prescribed by the Sec-  
14 retary of Veterans Affairs) for tuition and fees which simi-  
15 larly circumstanced individuals who are not eligible for  
16 benefits under this chapter and who are enrolled in the  
17 program of education would be required to pay. Estab-  
18 lished charges shall be determined on the following basis:

19               “(i) In the case of an individual enrolled in a  
20 program of education offered on a term, quarter, or  
21 semester basis, the tuition and fees charged the indi-  
22 vidual 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,

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

3 “(B) In this subsection, the term ‘established  
4 charges’ does not include any fees or payments attrib-  
5 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 of  
20 the program of education; and

21 “(2) the amount of the established charges for  
22 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,

1 the person's entitlement to educational assistance under  
2 this chapter shall be charged the number of months (and  
3 any fraction thereof) determined by dividing the amount  
4 of the accelerated payment by the full-time monthly rate  
5 of educational assistance allowance otherwise payable with  
6 respect to the person under section 16131 of this title as  
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 al-  
11 lowance otherwise payable with respect to an eligible per-  
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 entitle-  
16 ment to educational assistance under this chapter shall be  
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,  
20 in accordance with regulations prescribed by the Secretary  
21 of Veterans Affairs.

22       “(f) The Secretary of Veterans Affairs shall prescribe  
23 regulations to carry out this section. The regulations shall  
24 include requirements, conditions, and methods for the re-  
25 quest, issuance, delivery, certification of receipt and use,

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

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

11 (2) CLERICAL AMENDMENT.—The table of sec-  
12 tions at the beginning of chapter 1606 of such title  
13 is amended by inserting after the item relating to  
14 section 16131 the following new item:  
“16131a. Accelerated payment of educational assistance.”.

15 (3) EFFECTIVE DATE.—The amendments made  
16 by this subsection shall take effect on October 1,  
17 2008, and shall only apply to initial enrollments in  
18 approved programs of education after such date.

19 (b) ACCELERATED PAYMENT OF EDUCATIONAL AS-  
20 SISTANCE FOR RESERVE COMPONENT MEMBERS SUP-  
21 PORTING CONTINGENCY OPERATIONS AND OTHER OPER-  
22 ATIONS.—

23 (1) IN GENERAL.—Chapter 1607 of title 10,  
24 United States Code, is amended by inserting after  
25 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—

13 “(1) enrolled in an approved program of edu-  
14 cation not exceeding two years in duration and not  
15 leading to an associate, bachelors, masters, or other  
16 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 assist-  
26 ance payable with respect to an eligible member making

1 an election under subsection (a) for a program of edu-  
2 cation shall be the lesser of—

3 “(A) the amount equal to 60 percent of the es-  
4 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.

8 “(2)(A) In this subsection, except as provided in sub-  
9 paragraph (B), the term ‘established charges’, in the case  
10 of a program of education, means the actual charges (as  
11 determined pursuant to regulations prescribed by the Sec-  
12 retary of Veterans Affairs) for tuition and fees which simi-  
13 larly circumstanced individuals who are not eligible for  
14 benefits under this chapter and who are enrolled in the  
15 program of education would be required to pay. Estab-  
16 lished charges shall be determined on the following basis:

17 “(i) In the case of an individual enrolled in a  
18 program of education offered on a term, quarter, or  
19 semester basis, the tuition and fees charged the indi-  
20 vidual for the term, quarter, or semester.

21 “(ii) In the case of an individual enrolled in a  
22 program of education not offered on a term, quarter,  
23 or semester basis, the tuition and fees charged the  
24 individual for the entire program of education.

1       “(B) In this subsection, the term ‘established  
2 charges’ does not include any fees or payments attrib-  
3 utable to the purchase of a vehicle.

4       “(3) The educational institution providing the pro-  
5 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 of  
18 the program of education; and

19               “(2) the amount of the established charges for  
20 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

1 chapter shall be charged the number of months (and any  
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  
6 of the beginning date of the enrollment period for the pro-  
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 mem-  
11 ber under section 16162 of this title increases during the  
12 enrollment period of a program of education for which an  
13 accelerated payment of educational assistance allowance is  
14 made under this section, the charge to the member’s enti-  
15 tlement to educational assistance under this chapter shall  
16 be determined by prorating the entitlement chargeable, in  
17 the manner provided for under paragraph (1), for the peri-  
18 ods covered by the initial rate and increased rate, respec-  
19 tively, in accordance with regulations prescribed by the  
20 Secretary of Veterans Affairs.

21       “(f) REGULATIONS.—The Secretary of Veterans Af-  
22 fairs shall prescribe regulations to carry out this section.  
23 The regulations shall include requirements, conditions,  
24 and methods for the request, issuance, delivery, certifi-  
25 cation of receipt and use, and recovery of overpayment of

1 an accelerated payment of educational assistance allow-  
2 ance under this section. The regulations may include such  
3 elements of the regulations prescribed under section  
4 3014A of title 38 as the Secretary of Veterans Affairs con-  
5 siders appropriate for purposes of this section.

6 “(g) LIMITATION.—The aggregate amount of edu-  
7 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 sec-  
11 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 CON-  
20 TINGENCY OPERATIONS AND OTHER OPERATIONS.—

21 (1) ASSISTANCE FOR THREE YEARS CUMU-  
22 LATIVE SERVICE.—Subsection (c)(4)(C) of section  
23 16162 of title 10, United States Code, is amended  
24 by striking “for two continuous years or more.” and  
25 inserting “for—

1                   “(i) two continuous years or more; or

2                   “(ii) an aggregate of three years or  
3                   more.”.

4                   (2) CONTRIBUTIONS FOR INCREASED AMOUNT  
5                   OF EDUCATIONAL ASSISTANCE.—Such section is fur-  
6                   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).

14                  “(B) An individual covered by subparagraph (A) may  
15                  make the contributions authorized by that subparagraph  
16                  at any time while a member of a reserve component, but  
17                  not more frequently than monthly.

18                  “(C) The total amount of the contributions made by  
19                  an individual under subparagraph (A) may not exceed  
20                  \$600. Such contributions shall be made in multiples of  
21                  \$20.

22                  “(D) Contributions under this subsection shall be  
23                  made to the Secretary concerned. Such Secretary shall de-  
24                  posit any amounts received as contributions under this  
25                  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

12               “(B) an appropriately reduced amount based on  
13 the amount so contributed as determined under reg-  
14 ulations that the Secretary of Veterans Affairs shall  
15 prescribe, for an approved program of education  
16 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.**

21       Section 16133(b)(1)(B) of title 10, United States  
22 Code, is amended by inserting “or the period beginning  
23 on October 1, 2007, and ending on September 30, 2014,”  
24 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



1 date on which the person separates from the Se-  
2 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  
13 amended by striking “of not more than 90 days” after  
14 “who incurs a break in service in the Selected Reserve”.

15 (c) EFFECTIVE DATE.—The amendments made by  
16 this section shall take effect as of October 28, 2004, as  
17 if included in the enactment of the Ronald W. Reagan Na-  
18 tional Defense Authorization Act for Fiscal Year 2005  
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

1 authorities provided by title 10, United States Code, to  
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.

8 (b) SPECIFIED INSTITUTIONS.—The academic insti-  
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 (4) The United States Naval Postgraduate  
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.

1 **SEC. 532. REPORT ON SUCCESS OF ARMY NATIONAL GUARD**  
2 **AND RESERVE SENIOR RESERVE OFFICERS'**  
3 **TRAINING CORPS FINANCIAL ASSISTANCE**  
4 **PROGRAM.**

5 (a) **REPORT REQUIRED.**—Not later than 150 days  
6 after the date of the enactment of this Act, the Secretary  
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  
10 of the Senior Reserve Officers' Training Corps under sec-  
11 tion 2107a of title 10, United States Code, in securing  
12 the appointment of second lieutenants in the Army Re-  
13 serve and Army National Guard. The report shall include  
14 detailed information on the appointment of cadets under  
15 the financial assistance program who are enrolled in an  
16 educational institution described in subsection (b) and ad-  
17 dress the efforts of the Secretary to increase awareness  
18 of the availability and advantages of appointment in the  
19 Senior Reserve Officers' Training Corps at these institu-  
20 tions and to increase the number of cadets at these institu-  
21 tions.

22 (b) **COVERED EDUCATIONAL INSTITUTIONS.**—The  
23 educational institutions referred to in subsection (a) are  
24 the following:

25 (1) An historically Black college or university  
26 that is a part B institution, as defined in section

1 322(2) of the Higher Education Act of 1965 (20  
2 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,  
11 2008, the Secretary of each military department shall sub-  
12 mit to the congressional defense committees a report on  
13 the utilization of tuition assistance by members of the  
14 Armed Forces, whether in the regular components of the  
15 Armed Forces or the reserve components of the Armed  
16 Forces, under the jurisdiction of such military department  
17 during fiscal year 2007.

18 (b) **ELEMENTS.**—The report with respect to a mili-  
19 tary department under subsection (a) shall include the fol-  
20 lowing:

21 (1) Information on the policies of such military  
22 department for fiscal year 2007 regarding utilization  
23 of, and limits on, tuition assistance by members of  
24 the Armed Forces under the jurisdiction of such  
25 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**  
12 **CORPS UNIT FOR SOUTHOLD, MATTITUCK,**  
13 **AND GREENPORT HIGH SCHOOLS.**

14 For purposes of meeting the requirements of section  
15 2031(b) of title 10, United States Code, the Secretary of  
16 the Navy may and, to the extent the schools request, shall  
17 treat any two or more of the following schools (all in  
18 Southold, Suffolk County, New York) as a single institu-  
19 tion:

20 (1) Southold High School.

21 (2) Mattituck High School.

22 (3) Greenport High School.

1 **SEC. 535. REPORT ON TRANSFER OF ADMINISTRATION OF**  
2 **CERTAIN EDUCATIONAL ASSISTANCE PRO-**  
3 **GRAMS FOR MEMBERS OF THE RESERVE**  
4 **COMPONENTS.**

5 (a) **REPORT REQUIRED.**—Not later than September  
6 1, 2008, the Secretary of Defense, in cooperation with the  
7 Secretary of Veterans Affairs, shall submit to the congres-  
8 sional defense committees and the Committees on Vet-  
9 erans Affairs of the Senate and House of Representatives  
10 a report on the feasibility and merits of transferring the  
11 administration of the educational assistance programs for  
12 members of the reserve components contained in chapters  
13 1606 and 1607 of title 10, United States Code, from the  
14 Department of Defense to the Department of Veterans Af-  
15 fairs.

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.

1           (2) The effect of a transfer of administrative  
2 jurisdiction on the delivery of educational assistance  
3 benefits to members of the reserve components.

4           (3) The effect of a transfer of administrative  
5 jurisdiction on Department of Defense efforts relat-  
6 ing to recruiting, retention, and compensation, in-  
7 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.

11          (5) The extent to which the educational assist-  
12 ance benefits available under chapter 1606 of title  
13 10, United States Code, affect retention rates, in-  
14 cluding statistics showing how many members re-  
15 main in the reserve components in order to continue  
16 to receive education benefits under such chapter.

17          (6) The extent to which the educational assist-  
18 ance benefits available under chapter 1607 of title  
19 10, United States Code, affect retention rates, in-  
20 cluding statistics showing how many members re-  
21 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

1 assistance benefits for members of the active and re-  
2 serve components.

3 (8) Any recommendations of the Secretary for  
4 legislation to enhance or improve the delivery of edu-  
5 cational assistance benefits for members of the re-  
6 serve components.

7 (9) The feasibility and likely effects of transfer-  
8 ring the administration of the educational assistance  
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.

19 (10) A discussion of the effects and impact of  
20 the amendments to chapter 1607 of title 10, United  
21 States Code, made by section 530 of this Act, relat-  
22 ing to the extension of the time limit for the use of  
23 educational assistance benefits under that chapter.

24 (c) **REVIEWS OF REPORT.**—Before submission of the  
25 report to Congress, the Secretary of Defense shall secure



1 the review of the report by the Defense Business Board,  
2 in cooperation with the Reserve Forces Policy Board. The  
3 Secretary of Veterans Affairs shall secure the review of  
4 the report by the Veterans Affairs Advisory Committee on  
5 Education. The results of such reviews shall be included  
6 as an appendix to the report.

7 (d) COMPTROLLER GENERAL REVIEW.—Not later  
8 than November 1, 2008, the Comptroller General shall  
9 submit to the congressional committees referred to in sub-  
10 section (a) an assessment of the report, including a review  
11 of the costs inherent in the transfer of administrative ju-  
12 risdiction and the recruiting and retention data and other  
13 assumptions used by the Secretary of Defense in pre-  
14 paring the report. As part of the assessment, the Comp-  
15 troller General shall solicit responses from the Secretary  
16 of Defense and the Secretary of Veterans Affairs.

1     **Subtitle D—Military Justice and**  
2             **Legal Assistance Matters**

3     **SEC. 541. AUTHORITY TO DESIGNATE CIVILIAN EMPLOYEES**  
4             **OF THE FEDERAL GOVERNMENT AND DE-**  
5             **PENDENTS OF DECEASED MEMBERS AS ELI-**  
6             **GIBLE FOR LEGAL ASSISTANCE FROM DE-**  
7             **PARTMENT OF DEFENSE LEGAL STAFF RE-**  
8             **SOURCES.**

9             Section 1044(a) of title 10, United States Code, is  
10  amended by adding at the end the following new para-  
11  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.

19             “(7) Civilian employees of the Federal Govern-  
20             ment serving in locations where legal assistance from  
21             non-military legal assistance providers is not reason-  
22             ably available, except that the eligibility of civilian  
23             employees shall be determined pursuant to regula-  
24             tions prescribed by the Secretary concerned.”.

1 **SEC. 542. AUTHORITY OF JUDGES OF THE UNITED STATES**  
2 **COURT OF APPEALS FOR THE 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  
6 by adding at the end the following new subsection:

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

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.”.

1 (d) INCREASE IN NUMBER OF OFFICERS SERVING IN  
2 GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—  
3 Section 525(b) of such title is amended in paragraphs (1)  
4 and (2)(A) by striking “15.7 percent” each place it ap-  
5 pears and inserting “16.3 percent”.

6 (e) LEGAL COUNSEL TO CHAIRMAN OF THE JOINT  
7 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 the  
14 Chairman of the Joint Chiefs of Staff.

15 “(b) SELECTION FOR APPOINTMENT.—Under regula-  
16 tions prescribed by the Secretary of Defense, the officer  
17 selected for appointment to serve as Legal Counsel to the  
18 Chairman of the Joint Chiefs of Staff shall be rec-  
19 ommended by a board of officers convened by the Sec-  
20 retary of Defense that, insofar as practicable, is subject  
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 or  
2 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  
6 Joint Chiefs of Staff as the Chairman may prescribe.”.

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”.

11 (f) STRATEGIC PLAN TO LINK GENERAL AND FLAG  
12 OFFICER NUMBERS, ASSIGNMENTS, AND DEVELOPMENT  
13 TO THE MISSIONS AND REQUIREMENTS OF THE DEPART-  
14 MENT 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

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

1 Enduring Freedom and Operation Iraqi Free-  
2 dom, including the usage of wartime or national  
3 emergency authorities.

4 (E) An assessment of any problems or  
5 issues (and proposed solutions for any such  
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.

22 (4) DEADLINE FOR SUBMISSION.—The Sec-  
23 retary shall submit the plan required under para-  
24 graph (1) to the Committees on Armed Services of



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

1 after the fiscal year in which such service on active  
2 duty is terminated.”.

3 (c) CONFORMING AMENDMENT RELATED TO MEM-  
4 BERS IN MISSING STATUS.—Subsection (g) of such sec-  
5 tion is amended by striking “60-day limitation in sub-  
6 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 new  
10 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.**

20 Section 705(b)(2) of title 10, United States Code, is  
21 amended by inserting “for members whose qualifying tour  
22 of duty is 12 months or less, or for not more than 20  
23 days for members whose qualifying tour of duty is longer  
24 than 12 months,” after “for not more than 15 days”.

1           **Subtitle F—Decorations and**  
2                           **Awards**

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 lim-  
8   itations specified in section 3744 of title 10, United States  
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  
12   to award the Medal of Honor under section 3741 of such  
13   title to Leslie H. Sabo, Jr., for the acts of valor during  
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.  
17   Sabo, Jr., on May 10, 1970, as a member of the United  
18   States Army serving in the grade of Specialist Four in  
19   the Republic of Vietnam with Company B of the 3d Bat-  
20   talion, 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

1 Code, or any other time limitation with respect to the  
2 awarding of certain medals to persons who served in the  
3 Armed Forces, the President is authorized and requested  
4 to award the Medal of Honor under section 3741 of such  
5 title to Henry Svehla for the acts of valor described in  
6 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 (a) WAIVER OF TIME LIMITATIONS.—Notwith-  
18 standing the time limitations specified in section 3744 of  
19 title 10, United States Code, or any other time limitation  
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).

1 (b) ACTS OF VALOR DESCRIBED.—The acts of valor  
2 referred to in subsection (a) are the actions of Woodrow  
3 W. Keeble of the United States Army as an acting platoon  
4 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  
11 Code, or any other time limitation with respect to the  
12 awarding of certain medals to persons who served in the  
13 Armed Forces, the President is authorized and requested  
14 to award the Medal of Honor under section 3741 of such  
15 title posthumously to Private Philip G. Shadrach of Com-  
16 pany K, 2nd Ohio Volunteer Infantry Regiment for the  
17 acts of valor described in subsection (b).

18 (b) ACTS OF VALOR DESCRIBED.—The acts of valor  
19 referred to in subsection (a) are the actions of Philip G.  
20 Shadrach as one of Andrews' Raiders during the Civil War  
21 on April 12, 1862.

1 **SEC. 565. AUTHORIZATION AND REQUEST FOR AWARD OF**  
2 **MEDAL OF HONOR TO PRIVATE GEORGE D.**  
3 **WILSON FOR ACTS OF VALOR AS ONE OF AN-**  
4 **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 Pri-  
8 vate George D. Wilson of Company B, 2nd Ohio Volunteer  
9 Infantry Regiment for the acts of valor described in sub-  
10 section (b).

11 (b) ACTS OF VALOR DESCRIBED.—The acts of valor  
12 referred to in subsection (a) are the actions of George D.  
13 Wilson as one of Andrews' Raiders during the Civil War  
14 on April 12, 1862.

15 **Subtitle G—Impact Aid and De-**  
16 **fense Dependents Education**  
17 **System**

18 **SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**  
19 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**  
20 **PENDENTS OF MEMBERS OF THE ARMED**  
21 **FORCES AND DEPARTMENT OF DEFENSE CI-**  
22 **VILIAN 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

1 activities, \$30,000,000 shall be available only for the pur-  
2 pose of providing assistance to local educational agencies  
3 under subsection (a) of section 572 of the National De-  
4 fense Authorization Act for Fiscal Year 2006 (Public Law  
5 109–163; 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  
10 operation and maintenance for Defense-wide activities,  
11 \$10,000,000 shall be available only for the purpose of pro-  
12 viding assistance to local educational agencies under sub-  
13 section (b) of such section 572.

14 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In  
15 this section, the term “local educational agency” has the  
16 meaning given that term in section 8013(9) of the Ele-  
17 mentary and Secondary Education Act of 1965 (20 U.S.C.  
18 7713(9)).

19 **SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**  
20 **ABILITIES.**

21 Of the amount authorized to be appropriated pursu-  
22 ant to section 301(5) for operation and maintenance for  
23 Defense-wide activities, \$5,000,000 shall be available for  
24 payments under section 363 of the Floyd D. Spence Na-  
25 tional Defense Authorization Act for Fiscal Year 2001 (as



1 enacted into law by Public Law 106–398; 114 Stat.  
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 De-  
10 fense Authorization Act for Fiscal Year 2007 (Public Law  
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  
16 at the end and inserting “; and”; and

17 (3) by adding at the end the following new sub-  
18 paragraph:

19 “(C) elementary and secondary school stu-  
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.”.

1 **SEC. 574. PAYMENT OF PRIVATE BOARDING SCHOOL TUI-**  
2 **TION FOR MILITARY DEPENDENTS IN OVER-**  
3 **SEAS AREAS NOT SERVED BY DEFENSE DE-**  
4 **PENDENTS' EDUCATION SYSTEM SCHOOLS.**

5 Section 1407(b)(1) of the Defense Dependents' Edu-  
6 cation Act of 1978 (20 U.S.C. 926(b)(1)) is amended by  
7 inserting after the first sentence the following new sen-  
8 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**

12 **SEC. 581. DEPARTMENT OF DEFENSE MILITARY FAMILY**  
13 **READINESS COUNCIL AND POLICY AND**  
14 **PLANS FOR MILITARY FAMILY READINESS.**

15 (a) IN GENERAL.—Subchapter I of chapter 88 of title  
16 10, United States Code, is amended by inserting after sec-  
17 tion 1781 the following new sections:

18 **“§ 1781a. Department of Defense Military Family**  
19 **Readiness Council**

20 “(a) IN GENERAL.—There is in the Department of  
21 Defense the Department of Defense Military Family  
22 Readiness Council (in this section referred to as the  
23 ‘Council’).

24 “(b) MEMBERS.—(1) The Council shall consist of the  
25 following members:

1           “(A) The Under Secretary of Defense for Per-  
2           sonnel and Readiness, who shall serve as chair of the  
3           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.

7           “(C) Three individuals appointed by the Sec-  
8           retary of Defense from among representatives of  
9           military family organizations, including military  
10          family organizations of families of members of the  
11          regular components and of families of members of  
12          the reserve components.

13          “(D) In addition to the representatives ap-  
14          pointed under subparagraph (B), the senior enlisted  
15          advisors of the Army, Navy, Marine Corps, and Air  
16          Force, or the spouse of a senior enlisted member  
17          from each of the Army, Navy, Marine Corps, and  
18          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 less  
22          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                 ponents and military families of members of the re-  
21                 serve components.

22                 “(3) Policies on access to military family sup-  
23                 port programs and activities based on military fam-  
24                 ily populations served and geographical location.

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 re-  
14 port on the plans required under subsection (a) for the  
15 five-fiscal year period beginning with the fiscal year in  
16 which the report is submitted. Each report shall include  
17 the plans covered by the report and an assessment of the  
18 discharge by the Department of Defense of the previous  
19 plans submitted under this section.”.

20          (b) REPORT ON MILITARY FAMILY READINESS POL-  
21 ICY.—Not later than February 1, 2009, the Secretary of  
22 Defense shall submit to the congressional defense commit-  
23 tees a report setting forth the policy developed under sec-  
24 tion 1781b of title 10, United States Code, as added by  
25 subsection (a).

1 (c) SURVEYS OF MILITARY FAMILIES.—Section 1782  
2 of title 10, United States Code, is amended by adding at  
3 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.”.

10 (d) CLERICAL AMENDMENT.—The table of sections  
11 at the beginning of subchapter I of chapter 88 of such  
12 title is amended by inserting after the item relating to sec-  
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.”.

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 opportuni-  
20 ties throughout the entire deployment cycle. This program  
21 shall be known as the Yellow Ribbon Reintegration Pro-  
22 gram.

23 (b) PURPOSE OF PROGRAM; DEPLOYMENT CYCLE.—  
24 The Yellow Ribbon Reintegration Program shall consist



1 of informational events and activities for members of the  
2 reserve components of the Armed Forces, their families,  
3 and community members to facilitate access to services  
4 supporting their health and well-being through the 4  
5 phases of the deployment cycle:

6 (1) Pre-Deployment.

7 (2) Deployment.

8 (3) Demobilization.

9 (4) Post-Deployment-Reconstitution.

10 (c) EXECUTIVE AGENT.—The Secretary shall des-  
11 ignate the Under Secretary of Defense for Personnel and  
12 Readiness as the Department of Defense executive agent  
13 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.—

21 (1) APPOINTMENT.—The Secretary of Defense  
22 shall appoint an advisory board to analyze the Yel-  
23 low Ribbon Reintegration Program and report on  
24 areas of success and areas for necessary improve-  
25 ments. 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  
24 the Yellow Ribbon Reintegration Program by

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.

22 (3) DEPLOYMENT PHASE.—The Deployment  
23 Phase shall constitute the period from deployment of  
24 the mobilized National Guard or Reserve unit until  
25 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  
3           with their families and communities and pro-  
4           viding resources and information necessary for  
5           successful reintegration. Reintegration events  
6           shall begin with elements of the Initial Re-  
7           integration Activity program that were not com-  
8           pleted during the Demobilization Phase.

9           (B) 30-DAY, 60-DAY, AND 90-DAY RE-  
10          INTEGRATION ACTIVITIES.—The State National  
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 receive  
25          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 **ONENTS 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

1 for families of deployed members of the regular and re-  
2 serve components of the Armed Forces before, during, and  
3 after deployment. The study shall also take into account  
4 the potential to utilize non-governmental and local private  
5 sector entities and other Federal agencies having expertise  
6 in health and well-being of families, including family mem-  
7 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.

18 (2) An assessment of means to improve support  
19 to the parents and caretakers of military dependent  
20 children in order to mitigate any adverse effects of  
21 the deployment of members on such children, includ-  
22 ing consideration of the following:

23 (A) The need to develop materials for par-  
24 ents and other caretakers of children to assist  
25 in responding to the effects of such deployment

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;

1 (D) in improving family readiness and  
2 post-deployment transition for such families;  
3 and

4 (E) in utilizing spouses of members of the  
5 Armed Forces as counselors for families of de-  
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  
9 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 commu-  
15 nities—

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-

1 dom, including financial impacts and emotional im-  
2 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 de-  
6 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.

13 (c) REPORT ON RESULTS OF STUDY.—Not later than  
14 180 days after the date of enactment of this Act, the Sec-  
15 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.**

22 (a) PROTECTION OF SERVICEMEMBERS AGAINST DE-  
23 FAULT JUDGMENTS.—Section 201(a) of the  
24 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  
6 inserting “, including any child custody proceeding,” after  
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  
12 and Medical Leave Act of 1993 (29 U.S.C. 2611) is  
13 amended by adding at the end the following new  
14 paragraphs:

15 “(14) ACTIVE DUTY.—The term ‘active duty’  
16 means duty under a call or order to active duty  
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  
21 such term in section 101(a)(13) of title 10, United  
22 States Code.

23 “(16) COVERED SERVICEMEMBER.—The term  
24 ‘covered servicemember’ means a member of the  
25 Armed Forces, including a member of the National

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)”.

1 (B) SUBSTITUTION OF PAID LEAVE.—Sec-  
2 tion 102(d) of such Act (29 U.S.C. 2612(d)) is  
3 amended—

4 (i) in paragraph (1)—

5 (I) by inserting “(or 26 work-  
6 weeks in the case of leave provided  
7 under subsection (a)(3))” after “12  
8 workweeks” the first place it appears;  
9 and

10 (II) by inserting “(or 26 work-  
11 weeks, as appropriate)” after “12  
12 workweeks” the second place it ap-  
13 pears;

14 (ii) in paragraph (2)(A), by striking  
15 “or (C)” and inserting “(C), or (E)”; and

16 (iii) in paragraph (2)(B), by adding at  
17 the end the following: “An eligible em-  
18 ployee may elect, or an employer may re-  
19 quire the employee, to substitute any of  
20 the accrued paid vacation leave, personal  
21 leave, family leave, or medical or sick leave  
22 of the employee for leave provided under  
23 subsection (a)(3) for any part of the 26-  
24 week period of such leave under such sub-  
25 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)”;

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)”;

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—

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

1 a member of the Armed Forces when the member may  
2 be deployed in an area for which imminent danger pay  
3 is authorized under section 310 of title 37, United States  
4 Code. Such procedures should allow the member to request  
5 a deferment of deployment due to unforeseen cir-  
6 cumstances, and the request for such a deferment should  
7 be considered and responded to promptly.

8 **SEC. 587. EDUCATION AND TREATMENT SERVICES FOR**  
9 **MILITARY DEPENDENT CHILDREN WITH AU-**  
10 **TISM.**

11 (a) ASSESSMENT OF AVAILABILITY OF SERVICES.—  
12 The Secretary of Defense shall conduct a comprehensive  
13 assessment of the availability of Federal, State, and local  
14 education and treatment services on and in the vicinity  
15 of a covered military installation for children of members  
16 of the Armed Forces who are diagnosed with autism. This  
17 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 medical  
21 services for children with autism.

22 (3) The local availability of supplemental serv-  
23 ices for children with autism.

1           (4) The ease of access of children with autism  
2           to adequate educational services, such as the length  
3           of time on waiting lists.

4           (b) REVIEW OF BEST PRACTICES.—In preparing the  
5           assessment under subsection (a), the Secretary of Defense  
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  
11          emphasis on locations where eligible members and eligible  
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).

22                (2) STABILIZATION POLICY.—The Secretary of  
23                the military department concerned shall ensure that,  
24                whenever practicable, the families of eligible mem-  
25                bers residing at a military installation that is identi-

1       fied in such report are permitted to remain at that  
2       installation for a period of not less than 4 years.

3       (d) CASE MANAGERS AND SERVICES.—

4             (1) CASE MANAGERS.—The Secretary of the  
5       military department concerned shall ensure that eli-  
6       gible members are assigned case managers for both  
7       medical services and covered educational services for  
8       eligible dependents, which shall be required under  
9       the Exceptional Family Member Program pursuant  
10      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 Sec-  
19      retary of the military department concerned may es-  
20      tablish local centers on military installations for the  
21      purpose of providing and coordinating autism serv-  
22      ices for eligible dependents.

23            (4) PARTNERSHIPS AND CONTRACTS.—The Sec-  
24      retary of the military department concerned is en-  
25      couraged to enter into partnerships or contracts with

1 other appropriate public and private entities to carry  
2 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.

15 (2) CASE MANAGERS AND SERVICES PLAN.—  
16 Each demonstration project shall include the assign-  
17 ment of case managers under paragraph (1) of sub-  
18 section (d) and utilize the services plans prepared  
19 for eligible dependents under paragraph (2) of such  
20 subsection.

21 (3) SUPERVISORY LEVEL PROVIDERS.—The  
22 Secretary of Defense may utilize for purposes of the  
23 demonstration projects personnel who are profes-  
24 sionals with a level (as determined by the Secretary)  
25 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

1 the Individuals with Disabilities Education Act (20  
2 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  
20 assigned 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

1 any legislative actions that the Secretary recommends to  
2 implement the plan and describe what funding or funding  
3 mechanisms may be needed to ensure eligible dependents  
4 obtain covered educational services. The Secretary shall  
5 submit the plan to the congressional defense committees  
6 not later than July 1, 2009.

7 (i) DEFINITIONS.—In this section:

8 (1) The term “autism” refers to the Autism  
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.

21 (3) The term “covered military installation”  
22 means a military installation at which at least 1,000  
23 members of the Armed Forces are assigned who are  
24 eligible for an assignment accompanied by depend-  
25 ents.

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.

1 **SEC. 588. COMMENDATION OF EFFORTS OF PROJECT COM-**  
2 **PASSION IN PAYING TRIBUTE TO MEMBERS**  
3 **OF THE ARMED FORCES WHO HAVE FALLEN**  
4 **IN THE SERVICE OF THE UNITED STATES.**

5 (a) COMMENDATION.—Congress, on the behalf of the  
6 people of the United States, commends Kaziah M. Han-  
7 cock and the 4 other volunteer professional portrait artists  
8 of the nonprofit organization known as Project Compass-  
9 sion, as well as the entire Project Compassion organiza-  
10 tion, for their ongoing efforts to provide, without charge,  
11 to the family of each member of the Armed Forces who  
12 has died on active duty since September 11, 2001, a mu-  
13 seum-quality original oil portrait of the member.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-  
15 gress that the people of the United States owe the deepest  
16 gratitude to Kaziah M. Hancock and the members of  
17 Project Compassion.

18 **Subtitle I—Other Matters**

19 **SEC. 590. UNIFORM PERFORMANCE POLICIES FOR MILI-**  
20 **TARY BANDS AND OTHER MUSICAL UNITS.**

21 (a) IN GENERAL.—

22 (1) CONSOLIDATION OF SEPARATE AUTHORI-  
23 TIES.—Chapter 49 of title 10, United States Code,  
24 is amended by inserting after section 973 the fol-  
25 lowing new section:

1 **“§ 974. Uniform performance policies for military**  
2 **bands and other musical units**

3 “(a) RESTRICTIONS ON COMPETITION AND REMU-  
4 NERATION.—Bands, ensembles, choruses, or similar musi-  
5 cal units of the armed forces, including individual mem-  
6 bers of such a unit performing in an official capacity, may  
7 not—

8 “(1) engage in the performance of music in  
9 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 the  
19 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

1 purposes of this section, bands, ensembles, choruses, or  
2 similar musical units of the armed forces may produce re-  
3 cordings for distribution to the public, at a cost not to  
4 exceed production and distribution expenses.

5       “(2) Amounts received in payment for recordings dis-  
6 tributed to the public under this subsection shall be cred-  
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  
11 for the same purposes, and subject to the same conditions  
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 so-  
22 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 item relating to section 6223.

1           (C) The table of sections at the beginning of  
2           chapter 849 of such title is amended by striking the  
3           item relating to section 8634.

4 **SEC. 591. TRANSPORTATION OF REMAINS OF DECEASED**  
5                           **MEMBERS OF THE ARMED FORCES AND CER-**  
6                           **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 sen-  
9           tence: “When transportation of the remains includes  
10          transportation by aircraft under section 562 of the John  
11          Warner National Defense Authorization Act for Fiscal  
12          Year 2007 (Public Law 109–364; 10 U.S.C. 1482 note),  
13          the Secretary concerned shall provide, to the maximum ex-  
14          tent practicable, for delivery of the remains by air to the  
15          commercial, general aviation, or military airport nearest  
16          to the place selected by the designee.”.

17 **SEC. 592. EXPANSION OF NUMBER OF ACADEMIES SUP-**  
18                           **PORTABLE IN ANY STATE UNDER STARBASE**  
19                           **PROGRAM.**

20          Section 2193b(e)(3) of title 10, United States Code,  
21          is amended—

22               (1) in subparagraph (A), by striking “more  
23               than two academies” and inserting “more than four  
24               academies”; and

1           (2) in subparagraph (B), by striking “in excess  
2           of two” both places it appears and inserting “in ex-  
3           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.**

21           Section 9 of title 4, United States Code, is amended  
22 by striking “all persons present” and all that follows  
23 through the end of the section and inserting the following:  
24 “all persons present in uniform should render the military  
25 salute. Members of the Armed Forces and veterans who

1 are present but not in uniform may render the military  
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  
6 the heart. Citizens of other countries present should stand  
7 at attention. All such conduct toward the flag in a moving  
8 column should be rendered at the moment the flag  
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  
14 amended—

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

1           (3) in paragraph (5), as so redesignated, by  
2           striking “(2), or (3)” and inserting “(2), (3), or  
3           (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 of  
15                   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 dis-  
19                   charge or release.

20 **SEC. 597. REPORTS ON ADMINISTRATIVE SEPARATIONS OF**  
21                           **MEMBERS OF THE ARMED FORCES FOR PER-**  
22                           **SONALITY DISORDER.**

23           (a) SECRETARY OF DEFENSE REPORT ON ADMINIS-  
24          TRATIVE SEPARATIONS BASED ON PERSONALITY DIS-  
25          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.

1           (C) A summary of the policies, by Armed  
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 PERSON-  
25 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  
4 Secretary of Defense may conduct a program to com-  
5 memorate the 50th anniversary of the Vietnam War. In  
6 conducting the commemorative program, the Secretary  
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 com-  
10 memoration of the Vietnam War.

11 (b) **SCHEDULE.**—The Secretary of Defense shall de-  
12 termine the schedule of major events and priority of ef-  
13 forts for the commemorative program in order to ensure  
14 achievement of the objectives specified in subsection (c).

15 (c) **COMMEMORATIVE ACTIVITIES AND OBJEC-**  
16 **TIVES.**—The commemorative program may include activi-  
17 ties and ceremonies to achieve the following objectives:

18 (1) To thank and honor veterans of the Viet-  
19 nam War, including personnel who were held as pris-  
20 oners of war or listed as missing in action, for their  
21 service and sacrifice on behalf of the United States  
22 and to thank and honor the families of these vet-  
23 erans.

24 (2) To highlight the service of the Armed  
25 Forces during the Vietnam War and the contribu-  
26 tions of Federal agencies and governmental and non-

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

1 the appearance of integrity of any program of the  
2 Department of Defense or of any individual involved  
3 in the program.

4 (2) REIMBURSEMENT OF INCIDENTAL EX-  
5 PENSES.—The Secretary may provide for reimburse-  
6 ment of incidental expenses incurred by a person  
7 providing voluntary services under this subsection.  
8 The Secretary shall determine which expenses are el-  
9 igible for reimbursement under this paragraph.

10 (g) FINAL REPORT.—

11 (1) REPORT REQUIRED.—Not later than 60  
12 days after the end of the commemorative program,  
13 if established by the Secretary of Defense under sub-  
14 section (a), the Secretary shall submit to Congress  
15 a report containing an accounting of—

16 (A) all of the funds deposited into and ex-  
17 pended from the Fund;

18 (B) any other funds expended under this  
19 section; and

20 (C) any unobligated funds remaining in  
21 the Fund.

22 (2) TREATMENT OF UNOBLIGATED FUNDS.—  
23 Unobligated amounts remaining in the Fund as of  
24 the end of the commemorative period specified in

1 subsection (b) shall be held in the Fund until trans-  
2 ferred by law.

3 (h) LIMITATION ON EXPENDITURES.—Total expendi-  
4 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 ARTS, AND ARCHIVES PROGRAM**  
15 **OF THE CIVIL AFFAIRS AND MILITARY GOV-**  
16 **ERNMENT SECTIONS OF THE ARMED FORCES**  
17 **DURING AND FOLLOWING WORLD WAR II.**

18 Congress hereby—

19 (1) recognizes the men and women who served  
20 in the Monuments, Fine Arts, and Archives program  
21 (MFAA) under the Civil Affairs and Military Gov-  
22 ernment Sections of the United States Armed  
23 Forces for their heroic role in the preservation, pro-  
24 tection, and restitution of monuments, works of art,  
25 and other artifacts of inestimable cultural impor-

1 tance in Europe 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 his-  
5 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

14 (4) commends and extols the members of the  
15 MFAA for establishing a precedent for action to pro-  
16 tect cultural property in the event of armed conflict,  
17 and by their action setting a standard not just for  
18 one country, but for people of all nations to acknowl-  
19 edge 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 off-cycle 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 non-regular 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.

## 1       **Subtitle A—Pay and Allowances**

### 2       **SEC. 601. FISCAL YEAR 2008 INCREASE IN MILITARY BASIC** 3                               **PAY.**

4           (a) RESCISSION OF PRIOR BASIC PAY ADJUST-  
5       MENT.—The adjustment made as of January 1, 2008,  
6       pursuant to section 4 of Executive Order No. 13454  
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.

13          (b) INCREASE IN BASIC PAY.—Effective as of Janu-  
14      ary 1, 2008, the rates of monthly basic pay for members  
15      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) AVAILABILITY OF ALLOWANCE.—Section  
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.**

11 (a) MAXIMUM PERIOD OF RECEIPT OF EXPENSES.—  
12 Section 404a(c)(3) of title 37, United States Code, is  
13 amended by striking “20 days” and inserting “60 days”.

14 (b) EXTENSION OF AUTHORITY FOR INCREASE IN  
15 CERTAIN BAH.—Section 403(b)(7)(E) of such title is  
16 amended by striking “December 31, 2008” and inserting  
17 “December 31, 2009”.

18 **SEC. 604. INCOME REPLACEMENT PAYMENTS FOR RE-**  
19 **SERVE COMPONENT MEMBERS EXPERI-**  
20 **ENCING EXTENDED AND FREQUENT MOBILI-**  
21 **ZATION FOR ACTIVE DUTY SERVICE.**

22 (a) CLARIFICATION REGARDING WHEN PAYMENTS  
23 REQUIRED.—Subsection (a) of section 910 of title 37,  
24 United States Code, is amended by inserting before the  
25 period at the end of the first sentence the following: “,

1 when the total monthly military compensation of the mem-  
2 ber is less than the average monthly civilian income of the  
3 member”.

4 (b) ELIGIBILITY.—Subsection (b) of such section is  
5 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  
11 the member is on active duty under an involuntary mobili-  
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

19 (C) is involuntarily mobilized for service on ac-  
20 tive duty for a period of 180 days or more within  
21 180 days after the date of the member’s separation  
22 from a previous period of active duty for a period of  
23 180 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-

1 mence or, if previously commenced under paragraph (1),  
2 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) of  
14 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.”.

20 **SEC. 605. MIDMONTH PAYMENT OF BASIC PAY FOR CON-**  
21 **TRIBUTIONS OF MEMBERS OF THE UNI-**  
22 **FORMED SERVICES PARTICIPATING IN**  
23 **THRIFT SAVINGS PLAN.**

24 (a) SEMI-MONTHLY DEPOSIT OF MEMBER’S CON-  
25 TRIBUTIONS.—Section 1014 of title 37, United States

1 Code, is amended by adding at the end the following new  
2 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  
6 not preclude the payment of an amount equal to one-half  
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.”.

11       (b) SEMI-MONTHLY REPAYMENT OF BORROWED  
12 AMOUNTS.—Section 211 of such title is amended by add-  
13 ing at the end the following new subsection:

14       “(e) REPAYMENT OF AMOUNTS BORROWED FROM  
15 MEMBER ACCOUNT.—If a loan is issued to a member  
16 under section 8433(g) of title 5 from funds in the mem-  
17 ber’s account in the Thrift Savings Plan, repayment of  
18 the loan may be required on the same semi-monthly basis  
19 as authorized for contributions to the Thrift Savings Fund  
20 on behalf of the member under section 1014(c) of this  
21 title.”.

1     **Subtitle B—Bonuses and Special**  
2                   **and Incentive Pays**

3     **SEC. 610. CORRECTION OF LAPSED AUTHORITIES FOR PAY-**  
4                   **MENT OF BONUSES, SPECIAL PAYS, AND SIMI-**  
5                   **LAR BENEFITS FOR MEMBERS OF THE UNI-**  
6                   **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  
16 a bonus, special pay, or similar benefit, the Secretary con-  
17 cerned may treat any agreement entered into under such  
18 a provision during the period beginning on January 1,  
19 2008, and ending on the date of the enactment of this  
20 Act as having taken effect as of the date on which the  
21 agreement was signed by the individual.

22          (c) **TEMPORARY ADDITIONAL AGREEMENT AUTHOR-**  
23 **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, spe-  
24      cial pay, or similar benefit under a provision of title 10  
25      or 37, United States Code, amended by section 611, 612,

1 613, or 614 to an individual who would have been entitled  
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 au-  
6 thority for the bonus, special pay, or similar benefit lapsed  
7 on December 31, 2007, shall be treated as covered by such  
8 section 112.

9 (e) **RETROACTIVE IMPLEMENTATION OF ARMY RE-**  
10 **FERRAL BONUS.**—The Secretary of the Army may pay a  
11 bonus under section 3252 of title 10, United States Code,  
12 as added by section 671(a)(1), to an individual referred  
13 to in subsection (a)(2) of such section 3252 who made  
14 a referral, as described in subsection (b) of such section  
15 3252, to an Army recruiter during the period beginning  
16 on January 1, 2008, and ending on the date of the enact-  
17 ment of this Act.

18 (f) **SECRETARY CONCERNED DEFINED.**—In this sec-  
19 tion, the term “Secretary concerned” has the meaning  
20 given that term in section 101(5) of title 37, United States  
21 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 ENLIST-  
4 MENT BONUS.—Section 308c(i) of such title is amended  
5 by striking “December 31, 2007” and inserting “Decem-  
6 ber 31, 2008”.

7 (c) SPECIAL PAY FOR ENLISTED MEMBERS AS-  
8 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section  
9 308d(e) of such title is amended by striking “December  
10 31, 2007” and inserting “December 31, 2008”.

11 (d) READY RESERVE ENLISTMENT BONUS FOR PER-  
12 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”.

15 (e) READY RESERVE ENLISTMENT AND REENLIST-  
16 MENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Sec-  
17 tion 308h(e) of such title is amended by striking “Decem-  
18 ber 31, 2007” and inserting “December 31, 2008”.

19 (f) SELECTED RESERVE ENLISTMENT BONUS FOR  
20 PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such  
21 title is amended by striking “December 31, 2007” and in-  
22 serting “December 31, 2008”.

1 **SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL**  
2 **PAY AUTHORITIES FOR HEALTH CARE PRO-**  
3 **FESSIONALS.**

4 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-  
5 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”.

13 (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 ANES-  
18 THETISTS.—Section 302e(a)(1) of such title is amended  
19 by striking “December 31, 2007” and inserting “Decem-  
20 ber 31, 2008”.

21 (e) SPECIAL PAY FOR SELECTED RESERVE HEALTH  
22 PROFESSIONALS IN CRITICALLY SHORT WARTIME SPE-  
23 CIALTIES.—Section 302g(e) of such title is amended by  
24 striking “December 31, 2007” and inserting “December  
25 31, 2008”.

1 (f) ACCESSION BONUS FOR DENTAL OFFICERS.—  
2 Section 302h(a)(1) of such title is amended by striking  
3 “December 31, 2007” and inserting “December 31,  
4 2008”.

5 (g) ACCESSION BONUS FOR PHARMACY OFFICERS.—  
6 Section 302j(a) of such title is amended by striking “De-  
7 cember 31, 2007” and inserting “December 31, 2008”.

8 (h) ACCESSION BONUS FOR MEDICAL OFFICERS IN  
9 CRITICALLY SHORT WARTIME SPECIALTIES.—Section  
10 302k(f) of such title is amended by striking “December  
11 31, 2007” and inserting “December 31, 2008”.

12 (i) ACCESSION BONUS FOR DENTAL SPECIALIST OF-  
13 FICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—  
14 Section 302l(g) of such title is amended by striking “De-  
15 cember 31, 2007” and inserting “December 31, 2008”.

16 **SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AU-**  
17 **THORITIES FOR NUCLEAR OFFICERS.**

18 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
19 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
20 312(f) of title 37, United States Code, is amended by  
21 striking “December 31, 2007” and inserting “December  
22 31, 2008”.

23 (b) NUCLEAR CAREER ACCESSION BONUS.—Section  
24 312b(e) of such title is amended by striking “December  
25 31, 2007” and inserting “December 31, 2008”.

1 (c) NUCLEAR CAREER ANNUAL INCENTIVE  
2 BONUS.—Section 312c(d) of such title is amended by  
3 striking “December 31, 2007” and inserting “December  
4 31, 2008”.

5 **SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAY-**  
6 **MENT OF OTHER BONUSES AND SPECIAL**  
7 **PAYS.**

8 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
9 tion 301b(a) of title 37, United States Code, is amended  
10 by striking “December 31, 2007” and inserting “Decem-  
11 ber 31, 2008”.

12 (b) REENLISTMENT BONUS FOR ACTIVE MEM-  
13 BERS.—Section 308(g) of such title is amended by strik-  
14 ing “December 31, 2007” and inserting “December 31,  
15 2008”.

16 (c) ENLISTMENT BONUS.—Section 309(e) of such  
17 title is amended by striking “December 31, 2007” and in-  
18 serting “December 31, 2008”.

19 (d) RETENTION BONUS FOR MEMBERS WITH CRIT-  
20 ICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY  
21 UNITS.—Section 323(i) of such title is amended by strik-  
22 ing “December 31, 2007” and inserting “December 31,  
23 2008”.

24 (e) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-  
25 ICAL SKILLS.—Section 324(g) of such title is amended by

1 striking “December 31, 2007” and inserting “December  
2 31, 2008”.

3 (f) INCENTIVE BONUS FOR CONVERSION TO MILI-  
4 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”.

12 (h) PROHIBITION ON CHARGES FOR MEALS RE-  
13 CEIVED AT MILITARY TREATMENT FACILITIES BY MEM-  
14 BERS RECEIVING CONTINUOUS CARE.—Section 402(h)(3)  
15 of such title is amended by striking “December 31, 2007”  
16 and inserting “December 31, 2008”.

17 **SEC. 615. INCREASE IN INCENTIVE SPECIAL PAY AND**  
18 **MULTIYEAR RETENTION BONUS FOR MED-**  
19 **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”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to agreements entered  
3 into under section 301d(a) or 302b(c) of title 37, United  
4 States Code, on or after the date of the enactment of this  
5 Act.

6 **SEC. 616. INCREASE IN DENTAL OFFICER ADDITIONAL SPE-**  
7 **CIAL PAY.**

8 (a) INCREASE.—Section 302b(a)(4) of title 37,  
9 United States Code, is amended—

10 (1) in the matter preceding subparagraph (A),  
11 by striking “at the following rates” and inserting  
12 “at a rate determined by the Secretary concerned,  
13 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”.

18 (b) EFFECTIVE DATE.—The amendments made by  
19 this section shall apply with respect to agreements entered  
20 into under section 302b(b) of title 37, United States Code,  
21 on or after the date of the enactment of this Act.



1 **SEC. 617. INCREASE IN MAXIMUM MONTHLY RATE OF**  
2 **HARDSHIP DUTY PAY AND AUTHORITY TO**  
3 **PROVIDE HARDSHIP DUTY PAY IN A LUMP**  
4 **SUM.**

5 Section 305 of title 37, United States Code, is  
6 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 ex-  
21 ceed the product of—

22 “(A) the maximum monthly rate in effect under  
23 paragraph (1) at the time the member qualifies for  
24 payment of special pay under this section; and

1           “(B) the number of months during which the  
2           member will be performing the designated hardship  
3           duty.

4           “(d) RELATIONSHIP TO OTHER PAY AND ALLOW-  
5           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.

14          “(f) REGULATIONS.—The Secretary of Defense shall  
15          prescribe regulations for the payment of hardship duty  
16          pay under this section, including the specific monthly rates  
17          at which the special pay will be available.”.

18       **SEC. 618. DEFINITION OF SEA DUTY FOR CAREER SEA PAY**  
19                               **TO INCLUDE SERVICE AS OFF-CYCLE CREW-**  
20                               **MEMBERS 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

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

3                   “(iv) while serving as an off-cycle crew-  
4                   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 ENLIST-**  
8       **MENT EXTENSION.**—Subsection (a)(2) of 308b of title 37,  
9       United States Code, is amended by striking “his enlist-  
10       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”.

13          (b) **MAXIMUM BONUS AMOUNT.**—Subsection (b)(1)  
14       of such section is amended by striking “may not exceed”  
15       and all that follows through the end of the paragraph and  
16       inserting “may not exceed \$15,000.”.

17          (c) **CONFORMING AMENDMENTS REGARDING ELIGI-**  
18       **BILITY REQUIREMENTS.**—Subsection (c) of such section  
19       is amended—

20               (1) by striking the subsection heading and all  
21       that follows through “(2) In the case” and inserting  
22       “**WAIVER OF CONDITION ON ELIGIBILITY.**—In the  
23       case”; and

24               (2) by striking “paragraph (1)(B) or”.

1 (d) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to reenlistments or  
3 extensions of enlistment that occur on or after the date  
4 of the enactment of this Act.

5 **SEC. 620. AVAILABILITY OF SELECTED RESERVE ACCES-**  
6 **SION BONUS FOR PERSONS WHO PRE-**  
7 **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”.

16 **SEC. 621. AVAILABILITY OF NUCLEAR OFFICER CONTINU-**  
17 **ATION PAY FOR OFFICERS WITH MORE THAN**  
18 **26 YEARS OF COMMISSIONED SERVICE.**

19 (a) INCREASE.—Section 312 of title 37, United  
20 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,  
6 United States Code, that was entered into before the date  
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.**

14 Section 323(e) of title 37, United States Code, is  
15 amended by adding at the end the following new para-  
16 graph:

17 “(4) The Secretary of Defense, or the Secretary of  
18 Homeland Security with respect to the Coast Guard when  
19 it is not operating as a service in the Navy, may waive  
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

1 the Under Secretary of Defense for Personnel and Readiness or the Deputy Secretary of the Department of Homeland 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**

12 (a) AVAILABILITY OF BONUS.—The Secretary of  
13 Defense may offer a person who enters into an agreement  
14 under section 2122(a)(2) of this title an accession bonus  
15 of not more than \$20,000 as part of the agreement.

16 (b) RELATION TO OTHER PAYMENTS.—An accession bonus paid a person under this section is in addition  
17 to any other amounts payable to the person under this  
18 subchapter.

19 (c) REPAYMENT.—A person who receives an accession bonus under this section, but fails to comply with the  
20 agreement under section 2122(a)(2) of this title or to commence or complete the active duty obligation imposed by  
21 section 2123 of this title, shall be subject to the repayment  
22 provisions of section 303a(e) of title 37.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of such subchapter is amended by adding  
3 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 en-  
6 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  
18 served for any portion of the month in a combat zone asso-  
19 ciated with Operating Enduring Freedom or Operation  
20 Iraqi Freedom in excess of 22 months of qualifying serv-  
21 ice.

22 (b) ELIGIBILITY PERIOD.—The eligibility period for  
23 a member extends from January 1, 2005, through the end  
24 of the active duty service of the member in a combat zone  
25 associated with Operating Enduring Freedom or Oper-

1 ation Iraqi Freedom if the service on active duty during  
2 the member's most recent period of mobilization to active  
3 duty began before January 19, 2007.

4 (c) AMOUNT OF PAYMENT.—The monthly rate of in-  
5 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  
10 12304 of title 10, United States Code, during the period  
11 beginning on January 1, 2003, through the end of the  
12 member's active duty service during the member's most  
13 recent period of mobilization to active duty beginning be-  
14 fore January 19, 2007.

## 15 **Subtitle C—Travel and** 16 **Transportation Allowances**

### 17 **SEC. 631. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL** 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-**  
2 **tive duty training outside of normal com-**  
3 **muting distances**

4 “(a) ALLOWANCE AUTHORIZED.—The Secretary con-  
5 cerned may reimburse an eligible member of the Selected  
6 Reserve of the Ready Reserve for travel expenses for travel  
7 to an inactive duty training location to perform inactive  
8 duty training when the member is required to commute  
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  
12 prescribed under subsection (d)) for that commute.

13 “(b) ELIGIBLE MEMBERS.—To be eligible for reim-  
14 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 critically  
17 short by the Secretary concerned;

18 “(2) assigned to a unit of the Selected Reserve  
19 with a critical manpower shortage or in a pay grade  
20 in the member’s reserve component with a critical  
21 manpower shortage; or

22 “(3) assigned to a unit or position that is dis-  
23 established or relocated as a result of defense base  
24 closure or realignment or another force structure re-  
25 allocation.

1       “(c) MAXIMUM REIMBURSEMENT AMOUNT.—The  
2 amount of reimbursement provided a member under sub-  
3 section (a) for each round trip to a training location may  
4 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 pro-  
10 vided under this section for travel that occurs after De-  
11 cember 31, 2010.”.

12           (2) CLERICAL AMENDMENT.—The table of sec-  
13 tions at the beginning of chapter 7 of such title is  
14 amended by inserting after the item relating to sec-  
15 tion 408 the following new item:

“408a. Travel and transportation allowances: inactive duty training outside of  
normal commuting distances.”.

16       (b) APPLICATION OF AMENDMENT.—No reimburse-  
17 ment may be provided under section 408a of title 37,  
18 United States Code, as added by subsection (a), for travel  
19 costs incurred before the date of the enactment of this  
20 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-

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 Re-**  
16 **serve screening**

17 “(a) ALLOWANCE AUTHORIZED.—(1) Under regula-  
18 tions prescribed by the Secretaries concerned, a member  
19 of the Individual Ready Reserve may be paid a stipend  
20 for participation in the screening performed pursuant to  
21 section 10149 of title 10, in lieu of muster duty performed  
22 under section 12319 of title 10, if such participation is  
23 conducted through electronic means.

24 “(2) The stipend paid a member under this section  
25 shall constitute the sole monetary allowance authorized for

1 participation in the screening described in paragraph (1),  
2 and shall constitute payment in full to the member for  
3 participation in such screening, regardless of the grade or  
4 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 Re-  
7 serve under this section in any calendar year may not ex-  
8 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 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 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 is  
24 not entitled to compensation under this section for partici-

1 pation in screening for which the member is paid a stipend  
2 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**  
13 **CONNECTION WITH MEDICAL EVACUATION.**

14 Section 1047(a) of title 10, United States Code, is  
15 amended by inserting “and luggage” after “civilian cloth-  
16 ing” both places it appears.

17 **SEC. 635. PAYMENT OF MOVING EXPENSES FOR JUNIOR RE-**  
18 **SERVE OFFICERS’ TRAINING CORPS IN-**  
19 **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 mili-  
24 tary department concerned to be in the national interest  
25 and agreed upon by the institution concerned, the institu-

1 tion may reimburse a Junior Reserve Officers' Training  
2 Corps instructor for moving expenses incurred by the in-  
3 structor to accept employment at the institution in a posi-  
4 tion that the Secretary concerned determines is hard-to-  
5 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.

11       “(3) Any reimbursement provided to an instructor  
12 under paragraph (1) is in addition to the minimum in-  
13 structor 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 para-  
22 graph (1) or (4) shall be subject to regulations prescribed  
23 by the Secretary of Defense for purposes of this sub-  
24 section.”.

1           **Subtitle D—Retired Pay and**  
2                           **Survivor Benefits**

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  
8 to retired pay who—” and all that follows and inserting  
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—

15                   (1) by striking “In the case of” and inserting  
16           the following:

17                           “(A) GENERAL RULE.—In the case of”;

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



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 2½ 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

1 States Code, is amended by adding at the end the fol-  
2 lowing new paragraph:

3           “(3) LIMITATION ON RECOUPMENT OF OFFSET  
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 sub-  
15                   section (e);

16                   “(B) a written explanation of the statutory  
17                   requirements for recoupment of the offset  
18                   amount and for refund of any applicable  
19                   amount deducted from retired pay;

20                   “(C) a detailed accounting of how the off-  
21                   set amount being recouped and retired pay de-  
22                   duction amount being refunded were calculated;  
23                   and

24                   “(D) contact information for a person who  
25                   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  
16 amended by adding at the end the following new sub-  
17 section:

18           “(m) SPECIAL SURVIVOR INDEMNITY ALLOWANCE.—

19                   “(1) PROVISION OF ALLOWANCE.—The Sec-  
20           retary concerned shall pay a monthly special sur-  
21           vivor indemnity allowance under this subsection to  
22           the surviving spouse or former spouse of a member  
23           of the uniformed services to whom section 1448 of  
24           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;

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.

7       “(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, if  
15 any.

16           “(2) If there is no surviving spouse, to any sur-  
17 viving children (as prescribed by subsection (d)) of  
18 the person and the descendants of any deceased chil-  
19 dren by representation.

20           “(3) If there is none of the above, to the sur-  
21 viving parents (as prescribed by subsection (e)) of  
22 the person or the survivor of them.

23           “(4) If there is none of the above, to the duly-  
24 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.

4           “(c) TREATMENT OF PARENTS.—For purposes of  
5           subsection (b)(3), parents include fathers and mothers  
6           through adoption. However, only one father and one moth-  
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.—  
13          Subsection (e) of such section is amended—

14                 (1) by inserting “EFFECT OF DEATH BEFORE  
15                 RECEIPT OF GRATUITY.—” after “(e)”;

16                 (2) by striking “subsection (a) or (d)” and in-  
17                 serting “subsection (a) or (b)”;

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  
25          title until July 1, 2008, or such earlier date as the Sec-

1 retary of Defense may prescribe, and any designation  
2 under such subsection made before July 1, 2008, or the  
3 earlier date prescribed by the Secretary, shall continue in  
4 effect until such time as the person who made the designa-  
5 tion makes a new designation under such section 1477,  
6 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).

13 (2) ELEMENTS.—The regulations required by  
14 paragraph (1) shall include forms for the making of  
15 the designation contemplated by subsection (a) of  
16 section 1477 of title 10, United States Code, as  
17 amended by subsection (a) of this section, and in-  
18 structions for members of the Armed Forces in the  
19 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 PAY  
25 FOR MEMBERS OF NAVAL SERVICE.—The table in section

1 6333(a) of title 10, United States Code, is amended in  
2 Column 2 of Formula A by striking “75 percent.” and  
3 inserting “Retired pay multiplier prescribed under section  
4 1409 for the years of service that may be credited to the  
5 member under section 1405.”.

6 (b) RETIRED PAY FOR CERTAIN MEMBERS RE-  
7 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**  
14 **SERVICE RETIRED PAY BY MEMBERS OF THE**  
15 **READY RESERVE ON ACTIVE FEDERAL STA-**  
16 **TUS OR ACTIVE DUTY FOR SIGNIFICANT PE-**  
17 **RIODS.**

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:

1       “(f)(1) Subject to paragraph (2), the eligibility age  
2 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  
7 Act for Fiscal Year 2008, the eligibility age for purposes  
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  
11 such date, subject to subparagraph (C). A day of duty may  
12 be included in only one aggregate of 90 days for purposes  
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  
20 12310 of this title.

21       “(ii) Active service described in this subparagraph is  
22 also service under a call to active service authorized by  
23 the President or the Secretary of Defense under section  
24 502(f) of title 32 for purposes of responding to a national

1 emergency declared by the President or supported by Fed-  
2 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

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

13 “(2) Paragraph (1) does not apply to a member or  
14 former member entitled to retired pay for non-regular  
15 service under chapter 1223 of this title who is under 60  
16 years of age.”.

17 (c) ADMINISTRATION OF RELATED PROVISIONS OF  
18 LAW OR POLICY.—With respect to any provision of law,  
19 or of any policy, regulation, or directive of the executive  
20 branch that refers to a member or former member of the  
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

1 substituting for the reference to being 60 years of age a  
2 reference to having attained the eligibility age applicable  
3 under subsection (f) of section 12731 of title 10, United  
4 States Code (as added by subsection (a)), to such member  
5 or former member for qualification for such retired pay  
6 under subsection (a) of such section.

7 **SEC. 648. COMPUTATION OF YEARS OF SERVICE FOR PUR-**  
8 **POSES OF RETIRED PAY FOR NON-REGULAR**  
9 **SERVICE.**

10 Section 12733(3) of title 10, United States Code, is  
11 amended—

12 (1) in subparagraph (B), by striking “and” at  
13 the end;

14 (2) in subparagraph (C), by striking the period  
15 and inserting “before the year of service that in-  
16 cludes October 30, 2007; and”; and

17 (3) by adding at the end the following new sub-  
18 paragraph:

19 “(D) 130 days in the year of service that  
20 includes October 30, 2007, and in any subse-  
21 quent year of service.”.

1 **Subtitle E—Commissary and Non-**  
2 **appropriated Fund Instrumen-**  
3 **tality Benefits**

4 **SEC. 651. AUTHORITY TO CONTINUE COMMISSARY AND EX-**  
5 **CHANGE BENEFITS FOR CERTAIN INVOLUN-**  
6 **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—

11 (1) by inserting “(a) MEMBERS INVOLUN-

12 TARILY SEPARATED FROM ACTIVE DUTY.—” before

13 “The Secretary of Defense”;

14 (2) in the first sentence, by striking “October

15 1, 1990, and ending on December 31, 2001” and in-

16 sserting “October 1, 2007, and ending on December

17 31, 2012”; and

18 (3) in the second sentence, by striking “the pe-

19 riod beginning on October 1, 1994, and ending on

20 December 31, 2001” and inserting “the same pe-

21 riod”.

22 (b) EXTENSION TO MEMBERS INVOLUNTARILY SEPA-

23 RATED FROM SELECTED RESERVE.—Such section is fur-

24 ther amended by adding at the end the following new sub-

25 section:

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 pe-  
11 riod beginning on the date of the involuntary separation  
12 of the member in the same manner as a member on active  
13 duty. The Secretary of Homeland Security shall imple-  
14 ment this provision for Coast Guard members involun-  
15 tarily separated during the same period.”.

16 **SEC. 652. AUTHORIZATION OF INSTALLMENT DEDUCTIONS**  
17 **FROM PAY OF EMPLOYEES OF NON-**  
18 **APPROPRIATED FUND INSTRUMENTALITIES**  
19 **TO COLLECT INDEBTEDNESS TO THE UNITED**  
20 **STATES.**

21           Section 5514 of title 5, United States Code, is  
22 amended—

23           (1) in subsection (a)(5), by inserting “any non-  
24 appropriated fund instrumentality described in sec-  
25 tion 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 instru-  
4           mentality described in section 2105(c) of this title is  
5           deemed an employee covered by this section.”.

6           **Subtitle F—Consolidation of Spe-**  
7           **cial Pay, Incentive Pay, and**  
8           **Bonus Authorities**

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:

16           “SUBCHAPTER I—EXISTING SPECIAL PAY,  
17           INCENTIVE PAY, AND BONUS AUTHORITIES”;

18           and

19           (2) by adding at the end the following new sub-  
20           chapters:

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

1 section is in addition to any other pay and allowance to  
2 which the person or member is entitled.

3 “(f) RELATIONSHIP TO PROHIBITION ON BOUN-  
4 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 Sec-  
17 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 a  
23 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;

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

14           “(4) the type or conditions of the service.

15           “(e) RELATIONSHIP TO OTHER PAY AND ALLOW-  
16           ANCES.—The bonus paid to a person or officer under this  
17           section is in addition to any other pay and allowance to  
18           which the person or officer is entitled.

19           “(f) REPAYMENT.—A person or officer who receives  
20           a bonus under this section and who fails to complete the  
21           period of service, or meet the conditions of service, for  
22           which the bonus is paid, as specified in the written agree-  
23           ment under subsection (d), shall be subject to the repay-  
24           ment provisions of section 373 of this title.



1       “(g) TERMINATION OF AUTHORITY.—No agreement  
2 may be entered into under this section after December 31,  
3 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 sec-  
8 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

16               “(2) has the current technical and operational  
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           “(1) is entitled to basic pay under section 204  
2 of this title; and

3           “(2) remains on active duty for a specified pe-  
4 riod while maintaining current technical and oper-  
5 ational qualifications, as approved by the Secretary,  
6 for duty in connection with the supervision, oper-  
7 ation, and maintenance of naval nuclear propulsion  
8 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.—

16           “(1) MAXIMUM AMOUNT.—The Secretary of the  
17 Navy shall determine the amounts of a nuclear offi-  
18 cer bonus or nuclear officer incentive pay to be paid  
19 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 sub-  
23 section (e); and

24                   “(B) the amount of nuclear officer incen-  
25 tive paid under subsection (b) may not exceed

1           \$25,000 for each 12-month period of qualifying  
2           service.

3           “(2) LUMP SUM OR INSTALLMENTS.—A nuclear  
4           officer bonus or nuclear officer incentive pay under  
5           this section may be paid in a lump sum or in peri-  
6           odic installments.

7           “(3) FIXING BONUS AMOUNT.—Upon accept-  
8           ance by the Secretary concerned of the written  
9           agreement required by subsection (e), the total  
10          amount of the nuclear officer bonus to be paid under  
11          the agreement shall be fixed.

12          “(e) WRITTEN AGREEMENT FOR BONUS.—

13                 “(1) AGREEMENT REQUIRED.—To receive a nu-  
14                 clear officer bonus under subsection (a), a person or  
15                 officer determined to be eligible for the bonus shall  
16                 enter into a written agreement with the Secretary of  
17                 the Navy that specifies—

18                         “(A) the amount of the bonus;

19                         “(B) the method of payment of the bonus  
20                         under subsection (d)(2);

21                         “(C) the period of obligated service; and

22                         “(D) the type or conditions of the service.

23                 “(2) REPLACEMENT AGREEMENT.—An officer  
24                 who is performing obligated service under an agree-  
25                 ment for a nuclear officer bonus may execute a new

1 agreement to replace the existing agreement if the  
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.

12 “(f) RELATIONSHIP TO OTHER PAY AND ALLOW-  
13 ANCES.—A nuclear officer bonus or nuclear officer incen-  
14 tive pay paid to a person or officer under this section is  
15 in addition to any other pay and allowance to which the  
16 person or officer is entitled, except that a person or officer  
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

1 for which the bonus or incentive pay is paid, as specified  
2 in the written agreement under subsection (e) in the case  
3 of a nuclear officer bonus, shall be subject to the repay-  
4 ment provisions of section 373 of this title.

5 “(h) REGULATIONS.—This section shall be adminis-  
6 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 au-**  
12 **thorities for officers**

13 “(a) AVIATION INCENTIVE PAY.—The Secretary con-  
14 cerned may pay aviation incentive pay under this section  
15 to an officer in a regular or reserve component of a uni-  
16 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 pro-  
23 ficiency flying duty;

1           “(3) engages in, or is in training leading to, fre-  
2           quent and regular performance of operational flying  
3           duty or proficiency flying duty;

4           “(4) engages in or remains in aviation service  
5           for a specified period; and

6           “(5) meets such other criteria as the Secretary  
7           concerned determines appropriate.

8           “(b) AVIATION BONUS.—The Secretary concerned  
9           may pay an aviation bonus under this section to an officer  
10          in a regular or reserve component of a uniformed service  
11          who—

12           “(1) is entitled to aviation incentive pay under  
13          subsection (a);

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

22           “(4) meets such other criteria as the Secretary  
23          concerned determines appropriate.

24          “(c) MAXIMUM AMOUNT AND METHOD OF PAY-  
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)  
17 shall be in addition to any other pay and allowance  
18 to which the officer is entitled, except that an officer  
19 may not receive a payment under such subsection  
20 and section 351 or 353 of this title for the same  
21 skill and period of service.

22           “(2) AVIATION BONUS.—An aviation bonus  
23 paid to an officer under subsection (b) shall be in  
24 addition to any other pay and allowance to which the  
25 officer is entitled, except that an officer may not re-



1       ceive a payment under such subsection and section  
2       332 or 353 of this title for the same skill and period  
3       of service.

4       “(g) REPAYMENT.—An officer who receives aviation  
5       incentive pay or an aviation bonus under this section and  
6       who fails to fulfill the eligibility requirements for the re-  
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

1 that leads to the award of an aeronautical rating or  
2 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 perform-  
8 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—

22 “(1) accepts a commission or appointment as  
23 an officer in a regular or reserve component of a  
24 uniformed service, or affiliates with a reserve compo-  
25 nent 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;

4           “(2) is board certified in a designated health  
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 Sec-  
10 retary concerned may impose such additional criteria for  
11 the receipt of a bonus or incentive pay under this section  
12 as the Secretary determines to be appropriate.

13           “(e) MAXIMUM AMOUNT AND METHOD OF PAY-  
14 MENT.—

15           “(1) MAXIMUM AMOUNT.—The Secretary con-  
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

1 is proportionate to the basic pay or compensation received  
2 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.

19 “(3) BOARD CERTIFICATION INCENTIVE PAY.—  
20 Incentive pay paid to an officer under subsection (c)  
21 shall be in addition to any other pay and allowance  
22 to which an officer is entitled, except that an officer  
23 may not receive a payment under such subsection  
24 and section 353(b) of this title for the same skill  
25 and period of service covered by the certification.

1       “(i) REPAYMENT.—An officer who receives a bonus  
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 writ-  
6 ten agreement under subsection (f) in the case of a bonus,  
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:

11           “(1) Any health profession performed by offi-  
12 cers in the Medical Corps of a uniformed service or  
13 by officers designated as a medical officer.

14           “(2) Any health profession performed by offi-  
15 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 offi-  
18 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 offi-  
22 cers in the Medical Specialist Corps of a uniformed  
23 service or by officers designated as a medical spe-  
24 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-  
25                 vice, or any other hostile action, or is on duty during

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

8 “(3) performs duty in a foreign area designated  
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  
14 based on the type of duty and the area in which the duty  
15 is performed, as follows:

16 “(1) In the case of a member who performs  
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

1 danger area, as described in subsection (a)(3), haz-  
2 arduous 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 au-  
7 thorized by the Secretary concerned under such para-  
8 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-  
18 MENTS.—The effective date for the designation of a hos-  
19 tile fire area, as described in paragraph (1) of subsection  
20 (a), and for the designation of a foreign area as an immi-  
21 nent danger area, as described in paragraph (3) of such  
22 subsection, may be a date that occurs before, on, or after  
23 the actual date of the designation by the Secretary con-  
24 cerned.

1           “(f) DETERMINATION OF FACT.—Any determination  
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 Sec-  
6 retary concerned may change the determination on the  
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.

1           “(2) LIMITATION.—A member may not receive  
2           hazardous duty pay under this section for a month  
3           for more than three qualifying instances described in  
4           subsection (a)(2).

5           “(h) PROHIBITION ON VARIABLE RATES.—The regu-  
6           lations prescribed to administer this section may not in-  
7           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 AUTHOR-  
14          IZED.—The Secretary concerned may pay assignment or  
15          special duty pay under this section to a member of a reg-  
16          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.

1 The written agreement shall specify the period for  
2 which the assignment or special duty pay will be  
3 paid to the member and the monthly rate of the as-  
4 signment or special duty pay.

5 “(2) REQUIRED FOR LUMP SUM OR INSTALL-  
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 com-  
16 ponent entitled to compensation under section 206 of this  
17 title who is authorized assignment or special duty pay  
18 under this section may be paid an amount of assignment  
19 or special duty pay that is proportionate to the compensa-  
20 tion received by the member under section 206 of this title  
21 for inactive-duty training.

22 “(e) RELATIONSHIP TO OTHER PAY AND ALLOW-  
23 ANCES.—Assignment or special duty pay paid to a mem-  
24 ber under this section is in addition to any other pay and  
25 allowances to which the member is entitled.



1       “(f) REPAYMENT.—A member who receives assign-  
2 ment or special duty pay under this section and who fails  
3 to fulfill the eligibility requirements under subsection (a)  
4 for receipt of such pay shall be subject to the repayment  
5 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 con-  
11 cerned may pay a monthly skill incentive pay to a member  
12 of a regular or reserve component of the uniformed serv-  
13 ices 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) serves in a career field or skill designated  
18 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

1           “(2) is determined to have, and maintains, cer-  
2           tified proficiency under subsection (d) in a skill des-  
3           ignated as critical by the Secretary concerned.

4           “(c) MAXIMUM AMOUNTS AND METHODS OF PAY-  
5           MENT.—

6           “(1) SKILL INCENTIVE PAY.—Skill incentive  
7           pay under subsection (a) shall be paid monthly in an  
8           amount not to exceed \$1,000 per month.

9           “(2) PROFICIENCY BONUS.—A 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 PROFICIENCY  
19          BONUS.—

20          “(1) CERTIFICATION REQUIRED.—Proficiency  
21          in a designated critical skill for purposes of sub-  
22          section (b) shall be subject to annual certification by  
23          the Secretary concerned.

24          “(2) DURATION OF CERTIFICATION.—A certifi-  
25          cation period for purposes of subsection (c)(2) shall

1 expire at the end of the one-year period beginning  
2 on the first day of the first month beginning on or  
3 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 certifi-  
8 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 pe-  
25 riod for which the bonus will be paid, and the initial

1 certification or recertification necessary for payment  
2 of the proficiency bonus.

3 “(f) RESERVE COMPONENT MEMBERS PERFORMING  
4 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  
8 under subsection (a) or a skill proficiency bonus  
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 PRO-  
15 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.

20 “(g) REPAYMENT.—A member who receives skill in-  
21 centive pay or a proficiency bonus under this section and  
22 who fails to fulfill the eligibility requirement for receipt  
23 of the pay or bonus shall be subject to the repayment pro-  
24 visions of section 373 of this title.

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  
6 to any other pay and allowances to which the member is  
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 sub-  
23 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-

1 ber is entitled under subchapter II may not be included  
2 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  
14 regular or reserve component of a uniformed service incurs  
15 a wound, injury, or illness in the line of duty while serving  
16 in a combat operation or a combat zone, while serving in  
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.

1       “(b) DURATION.—The payment of pay and allow-  
2 ances to a member under subsection (a) may continue  
3 until the end of the first month beginning after the earliest  
4 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 dis-  
14 charged, separated, or retired (including temporary  
15 disability retirement) from the uniformed services.

16       “(c) BONUS, INCENTIVE PAY, OR SIMILAR BENEFIT  
17 DEFINED.—In this section, the term ‘bonus, incentive  
18 pay, or similar benefit’ means a bonus, incentive pay, spe-  
19 cial pay, or similar payment paid to a member of the uni-  
20 formed services under this title or title 10.

21       **“§ 373. Repayment of unearned portion of bonus, in-**  
22                           **centive pay, or similar benefit when con-**  
23                           **ditions of payment not met**

24       “(a) REPAYMENT.—Except as provided in subsection  
25 (b), a member of the uniformed services who is paid a

1 bonus, incentive pay, or similar benefit, the receipt of  
2 which is contingent upon the member's satisfaction of cer-  
3 tain service or eligibility requirements, shall repay to the  
4 United States any unearned portion of the bonus, incen-  
5 tive pay, or similar benefit if the member fails to satisfy  
6 any such service or eligibility requirement.

7       “(b) EXCEPTIONS.—The regulations prescribed to  
8 administer this section may specify procedures for deter-  
9 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

1 Authorization Act for Fiscal Year 2008) or section  
2 354”.

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 redesi-  
11 gnated as section 355.

12 (2) CONFORMING AMENDMENT.—Subsection (g)  
13 of such section, as so transferred and redesignated,  
14 is amended by striking “section 303a(e)” and insert-  
15 ing “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.

“301. Incentive pay: hazardous duty.

“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.

- “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.
- “302l. 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.—**

- 3 (1) DEVELOPMENT.—**The Secretary of Defense  
**4** shall develop a plan to implement subchapters II  
**5** and III of chapter 5 of title 37, United States Code,  
**6** as added by section 661(a), and to correspondingly  
**7** transition all of the special and incentive pay pro-  
**8** grams for members of the uniformed services solely  
**9** to provisions of such subchapters.

1           (2) SUBMISSION.—Not later than one year after  
2           the date of the enactment of this Act, the Secretary  
3           shall submit the implementation plan to the congress-  
4           sional defense committees.

5           (b) TRANSITION PERIOD.—During a transition pe-  
6           riod of not more than 10 years beginning on the date of  
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  
11          37, United States Code, as designated by section 661(a),  
12          but subject to the terms of such provisions and such modi-  
13          fications as the Secretary of Defense may include in the  
14          implementation plan, to provide bonuses and special and  
15          incentive pays for members of the uniformed services.

16          (c) NOTICE OF IMPLEMENTATION OF NEW AUTHORI-  
17          TIES.—Not less than 30 days before the date on which  
18          a special pay or bonus authority provided under sub-  
19          chapter II of chapter 5 of title 37, United States Code,  
20          as added by section 661(a), is first utilized, the Secretary  
21          of Defense shall submit to the congressional defense com-  
22          mittees a notice of the implementation of the authority,  
23          including whether, as a result of implementation of the  
24          authority, a corresponding authority in subchapter I of

1 such chapter, as designated by section 661(a), will no  
2 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-  
14 TIONS.—During fiscal year 2008, obligations incurred  
15 under subchapters I, II, and III of chapter 5 of title 37,  
16 United States Code, as amended by section 661, to provide  
17 bonuses, incentive pays, special pays, and similar pay-  
18 ments to members of the uniformed services under such  
19 subchapters may not exceed the obligations that would be  
20 incurred in the absence of the amendments made by such  
21 section.

## 22 **Subtitle G—Other Matters**

### 23 **SEC. 671. REFERRAL BONUS AUTHORITIES.**

24 (a) CODIFICATION AND MODIFICATION OF ARMY RE-  
25 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.—

14                   “(1) REFERRAL OF IMMEDIATE FAMILY.—A  
15           member of the Army or civilian employee of the De-  
16           partment of the Army may not be paid a bonus  
17           under subsection (a) for the referral of an immediate  
18           family member.

19                   “(2) MEMBERS IN RECRUITING ROLES.—A  
20           member of the Army or civilian employee of the De-  
21           partment of the Army serving in a recruiting or re-  
22           tention assignment, or assigned to other duties re-  
23           garding which eligibility for a bonus under sub-  
24           section (a) could (as determined by the Secretary) be

1 perceived as creating a conflict of interest, may not  
2 be paid a bonus under subsection (a).

3 “(3) JUNIOR RESERVE OFFICERS’ TRAINING  
4 CORPS INSTRUCTORS.—A member of the Army de-  
5 tailed under subsection (c)(1) of section 2031 of this  
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).

12 “(d) AMOUNT OF BONUS.—The amount of the bonus  
13 payable for a referral under subsection (a) may not exceed  
14 \$2,000. The amount shall be payable as provided in sub-  
15 section (e).

16 “(e) PAYMENT.—A bonus payable for a referral of  
17 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 ad-  
22 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.

1       “(g) COORDINATION WITH RECEIPT OF RETIRED  
2 PAY.—A bonus paid under this section to a member of  
3 the Army in a retired status is in addition to any com-  
4 pensation to which the member is entitled under this title,  
5 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.”.

13       (b) BONUS FOR REFERRAL OF PERSONS FOR AP-  
14 POINTMENT AS OFFICERS TO SERVE IN HEALTH PRO-  
15 FESSIONS.—

16               (1) HEALTH PROFESSIONS REFERRAL  
17 BONUS.—Chapter 53 of such title is amended by in-  
18 serting before section 1031 the following new sec-  
19 tion:

20 **“§ 1030. Bonus to encourage Department of Defense**  
21 **personnel to refer persons for appoint-**  
22 **ment as officers to serve in health profes-**  
23 **sions**

24       “(a) AUTHORITY TO PAY BONUS.—

1           “(1) AUTHORITY.—The Secretary of Defense  
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.

12          “(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Sub-  
13          ject to subsection (c), the following individuals are  
14          eligible for a referral bonus under this section:

15                 “(A) A member of the armed forces in a  
16                 regular component of the armed forces.

17                 “(B) A member of the armed forces in a  
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.

1       “(b) REFERRAL.—For purposes of this section, a re-  
2 ferral for which a bonus may be paid under subsection  
3 (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 appoint-  
7 ment as a commissioned officer, or accepting an ap-  
8 pointment 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.—

19           “(1) REFERRAL OF IMMEDIATE FAMILY.—A  
20 member of the armed forces or civilian employee of  
21 a military department or the Department of Defense  
22 may not be paid a bonus under subsection (a) for  
23 the referral of an immediate family member.

24           “(2) MEMBERS IN RECRUITING ROLES.—A  
25 member of the armed forces or civilian employee of

1 a military department or the Department of Defense  
2 serving in a recruiting or retention assignment, or  
3 assigned to other duties regarding which eligibility  
4 for a bonus under subsection (a) could (as deter-  
5 mined by the appropriate Secretary) be perceived as  
6 creating a conflict of interest, may not be paid a  
7 bonus under subsection (a).

8 “(3) JUNIOR RESERVE OFFICERS’ TRAINING  
9 CORPS INSTRUCTORS.—A member of the armed  
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 sub-  
20 section (e).

21 “(e) PAYMENT.—A bonus payable for a referral of  
22 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           (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—

6 (1) by striking “Nothing” and inserting “(a)  
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  
12 Forces of the United States, is authorized to accompany  
13 the member and reside abroad with the member pursuant  
14 to the member’s official orders, and is so accompanying  
15 and residing with the member (in marital union if a  
16 spouse), then the residence and physical presence of the  
17 person abroad shall not be treated as—

18 “(1) an abandonment or relinquishment of law-  
19 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 for  
22 purposes of clause (ii) of such section.”.

1 **SEC. 674. OVERSEAS NATURALIZATION FOR MILITARY**  
2 **SPOUSES AND CHILDREN.**

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  
8 spouse of a member of the Armed Forces of the United  
9 States, is authorized to accompany such member and re-  
10 side abroad with the member pursuant to the member’s  
11 official orders, and is so accompanying and residing with  
12 the member in marital union, such residence and physical  
13 presence abroad shall be treated, for purposes of sub-  
14 section (a) and section 316(a), as residence and physical  
15 presence in—

16 “(A) the United States; and

17 “(B) any State or district of the Department of  
18 Homeland Security in the United States.

19 “(2) Notwithstanding any other provision of law, a  
20 spouse described in paragraph (1) shall be eligible for nat-  
21 uralization proceedings overseas pursuant to section  
22 1701(d) of the National Defense Authorization Act for  
23 Fiscal Year 2004 (Public Law 108–136; 8 U.S.C.  
24 1443a).”.

1           (b) CHILDREN.—Section 322 of the Immigration and  
2 Nationality Act (8 U.S.C. 1433) is amended by adding  
3 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 accom-  
6 pany such member and reside abroad with the member  
7 pursuant to the member’s official orders, and is so accom-  
8 panying and residing with the member—

9                   “(1) any period of time during which the mem-  
10 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

15                   “(3) the oath of allegiance described in sub-  
16 section (b) may be subscribed to abroad pursuant to  
17 section 1701(d) of the National Defense Authoriza-  
18 tion Act for Fiscal Year 2004 (Public Law 108–136;  
19 8 U.S.C. 1443a).”.

20           (c) OVERSEAS NATURALIZATION AUTHORITY.—Sec-  
21 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 (1) in the subsection heading, by inserting  
2 “AND THEIR SPOUSES AND CHILDREN” after  
3 “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**  
13 **MEMBERS OF NAVY AND MARINE CORPS SE-**  
14 **LECTED FOR PROMOTION WHILE INTERNED**  
15 **AS PRISONERS OF WAR DURING WORLD WAR**  
16 **II TO TAKE INTO ACCOUNT CHANGES IN CON-**  
17 **SUMER PRICE INDEX.**

18 (a) MODIFICATION.—Section 667(c) of the Floyd D.  
19 Spence National Defense Authorization Act for Fiscal  
20 Year 2001 (as enacted into law by Public Law 106–398;  
21 114 Stat. 1654A–170) is amended by adding at the end  
22 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 (1)(B) was paid to or for that person, calculated on the  
 2 basis of the Consumer Price Index (all items—United  
 3 States city average) published monthly by the Bureau of  
 4 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—

11 (1) recalculate the amount of back pay to which  
 12 the person is entitled by reason of the amendment  
 13 made by subsection (a); and

14 (2) if the amount of back pay, as so recal-  
 15 culated, exceeds the amount of back pay so paid, pay  
 16 the person, or the surviving spouse of the person, an  
 17 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.

1           **Subtitle A—Improvements to**  
 2           **Military Health Benefits**

3   **SEC. 701. ONE-YEAR EXTENSION OF PROHIBITION ON IN-**  
 4                   **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 insert-  
 10 ing “September 30, 2008”.

11           (b) CHARGES FOR INPATIENT CARE.—Section  
 12 1086(b)(3) of such title is amended by striking “Sep-  
 13 tember 30, 2007.” and inserting “September 30, 2008”.



1 (c) PREMIUMS UNDER TRICARE COVERAGE FOR  
2 CERTAIN MEMBERS IN THE SELECTED RESERVE.—Sec-  
3 tion 1076d(d)(3) of such title is amended by striking  
4 “September 30, 2007” and inserting “September 30,  
5 2008”.

6 **SEC. 702. TEMPORARY PROHIBITION ON INCREASE IN CO-**  
7 **PAYMENTS UNDER RETAIL PHARMACY SYS-**  
8 **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.**

22 (a) IN GENERAL.—Section 1074g of title 10, United  
23 States Code, is amended—

- 24 (1) by redesignating subsections (f) and (g) as  
25 subsections (g) and (h), respectively; and

1           (2) by inserting after subsection (e) the fol-  
2           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 enact-  
6 ment of the National Defense Authorization Act for Fiscal  
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  
11 to ensure that pharmaceuticals paid for by the Depart-  
12 ment of Defense that are provided by pharmacies under  
13 the program to eligible covered beneficiaries under this  
14 section are subject to the pricing standards in such section  
15 8126.”.

16           (b) REGULATIONS.—The Secretary of Defense shall,  
17 after consultation with the other administering Secretaries  
18 under chapter 55 of title 10, United States Code, modify  
19 the regulations under subsection (h) of section 1074g of  
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.

1 **SEC. 704. STIPEND FOR MEMBERS OF RESERVE COMPO-**  
2 **NENTS FOR HEALTH CARE FOR CERTAIN DE-**  
3 **PENDENTS.**

4 The Secretary of Defense may, pursuant to regula-  
5 tions prescribed by the Secretary, pay a stipend to a mem-  
6 ber of a reserve component of the Armed Forces who is  
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  
13 whether—

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 ELIGI-**  
21 **BLE FOR CONTINUED HEALTH BENEFITS**  
22 **COVERAGE.**

23 (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  
9           new paragraph:

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—

16           (1) in subparagraph (B), by striking “and” at  
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.”.

1 **SEC. 706. CONTINUATION OF ELIGIBILITY FOR TRICARE**  
2 **STANDARD COVERAGE FOR CERTAIN MEM-**  
3 **BERS OF THE SELECTED RESERVE.**

4 (a) IN GENERAL.—Section 706(f) of the John War-  
5 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), enroll-  
10 ments”; and

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

13 “(2) The enrollment of a member in TRICARE  
14 Standard that is in effect on the day before health care  
15 under TRICARE Standard is provided pursuant to the ef-  
16 fective date in subsection (g) shall not be terminated by  
17 operation of the exclusion of eligibility under subsection  
18 (a)(2) of such section 1076d, as so amended, for the dura-  
19 tion of the eligibility of the member under TRICARE  
20 Standard as in effect on October 16, 2006.”.

21 (b) EFFECTIVE DATE.—The amendments made by  
22 subsection (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 PRO-  
26 GRAM.—Section 721(e) of the Ronald W. Reagan National

1 Defense Authorization Act for Fiscal Year 2005 (Public  
2 Law 108–375; 118 Stat. 1988; 10 U.S.C. 1092 note) is  
3 amended by striking “and 2007” and inserting “, 2007,  
4 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 PRO-  
13 GRAM.—Section 721(b) of such Act is amended—

14 (1) by striking “and” at the end of paragraph

15 (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:

19 “(5) collaborate with State and local authorities  
20 to create an arrangement to share and exchange, be-  
21 tween the Department of Defense and non-military  
22 health care systems, personal health information and  
23 data of military personnel and their families.”.

1 **SEC. 708. INCLUSION OF MENTAL HEALTH CARE IN DEFINI-**  
2 **TION OF HEALTH CARE AND REPORT ON**  
3 **MENTAL HEALTH CARE SERVICES.**

4 (a) INCLUSION OF MENTAL HEALTH CARE IN DEFINI-  
5 TION 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 mental  
9 health care.”.

10 (b) REPORT ON ACCESS TO MENTAL HEALTH CARE  
11 SERVICES.—Not later than one year after the date of the  
12 enactment of this Act, the Secretary of Defense shall sub-  
13 mit to the Committees on Armed Services of the Senate  
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  
17 where surveys on the continued viability of TRICARE  
18 Standard and TRICARE Extra are conducted under sec-  
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

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.



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).

1 (b) MATTERS COVERED.—The report shall include a  
2 detailed description of the implementation of such section,  
3 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.**

13 (a) REPORT REQUIRED.—Not later than March 1,  
14 2008, the Secretary of Defense shall submit to the con-  
15 gressional defense committees a report on the ongoing pa-  
16 tient satisfaction surveys taking place in Department of  
17 Defense inpatient and outpatient settings at military  
18 treatment facilities.

19 (b) CONTENT.—The report required under subsection  
20 (a) shall include the following:

21 (1) The types of survey questions asked.

22 (2) How frequently the surveying is conducted.

23 (3) How often the results are analyzed and re-  
24 ported back to the treatment facilities.

25 (4) To whom survey feedback is made available.



1           (5) How best practices are incorporated for  
2           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 or-  
8           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**  
16                              **OF MEMBERS OF THE ARMED FORCES BE-**  
17                              **FORE THEIR DEPLOYMENT.**

18           Not later than April 1, 2008, the Secretary of De-  
19          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:

22           (1) A comparison of the policies of the military  
23          departments concerning medical physical examina-  
24          tions of members of the Armed Forces before their  
25          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-

1 ministering and evaluating the vaccination of members of  
2 the Armed Forces.

3 (b) ELEMENTS.—The report required by subsection  
4 (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.

21 (3) An assessment of the Department’s proce-  
22 dures for initiating investigations of deaths of mem-  
23 bers of the Armed Forces in which vaccinations may  
24 have played a role, including whether such investiga-

1        tions can be requested by family members of the de-  
2        ceased individuals.

3            (4) The number of deaths of members of the  
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.

12           (5) An assessment of the procedures for pro-  
13        viding the Adjutants General of the various States  
14        and territories with up-to-date information on the ef-  
15        fectiveness and potential allergic reactions and side  
16        effects of vaccines required to be taken by National  
17        Guard members.

18           (6) An assessment of whether procedures are in  
19        place to provide that the Adjutants General of the  
20        various States and territories retain updated medical  
21        records of each National Guard member called up  
22        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

1 the Armed Forces who experienced sexual assault or  
2 abuse.

3 (4) The access to and need for treatment facili-  
4 ties focusing on the gender- and ethnic group-spe-  
5 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 re-  
13 port on the review required by subsection (a).

14 **SEC. 717. LICENSED MENTAL HEALTH COUNSELORS AND**  
15 **THE TRICARE PROGRAM.**

16 (a) REGULATIONS.—The Secretary of Defense shall  
17 prescribe regulations to establish criteria that licensed or  
18 certified mental health counselors shall meet in order to  
19 be able to independently provide care to TRICARE bene-  
20 ficiaries 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

1 of the National Academy of Sciences, or another similarly  
2 qualified independent academic medical organization, for  
3 the purpose of—

4           (1) conducting an independent study of the cre-  
5           dentials, preparation, and training of individuals  
6           practicing as licensed mental health counselors; and

7           (2) making recommendations for permitting li-  
8           censed mental health counselors to practice inde-  
9           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 as-  
13           sessment of the educational requirements and cur-  
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 re-  
21           quired by subsection (b) shall provide for an assess-  
22           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 li-  
25           cense for the profession. The assessment shall exam-

1       ine requirements in the areas of education, training,  
2       examination, continuing education, and ethical  
3       standards, and shall include an evaluation of the ex-  
4       tent to which States authorize members of the li-  
5       censed mental health counselor profession to diag-  
6       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 expe-  
10      rience for a licensed mental health counselor to be  
11      recognized under regulations for the TRICARE pro-  
12      gram, and recommendations, if any, for standardiza-  
13      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-

1 view of outcome studies and of the literature regard-  
2 ing the comparative quality and effectiveness of care  
3 provided by licensed mental health counselors and  
4 provide an independent review of the findings.

5 (d) **RECOMMENDATIONS FOR TRICARE INDE-**  
6 **PENDENT PRACTICE AUTHORITY.**—The recommendations  
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  
11 under the TRICARE program.

12 (e) **REPORT.**—Not later than March 1, 2009, the  
13 Secretary of Defense shall submit to the Committees on  
14 Armed Services of the Senate and the House of Represent-  
15 atives a report on the review required by subsection (b).

16 **SEC. 718. REPORT ON FUNDING OF THE DEPARTMENT OF**  
17 **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

1 Health Program to any military department is less than  
2 the total of such allocation in the preceding fiscal year,  
3 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 effect  
14 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.**

19 (a) PROHIBITION.—The Secretary of a military de-  
20 partment may not convert any military medical or dental  
21 position to a civilian medical or dental position during the  
22 period beginning on October 1, 2007, and ending on Sep-  
23 tember 30, 2012.

24 (b) RESTORATION OF CERTAIN POSITIONS TO MILI-  
25 TARY POSITIONS.—In the case of any military medical or

1 dental position that is converted to a civilian medical or  
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  
6 the position to a military medical or dental position that  
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 spe-  
19 cialty, converted to civilian medical or dental  
20 positions.

21 (B) The results of a market survey in each  
22 affected area of the availability of civilian med-  
23 ical and dental care providers in such area in  
24 order to determine whether there were civilian  
25 medical and dental care providers available in

1 such area adequate to fill the civilian positions  
2 created by the conversion of military medical  
3 and dental positions to civilian positions in such  
4 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.

19 (E) A comparison of the full costs for the  
20 military medical and dental positions converted  
21 with the full costs for civilian medical and den-  
22 tal positions, including expenses such as re-  
23 cruiting, salary, benefits, training, and any  
24 other costs the Department identifies.

1           (F) An assessment showing that the mili-  
2           itary 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

1 military to civilian in the document, the elimination  
2 of the listing of the position as a military position  
3 in the document, or through any other means indi-  
4 cating the change in the document or otherwise).

5 (e) REPEAL.—Section 742 of the John Warner Na-  
6 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:

11 (1) The Secretary of Defense proposed to dis-  
12 establish all elements of the Armed Forces Institute  
13 of Pathology, except the National Medical Museum  
14 and the Tissue Repository, as part of the rec-  
15 ommendations of the Secretary for the closure of  
16 Walter Reed Army Medical Center in the 2005  
17 round of defense base closure and realignment.

18 (2) The Defense Base Closure and Realignment  
19 Commission altered, but did not reject, the proposal  
20 of the Secretary of Defense to disestablish the  
21 Armed Forces Institute of Pathology.

22 (3) The Commission’s recommendation that the  
23 Armed Forces Institute of Pathology’s “capabilities  
24 not specified in this recommendation will be ab-  
25 sorbed into other DOD, Federal, or civilian facili-

1 ties” provides the flexibility to retain a Joint Pathol-  
2 ogy Center as a Department of Defense or Federal  
3 entity.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-  
5 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 Govern-  
8 ment should retain a Joint Pathology Center.

9 (c) ESTABLISHMENT.—

10 (1) ESTABLISHMENT REQUIRED.—The Presi-  
11 dent shall establish and maintain a Joint Pathology  
12 Center that shall function as the reference center in  
13 pathology for the Federal Government.

14 (2) ESTABLISHMENT WITHIN DOD.—Except as  
15 provided in paragraph (3), the Joint Pathology Cen-  
16 ter shall be established in the Department of De-  
17 fense, consistent with the final recommendations of  
18 the 2005 Defense Base Closure and Realignment  
19 Commission, as approved by the President.

20 (3) ESTABLISHMENT IN ANOTHER DEPART-  
21 MENT.—If the President makes a determination,  
22 within 180 days after the date of the enactment of  
23 this Act, that the Joint Pathology Center cannot be  
24 established in the Department of Defense, the Joint  
25 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.

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 na-  
tional 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 non-competitive 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 Improve-  
3 ment and Accountability Act of 2007”.

4 **Subtitle A—Acquisition Policy and**  
5 **Management**

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  
7 under this subsection with respect to a covered non-  
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—

22 (A) determine that the non-defense agency  
23 is compliant with defense procurement require-  
24 ments; and

1           (B) notify the Secretary of Defense of that  
2           determination.

3           (6) RESOLUTION OF DISAGREEMENTS.—If the  
4           Inspector General of the Department of Defense and  
5           the Inspector General of a covered non-defense agen-  
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 OF  
12          DEPARTMENT OF DEFENSE.—

13           (1) Except as provided in paragraph (2), an ac-  
14          quisition official of the Department of Defense may  
15          place an order, make a purchase, or otherwise pro-  
16          cure property or services for the Department of De-  
17          fense in excess of the simplified acquisition threshold  
18          through a non-defense agency only if—

19           (A) in the case of a procurement by any  
20          non-defense agency in any fiscal year, the head  
21          of the non-defense agency has certified that the  
22          non-defense agency will comply with defense  
23          procurement requirements for the fiscal year;

24           (B) in the case of—

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           CESSARY 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.

20 (e) TREATMENT OF PROCUREMENTS FOR FISCAL  
21 YEAR PURPOSES.—For the purposes of this section, a  
22 procurement shall be treated as being made during a par-  
23 ticular fiscal year to the extent that funds are obligated  
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

1 through which the Department of Defense orders an  
2 item or service from a government-wide acquisition  
3 contract maintained by a non-defense agency.

4 (8) ASSISTED ACQUISITION.—The term “as-  
5 sisted acquisition”, with respect to the Department  
6 of Defense, means the type of interagency con-  
7 tracting through which acquisition officials of a non-  
8 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 SYSTEMS  
13 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.

22 (2) PROHIBITION ON LEAD SYSTEMS INTEGRA-  
23 TORS BEYOND LOW-RATE INITIAL PRODUCTION.—  
24 Effective on the date of the enactment of this Act,  
25 the Department of Defense may award a new con-

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 effectuate 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 **SEC. 803. REINVESTMENT IN DOMESTIC SOURCES OF STRA-**  
22 **TEGIC MATERIALS.**

23           (a) ASSESSMENT REQUIRED.—Not later than 180  
24 days after the date of the enactment of this Act, the Stra-  
25 tegic Materials Protection Board established pursuant to

1 section 187 of title 10, United States Code, shall perform  
2 an assessment of the extent to which domestic producers  
3 of strategic materials are investing and planning to invest  
4 on a sustained basis in the processes, infrastructure, work-  
5 force training, and facilities required for the continued do-  
6 mestic production of such materials to meet national de-  
7 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 stra-  
11 tegic materials with the assessment conducted under sub-  
12 section (a) when determining how much weight to accord  
13 any comments provided by such domestic producer regard-  
14 ing a proposed waiver of domestic source limitations pur-  
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 national  
25 security by the Strategic Materials Protection Board

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 specialty”  
23 and inserting “A specialty”.

1 (b) APPLICABILITY TO ACQUISITION OF COMMERCIAL  
2 ITEMS.—Subsection (h) of such section is amended to  
3 read as follows:

4 “(h) APPLICABILITY TO ACQUISITIONS OF COMMER-  
5 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).

10 “(2) This section does not apply to contracts or sub-  
11 contracts for the acquisition of commercially available off-  
12 the-shelf items, as defined in section 35(c) of the Office  
13 of Federal Procurement Policy Act (41 U.S.C. 431(c)),  
14 other than—

15 “(A) contracts or subcontracts for the acquisi-  
16 tion of specialty metals, including mill products,  
17 such as bar, billet, slab, wire, plate and sheet, that  
18 have not been incorporated into end items, sub-  
19 systems, assemblies, or components;

20 “(B) contracts or subcontracts for the acquisi-  
21 tion of forgings or castings of specialty metals, un-  
22 less such forgings or castings are incorporated into  
23 commercially available off-the-shelf end items, sub-  
24 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).

14           “(3) This section does not apply to fasteners that are  
15           commercial items that are purchased under a contract or  
16           subcontract with a manufacturer of such fasteners, if the  
17           manufacturer has certified that it will purchase, during  
18           the relevant calendar year, an amount of domestically  
19           melted specialty metal, in the required form, for use in  
20           the production of such fasteners for sale to the Depart-  
21           ment of Defense and other customers, that is not less than  
22           50 percent of the total amount of the specialty metal that  
23           it will purchase to carry out the production of such fas-  
24           teners.”.

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  
6 Strategic Materials Protection Board pursuant to section  
7 187 of this title, determines that the domestic availability  
8 of a particular electronic component is critical to national  
9 security.”.

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—

13                 (1) by redesignating subsections (i) and (j) as  
14 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) Notwith-  
19 standing subsection (a), the Secretary of Defense or the  
20 Secretary of a military department may accept delivery of  
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 re-  
20       quired to carry out the production of the com-  
21       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



1           during such period in the production of the  
2           commercial derivative military article and the  
3           related commercial article.

4           “(2) For the purposes of this subsection, the amount  
5 of specialty metal that is required to carry out the produc-  
6 tion of the commercial derivative military article includes  
7 specialty metal contained in any item, including commer-  
8 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 Sec-  
19 retary of Defense for Acquisition, Technology, and  
20 Logistics;

21           “(B) shall specify the quantity of end items to  
22 which the waiver applies and the time period over  
23 which the waiver applies; and

24           “(C) shall be provided to the congressional de-  
25 fense committees prior to making such a determina-

1       tion (except that in the case of an urgent national  
2       security requirement, such certification may be pro-  
3       vided to the defense committees up to 7 days after  
4       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

18              “(ii) consider suspending or debarring the con-  
19              tractor or subcontractor until such time as the con-  
20              tractor or subcontractor has effectively addressed  
21              the issues that lead to such noncompliance.”.

22      (e) **ADDITIONAL DEFINITIONS.**—Subsection (m) of  
23      section 2533b of title 10, United States Code, as redesign-  
24      nated by subsection (c), is further amended by adding at  
25      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-  
24 tion”; and

1           (3) in subsections (f) and (g), by striking “pro-  
2           curements” each place it appears and inserting “ac-  
3           quisitions”.

4           (g) IMPLEMENTATION.—Not later than 120 days  
5 after the date of the enactment of this Act, the Secretary  
6 of Defense shall prescribe regulations on the implementa-  
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  
14 after the date of the enactment of this Act, any domestic  
15 nonavailability determination under section 2533b of title  
16 10, United States Code, including a class deviation, or  
17 rules made by the Department of Defense between Decem-  
18 ber 6, 2006, and the date of the enactment of this Act,  
19 shall be reviewed and amended, as necessary, to comply  
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—

23           (1) an individual contract that was entered into  
24           before 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  
11          use of authority provided under subsection (h) of section  
12          2533b of title 10, United States Code, as amended by this  
13          section. Such report shall include, at a minimum, a de-  
14          scription of types of items being procured as commercially  
15          available off-the-shelf items under such subsection and in-  
16          corporated into noncommercial items. The Secretary shall  
17          submit an update of such report to such committees not  
18          later than December 30, 2009.

19          **SEC. 805. PROCUREMENT OF COMMERCIAL SERVICES.**

20          (a) **REGULATIONS REQUIRED.**—Not later than 180  
21          days after the date of the enactment of this Act , the Sec-  
22          retary of Defense shall modify the regulations of the De-  
23          partment of Defense for the procurement of commercial  
24          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  
7 in the commercial marketplace, but are of a type of-  
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 determines  
25 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  
3 services has submitted sufficient informa-  
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 in-  
10 terest of the Government.

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.**

19 (a) SPECIFICATION OF AMOUNTS REQUESTED.—The  
20 budget justification materials submitted to Congress in  
21 support of the budget of the Department of Defense for  
22 any fiscal year after fiscal year 2009 shall identify clearly  
23 and separately the amounts requested in each budget ac-  
24 count for the procurement of contract services.

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**  
14 **SERVICES.**

15 (a) INVENTORY REQUIREMENT.—Section 2330a of  
16 title 10, United States Code, is amended—

17 (1) by redesignating subsection (d) as sub-  
18 section (g);

19 (2) by striking subsection (e) and inserting the  
20 following:

21 “(e) INVENTORY.—(1) Not later than the end of the  
22 third quarter of each fiscal year, the Secretary of Defense  
23 shall submit to Congress an annual inventory of the activi-  
24 ties performed during the preceding fiscal year pursuant  
25 to contracts for services for or on behalf of the Depart-

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).

1       “(2) The inventory required under this subsection  
2 shall be submitted in unclassified form, but may include  
3 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 Con-  
7 gress, the Secretary shall—

8           “(1) make the inventory available to the public;  
9       and

10          “(2) publish in the Federal Register a notice  
11 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 mili-  
15 tary department or head of the Defense Agency respon-  
16 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 require-  
25 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           (1) The amendments made by subsection (a)  
2 shall be effective upon the date of the enactment of  
3 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 CON-**  
9 **TRACTS FOR SERVICES.**

10          (a) GUIDANCE AND INSTRUCTIONS.—Not later than  
11 180 days after the date of the enactment of this Act, the  
12 Secretary of Defense shall issue guidance, with detailed  
13 implementation instructions, for the Department of De-  
14 fense to provide for periodic independent management re-  
15 views of contracts for services. The independent manage-  
16 ment review guidance and instructions issued pursuant to  
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;

21           (2) the use of contracting mechanisms, includ-  
22 ing the use of competition, the contract structure  
23 and type, the definition of contract requirements,  
24 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

1 submit to the congressional defense committees a re-  
2 port setting forth the guidance and instructions  
3 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).

11 **SEC. 809. IMPLEMENTATION AND ENFORCEMENT OF RE-**  
12 **QUIREMENTS APPLICABLE TO**  
13 **UNDEFINITIZED CONTRACTUAL ACTIONS.**

14 (a) GUIDANCE AND INSTRUCTIONS.—Not later than  
15 180 days after the date of the enactment of this Act, the  
16 Secretary of Defense shall issue guidance, with detailed  
17 implementation instructions, for the Department of De-  
18 fense to ensure the implementation and enforcement of re-  
19 quirements applicable to undefinitized contractual actions.

20 (b) ELEMENTS.—The guidance and instructions  
21 issued pursuant to subsection (a) shall address, at a min-  
22 imum—

23 (1) the circumstances in which it is, and is not,  
24 appropriate for Department of Defense officials to  
25 use undefinitized contractual actions;

1           (2) approval requirements (including thresh-  
2 olds) for the use of undefinitized contractual actions;

3           (3) procedures for ensuring that timelines for  
4 the definitization of undefinitized contractual actions  
5 are met;

6           (4) procedures for ensuring compliance with  
7 regulatory limitations on the obligation of funds pur-  
8 suant to undefinitized contractual actions;

9           (5) procedures for ensuring compliance with  
10 regulatory limitations on profit or fee with respect to  
11 costs incurred before the definitization of an  
12 undefinitized contractual action; and

13           (6) reporting requirements for undefinitized  
14 contractual actions that fail to meet required  
15 timelines for definitization or fail to comply with  
16 regulatory limitations on the obligation of funds or  
17 on profit or fee.

18       (c) REPORTS.—

19           (1) REPORT ON GUIDANCE AND INSTRU-  
20 TIONS.—Not later than 210 days after the date of  
21 the enactment of this Act, the Secretary of Defense  
22 shall submit to the congressional defense committees  
23 a report setting forth the guidance and instructions  
24 issued pursuant to subsection (a).

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:

1       “(C)(i) The staff of the commander shall include a  
2 command acquisition executive, who shall be responsible  
3 for the overall supervision of acquisition matters for the  
4 special operations command. The command acquisition ex-  
5 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;

11          “(II) supervise the acquisition of equipment,  
12 material, supplies, and services described in subpara-  
13 graph (A), regardless of whether such acquisition is  
14 carried out by the command, or by a military de-  
15 partment pursuant to a delegation of authority by  
16 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

20          “(IV) work with the military departments to en-  
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  
24 command is a customer.

1       “(ii) The command acquisition executive of the spe-  
2 cial operations command shall be included on the distribu-  
3 tion list for acquisition directives and instructions of the  
4 Department of Defense.”.

5 **Subtitle B—Provisions Relating to**  
6 **Major Defense Acquisition Pro-**  
7 **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  
24 by inserting after “unless” the following: “the Sec-  
25 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

1 procurement entered into consistent with the author-  
2 ization for such contract) will be awarded.

3 “(D) A sufficient number of end items of the  
4 system being acquired under such contract have  
5 been delivered at or within the most current esti-  
6 mates of the program acquisition unit cost or pro-  
7 curement unit cost for such system to determine  
8 that current estimates of such unit costs are real-  
9 istic.

10 “(E) During the fiscal year in which such con-  
11 tract is to be awarded, sufficient funds will be avail-  
12 able to perform the contract in such fiscal year, and  
13 the future-years defense program for such fiscal year  
14 will include the funding required to execute the pro-  
15 gram 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



1 this section is in the best interest of the Department of  
2 Defense and the Secretary provides the basis for such de-  
3 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 Acquisi-  
8 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 adding  
16 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).”.

24 (b) APPLICABILITY.—The amendments made by this  
25 section shall take effect on the date of the enactment of

1 this Act and shall apply with respect to multiyear con-  
2 tracts for the purchase of major systems for which legisla-  
3 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, is  
6 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—

15 “(A) the program is affordable when con-  
16 sidering the ability of the Department of De-  
17 fense to accomplish the program’s mission  
18 using alternative systems;

19 “(B) the program is affordable when con-  
20 sidering the per unit cost and the total acquisi-  
21 tion cost in the context of the total resources  
22 available during the period covered by the fu-  
23 ture-years defense program submitted during  
24 the fiscal year in which the certification is  
25 made;

1           “(C) reasonable cost and schedule esti-  
2           mates have been developed to execute the prod-  
3           uct development and production plan under the  
4           program; and

5           “(D) funding is available to execute the  
6           product development and production plan under  
7           the program, through the period covered by the  
8           future-years defense program submitted during  
9           the fiscal year in which the certification is  
10          made, consistent with the estimates described in  
11          subparagraph (C) for the program; and

12          “(2) further certifies that—

13                 “(A) appropriate market research has been  
14                 conducted prior to technology development to  
15                 reduce duplication of existing technology and  
16                 products;

17                 “(B) the Department of Defense has com-  
18                 pleted an analysis of alternatives with respect to  
19                 the program;

20                 “(C) the Joint Requirements Oversight  
21                 Council has accomplished its duties with respect  
22                 to the program pursuant to section 181(b) of  
23                 this title, including an analysis of the oper-  
24                 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-

1 stone decision authority in support of such certifi-  
2 cation.

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

1 Point B approval in the case of a space pro-  
2 gram) or at the time that such milestone deci-  
3 sion authority withdraws a certification or re-  
4 scinds Milestone B approval (or Key Decision  
5 Point B approval in the case of a space pro-  
6 gram) pursuant to subsection (b)(2), waive”;  
7 and

8 (B) by striking “paragraph (1), (2), (3),  
9 (4), (5), (6), (7), (8), or (9)” and inserting  
10 “paragraph (1) or (2)”; and

11 (6) in subsection (e), as so redesignated, by  
12 striking “subsection (c)” and inserting “subsection  
13 (d)”.

14 **SEC. 813. COMPTROLLER GENERAL REPORT ON DEPART-**  
15 **MENT OF DEFENSE ORGANIZATION AND**  
16 **STRUCTURE FOR MAJOR DEFENSE ACQUI-**  
17 **SITION PROGRAMS.**

18 (a) REPORT REQUIRED.—Not later than one year  
19 after the date of the enactment of this Act, the Comp-  
20 troller General of the United States shall submit to the  
21 congressional defense committees a report on potential  
22 modifications of the organization and structure of the De-  
23 partment of Defense for major defense acquisition pro-  
24 grams.

1 (b) ELEMENTS.—The report required by subsection  
2 (a) shall include the results of a review, conducted by the  
3 Comptroller General for purposes of the report, regarding  
4 the feasibility and advisability of, at a minimum, the fol-  
5 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 acqui-  
12 sition programs.

13 (3) Establishing a new office (to be known as  
14 the “Office of Independent Assessment”) to provide  
15 independent cost estimates and performance esti-  
16 mates for major defense acquisition programs.

17 (4) Requiring the milestone decision authority  
18 for a major defense acquisition program to specify,  
19 at the time of Milestone B approval, or Key Decision  
20 Point B approval, as applicable, the period of time  
21 that will be required to deliver an initial operational  
22 capability to the relevant combatant commanders.

23 (5) Establishing a materiel solutions process for  
24 addressing identified gaps in critical warfighting ca-  
25 pabilities, under which process the Under Secretary

1 of Defense for Acquisition, Technology, and Logis-  
2 tics circulates among the military departments and  
3 appropriate Defense Agencies a request for pro-  
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:

22 (1) Senior acquisition officials currently serving  
23 in the Department of Defense.

24 (2) Senior military officers involved in setting  
25 requirements for the joint staff, the Armed Forces,



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 and inserting “the amount specified in subsection

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

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 nec-  
8 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—

11           “(1) prices paid for the same or similar com-  
12 mercial items under comparable terms and condi-  
13 tions by both government and commercial customers;  
14 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.”.

21           (2) CONFORMING AMENDMENT TO TECHNICAL  
22 DATA PROVISION.—Section 2321(f)(2) of such title  
23 is amended by striking “(whether or not under a  
24 contract for commercial items)” and inserting  
25 “(other than technical data for a commercially avail-

1       able off-the-shelf item as defined in section 35(c) of  
2       the Office of Federal Procurement Policy Act (41  
3       U.S.C. 431(c))”.

4       (b) SALES OF COMMERCIAL ITEMS TO NONGOVERN-  
5       MENTAL ENTITIES.—Not later than 180 days after the  
6       date of the enactment of this Act, the Secretary of Defense  
7       shall modify the regulations of the Department of Defense  
8       on the procurement of commercial items in order to clarify  
9       that the terms “general public” and “nongovernmental en-  
10      tities” in such regulations do not include the Federal Gov-  
11      ernment or a State, local, or foreign government.

12      **SEC. 816. REVIEW OF SYSTEMIC DEFICIENCIES ON MAJOR**  
13                                      **DEFENSE ACQUISITION PROGRAMS.**

14      (a) ANNUAL REVIEW.—The Under Secretary of De-  
15      fense for Acquisition, Technology, and Logistics shall con-  
16      duct an annual review of systemic deficiencies in the major  
17      defense acquisition programs of the Department of De-  
18      fense for each fiscal year in which three or more major  
19      defense acquisition programs—

20              (1) experience a critical cost growth threshold  
21      breach;

22              (2) have a section 2366a certification with-  
23      drawn; or

24              (3) have a Milestone A approval or Key Deci-  
25      sion Point A approval rescinded, by the milestone

1 decision authority under subsection (b) of section  
2 2366b of title 10, United States Code, as added by  
3 section 943 of this Act.

4 (b) CONTENT OF REVIEW.—The review conducted  
5 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);

12 (2) assess the adequacy of corrective actions  
13 taken or to be taken to address cost growth or other  
14 performance deficiencies in programs covered by the  
15 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:

22 (1) CRITICAL COST GROWTH THRESHOLD  
23 BREACH.—The term “critical cost growth threshold  
24 breach” means a determination under section  
25 2433(d) of title 10, United States Code, by the Sec-

1       retary of a military department with respect to a  
2       major defense acquisition program that the program  
3       acquisition unit cost has increased by a percentage  
4       equal to or greater than the critical cost growth  
5       threshold or that the procurement unit cost has in-  
6       creased by a percentage equal to or greater than the  
7       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.

13       (d) REPORT.—Not later than July 15, 2008, and not  
14       later than August 15 of each year from 2009 through  
15       2012, the Secretary of Defense shall submit to the con-  
16       gressional defense committees a report on the results of  
17       the annual review conducted (if any) for the preceding fis-  
18       cal year under subsection (a).

19       (e) SUNSET.—The requirement to conduct an annual  
20       review under subsection (a) shall terminate on September  
21       30, 2012.

22       **SEC. 817. INVESTMENT STRATEGY FOR MAJOR DEFENSE**  
23               **ACQUISITION PROGRAMS.**

24       (a) REPORT REQUIRED.—Not later than May 1,  
25       2008, the Secretary of Defense shall submit to the con-



1 gressional defense committees a report on the strategies  
2 of the Department of Defense for balancing the allocation  
3 of funds and other resources among major defense acqui-  
4 sition programs.

5 (b) ELEMENTS.—The report required by subsection  
6 (a) shall address, at a minimum, the ability of the organi-  
7 zations, policies, and procedures of the Department of De-  
8 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;

14 (2) balancing the cost, schedule, and require-  
15 ments of major defense acquisition programs, includ-  
16 ing those within the same functional or mission area,  
17 to ensure the most efficient use of resources; and

18 (3) ensuring that the budget, requirements, and  
19 acquisition processes of the Department of Defense  
20 work in a complementary manner to achieve desired  
21 results.

22 (c) ROLE OF TRI-CHAIR COMMITTEE IN RESOURCE  
23 ALLOCATION.—

24 (1) IN GENERAL.—The report required by sub-  
25 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.

1 (e) RECOMMENDATIONS.—The report required by  
2 subsection (a) shall include any recommendations, includ-  
3 ing recommendations for legislative action, that the Sec-  
4 retary considers appropriate to improve the organizations,  
5 policies, and procedures described in the report.

6 **SEC. 818. REPORT ON IMPLEMENTATION OF RECOMMENDA-**  
7 **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  
11 of Defense shall submit to the congressional defense com-  
12 mittees a report on the extent of the implementation of  
13 the recommendations set forth in the February 2003 re-  
14 port of the Government Accountability Office entitled  
15 “Setting Requirements Differently Could Reduce Weapon  
16 Systems’ Total Ownership Costs”.

17 (b) ELEMENTS.—The report required by subsection  
18 (a) shall include the following:

19 (1) For each recommendation described in sub-  
20 section (a) that has been implemented, or that the  
21 Secretary plans to implement—

22 (A) a summary of all actions that have  
23 been taken to implement such recommendation;  
24 and

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)).

14 **SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIM-**  
15 **PLIFIED ACQUISITION PROCEDURES FOR**  
16 **CERTAIN COMMERCIAL ITEMS.**

17 (a) EXTENSION.—Section 4202(e) of the Clinger-  
18 Cohen Act of 1996 (division D of Public Law 104–106;  
19 110 Stat. 652; 10 U.S.C. 2304 note) is amended by strik-  
20 ing “January 1, 2008” and inserting “January 1, 2010”.

21 (b) REPORT.—Not later than March 1, 2008, the  
22 Under Secretary of Defense for Acquisition, Technology,  
23 and Logistics shall submit to the Committees on Armed  
24 Services of the Senate and the House of Representatives  
25 a report on the use by the Department of Defense of the

1 authority provided by section 4202(e) of the Clinger-  
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  
12 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amend-  
13 ed by striking “September 30, 2008” and inserting “Sep-  
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-  
25 section if—

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**  
14 **FOR JOINT WARFIGHTING.**

15       (a) **AUTHORITY.**—Section 167a of title 10, United  
16 States Code, is amended—

17           (1) in subsection (a), by striking “and acquire”  
18 and inserting “, acquire, and maintain”;

19           (2) by redesignating subsection (f) as sub-  
20 section (g); and

21           (3) by inserting after subsection (e) the fol-  
22 lowing new subsection:

23       “(f) **LIMITATION ON AUTHORITY TO MAINTAIN**  
24 **EQUIPMENT.**—The authority delegated under subsection  
25 (a) to maintain equipment is subject to the availability of

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



1 commercial items engages in such market research as may  
2 be necessary to carry out the requirements of subsection  
3 (b)(2) before making purchases for or on behalf of the  
4 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 REQUIRE-**  
13 **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 sub-  
19 sections (a) and (b) and inserting the following new  
20 subsections (a) and (b):

21 “(a) PRODUCTS FOR WHICH FEDERAL PRISON IN-  
22 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

1 Industries does not have a significant market share, the  
2 Secretary of Defense shall conduct market research to de-  
3 termine whether the product is comparable to products  
4 available from the private sector that best meet the needs  
5 of the Department in terms of price, quality, and time of  
6 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  
11 Department in terms of price, quality, and time of deliv-  
12 ery, the Secretary shall use competitive procedures for the  
13 procurement of the product, or shall make an individual  
14 purchase under a multiple award contract in accordance  
15 with the competition requirements applicable to such con-  
16 tract. In conducting such a competition, the Secretary  
17 shall consider a timely offer from Federal Prison Indus-  
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

1 purchase under a multiple award contract in accordance  
2 with the competition requirements applicable to such con-  
3 tract. In conducting such a competition, the Secretary  
4 shall consider a timely offer from Federal Prison Indus-  
5 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  
11 of the Department of Defense market for the category of  
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.—

19 (1) INITIAL LIST.—Not later than 60 days after  
20 the date of the enactment of this Act, the Secretary  
21 of Defense shall publish a list of product categories  
22 for which Federal Prison Industries’ share of the  
23 Department of Defense market is greater than 5  
24 percent, based on the most recent fiscal year for  
25 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

1 for a period in excess of five years only if the Secretary  
 2 determines, on the basis of a business case analysis pre-  
 3 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 elec-  
 8 tricity from the source in an economical manner  
 9 without the use of a contract for a period in excess  
 10 of five years.

11           “(c) RELATIONSHIP TO OTHER MULTIYEAR CON-  
 12 TRACTING AUTHORITY.—Nothing in this section shall be  
 13 construed to preclude the Department of Defense from  
 14 using other multiyear contracting authority of the Depart-  
 15 ment 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.”.

19 **SEC. 829. PROCUREMENT OF FIRE RESISTANT RAYON**  
 20 **FIBER FOR THE PRODUCTION OF UNIFORMS**  
 21 **FROM FOREIGN SOURCES.**

22           (a) AUTHORITY TO PROCURE.—The Secretary of De-  
 23 fense may procure fire resistant rayon fiber for the pro-  
 24 duction of uniforms that is manufactured in a foreign

1 country referred to in subsection (d) if the Secretary de-  
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 sub-  
13 contracts would not be in the best interests of  
14 the Government or consistent with the objec-  
15 tives of section 2304 of title 10, United States  
16 Code.

17 (b) SUBMISSION TO CONGRESS.—Not later than 30  
18 days after making a determination under subsection (a),  
19 the Secretary shall submit to Congress a copy of the deter-  
20 mination.

21 (c) APPLICABILITY TO SUBCONTRACTS.—The au-  
22 thority under subsection (a) applies with respect to sub-  
23 contracts under Department of Defense contracts as well  
24 as to such contracts.

1 (d) FOREIGN COUNTRIES COVERED.—The authority  
2 under subsection (a) applies with respect to a foreign  
3 country that—

4 (1) is a party to a defense memorandum of un-  
5 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.

11 (e) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE  
12 DEFINED.—In this section, the term “national technology  
13 and industrial base” has the meaning given that term in  
14 section 2500 of title 10, United States Code.

15 (f) SUNSET.—The authority under subsection (a)  
16 shall expire on the date that is five years after the date  
17 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.**

21 Not later than one year after the date of the enact-  
22 ment of this Act, the Comptroller General of the United  
23 States shall submit to the congressional defense commit-  
24 tees a report on the use of procedures other than competi-  
25 tive procedures in the award of contracts by the Depart-

1 ment of Defense. The report shall compare the procedures  
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  
6 in rule XXI of the Rules of the House of Representatives,  
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.

10           **Subtitle D—Accountability in**  
11                           **Contracting**

12 **SEC. 841. COMMISSION ON WARTIME CONTRACTING IN**  
13                           **IRAQ AND AFGHANISTAN.**

14           (a) **ESTABLISHMENT.**—There is hereby established a  
15 commission to be known as the “Commission on Wartime  
16 Contracting” (in this section referred to as the “Commis-  
17 sion”).

18           (b) **MEMBERSHIP MATTERS.**—

19                   (1) **MEMBERSHIP.**—The Commission shall be  
20 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.

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,



1 the Commission shall report the circumstances to  
2 Congress without delay.

3 (4) PERSONNEL.—The Commission shall have  
4 the authorities provided in section 3161 of title 5,  
5 United States Code, and shall be subject to the con-  
6 ditions set forth in such section, except to the extent  
7 that such conditions would be inconsistent with the  
8 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.

15 (6) SECURITY CLEARANCES.—The appropriate  
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-

1        participating 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-

1 contracts, or task or delivery orders over which such  
2 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 INSPEC-  
24 TORS GENERAL.—The Special Inspector General for Iraq  
25 Reconstruction, during such period as such office exists,

1 the Special Inspector General for Afghanistan Reconstruc-  
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 Devel-  
6 opment shall perform such audits as required by sub-  
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.

10 (d) COORDINATION OF AUDITS.—The Inspectors  
11 General specified in subsection (c) shall work to coordinate  
12 the performance of the audits required by subsection (a)  
13 and identified in the audit plans developed under sub-  
14 section (b) including through councils and working groups  
15 composed of such Inspectors General.

16 (e) JOINT AUDITS.—If one or more audits required  
17 by subsection (a) and identified in an audit plan developed  
18 under subsection (b) falls within the scope of the duties  
19 of more than one of the Inspectors General specified in  
20 subsection (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 au-  
24 dits.

1           (f) SEPARATE AUDITS.—If one or more audits re-  
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  
6       do not agree that such audit or audits are best pursued  
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  
11      minimum, one or more of the following issues:

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.

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.

1           (7) The extent to which any incidents of mis-  
 2       conduct or unlawful activity were reported, docu-  
 3       mented, investigated, and (where appropriate) pros-  
 4       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 CON-**  
 16 **TRACTS.**—Section 2304a(d) of title 10, United  
 17 States Code, is amended—

18           (A) by redesignating paragraph (3) as  
 19       paragraph (4); and

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

22       “(3)(A) No task or delivery order contract in an  
 23 amount estimated to exceed \$100,000,000 (including all  
 24 options) may be awarded to a single source unless the  
 25 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 redesignated by paragraph (1), and inserting the following new subsection (e):

2           “(e) PROTESTS.—(1) A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

3           “(A) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

4           “(B) a protest of an order valued in excess of \$10,000,000.

5           “(2) Notwithstanding section 3556 of title 31, the Comptroller General of the United States shall have exclusive jurisdiction of a protest authorized under paragraph (1)(B).

6           “(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.”.

7           (3) EFFECTIVE DATES.—

8           (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

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 redesign-  
24 nated by paragraph (1), and inserting the fol-  
25 lowing new subsection (e):

1       “(e) PROTESTS.—(1) A protest is not authorized in  
2 connection with the issuance or proposed issuance of a  
3 task or delivery order except for—

4               “(A) a protest on the ground that the order in-  
5 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).

13       “(3) This subsection shall be in effect for three years,  
14 beginning on the date that is 120 days after the date of  
15 the enactment of the National Defense Authorization Act  
16 for Fiscal Year 2008.”.

17               (3) EFFECTIVE DATES.—

18               (A) SINGLE AWARD CONTRACTS.—The  
19 amendments made by paragraph (1) shall take  
20 effect on the date that is 120 days after the  
21 date of the enactment of this Act, and shall  
22 apply with respect to any contract awarded on  
23 or after such date.

24               (B) ORDERS IN EXCESS OF \$5,000,000.—  
25 The amendments made by paragraph (2) shall

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



1 website selected by the Administrator for Federal Procure-  
2 ment Policy.

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, 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) as  
10 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:

15 “(1)(1)(A) Except as provided in subparagraph (B),  
16 in the case of a procurement permitted by subsection (c),  
17 the head of an agency shall make publicly available, within  
18 14 days after the award of the contract, the documents  
19 containing the justification and approval required by sub-  
20 section (f)(1) with respect to the procurement.

21 “(B) In the case of a procurement permitted by sub-  
22 section (c)(2), subparagraph (A) shall be applied by sub-  
23 stituting ‘30 days’ for ‘14 days’.

24 “(2) The documents shall be made available on the  
25 website of the agency and through a government-wide

1 website selected by the Administrator for Federal Procure-  
2 ment Policy.

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  
23 annex provided by the Inspector General of the Depart-  
24 ment of Defense if they include significant audit findings.

1 (c) EXCEPTION.—Subsection (a) shall not apply to  
2 an Inspector General if no audits described in such sub-  
3 section were issued during the covered period.

4 (d) SUBMISSION OF INDIVIDUAL AUDITS.—

5 (1) REQUIREMENT.—The head of each Federal  
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 in  
15 this paragraph are the following:

16 (A) The Committee on Oversight and Gov-  
17 ernment Reform of the House of Representa-  
18 tives.

19 (B) The Committee on Homeland Security  
20 and Governmental Affairs of the Senate.

21 (C) The Committees on Appropriations of  
22 the House of Representatives and the Senate.

23 (D) With respect to the Department of De-  
24 fense and the Department of Energy, the Com-

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.

1 **SEC. 846. PROTECTION FOR CONTRACTOR EMPLOYEES**  
2 **FROM REPRISAL FOR DISCLOSURE OF CER-**  
3 **TAIN 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 Con-  
8 gress” and inserting “disclosing to a Member of  
9 Congress, a representative of a committee of Con-  
10 gress, an Inspector General, the Government Ac-  
11 countability Office, a Department of Defense em-  
12 ployee responsible for contract oversight or manage-  
13 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”.

1 (b) CLARIFICATION OF INSPECTOR GENERAL DE-  
2 TERMINATION.—Subsection (b) of such section is amend-  
3 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

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

13 “(2)(A) Except as provided under subparagraph (B),  
14 the Inspector General shall make a determination that a  
15 complaint is frivolous or submit a report under paragraph  
16 (1) within 180 days after receiving the complaint.

17 “(B) If the Inspector General is unable to complete  
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.”.

1 (c) ACCELERATION OF SCHEDULE FOR DENYING RE-  
2 LIEF OR PROVIDING REMEDY.—Subsection (c) of such  
3 section is amended—

4 (1) in paragraph (1), by striking “If the head  
5 of the agency determines that a contractor has sub-  
6 jected a person to a reprisal prohibited by subsection  
7 (a), the head of the agency may” and inserting after  
8 “(1)” the following: “Not later than 30 days after  
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:

20 “(2) If the head of an executive agency issues an  
21 order denying relief under paragraph (1) or has not issued  
22 an order within 210 days after the submission of a com-  
23 plaint under subsection (b), or in the case of an extension  
24 of time under paragraph (b)(2)(B), not later than 30 days  
25 after the expiration of the extension of time, and there



1 is no showing that such delay is due to the bad faith of  
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 com-  
6 pensatory damages and other relief available under this  
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  
11 tried by the court with a jury.

12 “(3) An Inspector General determination and an  
13 agency head order denying relief under paragraph (2)  
14 shall be admissible in evidence in any de novo action at  
15 law or equity brought pursuant to this subsection.”.

16 (d) DEFINITIONS.—Subsection (e) of such section is  
17 amended—

18 (1) in paragraph (4), by inserting “or a grant”  
19 after “a contract”; and

20 (2) by inserting before the period at the end the  
21 following: “and any Inspector General that receives  
22 funding from, or has oversight over contracts award-  
23 ed for or on behalf of, the Secretary of Defense”.

1 **SEC. 847. REQUIREMENTS FOR SENIOR DEPARTMENT OF**  
2 **DEFENSE OFFICIALS SEEKING EMPLOYMENT**  
3 **WITH DEFENSE CONTRACTORS.**

4 (a) REQUIREMENT TO SEEK AND OBTAIN WRITTEN  
5 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  
9 Department of Defense, expects to receive com-  
10 pensation from a Department of Defense contractor,  
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.

1           (3) WRITTEN OPINION.—Not later than 30  
2 days after receiving a request by an official or  
3 former official of the Department of Defense de-  
4 scribed in subsection (c), the appropriate ethics  
5 counselor shall provide such official or former offi-  
6 cial a written opinion regarding the applicability or  
7 inapplicability of post-employment restrictions to ac-  
8 tivities that the official or former official may under-  
9 take 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 years 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.

22           (5) ADMINISTRATIVE ACTIONS.—In the event  
23 that an official or former official of the Department  
24 of Defense described in subsection (c), or a Depart-  
25 ment of Defense contractor, knowingly fails to com-

1 ply with the requirements of this subsection, the  
2 Secretary of Defense may take any of the adminis-  
3 trative actions set forth in section 27(e) of the Office  
4 of Federal Procurement Policy Act (41 U.S.C.  
5 423(e)) that the Secretary of Defense determines to  
6 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.

15 (2) INSPECTOR GENERAL REVIEW.—The In-  
16 spector General of the Department of Defense shall  
17 conduct periodic reviews to ensure that written opin-  
18 ions are being provided and retained in accordance  
19 with the requirements of this section. The first such  
20 review shall be conducted no later than two years  
21 after the date of the enactment of this Act.

22 (c) COVERED DEPARTMENT OF DEFENSE OFFI-  
23 CIALS.—An official or former official of the Department  
24 of Defense is covered by the requirements of this section  
25 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);

1 (2) section 207 of title 18, United States Code;  
2 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 subsection  
15 (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 re-  
22 port conduct that may violate applicable re-  
23 quirements of law or regulation;

24 (B) notification to contractor employees of  
25 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;

1           (3) the extent to which the Department of De-  
2           fense monitors or approves the ethics programs of  
3           major defense contractors; and

4           (4) the advantages and disadvantages of legisla-  
5           tion requiring that defense contractors develop inter-  
6           nal ethics programs and requiring that specific ele-  
7           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.

14          (d) MAJOR DEFENSE CONTRACTOR DEFINED.—In  
15          this section, the term “major defense contractor” means  
16          any company that was awarded contracts by the Depart-  
17          ment of Defense during fiscal year 2006 in amounts total-  
18          ing more than \$500,000,000.

19       **SEC. 849. CONTINGENCY CONTRACTING TRAINING FOR**  
20                               **PERSONNEL OUTSIDE THE ACQUISITION**  
21                               **WORKFORCE AND EVALUATIONS OF ARMY**  
22                               **COMMISSION RECOMMENDATIONS.**

23          (a) TRAINING REQUIREMENT.—Section 2333 of title  
24          10, United States Code is amended—



1           (1) by redesignating subsection (e) as sub-  
2           section (f); and

3           (2) by inserting after subsection (d) the fol-  
4           lowing new subsection (e):

5           “(e) TRAINING FOR PERSONNEL OUTSIDE ACQUI-  
6           TION WORKFORCE.—(1) The joint policy for requirements  
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 of-  
11          ficers performing key staff functions for operational field  
12          commanders) who are expected to have acquisition respon-  
13          sibility, including oversight duties associated with con-  
14          tracts or contractors, during combat operations, post-con-  
15          flict operations, and contingency operations.

16          “(2) Training under paragraph (1) shall be sufficient  
17          to ensure that the military personnel referred to in that  
18          paragraph understand the scope and scale of contractor  
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

1 readiness exercises for operations that will include con-  
2 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.

19 (2) EVALUATION BY THE SECRETARY OF THE  
20 ARMY.—The Secretary of the Army, in consultation  
21 with the Chief of Staff of the Army, shall evaluate  
22 the recommendations included in the report of the  
23 Commission on Army Acquisition and Program  
24 Management in Expeditionary Operations. Not later  
25 than 120 days after the date of the enactment of

1 this Act, the Secretary of the Army shall submit to  
2 the congressional defense committees a report detail-  
3 ing the Secretary's plans for implementation of the  
4 recommendations of the Commission. The report  
5 shall include the following:

6 (A) For each recommendation that has  
7 been implemented, or that the Secretary plans  
8 to implement—

9 (i) a summary of all actions that have  
10 been taken to implement such rec-  
11 ommendation; and

12 (ii) a schedule, with specific mile-  
13 stones, for completing the implementation  
14 of such recommendation.

15 (B) For each recommendation that the  
16 Secretary has not implemented and does not  
17 plan to implement—

18 (i) the reasons for the decision not to  
19 implement such recommendation; and

20 (ii) a summary of any alternative ac-  
21 tions the Secretary plans to take to ad-  
22 dress the purposes underlying such rec-  
23 ommendation.

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).”.

1     **Subtitle E—Acquisition Workforce**  
2                     **Provisions**

3     **SEC. 851. REQUIREMENT FOR SECTION ON DEFENSE AC-**  
4                     **QUISITION 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—

12                    (1) an identification of the funding programmed  
13 for defense acquisition workforce improvements, includ-  
14 ing a specific identification of funding provided  
15 in the Department of Defense Acquisition Workforce  
16 Fund established under section 1705 of title 10,  
17 United States Code (as added by section 852 of this  
18 Act);

19                    (2) an identification of the funding programmed  
20 for defense acquisition workforce training in the fu-  
21 ture-years defense program, including a specific  
22 identification of funding provided by the acquisition  
23 workforce training fund established under section  
24 37(h)(3) of the Office of Federal Procurement Pol-  
25 icy 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”

1 means the strategic human capital plan required under  
2 section 1122 of the National Defense Authorization Act  
3 for Fiscal Year 2006 (Public Law 109–163; 119 Stat.  
4 3452; 10 U.S.C. prec. 1580 note).

5 **SEC. 852. DEPARTMENT OF DEFENSE ACQUISITION WORK-**  
6 **FORCE DEVELOPMENT FUND.**

7 (a) IN GENERAL.—

8 (1) ESTABLISHMENT OF FUND.—Chapter 87 of  
9 title 10, United States Code, is amended by insert-  
10 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 De-

1 partment receives the best value for the expenditure of  
2 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, Tech-  
6 nology, and Logistics for that purpose, from among per-  
7 sons with an extensive background in management relat-  
8 ing to acquisition and personnel.

9 “(d) ELEMENTS.—

10 “(1) IN GENERAL.—The Fund shall consist of  
11 amounts as follows:

12 “(A) Amounts credited to the Fund under  
13 paragraph (2).

14 “(B) Any other amounts appropriated to,  
15 credited to, or deposited into the Fund by law.

16 “(2) CREDITS TO THE FUND.—(A) There shall  
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.

14 “(ii) For fiscal year 2009, 1 percent.

15 “(iii) For fiscal year 2010, 1.5 percent.

16 “(iv) For any fiscal year after fiscal year  
17 2010, 2 percent.

18 “(D) The Secretary of Defense may reduce a  
19 percentage established in subparagraph (C) for any  
20 fiscal year, if he determines that the application of  
21 such percentage would result in the crediting of an  
22 amount greater than is reasonably needed for the  
23 purpose of the Fund. In no event may the Secretary  
24 reduce a percentage for any fiscal year below a per-

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.

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.”.

1 (b) EFFECTIVE DATE.—Section 1705 of title 10,  
2 United States Code, as added by subsection (a), shall take  
3 effect on the date of the enactment of this Act.

4 **SEC. 853. EXTENSION OF AUTHORITY TO FILL SHORTAGE**  
5 **CATEGORY POSITIONS FOR CERTAIN FED-**  
6 **ERAL ACQUISITION POSITIONS.**

7 Section 1413(b) of the National Defense Authoriza-  
8 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 WORK-**  
12 **FORCE TRAINING FUND.**

13 Section 37(h)(3) of the Office of Federal Procure-  
14 ment Policy Act (41 U.S.C. 433(h)(3)) is amended by  
15 striking subparagraph (H).

16 **SEC. 855. FEDERAL ACQUISITION WORKFORCE IMPROVE-**  
17 **MENTS.**

18 (a) ASSOCIATE ADMINISTRATOR FOR ACQUISITION  
19 WORKFORCE PROGRAMS.—The Administrator for Federal  
20 Procurement Policy shall designate a member of the Sen-  
21 ior Executive Service as the Associate Administrator for  
22 Acquisition Workforce Programs. The Associate Adminis-  
23 trator for Acquisition Workforce Programs shall be lo-  
24 cated in the Federal Acquisition Institute (or its suc-

1 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  
12 agency acquisition workforce succession plans;

13 (4) recommending to the Administrator and  
14 other senior government officials appropriate pro-  
15 grams, policies, and practices to increase the quan-  
16 tity and quality of the Federal acquisition workforce;  
17 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.—

22 (1) REQUIREMENT.—The head of each execu-  
23 tive agency, after consultation with the Associate  
24 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  
6 for differences in program requirements among agencies  
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.

11           (d) ACQUISITION AND CONTRACTING TRAINING RE-  
12 PORTING.—The Administrator for Federal Procurement  
13 Policy shall ensure that the heads of executive agencies  
14 collect and maintain standardized information on the ac-  
15 quisition and contracting workforce related to the imple-  
16 mentation of subsection (b).

17           (e) ACQUISITION WORKFORCE HUMAN CAPITAL SUC-  
18 CESSION PLAN.—

19           (1) IN GENERAL.—Not later than 1 year after  
20 the date of the enactment of this Act, each Chief Ac-  
21 quisition Officer for an executive agency shall de-  
22 velop, in consultation with the Chief Human Capital  
23 Officer for the agency and the Associate Adminis-  
24 trator for Acquisition Workforce Programs, a suc-  
25 cession 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 acqui-  
23 sition of architect and engineering services.

24 (g) UTILIZATION OF RECRUITMENT AND RETENTION  
25 AUTHORITIES.—The Administrator for Federal Procure-

1 ment Policy, in coordination with the Director of the Of-  
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  
10 agency” has the meaning provided in section 4(1) of  
11 the Office of Federal Procurement Policy Act (41  
12 U.S.C. 403(1)).

13 (2) CHIEF ACQUISITION OFFICER.—The term  
14 “Chief Acquisition Officer” means a Chief Acquisi-  
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).

## 18 **Subtitle F—Contracts in Iraq and** 19 **Afghanistan**

### 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 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 un-  
5 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 responsibil-  
13 ities of each department or agency for matters relat-  
14 ing to contracting for contracts in Iraq or Afghani-  
15 stan.

16 (3) Responsibility for establishing procedures  
17 for, and the coordination of, movement of contractor  
18 personnel in Iraq or Afghanistan.

19 (4) Identification of common databases that will  
20 serve as repositories of information on contracts in  
21 Iraq or Afghanistan and contractor personnel in  
22 Iraq or Afghanistan, including agreement on the ele-  
23 ments to be included in the databases, including, at  
24 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 memo-  
11 randum of understanding required by subsection (a) is  
12 signed, the Secretary of Defense, the Secretary of State,  
13 and the Administrator of the United States Agency for  
14 International Development shall issue such policies or  
15 guidance and prescribe such regulations as are necessary  
16 to implement the memorandum of understanding for the  
17 relevant matters pertaining to their respective agencies.

18 (d) COPIES PROVIDED TO CONGRESS.—

19 (1) MEMORANDUM OF UNDERSTANDING.—Cop-  
20 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 later  
25 than 180 days after the memorandum of under-

1 standing required by subsection (a) is signed, the  
2 Secretary of Defense, the Secretary of State, and  
3 the Administrator of the United States Agency for  
4 International Development shall each provide a re-  
5 port to the relevant committees of Congress on the  
6 implementation of the memorandum of under-  
7 standing.

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.

1 **SEC. 862. CONTRACTORS PERFORMING PRIVATE SECURITY**  
2 **FUNCTIONS IN AREAS OF COMBAT OPER-**  
3 **ATIONS.**

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, estab-  
15 lish—

16 (A) a process for registering, processing,  
17 accounting for, and keeping appropriate records  
18 of personnel performing private security func-  
19 tions in an area of combat operations;

20 (B) a process for authorizing and account-  
21 ing for weapons to be carried by, or available to  
22 be used by, personnel performing private secu-  
23 rity functions in an area of combat operations;

24 (C) a process for the registration and iden-  
25 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

1 (I) a process by which the training require-  
2 ments referred to in subparagraph (G)(ii) shall  
3 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 (1) REQUIREMENT UNDER FAR.—Not later  
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  
3 the functions of the contractor;

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 (3) NONCOMPLIANCE OF PERSONNEL WITH  
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-

1 ations who violate or fail to comply with applicable  
2 requirements of the clause required by this sub-  
3 section. If the violation or failure to comply is a  
4 gross violation or failure or is repeated, the contract  
5 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



1 or potential of combat operations in such area war-  
2 rants designation of such area as an area of combat  
3 operations for purposes of this section.

4 (4) MODIFICATION OR ELIMINATION OF DES-  
5 IGNATION.—The Secretary may modify or cease the  
6 designation of an area under this subsection as an  
7 area of combat operations if the Secretary deter-  
8 mines that combat operations are no longer ongoing  
9 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-**  
15 **PORTS ON CONTRACTING IN IRAQ AND AF-**  
16 **GHANISTAN.**

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.

22 (2) MATTERS COVERED.—A report under this  
23 subsection shall cover the following with respect to  
24 the contracts in Iraq or Afghanistan reviewed for the  
25 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 pro-  
5 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 re-  
12 spect to contracts in Iraq and Afghanistan, means  
13 all matters relating to awarding, funding, managing,  
14 tracking, monitoring, and providing oversight to con-  
15 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 work 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-

1 fied information or information relating to intelligence  
2 sources and methods in a manner inconsistent with any  
3 law, regulation, executive order, or rule of the House of  
4 Representatives or of the Senate relating to the handling  
5 or protection of such information.

6           **Subtitle G—Defense Materiel**  
7                           **Readiness Board**

8 **SEC. 871. ESTABLISHMENT OF DEFENSE MATERIEL READI-**  
9                           **NESS BOARD.**

10           (a) **ESTABLISHMENT.**—Not later than 6 months after  
11 the date of the enactment of this Act, the Secretary of  
12 Defense shall establish a Defense Materiel Readiness  
13 Board (in this subtitle referred to as the “Board”) within  
14 the Office of the Secretary of Defense.

15           (b) **MEMBERSHIP.**—The Secretary shall appoint the  
16 chairman and the members of the Board from among offi-  
17 cers of the Armed Forces with expertise in matters rel-  
18 evant to the function of the Board to assess materiel readi-  
19 ness and evaluate plans and policies relating to materiel  
20 readiness. At a minimum, the Board shall include rep-  
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 assign  
25 staff, and request the Secretaries of the military depart-

1 ments to assign staff, as necessary to assist the Board  
2 in carrying out its duties.

3 (d) FUNCTIONS.—The Board shall provide inde-  
4 pendent assessments of materiel readiness, materiel readi-  
5 ness shortfalls, and materiel readiness plans to the Sec-  
6 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;

10 (2) assist the Secretary of Defense in the iden-  
11 tification of deficiencies in the materiel readiness of  
12 the Armed Forces caused by shortfalls in weapons  
13 systems, equipment, and supplies;

14 (3) identify shortfalls in materiel readiness, in-  
15 cluding critical materiel readiness shortfalls, for pur-  
16 poses of the Secretary's designations under section  
17 872 and the funding needed to address such short-  
18 falls;

19 (4) assess the adequacy of current Department  
20 of Defense plans, policies, and programs to address  
21 shortfalls in materiel readiness, including critical  
22 materiel readiness shortfalls (as designated by the  
23 Secretary under section 872), and to sustain and im-  
24 prove 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 Defense  
25          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 rial 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

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

1 shall be administered by the Secretary of the Treas-  
2 ury.

3 (2) PURPOSES.—The Fund shall be used to ad-  
4 dress critical materiel readiness shortfalls as des-  
5 ignated by the Secretary of Defense under sub-  
6 section (a).

7 (3) ASSETS OF FUND.—There shall be depos-  
8 ited into the Fund any amount appropriated to the  
9 Fund, which shall constitute the assets of the Fund.

10 (4) LIMITATION.—The procurement unit cost  
11 (as defined in section 2432(a) of title 10, United  
12 States Code) of any item purchased using assets of  
13 the Fund, whether such assets are in the Fund or  
14 after such assets have been transferred from the  
15 Fund using the authority provided in subsection (c),  
16 shall not exceed \$30,000,000.

17 (e) MULTIYEAR CONTRACT NOTIFICATION.—

18 (1) NOTIFICATION.—If the Secretary of a mili-  
19 tary department makes the determination described  
20 in paragraph (2) with respect to the use of a  
21 multiyear contract, the Secretary shall notify the  
22 congressional defense committees within 30 days of  
23 the determination and provide a detailed description  
24 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-

1 house for identifying, assessing, and disseminating knowl-  
2 edge about readily available information technologies (with  
3 an emphasis on commercial off-the-shelf information tech-  
4 nologies) that could support the warfighting mission of the  
5 Department of Defense.

6 (b) RESPONSIBILITIES.—The clearinghouse estab-  
7 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 combat-  
16 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).

1           (3) Disseminating information about commer-  
2           cial technologies identified pursuant to paragraph  
3           (2) to commanders of combatant commands and  
4           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 ad-  
8           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 web-  
17          based mechanisms, to facilitate communications with  
18          industry regarding the priorities and needs of the  
19          Department of Defense identified pursuant to para-  
20          graph (1) and commercial technologies available to  
21          address such priorities and needs.

22          (7) Assisting in the development of guides to  
23          help small information technology companies with  
24          promising technologies to understand and navigate

1 the funding and acquisition processes of the Depart-  
2 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 clearing-  
8 house.

9 (c) PERSONNEL.—The Secretary of Defense, acting  
10 through the Assistant Secretary of Defense for Networks  
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 com-  
16 mercial technologies under this section.

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 com-  
20 mittees a report on the implementation of this section.

1 **SEC. 882. AUTHORITY TO LICENSE CERTAIN MILITARY DES-**  
2 **IGNATIONS AND LIKENESSES OF WEAPONS**  
3 **SYSTEMS TO TOY AND HOBBY MANUFACTUR-**  
4 **ERS.**

5 (a) **AUTHORITY TO LICENSE CERTAIN ITEMS.**—Sec-  
6 tion 2260 of title 10, United States Code, is amended—

7 (1) by redesignating subsections (c), (d), and  
8 (e) as subsections (d), (e), and (f), respectively; and

9 (2) by inserting after subsection (b) the fol-  
10 lowing 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 qualifying  
19 company is any United States company that—

20 “(A) is a toy or hobby manufacturer; and

21 “(B) is determined by the Secretary concerned  
22 to be qualified in accordance with such criteria as  
23 determined appropriate by the Secretary of Defense.

24 “(3) The fee for a license under this subsection shall  
25 not exceed by more than a nominal amount the amount  
26 needed to recover all costs of the Department of Defense



1 in processing the request for the license and supplying the  
2 license.

3 “(4) A license to a qualifying company under this  
4 subsection shall provide that the license may not be trans-  
5 ferred, sold, or relicensed by the qualifying company.

6 “(5) A license under this subsection shall not be an  
7 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.**

14 (a) EFFECT ON EXISTING CONTRACTS.—Section 832  
15 of the John Warner National Defense Authorization Act  
16 for Fiscal Year 2007 (Public Law 109–364; 120 Stat.  
17 2331) is amended by adding at the end the following new  
18 subsection:

19 “(e) EFFECT ON EXISTING CONTRACTS.—The limi-  
20 tation in subsection (a) does not apply to any service con-  
21 tract of a military department to acquire a military flight  
22 simulator, or to any renewal or extension of, or follow-  
23 on contract to, such a contract, if—

24 “(1) the contract was in effect as of October  
25 17, 2006;

1           “(2) the number of flight simulators to be ac-  
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

10           “(3) in the case of a renewal or extension of,  
11           or follow-on contract to, the contract, the Secretary  
12           of the military department concerned provides to the  
13           congressional defense committees a written notice of  
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.”.

20           (b) CHANGE IN GROUNDS FOR WAIVER.—Section  
21           832(c)(1) of such Act, as redesignated by subsection (a),  
22           is amend by striking “necessary for national security pur-  
23           poses” and inserting “in the national interest”.

1 **SEC. 884. REQUIREMENTS RELATING TO WAIVERS OF CER-**  
2 **TAIN DOMESTIC SOURCE LIMITATIONS RE-**  
3 **LATING TO SPECIALTY METALS.**

4 (a) NOTICE REQUIREMENT.—At least 30 days prior  
5 to making a domestic nonavailability determination pursu-  
6 ant to section 2533b(b) of title 10, United States Code,  
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  
10 with the protection of national security information and  
11 confidential business information—

12 (1) publish a notice on the website maintained  
13 by the General Services Administration known as  
14 FedBizOpps.gov (or any successor site) of the Sec-  
15 retary's intent to make the domestic nonavailability  
16 determination; and

17 (2) solicit information relevant to such notice  
18 from interested parties, including producers of spe-  
19 cialty metal mill products.

20 (b) DETERMINATION.—(1) The Secretary shall take  
21 into consideration all information submitted pursuant to  
22 subsection (a) in making a domestic nonavailability deter-  
23 mination pursuant to section 2533b(b) of title 10, United  
24 States Code, that would apply to more than one contract  
25 of the Department of Defense, and may also consider  
26 other relevant information that cannot be made part of

1 the public record consistent with the protection of national  
2 security information and confidential business informa-  
3 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-**  
10 **SONNEL SERVING IN COMBAT ZONES.**

11 (a) **COMPETITIVE PROCEDURES REQUIRED.—**

12 (1) **REQUIREMENT.—**When the Secretary of  
13 Defense considers it necessary to provide morale,  
14 welfare, and recreation telephone services for mili-  
15 tary personnel serving in combat zones, the Sec-  
16 retary shall use competitive procedures when enter-  
17 ing 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 ex-

1       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  
5       contractor. The Secretary shall submit the results of  
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, wel-  
12       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.

15           (2) REVIEW AND DETERMINATION.—Subsection  
16       (a)(2) shall apply to any new contract or extension  
17       to an existing contract to provide morale, welfare,  
18       and recreation telephone services for military per-  
19       sonnel serving in combat zones that is entered into  
20       or agreed upon after the date of the enactment of  
21       this Act.

1 **SEC. 886. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS**  
2 **AND SERVICES PRODUCED IN IRAQ AND AF-**  
3 **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 activi-  
8 ties) for which the Secretary of Defense makes a deter-  
9 mination described in subsection (b), the Secretary may  
10 conduct a procurement in which—

11 (1) competition is limited to products or serv-  
12 ices that are from Iraq or Afghanistan;

13 (2) procedures other than competitive proce-  
14 dures are used to award a contract to a particular  
15 source or sources from Iraq or Afghanistan; or

16 (3) a preference is provided for products or  
17 services that are from Iraq or Afghanistan.

18 (b) DETERMINATION.—A determination described in  
19 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 se-  
22 curity personnel of Iraq or Afghanistan; or

23 (2) it is in the national security interest of the  
24 United States to limit competition, use procedures  
25 other than competitive procedures, or provide a pref-  
26 erence 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 proce-  
9 dures for the acquisition of information technology.

10 (b) MATTERS TO BE ADDRESSED.—The matters ad-  
11 dressed by the review required by subsection (a) shall in-  
12 clude the following:

13 (1) Department of Defense policies and proce-  
14 dures for acquiring national security systems, busi-  
15 ness information systems, and other information  
16 technology.

17 (2) The roles and responsibilities in imple-  
18 menting such policies and procedures of—

19 (A) the Under Secretary of Defense for  
20 Acquisition, Technology, and Logistics;

21 (B) the Chief Information Officer of the  
22 Department of Defense;

23 (C) the Director of the Business Trans-  
24 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,

1 including such recommendations for legislative or adminis-  
2 trative action as the Board considers appropriate, together  
3 with any comments the Secretary considers appropriate.

4 **SEC. 888. GREEN PROCUREMENT POLICY.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-  
6 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  
11 shall submit to Congress a report on a plan to increase  
12 the usage of environmentally friendly products that mini-  
13 mize potential impacts to human health and the environ-  
14 ment at all Department of Defense facilities inside and  
15 outside the United States, including through the direct  
16 purchase of products and the purchase of products by fa-  
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 AU-**  
21 **THORITY UNDER THE DEFENSE PRODUCTION**  
22 **ACT OF 1950.**

23 (a) THOROUGH REVIEW REQUIRED.—The Comp-  
24 troller General of the United States (in this section re-  
25 ferred 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—

8 (1) the relevance and utility of the authorities  
9 provided under the Defense Production Act of 1950  
10 to meet the security challenges of the 21st Century;

11 (2) the manner in which the authorities pro-  
12 vided under such Act have been used by the Federal  
13 Government—

14 (A) to meet security challenges;

15 (B) to meet current and future defense re-  
16 quirements;

17 (C) to meet current and future energy re-  
18 quirements;

19 (D) to meet current and future domestic  
20 emergency and disaster response and recovery  
21 requirements;

22 (E) to reduce the interruption of critical  
23 infrastructure operations during a terrorist at-  
24 tack, natural catastrophe, or other similar na-  
25 tional 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

1 obtained by the Comptroller for purposes of the re-  
2 view required by this section; and

3 (2) provisions of law pertaining to the protec-  
4 tion of classified information or proprietary informa-  
5 tion otherwise applicable to information sought or  
6 obtained by the Comptroller in carrying out this sec-  
7 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 con-  
14 tract with the Department of Defense to provide goods  
15 or technology that is subject to export controls under the  
16 Arms Export Control Act or the Export Administration  
17 of 1979 (as continued in effect under the International  
18 Emergency Economic Powers Act) to comply with those  
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.

24 (b) TRAINING ON EXPORT CONTROLS.—The Sec-  
25 retary of Defense shall ensure that any contractor under

1 a contract with the Department of Defense to provide  
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  
6 of any relevant resources made available by the Depart-  
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  
11 under such plan.

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—

18 (1) requiring defense contractors (or sub-  
19 contractors at any tier) to periodically report on  
20 measures taken to ensure compliance with the Inter-  
21 national Traffic in Arms Regulations and the Export  
22 Administration Regulations;

23 (2) requiring periodic audits of defense contrac-  
24 tors (or subcontractors at any tier) to ensure compli-  
25 ance with all provisions of the International Traffic

1 in Arms Regulations and the Export Administration  
2 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).

19 (2) INTERNATIONAL TRAFFIC IN ARMS REGULA-  
20 TIONS.—The term “International Traffic in Arms  
21 Regulations” means those regulations contained in  
22 sections 120 through 130 of title 22, Code of Fed-  
23 eral 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

1 Hawaiian-serving institutions and Alaska Native-  
2 serving institutions,”.

3 **SEC. 892. COMPETITION FOR PROCUREMENT OF SMALL**  
4 **ARMS SUPPLIED TO IRAQ AND AFGHANISTAN.**

5 (a) **COMPETITION REQUIREMENT.**—For the procure-  
6 ment of pistols and other weapons described in subsection  
7 (b), the Secretary of Defense shall ensure, consistent with  
8 the provisions of section 2304 of title 10, United States  
9 Code, that—

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 0.50  
24 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 development.
- 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 commands 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**

3 **SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT**  
 4 **OF DEFENSE HEADQUARTERS ACTIVITIES**  
 5 **PERSONNEL AND RELATED REPORT.**

6 (a) REPEAL OF LIMITATION.—

7 (1) REPEAL.—Section 130a of title 10, United  
 8 States Code, is repealed.

9 (2) CLERICAL AMENDMENT.—The table of sec-  
 10 tions at the beginning of chapter 3 of such title is  
 11 amended by striking the item relating to section  
 12 130a.

13 (b) REPORT REQUIRED.—The Secretary of Defense  
 14 shall include a report with the defense budget materials

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 head-  
6 quarters activities for each component of the De-  
7 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 pre-  
11 ceding fiscal year—

12                   (A) attributable to the replacement of con-  
13 tract personnel with military personnel or civil-  
14 ian employees of the Department of Defense,  
15 including the number of positions associated  
16 with the replacement of contract personnel per-  
17 forming inherently governmental functions; and

18                   (B) attributable to reasons other than the  
19 replacement of contract personnel with military  
20 personnel or civilian employees of the Depart-  
21 ment, such as workload or operational demand  
22 increases.

23           (3) An estimate of the cost savings, if any, as-  
24 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

11 (B) by adding at the end the following:  
12 “The Secretary of the Navy shall prescribe the  
13 number of Deputy Chiefs of Naval Operations  
14 under this section and Assistant Chiefs of  
15 Naval Operations under section 5037 of this  
16 title, for a total of not more than eight posi-  
17 tions.”.

18 (2) ASSISTANT CHIEFS OF NAVAL OPER-  
19 ATIONS.—Section 5037(a) of such title is amend-  
20 ed—

21 (A) by striking “There are in the Office of  
22 the Chief of Naval Operations not more than  
23 three Assistant Chiefs of Naval Operations,”  
24 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”  
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-

1       ciently organize the business operations of the mili-  
2       tary department concerned.

3           (4) The Chief Management Officer of each mili-  
4       tary department shall promptly provide such infor-  
5       mation relating to the business operations of such  
6       department to the Chief Management Officer and  
7       Deputy Chief Management Officer of the Depart-  
8       ment of Defense as is necessary to assist those offi-  
9       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.—

18           (1) REQUIREMENT.—The Secretary of Defense,  
19       acting through the Chief Management Officer of the  
20       Department of Defense, shall develop a strategic  
21       management plan for the Department of Defense.

22           (2) MATTERS COVERED.—Such plan shall in-  
23       clude, at a minimum, detailed descriptions of—

24           (A) performance goals and measures for  
25       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  
14 Year 2007 (Public Law 109–364; 120 Stat. 2353) is  
15 amended by striking “and mutually supportive of”.

16 **SEC. 906. DEPARTMENT OF DEFENSE BOARD OF ACTU-**  
17 **ARIES.**

18 (a) ESTABLISHMENT.—

19 (1) IN GENERAL.—Chapter 7 of title 10, United  
20 States Code, is amended by inserting after section  
21 182 the following new section:

22 **“§ 183. Department of Defense Board of Actuaries**

23 “(a) IN GENERAL.—There shall be in the Depart-  
24 ment of Defense a Department of Defense Board of Actu-

1 aries (hereinafter in this section referred to as the  
2 ‘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 per-  
16 form functions vested in the Board.

17 “(4) A member of the Board who is not an employee  
18 of the United States is entitled to receive pay at the daily  
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.

1       “(c) DUTIES.—The Board shall have the following  
2 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.

19               “(3) To review valuations of such other funds  
20 as the Secretary of Defense shall specify for pur-  
21 poses of this section and make recommendations to  
22 the President and Congress on such modifications to  
23 the funding or amortization of such funds as the  
24 Board considers appropriate to maintain such funds  
25 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

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

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-

1 perience in the areas of acquisition and program manage-  
2 ment. The position of Principal Military Deputy shall be  
3 designated as a critical acquisition position under section  
4 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  
16 or a lieutenant general of the Marine Corps on active duty.  
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 posi-  
20 tion of Principal Military Deputy shall be designated as  
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:

1           “(4)(A) One of the Assistant Secretaries shall be the  
2 Assistant Secretary of the Air Force for Acquisition. The  
3 principal duty of the Assistant Secretary shall be the over-  
4 all supervision of acquisition matters of the Department  
5 of the Air Force.

6           “(B) The Assistant Secretary shall have a Principal  
7 Military Deputy, who shall be a lieutenant general of the  
8 Air Force on active duty. The Principal Military Deputy  
9 shall be appointed from among officers who have signifi-  
10 cant experience in the areas of acquisition and program  
11 management. The position of Principal Military Deputy  
12 shall be designated as a critical acquisition position under  
13 section 1733 of this title.”.

14           (d) DUTY OF PRINCIPAL MILITARY DEPUTIES TO IN-  
15 FORM SERVICE CHIEFS ON MAJOR DEFENSE ACQUISI-  
16 TION PROGRAMS.—Each Principal Military Deputy to a  
17 service acquisition executive shall be responsible for keep-  
18 ing the Chief of Staff of the Armed Forces concerned in-  
19 formed of the progress of major defense acquisition pro-  
20 grams.

1 **SEC. 909. SENSE OF CONGRESS ON TERM OF OFFICE OF**  
2 **THE DIRECTOR OF OPERATIONAL TEST AND**  
3 **EVALUATION.**

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.

7 **Subtitle B—Space Activities**

8 **SEC. 911. SPACE PROTECTION STRATEGY.**

9 (a) SENSE OF CONGRESS.—It is the Sense of Con-  
10 gress that the United States should place greater priority  
11 on the protection of national security space systems.

12 (b) STRATEGY.—The Secretary of Defense, in con-  
13 junction with the Director of National Intelligence, shall  
14 develop a strategy, to be known as the Space Protection  
15 Strategy, for the development and fielding by the United  
16 States of the capabilities that are necessary to ensure free-  
17 dom of action in space for the United States.

18 (c) MATTERS INCLUDED.—The strategy required by  
19 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.

23 (2) A description of the capabilities currently  
24 contained in the program of record of the Depart-  
25 ment of Defense and the intelligence community that  
26 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-



1 intelligence community for addressing any inadequacies  
2 in those processes.

3 (7) A description of the current processes by  
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 by  
22 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 this section—

2 (1) the term “capabilities” means space, air-  
3 borne, and ground systems and capabilities for space  
4 situational awareness and for space systems protec-  
5 tion; and

6 (2) the term “intelligence community” has the  
7 meaning given such term in section 3(4) of the Na-  
8 tional Security Act of 1947 (50 U.S.C. 401a(4)).

9 (f) REPORT; BIENNIAL UPDATE.—

10 (1) REPORT.—Not later than six months after  
11 the date of the enactment of this Act, the Secretary  
12 of Defense, in conjunction with the Director of Na-  
13 tional Intelligence, shall submit to Congress a report  
14 on the strategy required by subsection (b), including  
15 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 Sec-  
18 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).

21 (3) CLASSIFICATION.—The report required by  
22 paragraph (1), and each update required by para-  
23 graph (2), shall be in unclassified form, but may in-  
24 clude a classified annex.

1 (g) CONFORMING REPEAL.—Section 911 of the Na-  
2 tional Defense Authorization Act for Fiscal Year 2006  
3 (Public Law 109–163; 119 Stat. 3405; 10 U.S.C. 2271  
4 note) is repealed.

5 **SEC. 912. BIENNIAL REPORT ON MANAGEMENT OF SPACE**  
6 **CADRE WITHIN THE DEPARTMENT OF DE-**  
7 **FENSE.**

8 (a) IN GENERAL.—Chapter 23 of title 10, United  
9 States Code, is amended by adding at the end the fol-  
10 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 De-  
4 fense Authorization Act for Fiscal Year 2003 (Public Law  
5 107–314; 116 Stat. 2621) is amended by inserting “, and  
6 March 15, 2008,” after “March 15, 2003,”.

7 **Subtitle C—Chemical**  
8 **Demilitarization Program**

9 **SEC. 921. CHEMICAL DEMILITARIZATION CITIZENS ADVI-**  
10 **SORY COMMISSIONS.**

11 (a) **FUNCTIONS.**—Section 172 of the National De-  
12 fense Authorization Act for Fiscal Year 1993 (50 U.S.C.  
13 1521 note) is amended—

14 (1) in each of subsections (b) and (f), by strik-  
15 ing “Assistant Secretary of the Army (Research, De-  
16 velopment and Acquisition)” and inserting “Assist-  
17 ant Secretary of the Army (Acquisition, Logistics,  
18 and Technology)”; and

19 (2) in subsection (g), by striking “Assistant  
20 Secretary of the Army (Research, Development, and  
21 Acquisition)” and inserting “Assistant Secretary of  
22 the Army (Acquisition, Logistics, and Technology)”.

23 (b) **TERMINATION.**—Such section is further amended  
24 in subsection (h) by striking “after the stockpile located  
25 in that commission’s State has been destroyed” and in-  
26 serting “after the closure activities required pursuant to

1 regulations promulgated by the Administrator of the Envi-  
2 ronmental Protection Agency pursuant to the Solid Waste  
3 Disposal Act (42 U.S.C. 6901 et seq.) have been com-  
4 pleted for the chemical agent destruction facility in the  
5 commission's State, or upon the request of the Governor  
6 of the commission's State, whichever occurs first”.

7 **SEC. 922. SENSE OF CONGRESS ON COMPLETION OF DE-**  
8 **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  
10          April 2012 as practicable”.

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 destruc-  
19          tion deadline provided under the Chemical Weapons  
20          Convention, is required by United States law.

21          (6) The elimination of chemical weapons any-  
22          where they exist in the world, and the prevention of  
23          their proliferation, is of utmost importance to the  
24          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 of its chemical weapons destruction obligations  
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 De-  
7 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:

13 “(i) The date of the completion of all grants  
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.”.

1       **Subtitle D—Intelligence-Related**  
2                                   **Matters**

3       **SEC. 931. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**  
4                                   **STATES CODE, ARISING FROM ENACTMENT**  
5                                   **OF THE INTELLIGENCE REFORM AND TER-**  
6                                   **RORISM PREVENTION ACT OF 2004.**

7           (a) REFERENCES TO HEAD OF INTELLIGENCE COM-  
8       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       118a the following new section:

#### 18       **“§ 118b. Quadrennial roles and missions review**

19                       “(a) REVIEW REQUIRED.—The Secretary of Defense  
 20       shall every four years conduct a comprehensive assessment  
 21       (to be known as the ‘quadrennial roles and missions re-  
 22       view’) of the roles and missions of the armed forces and  
 23       the core competencies and capabilities of the Department  
 24       of Defense to perform and support such roles and mis-  
 25       sions.

1       “(b) INDEPENDENT MILITARY ASSESSMENT OF  
2 ROLES AND MISSIONS.—(1) In each year in which the  
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  
6 the Secretary the Chairman’s assessment of the roles and  
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 sider necessary to achieve maximum efficiency and effec-  
11 tiveness of the armed forces.

12       “(2) The Chairman’s assessment shall be conducted  
13 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;

17               “(B) ensure that core mission areas are defined  
18 and functions are assigned so as to avoid unneces-  
19 sary duplication of effort among the armed forces;  
20 and

21               “(C) provide the Chairman’s recommendations  
22 with regard to issues to be addressed by the Sec-  
23 retary of Defense under subsection (c).

24       “(c) IDENTIFICATION OF CORE MISSION AREAS AND  
25 CORE COMPETENCIES AND CAPABILITIES.—Upon receipt

1 of the Chairman’s assessment, and after giving appro-  
2 priate consideration to the Chairman’s recommendations,  
3 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);

15 “(4) any gaps in the ability of the elements (or  
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 unneces-  
24 sary duplication identified pursuant to paragraph  
25 (4) or paragraph (5).

1       “(d) REPORT.—The Secretary shall submit a report  
2 on the quadrennial roles and missions review to the Com-  
3 mittees on Armed Services of the Senate and the House  
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  
7 the budget for the next fiscal year to Congress under sec-  
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  
22 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

1 area, the officer or official assigned to lead the review shall  
2 have a deputy from a different military department.”.

3 (d) DEFINITIONS.—Section 181 of such title is fur-  
4 ther amended by adding at the end the following new sub-  
5 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.”.

15 (e) CONSULTATION.—Section 2433(e)(2) of such title  
16 is amended by inserting “, after consultation with the  
17 Joint Requirements Oversight Council regarding program  
18 requirements,” after “Secretary of Defense” in the matter  
19 preceding subparagraph (A).

20 (f) DEADLINES.—Effective June 1, 2009, all joint  
21 military requirements documents of the Joint Require-  
22 ments Oversight Council produced to carry out its mission  
23 under section 181(b)(1) of title 10, United States Code,  
24 shall reference the core mission areas organized and de-  
25 fined 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;



1           “(3) if the system duplicates a capability al-  
2 ready provided by an existing system, the duplica-  
3 tion provided by such system is necessary and ap-  
4 propriate; and

5           “(4) that a cost estimate for the system has  
6 been submitted and that the level of resources re-  
7 quired to develop and procure the system is con-  
8 sistent with the priority level assigned by the Joint  
9 Requirements Oversight Council.

10          “(b) NOTIFICATION.—With respect to a major sys-  
11 tem certified by the Milestone Decision Authority under  
12 subsection (a), if the projected cost of the system, at any  
13 time prior to Milestone B approval, exceeds the cost esti-  
14 mate for the system submitted at the time of the certifi-  
15 cation by at least 25 percent, the program manager for  
16 the system concerned shall notify the Milestone Decision  
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  
2 Decision Authority determines that such action is in the  
3 interest of national defense.

4 “(e)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 pro-  
13 gram’ means a coordinated effort to assess tech-  
14 nologies and refine user performance parameters to  
15 fulfill a capability gap identified in an initial capa-  
16 bilities document.

17 “(4) The term ‘entity’ means an entity listed in  
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 ACQUI-  
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 direc-  
6 tive and guidance have been implemented, and take appro-  
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), shall  
13 apply to major systems on and after March 1, 2008.

14 **SEC. 944. PRESENTATION OF FUTURE-YEARS MISSION**  
15 **BUDGET BY CORE MISSION AREA.**

16           (a) TIME OF SUBMISSION OF FUTURE-YEARS MIS-  
17 SION BUDGET.—The second sentence of section 222(a) of  
18 title 10, United States Code, is amended to read as fol-  
19 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.”.

22           (b) ORGANIZATION OF FUTURE-YEARS MISSION  
23 BUDGET.—The second sentence of section 222(b) of such  
24 title is amended by striking “on the basis” and all that  
25 follows through the end of the sentence and inserting the

1 following: “on the basis of both major force programs and  
2 the core mission areas identified under the most recent  
3 quadrennial roles and missions review pursuant to section  
4 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**

### 10 **SEC. 951. DEPARTMENT OF DEFENSE CONSIDERATION OF** 11 **EFFECT OF CLIMATE CHANGE ON DEPART-** 12 **MENT FACILITIES, CAPABILITIES, AND MIS-** 13 **SIONS.**

14 (a) CONSIDERATION OF CLIMATE CHANGE EF-  
15 FECT.—Section 118 of title 10, United States Code, is  
16 amended by adding at the end the following new sub-  
17 section:

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—

1           “(A) to assess the risks of projected climate  
2           change to current and future missions of the armed  
3           forces;

4           “(B) to update defense plans based on these as-  
5           sessments, including working with allies and part-  
6           ners to incorporate climate mitigation strategies, ca-  
7           pacity building, and relevant research and develop-  
8           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  
13          Authorization Act for Fiscal Year 2008 shall also examine  
14          the capabilities of the armed forces to respond to the con-  
15          sequences of climate change, in particular, preparedness  
16          for natural disasters from extreme weather events and  
17          other missions the armed forces may be asked to support  
18          inside the United States and overseas.

19          “(3) For planning purposes to comply with the re-  
20          quirements of this subsection, the Secretary of Defense  
21          shall use—

22                 “(A) the mid-range projections of the fourth as-  
23                 sessment report of the Intergovernmental Panel on  
24                 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-

1 pation in and contribution to the interagency coordination  
2 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 Depart-  
16 ment of Defense for the development of policy  
17 affecting the national security interagency proc-  
18 ess.

19 (B) To serve, or designate a person to  
20 serve, as the representative of the Department  
21 of Defense in Federal Government forums es-  
22 tablished to address interagency policy, plan-  
23 ning, or reforms.

24 (C) To advocate, on behalf of the Sec-  
25 retary, for greater interagency coordination and

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 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 fu-  
19 ture defense planning guidance takes into account  
20 the capabilities and needs of other agencies.

21 (d) RECOMMENDATION ON CHANGES IN LAW.—The  
22 Secretary of Defense may submit with the plan or with  
23 any future budget submissions recommendations for any  
24 changes to law that are required to enhance the ability  
25 of the official assigned under subsection (b)(1) in the De-

1 partment of Defense to coordinate defense interagency ef-  
2 forts or to improve the ability of the Department of De-  
3 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 chal-  
11 lenges in improving the ability of agencies to work to-  
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.

21 (g) CONSTRUCTION.—Nothing in this provision shall  
22 be construed as preventing the Secretary of Defense from  
23 naming an official with the responsibilities listed in sub-  
24 section (b) before the submission of the report required  
25 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

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 redesign-  
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)”.

1 (b) STATUTORY REDESIGNATION OF DEAN AS PRESI-  
2 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).

10 **SEC. 955. ESTABLISHMENT OF DEPARTMENT OF DEFENSE**  
11 **SCHOOL OF NURSING.**

12 (a) ESTABLISHMENT PLAN REQUIRED.—Not later  
13 than February 1, 2008, the Secretary of Defense shall  
14 submit to the congressional defense committees a plan to  
15 establish a School of Nursing within the Uniformed Serv-  
16 ices University of the Health Sciences. The Secretary shall  
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  
20 review and to solicit the Board’s recommendations.

21 (b) PROGRAMS OF INSTRUCTION.—In consultation  
22 with the Secretaries of the military departments, the Sec-  
23 retary of Defense shall include in the plan required by sub-  
24 section (a) programs of instruction for the School of Nurs-  
25 ing that would lead to the award of a bachelor of science

1 in nursing and such other baccalaureate or graduate de-  
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 mili-  
6 tary nursing officers upon graduation. The graduates of  
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.

11 (c) CONSIDERATION OF CERTAIN PROGRAMS.—In  
12 developing the plan under subsection (a), the Secretary  
13 shall consider the inclusion of the following types of pro-  
14 grams:

15 (1) A program to enroll students who already  
16 possess an associate degree in nursing so that they  
17 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.

21 (3) A program to enroll students who already  
22 possess an associate degree in nursing so that they  
23 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.

1           (8) Administrative and instructional facilities  
2           required, and the likely initial and final location of  
3           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),  
16          the Secretary shall ensure that graduate degree programs  
17          in nursing, including advanced practice nursing, continue.

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 Nurs-  
10          ing may be developed in phases as determined appropriate  
11          by the Secretary.”.

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.”.

1 **SEC. 957. COMPTROLLER GENERAL ASSESSMENT OF REOR-**  
2 **GANIZATION OF THE OFFICE OF THE UNDER**  
3 **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).

11 (b) MATTERS TO BE ASSESSED.—The matters to be  
12 included in the assessment required by subsection (a) are  
13 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.

1           (11) The differentiation between the respon-  
2           sibilities of the Deputy Assistant Secretary of De-  
3           fense for Partnership Strategy and the Deputy As-  
4           sistant Secretary of Defense for Coalition Affairs  
5           and the relationship between such officials.

6 **SEC. 958. REPORT ON FOREIGN LANGUAGE PROFICIENCY.**

7           (a) IN GENERAL.—Not later than 240 days after the  
8           date of the enactment of this Act, and annually thereafter  
9           until the date referred to in subsection (d), the Secretary  
10          of Defense, in conjunction with the Secretary of each mili-  
11          tary department, shall submit to the congressional defense  
12          committees a report on the foreign language proficiency  
13          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 de-  
18                partment and Defense Agency concerned that—

19                        (A) require proficiency in that foreign lan-  
20                        guage or dialect for the year in which the sub-  
21                        mission of the report is required;

22                        (B) are anticipated to require proficiency  
23                        in that foreign language or dialect for each of  
24                        the five years following the date of the submis-  
25                        sion 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;



1           (5) the number of positions that require pro-  
2           ficiency in a foreign language or dialect that are ful-  
3           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 Na-  
7           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.

13          (c) NON-MILITARY PERSONNEL.—Except as pro-  
14          vided in paragraphs (6) and (7) of subsection (b), a report  
15          submitted under subsection (a) shall cover only members  
16          of the Armed Forces on active duty and reserve duty as-  
17          signed to the military departments concerned or to the De-  
18          partment of Defense.

19          (d) TERMINATION OF REQUIREMENT.—The duty to  
20          submit a report under subsection (a) shall terminate on  
21          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 fis-  
cal 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 counter-drug 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.

## 1       **Subtitle A—Financial Matters**

### 2       **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

#### 3           (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

4               (1) AUTHORITY.—Upon determination by the  
5       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 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

1 amount authorized for the account to which the amount  
2 is transferred by an amount equal to the amount trans-  
3 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 COM-**  
8 **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  
11 year 2008 for the common-funded budgets of NATO may  
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 payments  
21 for those budgets.

22 (2) The amount specified in subsection (c)(1).

23 (3) The amount specified in subsection (c)(2).

24 (4) The total amount of the contributions au-  
25 thorized 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

1 4(7) of that resolution), approved by the Senate on  
2 April 30, 1998.

3 **SEC. 1003. AUTHORIZATION OF ADDITIONAL EMERGENCY**  
4 **SUPPLEMENTAL APPROPRIATIONS FOR FIS-**  
5 **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  
11 which appropriations pursuant to such authorization are  
12 increased by a supplemental appropriation or by a transfer  
13 of funds, or decreased by a rescission, or any thereof, pur-  
14 suant to the U.S. Troop Readiness, Veterans’ Care,  
15 Katrina Recovery, and Iraq Accountability Appropriations  
16 Act, 2007 (Public Law 110–28).

17 **SEC. 1004. MODIFICATION OF FISCAL YEAR 2007 GENERAL**  
18 **TRANSFER AUTHORITY.**

19 Section 1001(a) of the John Warner National De-  
20 fense Authorization Act for Fiscal Year 2007 (Public Law  
21 109–364; 120 Stat. 2371) is amended by adding at the  
22 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 cies. The initiative shall be known as the “Defense  
23 Agencies Initiative” (in this section referred to as  
24 the “Initiative”).



1           (2) SCOPE OF AUTHORITY.—In carrying out the  
2 Initiative, the Director of the Business Trans-  
3 formation Agency may require the heads of the De-  
4 fense Agencies to carry out actions that are within  
5 the purpose and scope of the Initiative.

6           (b) PURPOSES.—The purposes of Initiative shall be  
7 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).

12           (2) To transform the budget, finance, and ac-  
13 counting operations of the Defense Agencies to en-  
14 able the Defense Agencies to achieve accurate and  
15 reliable financial information needed to support fi-  
16 nancial accountability and effective and efficient  
17 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;

22           (2) a standardized technical environment and  
23 an 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 Depart-  
11          ment of Defense to ensure that any financial management  
12          systems developed for the Defense Agencies, and any  
13          changes to the budget, finance, and accounting operations  
14          of the Defense Agencies, are consistent with the financial  
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

1 plan, the cost estimate, and the system integration  
2 contract for the Initiative, as directed by the Con-  
3 figuration Control Board.

4 (h) PLAN ON DEVELOPMENT AND IMPLEMENTATION  
5 OF INITIATIVE.—Not later than six months after the date  
6 of the enactment of this Act, the Director of the Business  
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.

15 (2) In not less than five Defense Agencies by  
16 not later than 18 months after the date of the enact-  
17 ment of this Act.

18 **SEC. 1006. REPEAL OF REQUIREMENT FOR TWO-YEAR**  
19 **BUDGET CYCLE FOR THE DEPARTMENT OF**  
20 **DEFENSE.**

21 Section 1405 of the Department of Defense Author-  
22 ization Act, 1986 (Public Law 99–145; 99 Stat. 744; 31  
23 U.S.C. 1105 note) is repealed.

1           **Subtitle B—Policy Relating to**  
2                           **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 sub-  
6 section:

7           “(h) The Secretary of a military department may  
8 make a contract for the lease of a vessel or for the provi-  
9 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—

18                           “(A) a detailed description of the terms of  
19 the proposed contract and a justification for en-  
20 tering into the proposed contract rather than  
21 obtaining the capability provided for by the  
22 lease, charter, or services involved through pur-  
23 chase of the vessel;

24                           “(B) a determination that entering into  
25 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.

1                   **Subtitle C—Counter-Drug**  
2                   **Activities**

3   **SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK**  
4                   **FORCES TO PROVIDE SUPPORT TO LAW EN-**  
5                   **FORCEMENT      AGENCIES      CONDUCTING**  
6                   **COUNTER-TERRORISM ACTIVITIES.**

7           Section 1022(b) of the National Defense Authoriza-  
8   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 ADDI-**  
12                   **TIONAL SUPPORT FOR COUNTER-DRUG AC-**  
13                   **TIVITIES IN CERTAIN FOREIGN COUNTRIES.**

14           Subsection (b) of section 1033 of the National De-  
15   fense Authorization Act for Fiscal Year 1998 (Public Law  
16   105–85; 111 Stat. 1881), as amended by section 1021(b)  
17   of the National Defense Authorization Act for Fiscal Year  
18   2004 (Public Law 108–136, 117 Stat. 1593) and section  
19   1022(b) of the John Warner National Defense Authoriza-  
20   tion Act for Fiscal Year 2007 (Public Law 109–364; 120  
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.”.



1 **SEC. 1023. REPORT ON COUNTERNARCOTICS ASSISTANCE**  
2 **FOR 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 as-  
6 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 im-  
15 pediments to increasing counternarcotics assistance  
16 to the Government of Haiti.

17 (3) An assessment of the potential for the pro-  
18 vision of counternarcotics assistance for the Govern-  
19 ment of Haiti through the United Nations Stabiliza-  
20 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  
24 (1)(B), the working-capital fund activity shall be reim-

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-  
14 SHIP.—

15 (1) MEMORANDUM OF UNDERSTANDING.—The  
16 Secretary of Defense may enter into a multilateral  
17 memorandum of understanding authorizing the Stra-  
18 tegic Airlift Capability Partnership to conduct activi-  
19 ties necessary to accomplish its purpose, including—

20 (A) the acquisition, equipping, ownership,  
21 and operation of strategic airlift aircraft; and

22 (B) the acquisition or transfer of airlift  
23 and airlift-related services and supplies among  
24 members of the Strategic Airlift Capability  
25 Partnership, or between the Partnership and

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.—

1           (1) TRANSFER AUTHORITY.—The Secretary of  
2 Defense may transfer one strategic airlift aircraft to  
3 the Strategic Airlift Capability Partnership in ac-  
4 cordance with the terms and conditions of the  
5 memorandum of understanding entered into under  
6 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.

15       (e) STRATEGIC AIRLIFT CAPABILITY PARTNERSHIP  
16 DEFINED.—In this section the term “Strategic Airlift Ca-  
17 pability Partnership” means the strategic airlift capability  
18 consortium established by the United States and other  
19 participating countries.

20 **SEC. 1033. IMPROVED AUTHORITY TO PROVIDE REWARDS**  
21 **FOR ASSISTANCE IN COMBATING TER-**  
22 **RORISM.**

23       (a) INCREASED AMOUNTS.—Section 127b of title 10,  
24 United States Code, is amended—

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:



1       “(3)(A) Subject to subparagraphs (B) and (C), an  
2 official who has authority delegated under paragraph (1)  
3 or (2) may use that authority, acting through government  
4 personnel of allied forces, to offer and make rewards.

5       “(B) The Secretary of Defense shall prescribe policies  
6 and procedures for making rewards in the manner de-  
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  
11 submits the policies and procedures to the congressional  
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 de-  
16 scribed in subparagraph (A) after September 30, 2009.

17       “(D) Not later than April 1, 2008, the Secretary of  
18 Defense shall submit to the congressional defense commit-  
19 tees a report on the implementation of this paragraph.  
20 The 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 of  
24 the reward;

1           “(ii) explain the reason for making the reward;  
2           and

3           “(iii) assess the success of the reward in ad-  
4           vancing the effort to combat terrorism.”.

5           (c) ANNUAL REPORT TO INCLUDE SPECIFIC INFOR-  
6           MATION ON ADDITIONAL AUTHORITY.—Section 127b of  
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.

1           (2) TERMS AND CONDITIONS.—Any use of the  
2 authority under paragraph (1) shall be subject to  
3 such terms and conditions as the Secretary considers  
4 appropriate.

5           (b) PAYMENT OF COSTS AND DISPOSITION OF  
6 FUNDS.—

7           (1) IN GENERAL.—The Secretary shall ensure,  
8 through the advance payment required by paragraph  
9 (2) and through any other payments that may be re-  
10 quired, that a recipient of toxic chemicals or precur-  
11 sors under subsection (a) pays for all actual costs,  
12 including direct and indirect costs, associated with  
13 providing the toxic chemicals or precursors.

14           (2) ADVANCE PAYMENT.—In carrying out para-  
15 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 Sec-  
2 retary shall ensure that toxic chemicals and precursors are  
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  
6 Chemical Weapons and on Their Destruction, signed at  
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.

20           (e) DEFINITIONS.—In this section, the terms “pre-  
21 cursor”, “protective purposes”, and “toxic chemical” have  
22 the meanings given those terms in the convention referred  
23 to in subsection (c), in paragraph 2, paragraph 9(b), and  
24 paragraph 1, respectively, of article II of that convention.

1 **SEC. 1035. PROHIBITION ON SALE OF F-14 FIGHTER AIR-**  
2 **CRAFT AND RELATED PARTS.**

3 (a) PROHIBITION ON SALE BY DEPARTMENT OF DE-  
4 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 air-  
16 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.

20 (b) PROHIBITION ON EXPORT LICENSE.—No license  
21 for the export of any F-14 fighter aircraft, any parts  
22 unique to the F-14 fighter aircraft, or any tooling or dies  
23 used in the manufacture of such aircraft or parts may be  
24 issued by the United States Government to a non-United  
25 States person or entity.

## Subtitle E—Reports

1  
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 ceeding 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 considers  
13 appropriate.

14       (c) CONSULTATION.—The report under (a) shall be  
15 developed in consultation with appropriate military de-  
16 partments, Defense Agencies, combatant commands, and  
17 other defense activities.

18 **SEC. 1043. RENEWAL OF SUBMITTAL OF PLANS FOR**  
19 **PROMPT GLOBAL STRIKE CAPABILITY.**

20       Section 1032(b)(1) of the National Defense Author-  
21 ization Act for Fiscal Year 2004 (Public Law 108–136;  
22 117 Stat. 1605; 10 U.S.C. 113 note) is amended by insert-  
23 ing “and each of 2007, 2008, and 2009,” after “2004,  
24 2005, and 2006,”.

1 **SEC. 1044. REPORT ON WORKFORCE REQUIRED TO SUP-**  
2 **PORT THE NUCLEAR MISSIONS OF THE NAVY**  
3 **AND 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—

12 (1) a description of the projected nuclear mis-  
13 sions of the Navy and the Department of Energy  
14 during the 10-year period beginning on the date of  
15 the report;

16 (2) an assessment of existing knowledge reten-  
17 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 Depart-  
21 ment of Energy, and any planned changes in those  
22 programs; and

23 (3) a plan to address anticipated workforce at-  
24 trition, retirement, and recruiting trends during that  
25 period and ensure an adequate workforce in support

1 of the nuclear missions of the Navy and the Depart-  
2 ment of Energy.

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*.

22 (2) An assessment of the current policies, pro-  
23 cedures, and timeliness of the Defense Finance and  
24 Accounting Service in implementing and resolving

1 claims under the decision in *Butterbaugh v. Depart-*  
2 *ment of Justice*.

3 (3) An assessment whether or not the decisions  
4 made by the Defense Finance and Accounting Serv-  
5 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  
3 Service under the decision in *Butterbaugh v. De-*  
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  
23 Federal agencies (as so selected) to resolve a claim  
24 under that decision.

1           (10) A comparative statement of the backlog of  
2 claims with the Defense Finance and Accounting  
3 Service under the decision in *Butterbaugh v. De-*  
4 *partment of Justice* with the backlog of claims of  
5 other Federal agencies (as so selected) under that  
6 decision.

7           (11) An estimate of the amount of time re-  
8 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.

1           (14) Such recommendations for legislative ac-  
2           tion as the Comptroller General considers appro-  
3           priate in light of the decision in *Butterbaugh v. De-*  
4           partment of Justice and the decision in *Hernandez*  
5           *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;

15               (2) analyze the full-spectrum lifecycle costs of  
16               the various alternatives for organic models of each  
17               of the following aircraft: C-5A/B/C/M, C-17A, KC-  
18               X, KC-10, KC-135R, C-130E/H/J, Joint Cargo  
19               Aircraft; and

20               (3) incorporate the augmentation capability, vi-  
21               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, to  
24          carry out the study required by subsection (a), a federally

1 funded research and development center that has experi-  
2 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.

22 (3) The center shall modify the study plan to  
23 incorporate the recommendations under paragraph  
24 (2) and shall, not later than 45 days after receiving  
25 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.

1           (2) An evaluation of the state of the current  
2           airlift fleet of the Air Force, including assessments  
3           of the following:

4                   (A) The extent to which the increased use  
5                   of airlift aircraft in on-going operations is af-  
6                   fecting the programmed service life of the air-  
7                   craft of that fleet.

8                   (B) The adequacy of the current airlift  
9                   force, including whether or not a minimum of  
10                  299 strategic airlift aircraft for the Air Force  
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 air-  
17                  craft for the strategic airlift fleet of the Air  
18                  Force, to include the following:

19                          (i) The cost-effectiveness of modern-  
20                          izing various iterations of the C-5A and  
21                          C-5B/C aircraft fleet versus procuring ad-  
22                          ditional C-17 aircraft.

23                          (ii) The military capability, oper-  
24                          ational availability, usefulness, and service  
25                          life of the C-5A/B/C/M aircraft and the C-

1 17 aircraft. Such an assessment shall ex-  
2 amine appropriate metrics, such as aircraft  
3 availability rates, departure rates, and mis-  
4 sion capable rates, in each of the following  
5 cases:

6 (I) Completion of the Avionics  
7 Modernization Program and the Reli-  
8 ability Enhancement and Re-engining  
9 Program.

10 (II) Partial completion of the  
11 Avionics Modernization Program and  
12 the Reliability Enhancement and Re-  
13 engining Program, with partial com-  
14 pletion of either such program being  
15 considered the point at which the con-  
16 tinued execution of each program is  
17 no longer supported by the cost-effec-  
18 tiveness analysis.

19 (iii) At what specific fleet inventory  
20 for each organic aircraft, to include air re-  
21 fueling aircraft used in the airlift role,  
22 would it impede the ability of Civil Reserve  
23 Air Fleet participants to remain a viable  
24 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-

1           gram life cycle cost estimates and a comparison  
2           of cost and risk associated with the optimally  
3           mixed fleet of airlift aircraft versus the program  
4           of record airlift aircraft fleet.

5           (e) UTILIZATION OF OTHER STUDIES.—The study  
6           required by subsection (a) shall build upon the results of  
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 anal-  
11          yses, such as Fleet Viability Board Reports or special air-  
12          craft assessments. The study shall also include any testing  
13          data collected on modernization, recapitalization, and up-  
14          grade efforts of current organic aircraft.

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.

21          (g) COLLABORATION WITH COST ANALYSIS IM-  
22          PROVEMENT GROUP.—In conducting the study required  
23          by subsection (a) and constructing the analysis required  
24          by subsection (a)(2), the center shall collaborate with the

1 Cost Analysis Improvement Group of the Department of  
2 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 de-  
14 fense committees a report to determine the feasibility of  
15 establishing a Border State Aviation Training Center  
16 (BSATC) to support the current and future requirements  
17 of the existing RC–26 training site for counterdrug activi-  
18 ties, located at the Fixed Wing Army National Guard  
19 Aviation Training Site (FWAATS), including the domestic  
20 reconnaissance and surveillance missions of the National  
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.



1 (b) CONTENT.—The report required under subsection

2 (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 sup-  
7 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);

13 (3) determine the requirements and cost of lo-  
14 cating such a training center at a military installa-  
15 tion for the purpose of preempting and responding  
16 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

1 available from the assets of other local, State, and  
2 Federal agencies.

3 (c) CONSULTATION.—In preparing the report re-  
4 quired under subsection (a), the Secretary of Defense shall  
5 consult with the Adjutant General of each State that bor-  
6 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 COM-**  
10 **BAT HELMET PAD SUSPENSION SYSTEMS.**

11 (a) IN GENERAL.—The Secretary of Defense shall  
12 carry out a limited field user evaluation and operational  
13 assessment of qualified combat helmet pad suspension sys-  
14 tems. The evaluation and assessment shall be carried out  
15 using verified product representative samples from combat  
16 helmet pad suspension systems that are qualified as of the  
17 date of the enactment of this Act.

18 (b) REPORT.—Not later than September 30, 2008,  
19 the Secretary shall submit to the congressional defense  
20 committees a report on the results of the limited field user  
21 evaluation and operational assessment.

22 (c) FUNDING.—The limited field user evaluation and  
23 operational assessment required by subsection (a) shall be  
24 conducted using funds appropriated pursuant to an au-  
25 thorization of appropriations or otherwise made available

1 for fiscal year 2008 for operation and maintenance, Army,  
2 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 inde-  
8 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  
11 subsection (a) shall require the organization to submit to  
12 Congress and the President a report containing the results  
13 of the study conducted pursuant to such agreement and  
14 any recommendations for changes to the national security  
15 interagency system (including legislative or regulatory  
16 changes) identified by the organization as a result of the  
17 study.

18 (c) **SUBMITTAL DATE.**—The agreement entered into  
19 under subsection (a) shall require the organization to sub-  
20 mit the report required under subsection (a) not later than  
21 September 1, 2008.

22 (d) **NATIONAL SECURITY INTERAGENCY SYSTEM DE-**  
23 **FINED.**—In this section, the term “national security inter-  
24 agency system” means the structures, mechanisms, and  
25 processes by which the departments, agencies, and ele-

1 ments of the Federal Government that have national secu-  
2 rity missions coordinate and integrate their policies, capa-  
3 bilities, expertise, and activities to accomplish such mis-  
4 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.**

11 (a) REPORT.—Not later than 190 days after the date  
12 of the enactment of this Act, the Secretary of Defense  
13 shall submit to the congressional defense committees a re-  
14 port on the status, capability, viability, and capacity of  
15 the solid rocket motor industrial base in the United States.

16 (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.

21 (2) An assessment of the ability to maintain the  
22 Trident II D–5 submarine launched ballistic missile  
23 through its planned operational life.

24 (3) An assessment of the ability to maintain all  
25 other space launch, missile defense, and other vehi-

1       cles with solid rocket motors, through their planned  
2       operational lifetimes.

3           (4) An assessment of the ability to support pro-  
4       jected future requirements for vehicles with solid  
5       rocket motors to support space launch, missile de-  
6       fense, or any range of ballistic missiles determined  
7       to be necessary to meet defense needs or other re-  
8       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.

13          (6) An assessment of the adequacy of the cur-  
14       rent and projected industrial base support programs  
15       to support the full range of projected future require-  
16       ments identified in paragraph (4).

17 **SEC. 1051. REPORTS ON ESTABLISHMENT OF A MEMORIAL**  
18                           **FOR MEMBERS OF THE ARMED FORCES WHO**  
19                           **DIED IN THE AIR CRASH IN BAKERS CREEK,**  
20                           **AUSTRALIA, AND ESTABLISHMENT OF OTHER**  
21                           **MEMORIALS IN ARLINGTON NATIONAL CEME-**  
22                           **TERY.**

23       (a) BAKERS CREEK MEMORIAL.—Not later than  
24       April 1, 2008, the Secretary of the Army shall submit to  
25       the Committee on Armed Services and the Committee on

1 Veterans' Affairs of the House of Representatives and the  
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 establish-  
6 ment of a memorial to honor the memory of the 40 mem-  
7 bers of the Armed Forces of the United States who lost  
8 their lives in the air crash at Bakers Creek, Australia, on  
9 June 14, 1943.

10 (b) MEMORIALS IN ARLINGTON NATIONAL CEME-  
11 TERY.—Not later than April 1, 2008, the Secretary of the  
12 Army shall submit to the congressional committees speci-  
13 fied in subsection (a) a report containing—

14 (1) recommendations to implement the results  
15 of the study regarding proposals for the construction  
16 of new memorials in Arlington National Cemetery  
17 that was conducted pursuant to section 2897 of the  
18 Ronald W. Reagan National Defense Authorization  
19 Act for Fiscal Year 2005 (Public Law 108–375; 118  
20 Stat. 2157); and

21 (2) proposed legislation, if necessary, to imple-  
22 ment the results of the study.

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  
25           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  
13 Senate.

14           (2) CHAIRMAN; VICE CHAIRMAN.—

15           (A) CHAIRMAN.—The chairman of the  
16 Committee on Armed Services of the House of  
17 Representatives and the chairman of the Com-  
18 mittee on Armed Services of the Senate shall  
19 jointly designate one member of the commission  
20 to serve as chairman of the commission.

21           (B) VICE CHAIRMAN.—The ranking minor-  
22 ity member of the Committee on Armed Serv-  
23 ices of the House of Representatives and the  
24 ranking minority member of the Committee on  
25 Armed Services of the Senate shall jointly des-

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-

1 operation of the Secretary of Defense, the Secretary  
2 of Energy, the Secretary of State, the Director of  
3 National Intelligence, and any other United States  
4 Government official in providing the commission  
5 with analyses, briefings, and other information nec-  
6 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  
19 State, the Committee on Armed Services of the Senate,  
20 and the Committee on Armed Services of the House of  
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 in-  
25 clude—

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-

1 ment of Defense, \$5,000,000 is available to fund the ac-  
2 tivities of the commission.

3 (g) TERMINATION.—The commission shall terminate  
4 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

19 (B) by revising the table of sections at the  
20 beginning of such chapter to reflect the redesi-  
21 gnation 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 management, 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.)”.

1           (2) Section 1052(j) (119 Stat. 3435) is amend-  
2           ed by striking “Section 1049” and inserting “Sec-  
3           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 Authoriza-  
10          tion Act for Fiscal Year 2004 (Public Law 108–136) is  
11          amended as follows:

12           (1) Section 706(a) (117 Stat. 1529; 10 U.S.C.  
13           1076b note) is amended by striking “those pro-  
14           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 insert-  
17           ing “(A))”.

18           (3) Section 1602(e)(3) (117 Stat. 1683; 10  
19           U.S.C. 2302 note) is amended by inserting “Secu-  
20           rity” after “Health”.

21           (h) NATIONAL DEFENSE AUTHORIZATION ACT FOR  
22           FISCAL YEAR 1994.—Section 845(a) of the National De-  
23           fense Authorization Act for Fiscal Year 1994 (10 U.S.C.  
24           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-**  
15 **BASED NUCLEAR DETECTION.**

16 The Secretary of Defense shall maintain the capa-  
17 bility for space-based nuclear detection at a level that  
18 meets or exceeds the level of capability as of the date of  
19 the enactment of this Act.

20 **SEC. 1066. SENSE OF CONGRESS REGARDING DETAINEES**

21 **AT NAVAL STATION, GUANTANAMO BAY,**  
22 **CUBA.**

23 It is the sense of Congress that—

24 (1) the Nation extends its gratitude to the mili-  
25 tary personnel who guard and interrogate some of

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 ..... 331”.

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

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.**

20          (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 pos-  
24 ture of the United States for the next 5 to 10 years. The

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 De-  
 6       fense shall submit to Congress, in unclassified and classi-  
 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  
 11      of title 10, United States Code, in 2009.

12      (d) SENSE OF CONGRESS.—It is the sense of Con-  
 13      gress that the nuclear posture review conducted under this  
 14      section should be used as a basis for establishing future  
 15      United States arms control objectives and negotiating po-  
 16      sitions.

17      **SEC. 1071. TERMINATION OF COMMISSION ON THE IMPLE-**  
 18                                      **MENTATION OF THE NEW STRATEGIC POS-**  
 19                                      **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.**

24      (a) IN GENERAL.—Title III of the Intelligence Re-  
 25      form and Terrorism Prevention Act of 2004 (50 U.S.C.

1 435b) is amended by adding at the end the following new  
2 section:

3 **“SEC. 3002. SECURITY CLEARANCES; LIMITATIONS.**

4 “(a) DEFINITIONS.—In this section:

5 “(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 contractor  
17 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).

22 “(4) SPECIAL ACCESS PROGRAM.—The term  
23 ‘special access program’ has the meaning given that  
24 term in section 4.1 of Executive Order No. 12958  
25 (60 Fed. Reg. 19825).

1       “(b) PROHIBITION.—After January 1, 2008, the  
2 head of a Federal agency may not grant or renew a secu-  
3 rity clearance for a covered person who is an unlawful user  
4 of a controlled substance or an addict (as defined in sec-  
5 tion 102(1) of the Controlled Substances Act (21 U.S.C.  
6 802)).

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  
19 from the Armed Forces under dishonorable con-  
20 ditions; or

21           “(C) is mentally incompetent, as deter-  
22 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

1                   “(V) each Committee of the Sen-  
2                   ate or the House of Representatives  
3                   with oversight authority over such  
4                   Federal agency.

5                   “(ii) CONGRESSIONAL DEFENSE COM-  
6                   MITTEES.—The term ‘congressional de-  
7                   fense committees’ has the meaning given  
8                   that term in section 101(a)(16) of title 10,  
9                   United States Code.

10                   “(iii) CONGRESSIONAL INTELLIGENCE  
11                   COMMITTEES.—The term ‘congressional in-  
12                   telligence committees’ has the meaning  
13                   given that term in section 3 of the Na-  
14                   tional Security Act of 1947 (50 U.S.C.  
15                   401a).

16                   “(d) ADJUDICATIVE GUIDELINES.—

17                   “(1) REQUIREMENT TO ESTABLISH.—The  
18                   President shall establish adjudicative guidelines for  
19                   determining eligibility for access to classified infor-  
20                   mation.

21                   “(2) REQUIREMENTS RELATED TO MENTAL  
22                   HEALTH.—The guidelines required by paragraph (1)  
23                   shall—

24                   “(A) include procedures and standards  
25                   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 essing of requests for security clearances.

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—

11 (1) the results of the demonstration project car-  
12 ried out pursuant to subsection (a);

13 (2) the results of the evaluation carried out  
14 under subsection (b); and

15 (3) the recommended specific plan and schedule  
16 for replacing the existing process for issuing security  
17 clearances with an improved process.

18 **SEC. 1074. PROTECTION OF CERTAIN INDIVIDUALS.**

19 (a) PROTECTION FOR DEPARTMENT LEADERSHIP.—  
20 The Secretary of Defense, under regulations prescribed by  
21 the Secretary and in accordance with guidelines approved  
22 by the Secretary and the Attorney General, may authorize  
23 qualified members of the Armed Forces and qualified civil-  
24 ian employees of the Department of Defense to provide  
25 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-

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

1 under this subsection for an initial period of not  
2 more than 90 calendar days.

3 (B) SUBSEQUENT PERIOD.—If, at the end  
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 secu-  
17 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 De-  
22 fense shall submit to the congressional defense  
23 committees each determination made under  
24 paragraph (4) to provide protection and secu-  
25 rity to an individual and of each determination



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 (e) 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 tigation.

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.

1           (2) POSSE COMITATUS.—Nothing in this section  
2 shall be construed to abridge section 1385 of title  
3 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-**  
14 **SION TO ASSESS THE THREAT TO THE**  
15 **UNITED STATES FROM ELECTROMAGNETIC**  
16 **PULSE ATTACK.**

17           (a) EXTENSION OF DATE OF SUBMITTAL OF FINAL  
18 REPORT.—Section 1403(a) of the Floyd D. Spence Na-  
19 tional Defense Authorization Act for Fiscal Year 2001 (as  
20 enacted into law by Public Law 106–398; 50 U.S.C. 2301  
21 note) is amended by striking “June 30, 2007” and insert-  
22 ing “November 30, 2008”.

23           (b) COORDINATION OF WORK WITH DEPARTMENT  
24 OF HOMELAND SECURITY.—Section 1404 of such Act is

1 amended by adding at the end the following new sub-  
2 section:

3       “(c) COORDINATION WITH DEPARTMENT OF HOME-  
4 LAND SECURITY.—The Commission and the Secretary of  
5 Homeland Security shall jointly ensure that the work of  
6 the Commission with respect to electromagnetic pulse at-  
7 tack on electricity infrastructure, and protection against  
8 such attack, is coordinated with Department of Homeland  
9 Security efforts on such matters.”.

10       (c) LIMITATION ON DEPARTMENT OF DEFENSE  
11 FUNDING.—The aggregate amount of funds provided by  
12 the Department of Defense to the Commission to Assess  
13 the Threat to the United States from Electromagnetic  
14 Pulse Attack for purposes of the preparation and sub-  
15 mittal of the final report required by section 1403(a) of  
16 the Floyd D. Spence National Defense Authorization Act  
17 for Fiscal Year 2001 (as amended by subsection (a)),  
18 whether by transfer or otherwise and including funds pro-  
19 vided the Commission before the date of the enactment  
20 of this Act, shall not exceed \$5,600,000.

21 **SEC. 1076. SENSE OF CONGRESS ON SMALL BUSINESS INNO-**  
22 **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.”.

1 **SEC. 1078. QUALIFICATIONS FOR PUBLIC AIRCRAFT STA-**  
2 **TUS OF AIRCRAFT UNDER CONTRACT WITH**  
3 **THE 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 serv-  
8 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  
16 civil aircraft rules under title 14, Code of Federal  
17 Regulations.”.

18 (b) AIRCRAFT OPERATED BY THE ARMED FORCES.—  
19 Section 40125(c)(1)(C) of such title is amended by insert-  
20 ing “or other commercial air service” after “transpor-  
21 tation”.

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)”.

1           (2) Section 40125(c)(1) of such title is amend-  
2           ed by striking “40102(a)(37)(E)” and inserting  
3           “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  
11 after receiving a written request from the Chair or ranking  
12 minority member of the Committee on Armed Services of  
13 the Senate or the Committee on Armed Services of the  
14 House of Representatives for any existing intelligence as-  
15 sessment, report, estimate, or legal opinion relating to  
16 matters within the jurisdiction of such Committee, make  
17 available to such committee such assessment, report, esti-  
18 mate, or legal opinion, as the case may be.

19           (b) **ASSERTION OF PRIVILEGE.**—

20           (1) **IN GENERAL.**—In response to a request cov-  
21 ered by subsection (a), the Director of the National  
22 Counterterrorism Center, the Director of a national  
23 intelligence center, or the head of any element of the  
24 intelligence community shall provide to the Com-  
25 mittee making such request the document or infor-

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;  
5 69 Stat. 67; 42 U.S.C. 1856d) is amended—

6 (1) by striking “Funds” and inserting “(a)  
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  
14 which the expenses were paid. Amounts so credited shall  
15 be merged with funds in such appropriation fund or ac-  
16 count and shall be available for the same purposes and  
17 subject to the same limitations as the funds with which  
18 the funds are merged.”.

19 **SEC. 1081. PILOT PROGRAM ON COMMERCIAL FEE-FOR-**  
20 **SERVICE AIR REFUELING SUPPORT FOR THE**  
21 **AIR FORCE.**

22 (a) PILOT PROGRAM REQUIRED.—The Secretary of  
23 the Air Force shall conduct, as soon as practicable after  
24 the date of the enactment of this Act, a pilot program  
25 to assess the feasibility and advisability of utilizing com-  
26 mercial fee-for-service air refueling tanker aircraft for Air

1 Force operations. The duration of the pilot program shall  
2 be at least five years after commencement of the program.

3 (b) PURPOSE.—

4 (1) IN GENERAL.—The pilot program required  
5 by subsection (a) shall evaluate the feasibility of fee-  
6 for-service air refueling to support, augment, or en-  
7 hance the air refueling mission of the Air Force by  
8 utilizing commercial air refueling providers on a fee-  
9 for-service basis.

10 (2) ELEMENTS.—In order to achieve the pur-  
11 pose of the pilot program, the Secretary of the Air  
12 Force shall—

13 (A) demonstrate and validate a comprehen-  
14 sive strategy for air refueling on a fee-for-serv-  
15 ice basis by evaluating all mission areas, includ-  
16 ing testing support, training support to receiv-  
17 ing aircraft, homeland defense support, deploy-  
18 ment support, air bridge support, aeromedical  
19 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 Air  
25 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-

1 tions of the Comptroller General for improving the  
2 program; and

3 (2) not later than 90 days after the completion  
4 of the pilot program, a final assessment of the re-  
5 sults of the pilot program and the recommendations  
6 of the Comptroller General for whether the Sec-  
7 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 AU-**  
11 **THORITIES AFTER CERTAIN INCIDENTS.**

12 (a) IN GENERAL.—The Secretary of Defense shall es-  
13 tablish an advisory panel to carry out an assessment of  
14 the capabilities of the Department of Defense to provide  
15 support to United States civil authorities in the event of  
16 a chemical, biological, radiological, nuclear, or high-yield  
17 explosive (CBRNE) incident.

18 (b) PANEL MATTERS.—

19 (1) IN GENERAL.—The advisory panel required  
20 by subsection (a) shall consist of individuals ap-  
21 pointed by the Secretary of Defense (in consultation  
22 with the chairmen and ranking members of the  
23 Committees on Armed Services of the Senate and  
24 the House of Representatives) from among private  
25 citizens of the United States with expertise in the

1 legal, operational, and organizational aspects of the  
2 management of the consequences of a chemical, bio-  
3 logical, radiological, nuclear, or high-yield explosive  
4 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 Defense  
25 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-

1 poses forces for conducting operations described in  
2 paragraph (1) across a broad spectrum of scenarios,  
3 including current National Planning Scenarios as  
4 applicable;

5 (3) assess policies, directives, and plans of the  
6 Department of Defense in support of civilian au-  
7 thorities in managing the consequences of a chem-  
8 ical, biological, radiological, nuclear, or high-yield ex-  
9 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



1 Human Services, and any other department or agen-  
2 cy of the Federal Government information that the  
3 panel considers necessary for the panel to carry out  
4 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.

12 (f) REPORT.—Not later than 12 months after the  
13 date of the initial meeting of the advisory panel required  
14 by subsection (a), the advisory panel shall submit to the  
15 Secretary of Defense, and to the Committees on Armed  
16 Services of the Senate and the House of Representatives,  
17 a report on activities under this section. The report shall  
18 set forth—

19 (1) the findings, conclusions, and recommenda-  
20 tions of the advisory panel for improving the capa-  
21 bilities of the Department of Defense to provide sup-  
22 port to United States civil authorities in the event  
23 of a chemical, biological, radiological, nuclear, or  
24 high-yield explosive incident; and

1           (2) such other findings, conclusions, and rec-  
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.—

13           “(1) NO IMMUNITY.—A foreign state shall not  
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—

3           “(A)(i)(I) the foreign state was designated  
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 under this section by reason of section  
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 cause  
8 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,

17 “(3) an employee of the Government of the  
18 United States, or of an individual performing a con-  
19 tract awarded by the United States Government,  
20 acting within the scope of the employee’s employ-  
21 ment, or

22 “(4) the legal representative of a person de-  
23 scribed in paragraph (1), (2), or (3),

24 for personal injury or death caused by acts described in  
25 subsection (a)(1) of that foreign state, or of an official,

1 employee, or agent of that foreign state, for which the  
2 courts of the United States may maintain jurisdiction  
3 under this section for money damages. In any such action,  
4 damages may include economic damages, solatium, pain  
5 and suffering, and punitive damages. In any such action,  
6 a foreign state shall be vicariously liable for the acts of  
7 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.

19               “(2) TRANSFER OF FUNDS.—The Attorney  
20 General shall transfer, from funds available for the  
21 program under section 1404C of the Victims of  
22 Crime Act of 1984 (42 U.S.C. 10603e), to the Ad-  
23 ministrator of the United States district court in  
24 which any case is pending which has been brought  
25 or maintained under this section such funds as may

1 be required to cover the costs of special masters ap-  
2 pointed under paragraph (1). Any amount paid in  
3 compensation to any such special master shall con-  
4 stitute 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.—

10 “(1) IN GENERAL.—In every action filed in a  
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 execu-  
19 tion, or execution, under section 1610;

20 “(B) located within that judicial district;  
21 and

22 “(C) titled in the name of any defendant,  
23 or titled in the name of any entity controlled by  
24 any defendant if such notice contains a state-  
25 ment listing such controlled entity.

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



1 101(a)(22) of the Immigration and Nationality Act  
2 (8 U.S.C. 1101(a)(22));

3 “(6) the term ‘state sponsor of terrorism’  
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

13 “(7) the terms ‘torture’ and ‘extrajudicial kill-  
14 ing’ have the meaning given those terms in section  
15 3 of the Torture Victim Protection Act of 1991 (28  
16 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 insert-  
20 ing after the item relating to section 1605 the fol-  
21 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 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 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 or

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-  
22 208), and is refiled under section 1605A(c)  
23 of title 28, United States Code,

24 to the extent such defenses are based on the  
25 claim in the action.

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 or

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-

1       gime against individuals who were United States na-  
2       tionals or members of the United States Armed  
3       Forces at the time of those terrorist acts and whose  
4       claims cannot be addressed in courts in the United  
5       States due to the exercise of the waiver authority  
6       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 compensa-  
tion 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 prop-  
erty 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 tem-  
porary 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 tech-  
nology 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.

1 **SEC. 1101. EXTENSION OF AUTHORITY TO WAIVE ANNUAL**  
 2 **LIMITATION ON TOTAL COMPENSATION PAID**  
 3 **TO FEDERAL CIVILIAN EMPLOYEES WORKING**  
 4 **OVERSEAS UNDER AREAS OF UNITED STATES**  
 5 **CENTRAL COMMAND.**

6 (a) EXTENSION.—Section 1105 of the National De-  
 7 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)—

13 (A) by striking “and 2007” and inserting  
 14 “, 2007, and 2008”; and

15 (B) by striking “Code).” and inserting  
 16 “Code) or, during 2008, a military operation  
 17 (including a contingency operation, as so de-  
 18 fined) or an operation in response to an emer-  
 19 gency declared by the President.”; and

1           (2) in subsection (b), by striking “2007.” and  
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  
16          without pay in the circumstances described in paragraph  
17          (2) may elect to have such employee’s life insurance con-  
18          tinue (beyond the end of the 12 months of coverage pro-  
19          vided for under subsection (a)) for an additional 12  
20          months and arrange to pay currently into the Employees’  
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 employ-

1 ee's insurance will continue during nonpay status and stop  
2 as provided by subsection (a). An individual making an  
3 election under this subsection may cancel that election at  
4 any time, in which case such employee's insurance will  
5 stop as provided by subsection (a) or upon receipt of notice  
6 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.**

22       (a) IN GENERAL.—Paragraph (2) of section 5742(b)  
23 of title 5, United States Code, is amended to read as fol-  
24 lows:

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

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           “(1) the term ‘covered employee’ means an indi-  
2           vidual who—

3                   “(A) is an employee of an Executive agen-  
4                   cy or a military department, excluding a Gov-  
5                   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

15           “(3) the term ‘contingency operation’ has the  
16           meaning given such term by section 1482a(c) of title  
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  
21          of such employee’s temporary assignment (as described in  
22          subsection (a)(1)(B)).

23          “(c) STORAGE OF MOTOR VEHICLE.—The head of an  
24          agency may provide for the storage, without charge, or  
25          for the reimbursement of the cost of storage, of a motor



1 vehicle that is owned or leased by a covered employee of  
2 such agency (or by a dependent of such an employee) and  
3 that is for the personal use of the covered employee. This  
4 subsection shall apply—

5           “(1) with respect to storage during the period  
6 of the employee’s temporary assignment (as de-  
7 scribed in subsection (a)(1)(B)); and

8           “(2) in the case of a covered employee, with re-  
9 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 em-  
14 ployee is otherwise eligible.”.

15       (b) CLERICAL AMENDMENT.—The table of sections  
16 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-**  
2 **nection with employee’s service with an**  
3 **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.—  
12 At the discretion of the Secretary concerned, subsection  
13 (a) may apply in the case of an employee who died, on  
14 or after October 7, 2001, and before the date of enactment  
15 of this section, as a result of injuries incurred in connec-  
16 tion with the employee’s service with an Armed Force in  
17 the theater of operations of Operation Enduring Freedom  
18 or Operation Iraqi Freedom.

19 “(c) RELATIONSHIP TO OTHER BENEFITS.—The  
20 death 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  
23 of the Emergency Supplemental Appropriations Act for  
24 Defense, the Global War on Terror, and Hurricane Recov-  
25 ery, 2006, or any other law of the United States based  
26 on the same death.

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

1 their counterparts in loco parentis, may be recog-  
2 nized in any case, and preference shall be given to  
3 those who exercised a parental relationship on the  
4 date, or most nearly before the date, on which the  
5 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).

18 “(5) If a person entitled to all or a portion of  
19 a death gratuity under paragraph (1) or (4) dies be-  
20 fore the person receives the death gratuity, it shall  
21 be paid to the living survivor next in the order pre-  
22 scribed by paragraph (1).

23 “(e) DEFINITIONS.—(1) The term ‘contingency oper-  
24 ation’ has the meaning given to that term in section  
25 1482a(c) of title 10, United States Code.

1       “(2) The term ‘employee’ has the meaning provided  
2 in section 8101 of this title, but also includes a non-  
3 appropriated fund instrumentality employee, as defined in  
4 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:

“8102a. Death gratuity for injuries incurred in connection with employee’s serv-  
ice with an Armed Force.”.

9       **SEC. 1106. MODIFICATIONS TO THE NATIONAL SECURITY**  
10                                   **PERSONNEL SYSTEM.**

11       (a) IN GENERAL.—Section 9902 of title 5, United  
12 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  
21 section shall be referred to as the ‘National Security Per-  
22 sonnel System’.

23       “(b) SYSTEM REQUIREMENTS.—Any system estab-  
24 lished under subsection (a) shall—

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

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

1 or under other comparable pay authority established  
2 for payment of Department of Defense senior execu-  
3 tive or equivalent employees may not exceed the  
4 total annual compensation payable to the Vice Presi-  
5 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—

22 “(A) the number and mix of employees in  
23 such organizational or functional unit prior to  
24 the conversion of such employees to the Na-  
25 tional Security Personnel System; and

1           “(B) adjusted for normal step increases  
2           and rates of promotion that would have been  
3           expected, had such employees remained in their  
4           previous pay schedule.

5           “(5) To the maximum extent practicable, the  
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.

21          “(6) Amounts allocated for compensation of ci-  
22          vilian employees of the Department of Defense pur-  
23          suant to paragraphs (4) and (5) shall be available  
24          only for the purpose of providing such compensation.

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

1 of the National Defense Authorization Act for Fiscal  
2 Year 2004.

3 “(f) PROVISIONS REGARDING NATIONAL LEVEL  
4 BARGAINING.—

5 “(1) The Secretary may bargain with a labor  
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—

15 “(A) address issues that are—

16 “(i) subject to bargaining under chap-  
17 ter 71 and this chapter;

18 “(ii) applicable to multiple bargaining  
19 units; and

20 “(iii) raised by either party to the  
21 bargaining;

22 “(B) except as agreed by the parties or di-  
23 rected through an independent dispute resolu-  
24 tion process agreed upon by the parties, be  
25 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.

1           “(4) The National Guard Bureau and the Army  
2           and Air Force National Guard may be included in  
3           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 RE-  
12          TIREMENT INCENTIVES.—

13           “(1) The Secretary may establish a program  
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 the  
25           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  
3 voluntary separation incentive pay as a result of a  
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 re-  
12 alignment of a military base as described under sub-  
13 paragraph (A).

14 “(C) The Secretary shall submit the report  
15 under subparagraph (B) to the Committee on Armed  
16 Services and the Committee on Governmental Af-  
17 fairs of the Senate, and the Committee on Armed  
18 Services and the Committee on Government Reform  
19 of the House of Representatives.

20 “(3) For purposes of this section, the term ‘em-  
21 ployee’ means an employee of the Department of De-  
22 fense, serving under an appointment without time  
23 limitation, except that such term does not include—

24 “(A) a reemployed annuitant under sub-  
25 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  
15 at least 25 years of service, may, pursuant to regula-  
16 tions promulgated under this section, apply and be  
17 retired from the Department of Defense and receive  
18 benefits in accordance with chapter 83 or 84 if the  
19 employee has been employed continuously within the  
20 Department of Defense for more than 30 days be-  
21 fore the date on which the determination to conduct  
22 a reduction or restructuring within 1 or more De-  
23 partment of Defense components is approved.

1           “(5)(A) Separation pay shall be paid in a lump  
2           sum or in installments and shall be equal to the less-  
3           er of —

4                   “(i) an amount equal to the amount the  
5           employee would be entitled to receive under sec-  
6           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.

16          “(C) Separation pay, if paid in installments,  
17          shall cease to be paid upon the recipient’s accept-  
18          ance of employment by the Federal Government, or  
19          commencement of work under a personal services  
20          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

1 separation, unless this prohibition is waived by the  
2 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.

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  
22          bargaining, if such rules are uniformly applicable to  
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.

5 (4) The availability of judicial review of any  
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-  
24 fense undertakes internal assessments or employee  
25 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)

1 of the National Defense Authorization Act for Fiscal Year  
2 1995 (Public Law 103–337; 108 Stat. 2721), as amended  
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.

11 (b) PROCESS FOR FULL IMPLEMENTATION.—The  
12 Secretary of Defense shall also implement a process and  
13 implementation plan to fully utilize the authorities de-  
14 scribed in subsection (a) to enhance the performance of  
15 the missions of the laboratories.

16 (c) OTHER LABORATORIES.—Any flexibility available  
17 to any demonstration laboratory shall be available for use  
18 at any other laboratory as enumerated in section  
19 9902(c)(2) of title 5, United States Code.

20 (d) SUBMISSION OF LIST AND DESCRIPTION.—Not  
21 later than March 1 of each year, beginning with March  
22 1, 2008, the Secretary of Defense shall submit to Congress  
23 a list and description of the demonstration project notices,  
24 amendments, and changes requested by the laboratories  
25 during the preceding calendar year. The list shall include

1 all approved and disapproved notices, amendments, and  
2 changes, and the reasons for disapproval or delay in ap-  
3 proval.

4 **SEC. 1108. AUTHORITY FOR INCLUSION OF CERTAIN OF-**  
5 ****OFFICE 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” at  
13       the end;

14           (2) in subparagraph (C), by adding “and” at  
15       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 Engineer-  
21       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;

17 (C) is expected to assume increased infor-  
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



1           (2) the proposed assignment meets applicable  
2 requirements of section 209(b) of the E-Government  
3 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

13           (2) shall provide that if the employee fails to  
14 carry out the agreement, such employee shall be lia-  
15 ble to the United States for payment of all expenses  
16 of the assignment, unless that failure was for good  
17 and sufficient reason (as determined by the Sec-  
18 retary 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.

21           (c) TERMINATION.—An assignment under this sec-  
22 tion may, at any time and for any reason, be terminated  
23 by the Department of Defense or the private sector organi-  
24 zation 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

13 (2) shall take into consideration the question of  
14 how assignments under this section might best be  
15 used to help meet the needs of the Department of  
16 Defense with respect to the training of employees in  
17 information technology management.

18 (f) NUMERICAL LIMITATION.—In no event may more  
19 than 10 employees be participating in assignments under  
20 this section as of any given time.

21 (g) REPORTING REQUIREMENT.—

22 (1) IN GENERAL.—Not later than 6 months  
23 after the date of the enactment of this Act, the Sec-  
24 retary of Defense shall submit to the Committees on  
25 Armed Services of the Senate and House of Rep-

1       representatives 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

1 such event and the return of the employee from such event  
2 to the employee's official duty station).”.

3 **SEC. 1111. TRAVEL COMPENSATION FOR WAGE GRADE PER-**  
4 **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 by  
14 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—

23 (1) in the matter before subparagraph (A), by  
24 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

1           (3) in the second sentence, by striking “In the  
2           case of” and inserting the following:

3           “(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”.

14          (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—

23           (1) any annuity, eligibility for which is based  
24           upon a separation occurring before, on, or after the  
25           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(e) 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

24                       (B) by adding at the end the following new  
25                       sentence: “In no event may the total amount of



1 compensation paid to an employee under para-  
2 graph (1) in any year (including salary, allow-  
3 ances, differentials, bonuses, awards, and other  
4 similar cash payments) exceed the total amount  
5 of annual compensation (excluding expenses)  
6 specified in section 102 of title 3.”.

7 **SEC. 1117. REPORT ON ESTABLISHMENT OF A SCHOLAR-**  
8 **SHIP PROGRAM FOR CIVILIAN MENTAL**  
9 **HEALTH PROFESSIONALS.**

10 (a) **REPORT REQUIRED.**—Not later than 180 days  
11 after the date of the enactment of this Act, the Secretary  
12 of Defense shall, in consultation with the Assistant Sec-  
13 retary of Defense for Health Affairs and each of the Sur-  
14 geons General of the Armed Forces, submit to Congress  
15 a report on the feasibility and advisability of establishing  
16 a scholarship program for civilian mental health profes-  
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 De-  
24 fense.

1           (2) An assessment of current scholarship pro-  
2           grams which may be expanded to include mental  
3           health professionals.

4           (3) Recommendations regarding the establish-  
5           ment or expansion of scholarship programs for men-  
6           tal health professionals.

7           (4) A plan to implement, or reasons for not im-  
8           plementing, recommendations that will increase men-  
9           tal health staffing across the Department of De-  
10          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.

1                   **Subtitle A—Assistance and**  
 2   **Training**

3   **SEC. 1201. MILITARY-TO-MILITARY CONTACTS AND COM-**  
 4   **PARABLE ACTIVITIES.**

5           Section 168(e) of title 10, United States Code, is  
 6 amended by adding at the end the following new para-  
 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-**  
 14   **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  
 19 to read as follows:

20           “(f) ANNUAL REPORT.—

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  
4 amended—

5 (1) by striking “(d) DEFINITIONS.—” and all  
6 that follows through “(1) The term” and inserting  
7 “(d) DEFINITION.—In this section, the term”; and  
8 (2) by striking paragraph (2).

9 (d) EXPIRATION OF AUTHORITY.—Such section is  
10 further amended by striking subsection (e).

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  
20 the item relating to section 1051a and inserting the fol-  
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)—

22 (A) by inserting “and October 31, 2008,”  
23 after “October 31, 2007,”; and

24 (B) by striking “fiscal year 2007” and in-  
25 serting “fiscal years 2007 and 2008”; and

1           (2) in paragraph (2)(A), by striking “during  
2           fiscal year 2007” and inserting “during the pre-  
3           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-

1 assistance 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.

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  
6 States Code, is amended by adding at the end the fol-  
7 lowing new section:

8 **“§ 408. Equipment and training of foreign personnel**  
9 **to assist in Department of Defense ac-**  
10 **counting for missing United States Gov-**  
11 **ernment personnel**

12 “(a) IN GENERAL.—The Secretary of Defense may  
13 provide assistance to any foreign nation to assist the De-  
14 partment of Defense with recovery of and accounting for  
15 missing United States Government personnel.

16 “(b) TYPES OF ASSISTANCE.—The assistance pro-  
17 vided under subsection (a) may include the following:

18 “(1) Equipment.

19 “(2) Supplies.

20 “(3) Services.

21 “(4) Training of personnel.

22 “(c) APPROVAL BY SECRETARY OF STATE.—Assist-  
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.

1       “(d) LIMITATION.—The amount of assistance pro-  
2       vided under this section in any fiscal year may not exceed  
3       \$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.

13      “(2) Each report under paragraph (1) shall include,  
14      for the fiscal year covered by such report, the following:

15              “(A) A listing of each foreign nation provided  
16              assistance under this section.

17              “(B) For each nation so provided assistance, a  
18              description of the type and amount of such assist-  
19              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:

    “408. Equipment and training of foreign personnel to assist in Department of  
        Defense accounting for missing United States Government per-  
        sonnel.”.

1 **SEC. 1208. AUTHORITY TO PROVIDE AUTOMATIC IDENTI-**  
2 **FICATION SYSTEM DATA ON MARITIME SHIP-**  
3 **PING TO FOREIGN COUNTRIES AND INTER-**  
4 **NATIONAL ORGANIZATIONS.**

5 (a) **AUTHORITY TO PROVIDE DATA.**—The Secretary  
6 of Defense, with the concurrence of the Secretary of State,  
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  
12 pursuant to an agreement for the exchange or production  
13 of such data. Such data may be transferred pursuant to  
14 this section without cost to the recipient country or inter-  
15 national organization.

16 (b) **DEFINITIONS.**—In this section:

17 (1) **AUTOMATIC IDENTIFICATION SYSTEM.**—The  
18 term “automatic identification system” means a sys-  
19 tem that is used to satisfy the requirements of the  
20 Automatic Identification System under the Inter-  
21 national Convention for the Safety of Life at Sea,  
22 signed at London on November 1, 1974 (TIAS  
23 9700).

24 (2) **GEOGRAPHIC COMBATANT COMMANDER.**—  
25 The term “commander of a combatant command”  
26 means a commander of a combatant command (as

1 such term is defined in section 161(c) of title 10,  
2 United States Code) with a geographic area of re-  
3 sponsibility.

4 **SEC. 1209. REPORT ON FOREIGN-ASSISTANCE RELATED**  
5 **PROGRAMS CARRIED OUT BY THE DEPART-**  
6 **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 re-  
18 lated program carried out by the Department of De-  
19 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 au-  
23 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

1 Foreign Affairs of the House of Representatives;  
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-  
18 GRAM FOR ASSISTANCE.—The Secretary of State shall co-  
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,

1 is amended by striking “September 30, 2007” and insert-  
2 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  
11 a report assessing the Global Peace Operations Initiative.

12 (b) CONTENT.—The report required under subsection  
13 (a) shall include the following:

14 (1) An assessment of whether, and to what ex-  
15 tent, the Global Peace Operations Initiative has met  
16 the goals set by the President at the inception of the  
17 program in 2004.

18 (2) Which goals, if any, remain unfulfilled.

19 (3) A description of activities conducted by each  
20 member state of the Group of Eight (G–8), includ-  
21 ing the approximate cost of the activities, and the  
22 approximate percentage of the total monetary value  
23 of the activities conducted by each G–8 member, in-  
24 cluding the United States, as well as efforts by the

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 Servicemembers' 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-  
24 struction of Iraq”.

1           (c) SUPERVISION.—Subsection (e)(2) of such section  
2 is amended by striking “the Iraq Relief and Reconstruc-  
3 tion Fund” and inserting “amounts appropriated or other-  
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 Reconstruc-  
7 tion Fund” and inserting “for the reconstruction of Iraq”.

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  
11 rates” the following: “, and may exercise the au-  
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

15           (2) in paragraph (3), by striking “my enter”  
16 and inserting “may enter”.

17           (f) REPORTS.—Subsection (i) of such section is  
18 amended by striking “to the Iraq Relief and Reconstruc-  
19 tion Fund” each place it appears and inserting “for the  
20 reconstruction of Iraq”.

21           (g) DEFINITIONS.—Subsection (m) of such section is  
22 amended—

23           (1) in the heading, by striking “APPROPRIATE  
24 COMMITTEES OF CONGRESS DEFINED” and insert-  
25 ing “DEFINITIONS”;

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—

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-  
14 nate 180 days after the date on which amounts appro-  
15 priated or otherwise made available for the reconstruction  
16 of Iraq that are unexpended are less than \$250,000,000.”;  
17 and

18                   (2) in paragraph (2)—

19                           (A) by striking “funds deemed to be”; and

20                           (B) by striking “to the Iraq Relief and Re-  
21 construction Fund” and inserting “for the re-  
22 construction of Iraq”.

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:

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

1 savings of any proposed changes to such levels or  
2 missions.

3 “(8) A description of the range of conditions  
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.”

11 (2) EFFECTIVE DATE.—The amendments made  
12 by paragraph (1) shall apply with respect to each re-  
13 port required to be submitted to Congress under sec-  
14 tion 1227(c) of the National Defense Authorization  
15 Act for Fiscal Year 2006 on or after the date of the  
16 enactment of this Act.

17 (b) CONGRESSIONAL BRIEFINGS REQUIRED.—Such  
18 section is further amended by adding at the end the fol-  
19 lowing:

20 “(d) CONGRESSIONAL BRIEFINGS REQUIRED.—Not  
21 later than 30 days after the submission of the first report  
22 under subsection (c) on or after the date of the enactment  
23 of the National Defense Authorization Act for Fiscal Year  
24 2008, the Secretary of Defense and the Chairman of the  
25 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.**

14 (a) REPORT.—Section 9010(c) of the Department of  
15 Defense Appropriations Act, 2007 (division A of Public  
16 Law 109–289; 120 Stat. 1307) is amended—

17 (1) in paragraph (1)(B)—

18 (A) by striking “and trends” and inserting  
19 “trends”; and

20 (B) by adding at the end before the period  
21 the following: “, and progress made in the tran-  
22 sition of responsibility for the security of Iraqi  
23 provinces to the Iraqi Security Forces under the  
24 Provincial Iraqi Control (PIC) process”; and

25 (2) in paragraph (2)—

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.

1 **SEC. 1225. REPORT ON SUPPORT FROM IRAN FOR ATTACKS**  
2 **AGAINST 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-co-  
10 alition forces in Iraq by the Government of Iran or  
11 its agents;

12 (2) the strategy and ambitions in Iraq of the  
13 Government of Iran; and

14 (3) any strategy or efforts by the United States  
15 Government to counter the activities of agents of the  
16 Government of Iran in Iraq.

17 (b) FORM.—Each report required under subsection  
18 (a) shall be submitted in unclassified form, to the max-  
19 imum extent practicable, but may contain a classified  
20 annex, if necessary.

21 (c) TERMINATION.—The requirement to submit re-  
22 ports under subsection (a) shall terminate on the date on  
23 which the Secretary of Defense, in coordination with the  
24 Director of National Intelligence, submits to the congres-  
25 sional defense committees a certification in writing that  
26 the Government of Iran has ceased to provide military

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-

1 regions, 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,  
12          whether based on federalism or not, the United  
13          States should call on Iraq's neighbors to pledge not  
14          to militarily intervene in or destabilize Iraq; and

15          (7) nothing in this Act should be construed in  
16          any way to infringe on the sovereign rights of the  
17          nation of Iraq or to imply that the United States  
18          wishes to impose a political settlement in Iraq based  
19          on federalism if such a political settlement is con-  
20          trary to the wishes of the Iraqi people.

1 **SEC. 1228. TRACKING AND MONITORING OF DEFENSE ARTI-**  
2 **CLES PROVIDED TO THE GOVERNMENT OF**  
3 **IRAQ AND OTHER INDIVIDUALS AND GROUPS**  
4 **IN IRAQ.**

5 (a) EXPORT AND TRANSFER CONTROL POLICY.—  
6 The President shall implement a policy to control the ex-  
7 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—

20 (1) the registration of the serial numbers of all  
21 small arms to be provided to the Government of Iraq  
22 or to other groups, organizations, citizens, or resi-  
23 dents of Iraq;

24 (2) a program of end-use monitoring of all le-  
25 thal defense articles provided to such entities or in-  
26 dividuals; and



1           (3) a detailed record of the origin, shipping,  
2           and distribution of all defense articles transferred  
3           under the Iraq Security Forces Fund or any other  
4           security assistance program to such entities or indi-  
5           viduals.

6           (d) REVIEW; EXEMPTION.—

7           (1) REVIEW.—The President shall periodically  
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

1 with amounts appropriated or otherwise made avail-  
2 able for the reconstruction of Afghanistan.

3 (2) To provide for the independent and objec-  
4 tive leadership and coordination of, and rec-  
5 ommendations on, policies designed to—

6 (A) promote economy efficiency, and effec-  
7 tiveness in the administration of the programs  
8 and operations described in paragraph (1); and

9 (B) prevent and detect waste, fraud, and  
10 abuse in such programs and operations.

11 (3) To provide for an independent and objective  
12 means of keeping the Secretary of State and the  
13 Secretary of Defense fully and currently informed  
14 about problems and deficiencies relating to the ad-  
15 ministration of such programs and operations and  
16 the necessity for and progress on corrective action.

17 (b) OFFICE OF INSPECTOR GENERAL.—There is  
18 hereby established the Office of the Special Inspector Gen-  
19 eral for Afghanistan Reconstruction to carry out the pur-  
20 poses of subsection (a).

21 (c) APPOINTMENT OF INSPECTOR GENERAL; RE-  
22 MOVAL.—

23 (1) APPOINTMENT.—The head of the Office of  
24 the Special Inspector General for Afghanistan Re-  
25 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  
4 Special Inspector General for Iraq Reconstruction to  
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.

12 (2) QUALIFICATIONS.—The appointment of the  
13 Inspector General shall be made solely on the basis  
14 of integrity and demonstrated ability in accounting,  
15 auditing, financial analysis, law, management anal-  
16 ysis, public administration, or investigations.

17 (3) DEADLINE FOR APPOINTMENT.—The ap-  
18 pointment 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.

21 (4) COMPENSATION.—The annual rate of basic  
22 pay of the Inspector General shall be the annual rate  
23 of basic pay provided for positions at level IV of the  
24 Executive Schedule under section 5315 of title 5,  
25 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  
21                Investigations who shall have the responsibility for  
22                supervising the performance of investigative activi-  
23                ties relating to such programs and operations.

24          (e) SUPERVISION.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), the Inspector General shall report directly  
3           to, and be under the general supervision of, the Sec-  
4           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 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;

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  
24 as authorized by section 3109 of title 5, United  
25 States Code, at daily rates not to exceed the equiva-

1 lent rate prescribed for grade GS–15 of the General  
2 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 In-  
24 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 congress-  
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:

1 (A) Obligations and expenditures of appro-  
2 priated funds.

3 (B) A project-by-project and program-by-  
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 enti-  
24 ties receiving amounts appropriated or other-

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  
17 submit each report required under subsection (i) to  
18 the Secretary of State and the Secretary of Defense.

19 (2) SUBMISSION TO CONGRESS.—Not later than  
20 30 days after receipt of a report under paragraph  
21 (1), the Secretary of State or the Secretary of De-  
22 fense may submit to the appropriate congressional  
23 committees any comments on the matters covered by  
24 the report as the Secretary of State or the Secretary  
25 of Defense, as the case may be, considers appro-

1        piate. Any comments on the matters covered by the  
2        report shall be submitted in unclassified form, but  
3        may include a classified annex if the Secretary of  
4        State or the Secretary of Defense, as the case may  
5        be, considers it necessary.

6        (k) TRANSPARENCY.—

7            (1) REPORT.—Not later than 60 days after  
8        submission to the appropriate congressional commit-  
9        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        (l) WAIVER.—

22           (1) AUTHORITY.—The President may waive the  
23        requirement under paragraph (1) or (2) of sub-  
24        section (k) with respect to availability to the public  
25        of any element in a report under subsection (i), or

1 any comment under subsection (j)(2), if the Presi-  
2 dent determines that the waiver is justified for na-  
3 tional security reasons.

4 (2) NOTICE OF WAIVER.—The President shall  
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:

15 (1) AMOUNTS APPROPRIATED OR OTHERWISE  
16 MADE AVAILABLE FOR THE RECONSTRUCTION OF  
17 AFGHANISTAN.—The term “amounts appropriated  
18 or otherwise made available for the reconstruction of  
19 Afghanistan” means—

20 (A) amounts appropriated or otherwise  
21 made available for any fiscal year—

22 (i) to the Afghanistan Security Forces  
23 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.

1           (2) OFFSET.—The amount authorized to be ap-  
2           propriated by section 1513 for the Afghanistan Se-  
3           curity Forces Fund is hereby reduced by  
4           \$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.**

23          (a) REPORT REQUIRED.—Not later than 90 days  
24          after the date of the enactment of this Act, and every 180  
25          days thereafter through the end of fiscal year 2010, the

1 President, acting through the Secretary of Defense, shall  
2 submit to the appropriate congressional committees a re-  
3 port on progress toward security and stability in Afghani-  
4 stan.

5 (b) COORDINATION.—The report required under sub-  
6 section (a) shall be prepared in coordination with the Sec-  
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 Sec-  
11 retary of Agriculture, and the head of any other depart-  
12 ment or agency of the Government of the United States  
13 involved with activities relating to security and stability  
14 in Afghanistan.

15 (c) MATTERS TO BE INCLUDED: STRATEGIC DIREC-  
16 TION OF UNITED STATES ACTIVITIES RELATING TO SE-  
17 CURITY AND STABILITY IN AFGHANISTAN.—The report  
18 required under subsection (a) shall include a description  
19 of a comprehensive strategy of the United States for secu-  
20 rity 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-

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.



1                   (ii) Improve ANSF recruitment and  
2                   retention, including through improved vet-  
3                   ting and salaries for the ANSF.

4                   (iii) Increase and improve ANSF  
5                   training and mentoring.

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-

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 interdie-  
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-nar-  
23 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-

1 TAINABLE LONG-TERM SECURITY AND STABILITY IN AF-  
2 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.

11 (2) PERFORMANCE INDICATORS AND MEASURES  
12 OF PROGRESS SPECIFIED.—The performance indica-  
13 tors and measures of progress specified in this para-  
14 graph 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 contribu-  
20 tions on operations, and unfulfilled commit-  
21 ments.

22 (B) An assessment of military operations  
23 of the NATO ISAF, including of NATO ISAF  
24 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.



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 activi-  
7 ty 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-

1           forcement activities at the local, provincial, and  
2           national levels and the effectiveness of such ac-  
3           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 sub-  
9 section (a) with regular briefings to the appropriate con-  
10 gressional committees on the subject matter of the report.

11          (g) APPROPRIATE CONGRESSIONAL COMMITTEES  
12 DEFINED.—In this section, the term “appropriate con-  
13 gressional 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-**  
22 **GHANISTAN NATIONAL SECURITY FORCES.**

23           (a) PLAN REQUIRED.—Not later than 90 days after  
24 the date of the enactment of this Act, and annually there-  
25 after through the end of fiscal year 2010, the Secretary

1 of Defense shall submit to the appropriate congressional  
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  
6 ensuring that a strong and fully-capable ANSF will be  
7 able to independently and effectively conduct operations  
8 and maintain long-term security and stability in Afghani-  
9 stan.

10 (b) COORDINATION.—The report required under sub-  
11 section (a) shall be prepared in coordination with the Sec-  
12 retary of State.

13 (c) MATTERS TO BE INCLUDED.—The report re-  
14 quired under subsection (a) shall include a description of  
15 the following matters relating to the plan for sustaining  
16 the ANSF:

17 (1) A comprehensive and effective long-term  
18 strategy and budget, with defined objectives.

19 (2) A mechanism for tracking funding, equip-  
20 ment, training, and services provided for the ANSF  
21 by the United States, countries participating in the  
22 North Atlantic Treaty Organization (NATO) Inter-  
23 national Security Assistance Force (ISAF) in Af-  
24 ghanistan (hereafter in this section referred to as

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

1 (B) the Committee on Armed Services, the  
2 Committee on Appropriations, and the Com-  
3 mittee on Foreign Relations of the Senate.

4 (b) NOTIFICATION RELATING TO DEPARTMENT OF  
5 DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—

6 (1) NOTIFICATION.—

7 (A) IN GENERAL.—Not less than 15 days  
8 before making any reimbursement to the Gov-  
9 ernment of Pakistan under the authority of any  
10 provision of law described in subparagraph (B)  
11 for logistical, military, or other support pro-  
12 vided by Pakistan to the United States, the  
13 Secretary of Defense shall submit to the con-  
14 gressional defense committees a written notifi-  
15 cation that contains a detailed description of  
16 such logistical, military, or other support.

17 (B) PROVISIONS OF LAW.—The provisions  
18 of law referred to in subparagraph (A) are the  
19 following:

20 (i) Section 1233.

21 (ii) Any other provision of law under  
22 which payments are authorized to reim-  
23 burse key cooperating nations for  
24 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  
11 or in connection with United States military operations  
12 in Operation Iraqi Freedom or Operation Enduring Free-  
13 dom.

14 (b) **AMOUNTS OF REIMBURSEMENT.**—

15 (1) **IN GENERAL.**—Reimbursement authorized  
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

1 the kinds of logistical and military support to the  
2 United States that shall be considered reimbursable  
3 under the authority in subsection (a). Such stand-  
4 ards may not take effect until 15 days after the date  
5 on which the Secretary submits to the congressional  
6 defense committees a report setting forth such  
7 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.

13 (2) PROHIBITION ON CONTRACTUAL OBLIGA-  
14 TIONS TO MAKE PAYMENTS.—The Secretary of De-  
15 fense may not enter into any contractual obligation  
16 to make a reimbursement under the authority in  
17 subsection (a).

18 (d) NOTICE TO CONGRESS.—The Secretary of De-  
19 fense shall—

20 (1) notify the congressional defense committees  
21 not less than 15 days before making any reimburse-  
22 ment under the authority in subsection (a); and

23 (2) submit to the congressional defense commit-  
24 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**  
4                   **SUPPORTING OPERATIONS IN IRAQ AND AF-**  
5                   **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 oper-  
13   ations in Iraq and Afghanistan.

14       (b) REQUIRED DETERMINATION.—The Secretary  
15   may provide logistical support under the authority in sub-  
16   section (a) only if the Secretary determines that the coali-  
17   tion forces to be provided the logistical support—

18           (1) are essential to the success of a United  
19       States military or stabilization operation; and

20           (2) would not be able to participate in such op-  
21       eration without the provision of the logistical sup-  
22       port.

23       (c) COORDINATION WITH EXPORT CONTROL  
24   LAWS.—Logistical support may be provided under the au-  
25   thority in subsection (a) only in accordance with applicable

1 provisions of the Arms Export Control Act and other ex-  
2 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 support  
18 under the authority in subsection (a).

19 (B) For each such nation, a description of  
20 the type and value of logistical support so pro-  
21 vided.

## 22 **Subtitle C—Iraq Refugee Crisis**

### 23 **SEC. 1241. SHORT TITLE.**

24 This subtitle may be cited as the “Refugee Crisis in  
25 Iraq Act of 2007”.



1 **SEC. 1242. PROCESSING MECHANISMS.**

2 (a) IN GENERAL.—The Secretary of State, in con-  
3 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,  
14 the Secretary of State, in consultation with the Secretary  
15 of Homeland Security, may suspend in-country processing  
16 under subsection (a) for a period not to exceed 90 days.  
17 Such suspension may be extended by the Secretary of  
18 State upon notification to the Committee on the Judiciary  
19 of the House of Representatives, the Committee on For-  
20 eign Affairs of the House of Representatives, the Com-  
21 mittee on the Judiciary of the Senate, and the Committee  
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  
25 GROUPS.—The Secretary of State, or the designee of the

1 Secretary, is authorized to identify other Priority 2 groups  
2 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  
6 the Treasury's list of Specially Designated Nationals or  
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 Se-  
11 curity Act of 1947 (50 U.S.C. 401a(4)).

12 (d) APPLICABILITY OF OTHER REQUIREMENTS.—  
13 Aliens under this section who qualify for Priority 2 proc-  
14 essing under the refugee resettlement priority system shall  
15 satisfy the requirements of section 207 of the Immigration  
16 and Nationality Act (8 U.S.C. 1157) for admission to the  
17 United States.

18 (e) NUMERICAL LIMITATIONS.—In determining the  
19 number of Iraqi refugees who should be resettled in the  
20 United 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.

1 (f) ELIGIBILITY FOR ADMISSION AS REFUGEE.—No  
2 alien shall be denied the opportunity to apply for admis-  
3 sion under this section solely because such alien qualifies  
4 as an immediate relative or is eligible for any other immi-  
5 grant classification.

6 **SEC. 1244. SPECIAL IMMIGRANT STATUS FOR CERTAIN**  
7 **IRAQIS.**

8 (a) IN GENERAL.—Subject to subsection (c), the Sec-  
9 retary of Homeland Security, or, notwithstanding any  
10 other provision of law, the Secretary of State in consulta-  
11 tion with the Secretary of Homeland Security, may pro-  
12 vide an alien described in subsection (b) with the status  
13 of a special immigrant under section 101(a)(27) of the Im-  
14 migration and Nationality Act (8 U.S.C. 1101(a)(27)), if  
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 immigrant  
20 visa;

21 (3) is otherwise admissible to the United States  
22 for permanent residence (excluding the grounds for  
23 inadmissibility specified in section 212(a)(4) of such  
24 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

1 the Chief of Mission, who shall conduct a risk as-  
2 sessment of the alien and an independent review of  
3 records maintained by the United States Govern-  
4 ment or hiring organization or entity to confirm em-  
5 ployment and faithful and valuable service to the  
6 United States Government prior to approval of a pe-  
7 tition under this section.

8 (c) NUMERICAL LIMITATIONS.—

9 (1) IN GENERAL.—The total number of prin-  
10 cipal aliens who may be provided special immigrant  
11 status under this section may not exceed 5,000 per  
12 year for each of the five fiscal years beginning after  
13 the date of the enactment of this Act.

14 (2) EXCLUSION FROM NUMERICAL LIMITA-  
15 TIONS.—Aliens provided special immigrant status  
16 under this section shall not be counted against any  
17 numerical limitation under sections 201(d), 202(a),  
18 or 203(b)(4) of the Immigration and Nationality Act  
19 (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

20 (3) CARRY FORWARD.—

21 (A) FISCAL YEARS ONE THROUGH FOUR.—

22 If the numerical limitation specified in para-  
23 graph (1) is not reached during a given fiscal  
24 year referred to in such paragraph (with re-  
25 spect to fiscal years one through four), the nu-



1 numerical 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.—Nei-  
2 ther the Secretary of State nor the Secretary of Homeland  
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  
6 make a reasonable effort to ensure that aliens described  
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.

10          (e) PROTECTION OF ALIENS.—The Secretary of  
11 State, in consultation with the heads of other relevant  
12 Federal agencies, shall make a reasonable effort to provide  
13 an alien described in this section who is applying for a  
14 special immigrant visa with protection or the immediate  
15 removal from Iraq, if possible, of such alien if the Sec-  
16 retary determines after consultation that such alien is in  
17 imminent danger.

18          (f) ELIGIBILITY FOR ADMISSION UNDER OTHER  
19 CLASSIFICATION.—No alien shall be denied the oppor-  
20 tunity to apply for admission under this section solely be-  
21 cause such alien qualifies as an immediate relative or is  
22 eligible for any other immigrant classification.

23          (g) RESETTLEMENT SUPPORT.—Iraqi aliens granted  
24 special immigrant status described in section 101(a)(27)  
25 of the Immigration and Nationality Act (8 U.S.C.

1 1101(a)(27)) shall be eligible for resettlement assistance,  
2 entitlement programs, and other benefits available to refu-  
3 gees admitted under section 207 of such Act (8 U.S.C.  
4 1157) for a period not to exceed eight months.

5 (h) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
6 tion may be construed to affect the authority of the Sec-  
7 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.**

11 (a) **DESIGNATION IN IRAQ.**—The Secretary of State  
12 shall designate in the embassy of the United States in  
13 Baghdad, Iraq, a Senior Coordinator for Iraqi Refugees  
14 and Internally Displaced Persons (referred to in this sec-  
15 tion as the “Senior Coordinator”).

16 (b) **RESPONSIBILITIES.**—The Senior Coordinator  
17 shall be responsible for the oversight of processing for the  
18 resettlement in the United States of refugees of special  
19 humanitarian concern, special immigrant visa programs in  
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-  
2 NATORS.—The Secretary of State shall designate in the  
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  
6 of refugees of special humanitarian concern in those coun-  
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.

10 **SEC. 1246. COUNTRIES WITH SIGNIFICANT POPULATIONS**  
11 **OF IRAQI REFUGEES.**

12 With respect to each country with a significant popu-  
13 lation of Iraqi refugees, including Iraq, Jordan, Egypt,  
14 Syria, Turkey, and Lebanon, the Secretary of State  
15 shall—

16 (1) as appropriate, consult with the appropriate  
17 government officials of such countries and other  
18 countries and the United Nations High Commis-  
19 sioner for Refugees regarding resettlement of the  
20 most vulnerable members of such refugee popu-  
21 lations; and

22 (2) as appropriate, except where otherwise pro-  
23 hibited by the laws of the United States, develop  
24 mechanisms in and provide assistance to countries  
25 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  
6 removal and whose claim was denied on or after March  
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 subpara-  
11 graphs (A) and (B) of section 240(c)(7) of the Immigra-  
12 tion and Nationality Act (8 U.S.C. 1229a(c)(7)) not later  
13 than six months after the date of the enactment of the  
14 Refugee Crisis in Iraq Act if the alien—

15               (1) is a citizen or national of Iraq; and

16               (2) has remained in the United States since the  
17       date of such denial.

18       **SEC. 1248. REPORTS.**

19       (a) SECRETARY OF HOMELAND SECURITY.—Not  
20 later than 120 days after the date of the enactment of  
21 this Act, the Secretary of Homeland Security shall submit  
22 to the Committee on the Judiciary of the House of Rep-  
23 resentatives, the Committee on Foreign Affairs of the  
24 House of Representatives, the Committee on the Judiciary  
25 of the Senate, and the Committee on Foreign Relations

1 of the Senate a report containing plans to expedite the  
2 processing of Iraqi refugees for resettlement, including in-  
3 formation relating to—

4           (1) expediting the processing of Iraqi refugees  
5 for resettlement, including through temporary ex-  
6 pansion of the Refugee Corps of United States Citi-  
7 zenship and Immigration Services;

8           (2) increasing the number of personnel of the  
9 Department of Homeland Security devoted to ref-  
10 ugee processing in Iraq, Jordan, Egypt, Syria, Tur-  
11 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.

24           (b) PRESIDENT.—Not later than 120 days after the  
25 date of the enactment of this Act, and annually thereafter

1 through 2013, the President shall submit to Congress an  
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  
8 1243(a)(1);

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-  
16 PLOYED BY THE UNITED STATES GOVERNMENT OR FED-  
17 ERAL CONTRACTORS IN IRAQ.—

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

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.—  
25 Not later than 120 days after the date of the enactment



1 of this Act, the Secretary of Defense, in consultation with  
2 the Secretary of State, the Administrator of the United  
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  
6 options for establishing a unified, classified database of  
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  
11 (c), to be used by relevant Federal departments and agen-  
12 cies to adjudicate refugee, asylum, special immigrant visa,  
13 and other immigration claims and applications.

14 (e) **NONCOMPLIANCE REPORT.**—Not later than 180  
15 days after the date of the enactment of this Act, the Presi-  
16 dent shall submit a report to Congress that describes—

17 (1) the inability or unwillingness of any con-  
18 tractor or grantee to provide the information re-  
19 quested 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 sums  
24 as may be necessary to carry out this subtitle.

1     **Subtitle D—Other Authorities and**  
2                     **Limitations**

3     **SEC. 1251. COOPERATIVE OPPORTUNITIES DOCUMENTS**  
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)”;

12                     (B) by striking “an arms cooperation op-  
13 portunities document” and inserting “a cooper-  
14 ative opportunities document before the first  
15 milestone or decision point”; and

16                     (C) by striking subparagraph (B); and

17                 (2) in paragraph (2), by striking “An arms co-  
18 operation opportunities document” and inserting “A  
19 cooperative opportunities document”.

1 **SEC. 1252. EXTENSION AND EXPANSION OF TEMPORARY**  
2 **AUTHORITY TO USE ACQUISITION AND**  
3 **CROSS-SERVICING AGREEMENTS TO LEND**  
4 **MILITARY EQUIPMENT FOR PERSONNEL PRO-**  
5 **TECTION 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—

11 (1) in paragraph (1), by inserting “or partici-  
12 pating in combined operations with the United  
13 States as part of a peacekeeping operation under the  
14 Charter of the United Nations or another inter-  
15 national agreement” after “Iraq or Afghanistan”;  
16 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”.

20 (b) ONE-YEAR EXTENSION.—Subsection (e) of such  
21 section is amended by striking “September 30, 2008” and  
22 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.  
6 1933(a)) is amended—

7 (1) by striking “In recognition” and inserting  
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  
14 paragraph (1). Funds accepted by the Secretary from the  
15 Government of Palau under this paragraph shall be cred-  
16 ited to and merged with appropriations available to the  
17 Department of Defense and shall be used to defray ex-  
18 penditures attendant to the operation of the United States  
19 military Civic Action Team in Palau. Funds so credited  
20 and 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–

1 364; 120 Stat. 2420) is amended by striking subsection  
2 (a).

3 **SEC. 1255. JUSTICE FOR OSAMA BIN LADEN AND OTHER**  
4 **LEADERS OF AL QAEDA.**

5 (a) ENHANCED REWARD FOR CAPTURE OF OSAMA  
6 BIN LADEN.—Section 36(e)(1) of the State Department  
7 Basic Authorities Act of 1956 (22 U.S.C. 2708(e)(1)) is  
8 amended by adding at the end the following new sentence:  
9 “The Secretary shall authorize a reward of \$50,000,000  
10 for the capture or death or information leading to the cap-  
11 ture or death of Osama bin Laden.”.

12 (b) STATUS OF EFFORTS TO BRING OSAMA BIN  
13 LADEN AND OTHER LEADERS OF AL QAEDA TO JUS-  
14 TICE.—

15 (1) REPORT REQUIRED.—Not later than 90  
16 days after the date of the enactment of this Act, the  
17 Secretary of State and the Secretary of Defense  
18 shall, in coordination with the Director of National  
19 Intelligence, jointly submit to Congress a report on  
20 the progress made in bringing Osama bin Laden and  
21 other leaders of al Qaeda to justice.

22 (2) ELEMENTS.—The report required under  
23 paragraph (1) shall include the following:

24 (A) An assessment of the likely current lo-  
25 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  
24 Department of Homeland Security,”.

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.

14 **SEC. 1258. SENSE OF CONGRESS ON IRAN.**

15 It is the sense of Congress that—

16 (1) the manner in which the United States  
17 transitions and structures its military presence in  
18 Iraq will have critical long-term consequences for the  
19 future of the Persian Gulf and the Middle East, in  
20 particular with regard to the ability of the Govern-  
21 ment of Iran to pose a threat to the security of the  
22 region, the prospects for democracy for the people of  
23 the region, and the health of the global economy;

24 (2) it is in the national interest of the United  
25 States that the Government of Iran should not use

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—

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.**

13 (a) REQUIREMENT FOR REPORT.—

14 (1) IN GENERAL.—Not later than 120 days  
15 after the date of the enactment of this Act, the Sec-  
16 retary of Defense and the Secretary of State shall  
17 jointly submit to the appropriate congressional com-  
18 mittees a report on the policy of the United States  
19 to address the crisis in the Darfur region of Sudan,  
20 eastern Chad, and north-eastern Central African Re-  
21 public, and on the contributions of the Department  
22 of Defense and the Department of State to the  
23 North Atlantic Treaty Organization (NATO), the  
24 United Nations, and the African Union in support of

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.

3           (7) An assessment of the force size and com-  
4        position of an international effort estimated to be  
5        necessary to provide protection to civilian popu-  
6        lations currently displaced in the Darfur region, as  
7        well as the force size and composition of an inter-  
8        national effort estimated to be necessary to provide  
9        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 commu-  
13        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 report 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-  
25 port on the status of implementing paragraph (10) of sec-



1 tion 802(a) of title 10, United States Code (article 2(a)  
2 of the Uniform Code of Military Justice), as amended by  
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  
6 Uniform Code of Military Justice) to persons serving with  
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 by  
10 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 imple-  
21 menting such paragraph and a timetable for resolv-  
22 ing such issues.

23 (3) A description of key implementing steps  
24 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  
24 their relatives in North Korea.

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-**  
14 **ITIES.**

15 (a) DEPARTMENT OF STATE REPORT.—

16 (1) REPORT REQUIRED.—Not later than 180  
17 days after the date of the enactment of this Act, the  
18 Secretary of State shall submit to the congressional  
19 defense committees, the Committee on Foreign Rela-  
20 tions of the Senate, and the Committee on Foreign  
21 Affairs of the House of Representatives a report as-  
22 sessing the capability of the Department of State to  
23 provide training and guidance to the command of an  
24 international intervention force that seeks to prevent  
25 mass atrocities.

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

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          (e) **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

1 with the Director of National Intelligence, shall jointly  
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  
6 direct their activities against the national security inter-  
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



1 extent practicable, but may contain a classified annex, if  
2 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 Shehuch'ye, Rus-  
sia.

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

1 programs are the programs specified in section 1501(b)  
2 of the National Defense Authorization Act for Fiscal Year  
3 1997 (50 U.S.C. 2362 note), as amended by section 1303  
4 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.

11 (c) AVAILABILITY OF FUNDS.—Funds appropriated  
12 pursuant to the authorization of appropriations in section  
13 301 for Cooperative Threat Reduction programs shall be  
14 available for obligation for three fiscal years.

15 **SEC. 1302. FUNDING ALLOCATIONS.**

16 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the  
17 \$428,048,000 authorized to be appropriated to the De-  
18 partment of Defense for fiscal year 2008 in section  
19 301(19) for Cooperative Threat Reduction programs, the  
20 following amounts may be obligated for the purposes spec-  
21 ified:

22 (1) For strategic offensive arms elimination in  
23 Russia, \$92,885,000.

24 (2) For nuclear weapons storage security in  
25 Russia, \$47,640,000.

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

1 shall be construed as authorizing the obligation or expend-  
2 iture of fiscal year 2008 Cooperative Threat Reduction  
3 funds for a purpose for which the obligation or expendi-  
4 ture of such funds is specifically prohibited under this title  
5 or any other provision of law.

6 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL  
7 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 obliga-  
17 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—

22 (A) the Secretary submits to Congress no-  
23 tification of the intent to do so together with a  
24 complete discussion of the justification for  
25 doing so; and

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.

1           “(3) Programs to prevent the proliferation of  
2 nuclear and chemical weapons, weapons components,  
3 and weapons-related military technology and exper-  
4 tise.

5           “(4) Programs to prevent the proliferation of  
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-military  
15 and defense contacts.”.

16 **SEC. 1304. REPEAL OF RESTRICTIONS ON ASSISTANCE TO**  
17 **STATES OF THE FORMER SOVIET UNION FOR**  
18 **COOPERATIVE 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 redesign-  
17          ated) 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.**

14       (a) SENSE OF CONGRESS.—It is the sense of Con-  
15 gress that—

16           (1) the Department of Defense Cooperative  
17 Threat Reduction (CTR) Program should be  
18 strengthened and expanded, in part by developing  
19 new CTR initiatives;

20           (2) such new initiatives should—

21                   (A) be well-coordinated with the Depart-  
22 ment of Energy, the Department of State, and  
23 any other relevant United States Government  
24 agency or department;

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 (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

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—

13 (1) a current and detailed cost estimate for  
14 completion of the project, to include costs that will  
15 be borne by the United States and Russia, respec-  
16 tively; and

17 (2) a specific strategic and operating plan for  
18 completion of the project, which includes—

19 (A) the Department’s plans to ensure ro-  
20 bust project management and oversight, includ-  
21 ing management and oversight with respect to  
22 the performance of any contractors;

23 (B) project quality assurance and sustain-  
24 ability measures;

25 (C) metrics for measuring project progress  
26 with a timetable for achieving goals, including

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                   capacity 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

1 former Soviet Union that are of special relevance in  
2 preventing the proliferation of biological weapons in  
3 other areas of the world.

4 (3) A brief review of programs of the United  
5 States Government and other governments, inter-  
6 national organizations, foundations, and other pri-  
7 vate sector entities that may contribute to the pre-  
8 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 OF NATIONAL ACADEMY OF  
16 SCIENCES REPORT.—The National Academy of Sciences  
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.—

21 (1) IN GENERAL.—Not later than 90 days after  
22 receipt of the report required by subsection (a), the  
23 Secretary shall submit to the Congress a report on  
24 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.

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.**

3       Funds are hereby authorized to be appropriated for  
4 fiscal year 2008 for the use of the Armed Forces and other  
5 activities and agencies of the Department of Defense for  
6 providing capital for working capital and revolving funds  
7 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.**

13       Funds are hereby authorized to be appropriated for  
14 fiscal year 2008 for the National Defense Sealift Fund  
15 in the amount of \$1,349,094,000.

16       **SEC. 1403. DEFENSE HEALTH PROGRAM.**

17       Funds are hereby authorized to be appropriated for  
18 the Department of Defense for fiscal year 2008 for ex-  
19 penses, not otherwise provided for, for the Defense Health  
20 Program, in the amount of \$23,080,384,000, of which—

1           (1) \$22,583,641,000 is for Operation and  
2 Maintenance;

3           (2) \$134,482,000 is for Research, Development,  
4 Test, and Evaluation; and

5           (3) \$362,261,000 is for Procurement.

6 **SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**  
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 oth-  
11 erwise provided for, for Chemical Agents and Munitions  
12 Destruction, Defense, in the amount of \$1,512,724,000,  
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

1           (2) the destruction of chemical warfare materiel  
2           of the United States that is not covered by section  
3           1412 of such Act.

4 **SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
5 **TIVITIES, DEFENSE-WIDE.**

6           Funds are hereby authorized to be appropriated for  
7 the Department of Defense for fiscal year 2008 for ex-  
8 penses, not otherwise provided for, for Drug Interdiction  
9 and Counter-Drug Activities, Defense-wide, in the amount  
10 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.**

24           (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-  
25 cal year 2008, the National Defense Stockpile Manager

1 may obligate up to \$44,825,000 of the funds in the Na-  
2 tional Defense Stockpile Transaction Fund established  
3 under subsection (a) of section 9 of the Strategic and Crit-  
4 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  
11 Defense Stockpile Manager notifies Congress that extraor-  
12 dinary or emergency conditions necessitate the additional  
13 obligations. The National Defense Stockpile Manager may  
14 make the additional obligations described in the notifica-  
15 tion after the end of the 45-day period beginning on the  
16 date on which Congress receives the notification.

17 (c) **LIMITATIONS.**—The authorities provided by this  
18 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-  
24 tion 3402(b) of the National Defense Authorization Act  
25 for Fiscal Year 2000 (50 U.S.C. 98d note), as amended

1 by section 3302 of the National Defense Authorization Act  
2 for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
3 1788) and section 3302 of the National Defense Author-  
4 ization Act for Fiscal Year 2006 (Public Law 109–163;  
5 119 Stat. 3545), is amended by striking “\$600,000,000  
6 before” in paragraph (5) and inserting “\$710,000,000  
7 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–  
11 261; 50 U.S.C. 98d note), as amended by section 3302  
12 of the Ronald W. Reagan National Defense Authorization  
13 Act for Year 2005 (Public Law 108–375; 118 Stat. 2193),  
14 section 3302 of the National Defense Authorization Act  
15 for Fiscal Year 2006 (Public Law 109–163; 119 Stat.  
16 3545), and section 3302(a) of the John Warner National  
17 Defense Authorization Act for Fiscal Year 2007 (Public  
18 Law 109–364; 120 Stat. 2513), is amended by striking  
19 “\$1,016,000,000 by the end of fiscal year 2014” in para-  
20 graph (7) and inserting “\$1,066,000,000 by the end of  
21 fiscal year 2015”.

22 **SEC. 1413. DISPOSAL OF FERROMANGANESE.**

23 (a) DISPOSAL AUTHORIZED.—The Secretary of De-  
24 fense may dispose of up to 50,000 tons of ferromanganese

1 from the National Defense Stockpile during fiscal year  
2 2008.

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.

12 (2) ADDITIONAL AMOUNTS.—If the Secretary  
13 enters into a contract for the disposal of the total  
14 quantity of additional ferromanganese authorized for  
15 disposal by paragraph (1) before September 30,  
16 2008, the Secretary may dispose of up to an addi-  
17 tional 25,000 tons of ferromanganese from the Na-  
18 tional Defense Stockpile before that date.

19 (c) CERTIFICATION.—The Secretary of Defense may  
20 dispose of ferromanganese under the authority of para-  
21 graph (1) or (2) of subsection (b) only if the Secretary  
22 submits to the Committee on Armed Services of the Sen-  
23 ate and the Committee on Armed Services of the House  
24 of Representatives, written certification that—

1           (1) the disposal of the additional  
2 ferromanganese from the National Defense Stockpile  
3 under such paragraph is in the interest of national  
4 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.

14          (d) NATIONAL DEFENSE STOCKPILE DEFINED.—In  
15 this section, the term “National Defense Stockpile” means  
16 the stockpile provided for in section 4 of the Strategic and  
17 Critical Materials Stock Piling Act (50 U.S.C. 98c).

18 **SEC. 1414. DISPOSAL OF CHROME METAL.**

19          (a) DISPOSAL AUTHORIZED.—The Secretary of De-  
20 fense may dispose of up to 500 short tons of chrome metal  
21 from the National Defense Stockpile during fiscal year  
22 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  
16          dispose of chrome metal under the authority of paragraph  
17          (1) or (2) of subsection (b) only if the Secretary submits  
18          to the Committee on Armed Services of the Senate and  
19          the Committee on Armed Services of the House of Rep-  
20          resentatives, not later than 30 days before the commence-  
21          ment of disposal under the applicable paragraph, written  
22          certification that—

23                 (1) the disposal of the additional chrome metal  
24                 from the National Defense Stockpile is in the inter-  
25                 est 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**

### 14   **SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR** 15           **ARMED FORCES RETIREMENT HOME.**

16           There is authorized to be appropriated for fiscal year  
17 2008 from the Armed Forces Retirement Home Trust  
18 Fund the sum of \$61,624,000 for the operation of the  
19 Armed Forces Retirement Home.

### 20   **SEC. 1422. ADMINISTRATION AND OVERSIGHT OF THE** 21           **ARMED FORCES RETIREMENT HOME.**

22           (a) ROLE OF SECRETARY OF DEFENSE.—Section  
23 1511 of the Armed Forces Retirement Home Act of 1991  
24 (24 U.S.C. 411) is amended—

1           (1) in subsection (d), by adding at the end the  
2 following new paragraph:

3           “(3) The administration of the Retirement Home (in-  
4 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.”.

13           (b) ACCREDITATION.—Subsection (g) of section 1511  
14 of the Armed Forces Retirement Home Act of 1991 (24  
15 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.”.

22           (c) SPECTRUM OF CARE.—Section 1513(b) of the  
23 Armed Forces Retirement Home Act of 1991 (24 U.S.C.  
24 413(b)) is amended by inserting after the first sentence  
25 the following new sentence: “The services provided resi-

1 dents of the Retirement Home shall include appropriate  
2 nonacute medical and dental services, pharmaceutical  
3 services, and transportation of residents, which shall be  
4 provided at no cost to residents.”.

5 (d) SENIOR MEDICAL ADVISOR FOR RETIREMENT  
6 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 sec-  
11 tion:

12 “SEC. 1513A. IMPROVED HEALTH CARE  
13 OVERSIGHT OF RETIREMENT HOME.

14 “(a) DESIGNATION OF SENIOR MEDICAL ADVISOR.—

15 (1) The Secretary of Defense shall designate the Deputy  
16 Director of the TRICARE Management Activity to serve  
17 as the Senior Medical Advisor for the Retirement Home.

18 “(2) The Deputy Director of the TRICARE Manage-  
19 ment Activity shall serve as Senior Medical Advisor for  
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,

1 the Under Secretary of Defense for Personnel and Readiness,  
2 ness, and the Chief Operating Officer regarding the direction  
3 tion and oversight of the provision of medical, preventive  
4 mental health, and dental care services at each facility of  
5 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:

13 “(1) Ensure the timely availability to residents  
14 of the Retirement Home, at locations other than the  
15 Retirement Home, of such acute medical, mental  
16 health, and dental care as such resident may require  
17 that is not available at the applicable facility of the  
18 Retirement Home.

19 “(2) Ensure compliance by the facilities of the  
20 Retirement Home with accreditation standards, applicable  
21 health care standards of the Department of  
22 Veterans Affairs, or any other applicable health care  
23 standards and requirements (including requirements  
24 identified in applicable reports of the Inspector General  
25 of the Department of Defense).

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.

1       “(2) The Local Board for a facility shall provide to  
2 the Chief Operating Officer and the Director of the facility  
3 such guidance and recommendations on the administra-  
4 tion of the facility as the Local Board considers appro-  
5 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 sub-  
12 section (c) of such section is amended to read as fol-  
13 lows:

14           “(K) One senior representative of one of the  
15 chief personnel officers of the Armed Forces, who  
16 shall be a commissioned officer of the Armed Forces  
17 serving on active duty in the grade of brigadier gen-  
18 eral, or in the case of the Navy or Coast Guard, rear  
19 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 DE-  
25 PARTMENT OF DEFENSE.—The Inspector General of the

1 Department of Defense shall have the duty to inspect the  
2 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 accred-  
6 iting organization, the Inspector General of the Depart-  
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 facil-  
11 ity on which the Local Board for the facility or the resi-  
12 dent advisory committee or council of the facility rec-  
13 ommends inspection.

14       “(2) The Inspector General shall be assisted in in-  
15 spections under this subsection by a medical inspector  
16 general of a military department designated for purposes  
17 of this subsection by the Secretary of Defense.

18       “(3) In conducting the inspection of a facility of the  
19 Retirement Home under this subsection, the Inspector  
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,  
24 and recommendations solicited from residents shall be so-  
25 licited on a not-for-attribution basis.



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 Inspec-  
11 tor General considers appropriate in light of the inspec-  
12 tion. Not later than 45 days after completing the inspec-  
13 tion of the facility, the Inspector General shall submit the  
14 report to Congress and the Secretary of Defense, the  
15 Under Secretary of Defense for Personnel and Readiness,  
16 the Chief Operating Officer, the Director of the facility,  
17 the Senior Medical Advisor, and the Local Board for the  
18 facility.

19       “(2) Not later than 45 days after receiving a report  
20 of the Inspector General under paragraph (1), the Direc-  
21 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

1 the recommendations and other matters set forth in the  
2 report.

3 “(d) ADDITIONAL INSPECTIONS.—(1) The Chief Op-  
4 erating Officer shall request the inspection of each facility  
5 of the Retirement Home by a nationally recognized civilian  
6 accrediting organization in accordance with section  
7 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 in-  
16 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 recommendations  
23 and other matters set forth in the report.

1 “(2) Not later than 45 days after receiving a report  
2 and plan under paragraph (1), the Secretary of Defense  
3 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. 1501. Purpose.
- 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. 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 appropria-  
3 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 for  
8 fiscal year 2008 for procurement accounts for the Army  
9 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.**

18 (a) NAVY.—Funds are hereby authorized to be appro-  
19 priated for fiscal year 2008 for procurement accounts for  
20 the Navy in amounts as follows:

21 (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.

24 (b) MARINE CORPS.—Funds are hereby authorized to  
25 be appropriated for fiscal year 2008 for the procurement

1 account for the Marine Corps in the amount of  
2 \$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.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
20 are hereby authorized for fiscal year 2008 for the Joint  
21 Improvised Explosive Device Defeat Fund in the amount  
22 of \$4,541,000,000.

23 (b) USE AND TRANSFER OF FUNDS.—Subsections  
24 (b) and (c) of section 1514 of the John Warner National  
25 Defense Authorization Act for Fiscal Year 2007 (Public

1 Law 109–364; 120 Stat. 2439) shall apply to the funds  
2 appropriated pursuant to the authorization of appropria-  
3 tions in subsection (a).

4 (c) REVISION OF MANAGEMENT PLAN.—The Sec-  
5 retary of Defense shall revise the management plan re-  
6 quired by section 1514(d) of the John Warner National  
7 Defense Authorization Act for Fiscal Year 2007 to iden-  
8 tify projected transfers and obligations through September  
9 30, 2008.

10 (d) DURATION OF AUTHORITY.—Section 1514(f) of  
11 the John Warner National Defense Authorization Act for  
12 Fiscal Year 2007 is amended by striking “September 30,  
13 2009” and inserting “September 30, 2010”.

14 **SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

15 Funds are hereby authorized to be appropriated for  
16 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.**

20 Funds are hereby authorized to be appropriated for  
21 fiscal year 2008 for the use of the Department of Defense  
22 for research, development, test, and evaluation as follows:

23 (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

1 activities and agencies of the Department of Defense for  
2 providing capital for working capital and revolving funds  
3 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  
11 Defense for fiscal year 2008 for expenses, not otherwise  
12 provided for, for the Defense Health Program in the  
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  
16 to be appropriated for the Department of Defense for fis-  
17 cal year 2008 for expenses, not otherwise provided for, for  
18 Drug Interdiction and Counter-Drug Activities, Defense-  
19 wide in the amount of \$257,618,000.

20 (c) DEFENSE INSPECTOR GENERAL.—Funds are  
21 hereby authorized to be appropriated for the Department  
22 of Defense for fiscal year 2008 for expenses, not otherwise  
23 provided for, for the Office of the Inspector General of  
24 the Department of Defense in the amount of \$4,394,000  
25 for operation and maintenance.



1 **SEC. 1511. IRAQ FREEDOM FUND.**

2 (a) IN GENERAL.—Funds are hereby authorized to  
3 be appropriated for fiscal year 2008 for the Iraq Freedom  
4 Fund in the amount of \$207,500,000.

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.

17 (E) Accounts providing funding for classi-  
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-  
25 tees in writing of the transfer.

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.**

13          (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
14          are hereby authorized to be appropriated for fiscal year  
15          2008 for the Iraq Security Forces Fund in the amount  
16          of \$3,000,000,000.

17          (b) USE OF FUNDS.—

18                 (1) IN GENERAL.—Funds appropriated pursu-  
19                 ant to subsection (a) shall be available to the Sec-  
20                 retary of Defense for the purpose of allowing the  
21                 Commander, Multi-National Security Transition  
22                 Command–Iraq, to provide assistance to the security  
23                 forces of Iraq.

24                 (2) TYPES OF ASSISTANCE AUTHORIZED.—As-  
25                 sistance provided under this section may include the

1 provision of equipment, supplies, services, training,  
2 facility and infrastructure repair, renovation, con-  
3 struction, and funding.

4 (3) SECRETARY OF STATE CONCURRENCE.—As-  
5 sistance may be provided under this section only  
6 with the concurrence of the Secretary of State.

7 (c) AUTHORITY IN ADDITION TO OTHER AUTHORI-  
8 TIES.—The authority to provide assistance under this sec-  
9 tion is in addition to any other authority to provide assist-  
10 ance to foreign nations.

11 (d) TRANSFER AUTHORITY.—

12 (1) TRANSFERS AUTHORIZED.—Subject 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.

22 (D) Research, development, test, and eval-  
23 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

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 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.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
16 are hereby authorized to be appropriated for fiscal year  
17 2008 for the Afghanistan Security Forces Fund in the  
18 amount of \$2,700,000,000.

19 (b) USE OF FUNDS.—

20 (1) IN GENERAL.—Funds authorized to be ap-  
21 propriated by subsection (a) shall be available to the  
22 Secretary of Defense to provide assistance to the se-  
23 curity forces of Afghanistan.

24 (2) TYPES OF ASSISTANCE AUTHORIZED.—As-  
25 sistance provided under this section may include the

1 provision of equipment, supplies, services, training,  
2 facility and infrastructure repair, renovation, con-  
3 struction, and funds.

4 (3) SECRETARY OF STATE CONCURRENCE.—As-  
5 sistance may be provided under this section only  
6 with the concurrence of the Secretary of State.

7 (c) AUTHORITY IN ADDITION TO OTHER AUTHORI-  
8 TIES.—The authority to provide assistance under this sec-  
9 tion is in addition to any other authority to provide assist-  
10 ance to foreign nations.

11 (d) TRANSFER AUTHORITY.—

12 (1) TRANSFERS AUTHORIZED.—Subject 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.

22 (D) Research, development, test, and eval-  
23 uation accounts.

24 (E) Defense working capital funds.

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) 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-  
11 rity Forces Fund during fiscal year 2008 are available for  
12 obligation or transfer from the Afghanistan Security  
13 Forces Fund in accordance with this section until Sep-  
14 tember 30, 2009.

15 **SEC. 1514. MILITARY PERSONNEL.**

16 There is hereby authorized to be appropriated to the  
17 Department of Defense for military personnel accounts for  
18 fiscal year 2008 a total of \$17,912,510,000.

19 **SEC. 1515. STRATEGIC READINESS FUND.**

20 There is authorized to be appropriated  
21 \$1,000,000,000 to the Strategic Readiness Fund.

22 **SEC. 1516. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

23 The amounts authorized to be appropriated by this  
24 title are in addition to amounts otherwise authorized to  
25 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 author-  
14 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 author-  
21 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 combat-related 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 Warrior  
3 Act”.

4 **SEC. 1602. GENERAL DEFINITIONS.**

5 In this title:

6 (1) APPROPRIATE COMMITTEES OF CON-  
7 GRESS.—The term “appropriate committees of Con-  
8 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.

1           (3) **DISABILITY EVALUATION SYSTEM.**—The  
2 term “Disability Evaluation System” means the fol-  
3 lowing:

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.

13           (B) A system or process of the Coast  
14 Guard for evaluating the nature and extent of  
15 disabilities affecting members of the Coast  
16 Guard that is operated by the Secretary of  
17 Homeland Security and is similar to the system  
18 or process of the Department of Defense de-  
19 scribed in subparagraph (A).

20           (4) **ELIGIBLE FAMILY MEMBER.**—The term “el-  
21 igible family member”, with respect to a recovering  
22 service member, means a family member (as defined  
23 in section 411 h(b) of title 37, United States Code)  
24 who is on invitational travel orders or serving as a  
25 non-medical attendee while caring for the recovering

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



1 in the Armed Forces that may render the member  
2 medically unfit to perform the duties of the mem-  
3 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 amend-  
14 ment made by this title, the Secretary of Defense and the  
15 Secretary of Veterans Affairs shall take into account and  
16 fully address any unique gender-specific needs of recov-  
17 ering service members and veterans under such policy or  
18 other provision.

19 (b) REPORTS.—In submitting any report required by  
20 this title or an amendment made by this title, the Sec-  
21 retary of Defense and the Secretary of Veterans Affairs  
22 shall, to the extent applicable, include a description of the  
23 manner in which the matters covered by such report ad-  
24 dress the unique gender-specific needs of recovering serv-  
25 ice 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).

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



1 for improvements as follows with respect to the care, man-  
2 agement, and transition of recovering service members:

3 (1) COMPREHENSIVE RECOVERY PLAN FOR RE-  
4 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 RE-  
11 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 co-  
15 ordinators having the duties specified in sub-  
16 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-

1 department of Veterans Affairs, the Department  
2 of Labor, and the Social Security Administra-  
3 tion.

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.

22 (E) RESOURCES.—The policy shall include  
23 mechanisms to ensure that recovery care coordi-  
24 nators under the program have the resources

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.

1                   (ii) Assisting with oversight of the  
2                   service member's welfare and quality of  
3                   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-

1           cumstances and conditions as the policy shall  
2           specify.

3           (6) ASSIGNMENT OF RECOVERING SERVICE  
4 MEMBERS TO LOCATIONS OF CARE.—

5           (A) IN GENERAL.—The policy shall provide  
6           for uniform guidelines among the military de-  
7           partments for the assignment of recovering  
8           service members to a location of care, including  
9           guidelines that provide for the assignment of re-  
10          covering service members, when medically ap-  
11          propriate, to care and residential facilities clos-  
12          est to their duty station or home of record or  
13          the location of their designated care giver at the  
14          earliest possible time.

15          (B) REASSIGNMENT FROM DEFICIENT FA-  
16          CILITIES.—The policy shall provide for uniform  
17          guidelines and procedures among the military  
18          departments for the reassignment of recovering  
19          service members from a medical or medical-re-  
20          lated support facility determined by the Sec-  
21          retary of Defense to violate the standards re-  
22          quired by section 1648 to another appropriate  
23          medical or medical-related support facility until  
24          the correction of violations of such standards at  
25          the medical or medical-related support facility

1 from which such service members are reas-  
2 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 trans-  
7 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 RE-  
11 COVERING SERVICE MEMBERS.—The policy shall  
12 provide for uniform criteria among the military de-  
13 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 MEM-  
25 BERS.—The policy shall provide for uniform proce-

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-  
10 ments on the provision by the military departments  
11 of support for family members of recovering service  
12 members who are not otherwise eligible for care  
13 under section 1672 in caring for such service mem-  
14 bers 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 FAM-  
24 ILY MEMBERS OF RECOVERING SERVICE MEMBERS  
25 WITH QUALITY OF HEALTH CARE SERVICES.—The

1 policy shall provide for uniform procedures among  
2 the military departments on the measurement of the  
3 satisfaction of family members of recovering service  
4 members with the quality of health care services pro-  
5 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 applica-  
9 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  
16 members and their families are fully informed of the poli-  
17 cies required by this section, including policies on medical  
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-  
25 ABILITY RETIRED LIST.—Appropriate elements of the pol-

1 icy required by this section shall apply to recovering serv-  
2 ice members whose names are placed on the temporary  
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 **ABILITY EVALUATIONS OF RECOVERING**  
8 **SERVICE MEMBERS.**

9 (a) MEDICAL EVALUATIONS OF RECOVERING SERV-  
10 ICE MEMBERS.—

11 (1) IN GENERAL.—Not later than July 1, 2008,  
12 the Secretary of Defense shall develop a policy on  
13 improvements to the processes, procedures, and  
14 standards for the conduct by the military depart-  
15 ments of medical evaluations of recovering service  
16 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 the  
24 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  
3 additional physical disability evaluation boards  
4 in the event such number is exceeded.

5 (F) Uniform standards and procedures  
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  
16 standards on the maximum number of cases in-  
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 feasibility 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-

1 turn of recovering service members to active duty in the  
2 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 fol-  
18 lowing:

19 (1) Uniform, patient-focused procedures to en-  
20 sure that the transition described in subsection (a)  
21 occurs without gaps in medical care and in the qual-  
22 ity of medical care, benefits, and services.

23 (2) Procedures for the identification and track-  
24 ing of recovering service members during the transi-  
25 tion, and for the coordination of care and treatment

1 of recovering service members during the transition,  
2 including a system of cooperative case management  
3 of recovering service members by the Department of  
4 Defense and the Department of Veterans Affairs  
5 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.

11 (4) Procedures and timelines for the enrollment  
12 of recovering service members in applicable enroll-  
13 ment or application systems of the Department of  
14 Veterans Affairs with respect to health care, dis-  
15 ability, education, vocational rehabilitation, or other  
16 benefits.

17 (5) Procedures to ensure the access of recov-  
18 ering service members during the transition to voca-  
19 tional, educational, and rehabilitation benefits avail-  
20 able through the Department of Veterans Affairs.

21 (6) Standards for the optimal location of De-  
22 partment of Defense and Department of Veterans  
23 Affairs liaison and case management personnel at  
24 military medical treatment facilities, medical centers,



1 and other medical facilities of the Department of  
2 Defense.

3 (7) Standards and procedures for integrated  
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.

11 (8) Standards for the preparation of detailed  
12 plans for the transition of recovering service mem-  
13 bers from care and treatment by the Department of  
14 Defense to care, treatment, and rehabilitation by the  
15 Department of Veterans Affairs, which plans shall—

16 (A) be based on standardized elements  
17 with respect to care and treatment require-  
18 ments and other applicable requirements; and

19 (B) take into account the comprehensive  
20 recovery plan for the recovering service member  
21 concerned as developed under section  
22 1611(e)(1).

23 (9) Procedures to ensure that each recovering  
24 service member who is being retired or separated  
25 under chapter 61 of title 10, United States Code, re-

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.

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  
19          member intends to reside after the retirement or  
20          separation of the service member from the Armed  
21          Forces.

22          (13) Procedures to ensure that, before the  
23          transmittal of records and other information with re-  
24          spect to a recovering service member under this sec-  
25          tion, 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 representa-  
5 tives of the Secretary of Veterans Affairs, with at  
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.

12 (14) Procedures to ensure that the Secretary of  
13 Veterans Affairs gives appropriate consideration to a  
14 written statement submitted to the Secretary by a  
15 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

1 meets the requirements of both the Department of  
2 Defense and the Department of Veterans Affairs in  
3 connection with the medical separation or retirement  
4 of a recovering service member from military service  
5 and for use by the Department of Veterans Affairs  
6 in disability evaluations.

7 (17) Procedures for surveys and other mecha-  
8 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 fa-  
12 cilitate appropriate oversight by supervisory per-  
13 sonnel of the provision of such care and services.

14 (18) Procedures to ensure the participation of  
15 recovering service members who are members of the  
16 National Guard or Reserve in the Benefits Delivery  
17 at Discharge Program, including procedures to en-  
18 sure that, to the maximum extent feasible, services  
19 under the Benefits Delivery at Discharge Program  
20 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

1 are separated or discharged from the Armed  
2 Forces; and

3 (D) in the case of a member on the tem-  
4 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 rea-  
8 sonably convenient to the member.

9 **SEC. 1615. REPORTS.**

10 (a) **REPORT ON POLICY.**—Upon the development of  
11 the policy required by subsection (a) of section 1611 but  
12 not later than July 1, 2008, the Secretary of Defense and  
13 the Secretary of Veterans Affairs shall jointly submit to  
14 the appropriate committees of Congress a report on the  
15 policy, including a comprehensive and detailed description  
16 of the policy and of the manner in which the policy ad-  
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)  
20 and (c) of section 1611.

21 (b) **INTERIM REPORT ON POLICY.**—Not later than  
22 February 1, 2008, the Secretary of Defense and the Sec-  
23 retary of Veterans Affairs shall jointly submit to the ap-  
24 propriate committees of Congress an interim report on the  
25 policy, which shall include a comprehensive and detailed

1 description of the matters specified in subsection (a) cur-  
2 rent as of the date of such interim report.

3 (c) REPORT ON UPDATE OF POLICY.—Upon updat-  
4 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 IM-  
11 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 in-



1 formed judgments on the matters covered by the re-  
2 port.

3 (2) ACCESS INFORMATION.—The Secretary of  
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  
12 BY THE DEPARTMENT OF DEFENSE.—Not later than  
13 February 1, 2009, the Secretary of Defense shall submit  
14 to the Committees on Armed Services of the Senate and  
15 House of Representatives a report on the number of in-  
16 stances during the period beginning on October 7, 2001,  
17 and ending on September 30, 2006, in which a disability  
18 rating assigned to a member of the Armed Forces by an  
19 informal physical evaluation board of the Department of  
20 Defense was reduced upon appeal, and the reasons for  
21 such reduction.

22 **SEC. 1616. ESTABLISHMENT OF A WOUNDED WARRIOR RE-**  
23 **SOURCE CENTER.**

24 (a) ESTABLISHMENT.—The Secretary of Defense  
25 shall establish a wounded warrior resource center (in this

1 section referred to as the “center”) to provide wounded  
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  
11 Secretary may use existing infrastructure and organiza-  
12 tions but shall ensure that the center has the ability to  
13 separately keep track of calls from wounded warriors.

14 (b) ACCESS.—The center shall provide multiple meth-  
15 ods of access, including at a minimum an Internet website  
16 and a toll-free telephone number (commonly referred to  
17 as a “hot line”) at which personnel are accessible at all  
18 times to receive reports of deficiencies or provide informa-  
19 tion about covered military facilities, health care services,  
20 or military benefits.

21 (c) CONFIDENTIALITY.—

22 (1) NOTIFICATION.—Individuals who seek to  
23 provide information through the center under sub-  
24 section (a) shall be notified, immediately before they  
25 provide such information, of their option to elect, at

1 their discretion, to have their identity remain con-  
2 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:

14 (1) CALL TRACKING.—The center shall be re-  
15 sponsible for documenting receipt of a call, referring  
16 the call to the appropriate office within a military  
17 department for answer or investigation, and tracking  
18 the formulation and notification of the response to  
19 the call.

20 (2) INVESTIGATION AND RESPONSE.—The cen-  
21 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—

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 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  
22 after section 1074k the following new section:

1 **“§ 1074l. Notification to Congress of hospitalization of**  
2 **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  
12 is being made, means the Senators representing the State,  
13 and the Member, Delegate, or Resident Commissioner of  
14 the House of Representatives representing the district,  
15 that includes the member’s home of record or a different  
16 location as provided by the member.

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 re-  
24 quirement under section 1074l(a) of title 10, United  
25 States Code, as added by paragraph (1), shall apply

1 beginning 60 days after the date of the enactment  
2 of this Act.

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

“1074l. Notification to Congress of hospitalization of combat wounded mem-  
bers.”.

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, mitiga-  
18 tion, treatment, and rehabilitation of, and research on,  
19 traumatic brain injury, post-traumatic stress disorder, and  
20 other mental health conditions in members of the Armed  
21 Forces, including planning for the seamless transition of  
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  
2 than 180 days after the date of the enactment of this Act,  
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  
6 and activities of the Department of Defense to prevent,  
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—

11           (1) an assessment of the current capabilities of  
12 the Department for the prevention, diagnosis, miti-  
13 gation, treatment, and rehabilitation of, and re-  
14 search on, traumatic brain injury, post-traumatic  
15 stress disorder, and other mental health conditions  
16 in members of the Armed Forces;

17           (2) the identification of gaps in current capa-  
18 bilities of the Department for the prevention, diag-  
19 nosis, mitigation, treatment, and rehabilitation of,  
20 and research on, traumatic brain injury, post-trau-  
21 matic stress disorder, and other mental health condi-  
22 tions in members of the Armed Forces; and

23           (3) the identification of the resources required  
24 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

1 brain injury, post-traumatic stress disorder, or other men-  
2 tal health conditions and their families about their options  
3 with respect to the following:

4 (1) The receipt of medical and mental health  
5 care from the Department of Defense and the De-  
6 partment of Veterans Affairs.

7 (2) Additional options available to such mem-  
8 bers for treatment and rehabilitation of traumatic  
9 brain injury, post-traumatic stress disorder, and  
10 other mental health conditions.

11 (3) The options available, including obtaining a  
12 second opinion, to such members for a referral to an  
13 authorized provider under chapter 55 of title 10,  
14 United States Code, as determined under regulations  
15 prescribed by the Secretary of Defense.

16 (e) ADDITIONAL ELEMENTS OF PLAN.—The com-  
17 prehensive plan submitted under subsection (b) shall in-  
18 clude comprehensive proposals of the Department on the  
19 following:

20 (1) LEAD AGENT.—The designation by the Sec-  
21 retary of Defense of a lead agent or executive agent  
22 for the Department to coordinate development and  
23 implementation of the plan.

24 (2) DETECTION AND TREATMENT.—The im-  
25 provement of methods and mechanisms for the de-

1       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.

1           (5) DIAGNOSTIC CRITERIA.—The development,  
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.

21          (7) MANAGING AND MONITORING.—The devel-  
22          opment and deployment of effective means of man-  
23          aging and monitoring members of the Armed Forces  
24          with traumatic brain injury, post-traumatic stress  
25          disorder, or other mental health conditions in the re-

1 receipt of care for traumatic brain injury, post-trau-  
2 matic stress disorder, or other mental health condi-  
3 tions, as applicable, including the monitoring and as-  
4 sessment of treatment and outcomes.

5 (8) EDUCATION AND AWARENESS.—The devel-  
6 opment and deployment of an education and aware-  
7 ness training initiative designed to reduce the nega-  
8 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.

19 (10) RECORDING OF BLASTS.—A requirement  
20 that exposure to a blast or blasts be recorded in the  
21 records of members of the Armed Forces.

22 (11) GUIDELINES FOR BLAST INJURIES.—The  
23 development of clinical practice guidelines for the di-  
24 agnosis and treatment of blast injuries in members

1 of the Armed Forces, including, but not limited to,  
2 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  
7 for members of the Armed Forces who experience  
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 com-  
13 prehensive plan submitted under subsection (b) shall be  
14 developed in coordination with the Secretary of the Army  
15 (who was designated by the Secretary of Defense as execu-  
16 tive agent for the prevention, mitigation, and treatment  
17 of blast injuries under section 256 of the National Defense  
18 Authorization Act for Fiscal Year 2006 (Public Law 109–  
19 163; 119 Stat. 3181; 10 U.S.C. 1071 note)).

1 **Subtitle B—Centers of Excellence**  
2 **in the Prevention, Diagnosis,**  
3 **Mitigation, Treatment, and Re-**  
4 **habilitation of Traumatic Brain**  
5 **Injury, Post-Traumatic Stress**  
6 **Disorder, and Eye Injuries**

7 **SEC. 1621. CENTER OF EXCELLENCE IN THE PREVENTION,**  
8 **DIAGNOSIS, MITIGATION, TREATMENT, AND**  
9 **REHABILITATION OF TRAUMATIC BRAIN IN-**  
10 **JURY.**

11 (a) **IN GENERAL.**—The Secretary of Defense shall es-  
12 tablish within the Department of Defense a center of ex-  
13 cellence in the prevention, diagnosis, mitigation, treat-  
14 ment, and rehabilitation of traumatic brain injury, includ-  
15 ing mild, moderate, and severe traumatic brain injury, to  
16 carry 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 Department 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.**—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  
11 negative impacts of traumatic brain injury on such  
12 family members and to support the recovery of such  
13 members from traumatic brain injury.

14 (9) To conduct research on the mental health  
15 needs of families of members of the Armed Forces  
16 with traumatic brain injury and develop protocols to  
17 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.

17 (12) To develop a program on comprehensive  
18 pain management, including management of acute  
19 and chronic pain, to utilize current and develop new  
20 treatments for pain, and to identify and disseminate  
21 best practices on pain management related to trau-  
22 matic brain injury.

23 (13) Such other responsibilities as the Secretary  
24 shall specify.

1 **SEC. 1622. CENTER OF EXCELLENCE IN PREVENTION, DIAG-**  
2 **NOSIS, MITIGATION, TREATMENT, AND REHA-**  
3 **BILITATION OF POST-TRAUMATIC STRESS**  
4 **DISORDER AND OTHER MENTAL HEALTH**  
5 **CONDITIONS.**

6 (a) **IN GENERAL.**—The Secretary of Defense shall es-  
7 tablish within the Department of Defense a center of ex-  
8 cellence in the prevention, diagnosis, mitigation, treat-  
9 ment, and rehabilitation of post-traumatic stress disorder  
10 (PTSD) and other mental health conditions, including  
11 mild, moderate, and severe post-traumatic stress disorder  
12 and other mental health conditions, to carry out the re-  
13 sponsibilities specified in subsection (c).

14 (b) **PARTNERSHIPS.**—The Secretary shall ensure that  
15 the center collaborates to the maximum extent practicable  
16 with the National Center on Post-Traumatic Stress Dis-  
17 order of the Department of Veterans Affairs, institutions  
18 of higher education, and other appropriate public and pri-  
19 vate entities (including international entities) to carry out  
20 the responsibilities specified in subsection (c).

21 (c) **RESPONSIBILITIES.**—The center shall have re-  
22 sponsibilities as follows:

23 (1) To implement the comprehensive plan and  
24 strategy for the Department of Defense, required by  
25 section 1618 of this Act, for the prevention, diag-  
26 nosis, mitigation, treatment, and rehabilitation of

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  
5 conditions.

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 dis-  
9 order.

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  
23 post-traumatic stress disorder and other mental  
24 health conditions.

1           (6) To disseminate within the military medical  
2 treatment facilities of the Department best practices  
3 for training mental health professionals, including  
4 neurological health professionals, with respect to  
5 post-traumatic stress disorder and other mental  
6 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-trau-  
10 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.

21           (9) To conduct research on the mental health  
22 needs of families of members of the Armed Forces  
23 with post-traumatic stress disorder and other mental  
24 health conditions and develop protocols to address  
25 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—

1 (A) implement a comprehensive plan and  
2 strategy for the Department of Defense, as de-  
3 veloped by the Secretary of Defense, for a reg-  
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  
24 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           (4) MECHANISMS.—The mechanisms of the  
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 sur-  
21 gery or other operative intervention carried out  
22 as a result of a follow-up examination.

23           (B) Not later than 180 days after the sig-  
24 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  
5 Health Administration on each member of the  
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  
6 Department of Veterans Affairs for purposes of encour-  
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  
14 of the Armed Forces who incurred an eye injury while  
15 serving on active duty on or after September 11, 2001,  
16 but before the establishment of the Registry, as the Sec-  
17 retary considers appropriate for purposes of the Registry.

18 (f) TRAUMATIC BRAIN INJURY POST TRAUMATIC  
19 VISUAL SYNDROME.—In carrying out the program at  
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

1 treatment facilities of the Department of Defense and  
2 medical centers of the Department of Veterans Affairs se-  
3 lected for purposes of this subsection for purposes of vi-  
4 sion screening, diagnosis, rehabilitative management, and  
5 vision research, including research on prevention, on visual  
6 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—

12 (1) the establishment of the center of excellence  
13 in prevention, diagnosis, mitigation, treatment, and  
14 rehabilitation of traumatic brain injury under sec-  
15 tion 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

21 (3) the establishment of the center of excellence  
22 in prevention, diagnosis, mitigation, treatment, and  
23 rehabilitation of military eye injuries under section  
24 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

5 (2) assess the progress of such center in dis-  
6 charging the responsibilities of such center.

## 7 **Subtitle C—Health Care Matters**

### 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  
25 not provide medical or dental care to a former mem-

1 ber of the Armed Forces under this subsection after  
2 December 31, 2012, if the Secretary has not pro-  
3 vided medical or dental care to the former member  
4 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  
8 Forces with a severe injury or illness is entitled to  
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 Af-  
19 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  
6 States Code, is amended—

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-  
12 BURSEMENT FOR FOLLOW-ON SPECIALTY CARE AND RE-  
13 LATED SERVICES.—The Secretary concerned shall ensure  
14 that an outreach program is implemented for each mem-  
15 ber of the uniformed services who incurred a combat-re-  
16 lated disability and is entitled to retired or retainer pay,  
17 or equivalent pay, so that—

18 “(1) the progress of the member is closely mon-  
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-  
25 section (c) of such section, as redesignated by subsection

1 (a)(1), is amended by adding at the end the following new  
2 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.

12 **SEC. 1633. RESPITE CARE AND OTHER EXTENDED CARE**  
13 **BENEFITS FOR MEMBERS OF THE UNI-**  
14 **FORMED SERVICES WHO INCUR A SERIOUS**  
15 **INJURY 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

1 active duty as defined by regulations prescribed by the  
2 Secretary.

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 illness  
9 for the purposes of this paragraph.”.

10 (b) EFFECTIVE DATE.—The amendment made by  
11 subsection (a) shall take effect on January 1, 2008.

12 **SEC. 1634. REPORTS.**

13 (a) REPORTS ON IMPLEMENTATION OF CERTAIN RE-  
14 QUIREMENTS.—Not later than 90 days after the date of  
15 the enactment of this Act, the Secretary of Defense shall  
16 submit to the congressional defense committees a report  
17 describing the progress in implementing the requirements  
18 as follows:

19 (1) The requirements of section 721 of the  
20 John Warner National Defense Authorization Act  
21 for Fiscal Year 2007 (Public Law 109–364; 120  
22 Stat. 2294), relating to a longitudinal study on trau-  
23 matic brain injury incurred by members of the  
24 Armed Forces in Operation Iraqi Freedom and Op-  
25 eration Enduring Freedom.



1           (2) The requirements of section 741 of the  
2           John Warner National Defense Authorization Act  
3           for Fiscal Year 2007 (120 Stat. 2304), relating to  
4           pilot projects on early diagnosis and treatment of  
5           post-traumatic stress disorder and other mental  
6           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 di-  
22                 agnosis, treatment, and rehabilitation of mem-  
23                 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 con-  
5 currence of the Secretary of Veterans Affairs, from  
6 among persons who are qualified to direct the devel-  
7 opment, acquisition, and integration of major infor-  
8 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.

1           (5) TESTIMONY.—Upon request by any of the  
2           appropriate committees of Congress, the Director  
3           and the Deputy Director shall testify before such  
4           committee regarding the discharge of the functions  
5           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  
9           full interoperability of personal health care information be-  
10          tween the Department of Defense and the Department of  
11          Veterans Affairs, which health records shall comply with  
12          applicable interoperability standards, implementation  
13          specifications, and certification criteria (including for the  
14          reporting of quality measures) of the Federal Government.

15          (e) SCHEDULES AND BENCHMARKS.—Not later than  
16          30 days after the date of the enactment of this Act, the  
17          Secretary of Defense and the Secretary of Veterans Af-  
18          fairs shall jointly establish a schedule and benchmarks for  
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.

23                 (2) A schedule and deadline for the establish-  
24                 ment of the requirements for electronic health record  
25                 systems or capabilities described in subsection (d),

1 including coordination with the Office of the Na-  
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).

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.—

15           (1) IN GENERAL.—The Secretary of Defense  
16           and the Secretary of Veterans Affairs shall assign to  
17           the Office such personnel and other resources of the  
18           Department of Defense and the Department of Vet-  
19           erans Affairs as are required for the discharge of its  
20           function under this section.

21           (2) ADDITIONAL SERVICES.—Subject to the ap-  
22           proval of the Secretary of Defense and the Secretary  
23           of Veterans Affairs, the Director may utilize the  
24           services of private individuals and entities as con-  
25           sultants to the Office in the discharge of its function



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 Comp-  
11 troller General of the progress of the Department of De-  
12 fense and the Department of Veterans Affairs in imple-  
13 menting electronic health record systems or capabilities  
14 described in subsection (d).

15 **SEC. 1636. ENHANCED PERSONNEL AUTHORITIES FOR THE**  
16 **DEPARTMENT OF DEFENSE FOR HEALTH**  
17 **CARE PROFESSIONALS FOR CARE AND**  
18 **TREATMENT OF WOUNDED AND INJURED**  
19 **MEMBERS 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  
11 professionals for the Department of Defense if the Sec-  
12 retary determines that the exercise of such authority is  
13 necessary in order to provide or enhance the capacity of  
14 the Department to provide care and treatment for mem-  
15 bers of the armed forces who are wounded or injured on  
16 active duty in the armed forces and to support the ongoing  
17 patient care and medical readiness, education, and train-  
18 ing requirements of the Department of Defense.

19 “(b) RECRUITMENT OF PERSONNEL.—(1) The Secre-  
20 taries of the military departments shall each develop and  
21 implement a strategy to disseminate among appropriate  
22 personnel of the military departments authorities and best  
23 practices for the recruitment of medical and health profes-  
24 sionals, 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  
5           required to fill vacant positions for medical and  
6           health professionals; and

7           “(B) clearly identify processes and actions that  
8           will be used to inform and educate military and civil-  
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 avail-  
13          able under chapter 74 of title 38 for purposes of the re-  
14          cruitment, employment, and retention of civilian health  
15          care professionals for the Department of Defense expires  
16          September 30, 2010.”.

17          (b) CLERICAL AMENDMENT.—The table of sections  
18          at the beginning of chapter 81 of such title is amended  
19          by striking the item relating to section 1599c and insert-  
20          ing the following new item:

          “1599c. Health care professionals: enhanced appointment and compensation au-  
          thority 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,  
24          each Secretary of a military department shall submit to

1 the congressional defense committees a report setting  
2 forth the strategy developed by such Secretary under sec-  
3 tion 1599e(b) of title 10, United States Code, as added  
4 by subsection (a).

5 **SEC. 1637. CONTINUATION OF TRANSITIONAL HEALTH BEN-**  
6 **EFITS FOR MEMBERS OF THE ARMED**  
7 **FORCES PENDING RESOLUTION OF SERVICE-**  
8 **RELATED MEDICAL CONDITIONS.**

9 Section 1145(a) of title 10, United States Code, is  
10 amended—

11 (1) in paragraph (3), by striking “Transitional  
12 health care” and inserting “Except as provided in  
13 paragraph (6), transitional health care”; and

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

16 “(6)(A) A member who has a medical condition relat-  
17 ing to service on active duty that warrants further medical  
18 care that has been identified during the member’s 180-  
19 day transition period, which condition can be resolved  
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.

1 “(B) The Secretary concerned shall ensure that the  
2 Defense Enrollment and Eligibility Reporting System  
3 (DEERS) is continually updated in order to reflect the  
4 continuing entitlement of members covered by subpara-  
5 graph (A) to the medical and dental care referred to in  
6 that subparagraph.”.

## 7 **Subtitle D—Disability Matters**

### 8 **SEC. 1641. UTILIZATION OF VETERANS’ PRESUMPTION OF** 9 **SOUND CONDITION IN ESTABLISHING ELIGI-** 10 **BILITY OF MEMBERS OF THE ARMED FORCES** 11 **FOR RETIREMENT FOR DISABILITY.**

12 (a) RETIREMENT OF REGULARS AND MEMBERS ON  
13 ACTIVE DUTY FOR MORE THAN 30 DAYS.—Clause (i) of  
14 section 1201(b)(3)(B) of title 10, United States Code, is  
15 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 ON  
25 ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section

1 1203(b)(4)(B) of such title is amended by striking “and  
2 the member has at least eight years of service computed  
3 under section 1208 of this title” and inserting “, the mem-  
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 judg-  
7 ment is such to warrant a finding that the disability ex-  
8 isted before the member’s entrance on active duty)”.

9 **SEC. 1642. REQUIREMENTS AND LIMITATIONS ON DEPART-**  
10 **MENT OF DEFENSE DETERMINATIONS OF**  
11 **DISABILITY WITH RESPECT TO MEMBERS OF**  
12 **THE 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 Sec-  
22 retary concerned—

23 “(A) shall, to the extent feasible, utilize the  
24 schedule for rating disabilities in use by the Depart-  
25 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.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of chapter 61 of such title is amended  
24 by inserting after the item relating to section 1216 the  
25 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 in-  
6           dividual, or a surviving spouse, next of kin, or legal rep-  
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  
11          motion, the Physical Disability Board of Review may re-  
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

1 spouse, next of kin, or legal representative of the covered  
2 individual, of the proposed review and obtain the consent  
3 of the covered individual or a surviving spouse, next of  
4 kin, or legal representative of the covered individual before  
5 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  
10 individual or a surviving spouse, next of kin, or legal rep-  
11 resentative of the covered individual or initiated by the  
12 Physical Disability Board of Review, the Physical Dis-  
13 ability Board of Review shall notify the covered individual  
14 or a surviving spouse, next of kin, or legal representative  
15 of the covered individual that, as a result of the request  
16 or consent, the covered individual or a surviving spouse,  
17 next of kin, or legal representative of the covered indi-  
18 vidual may not seek relief from the Board for Correction  
19 of Military Records operated by the Secretary concerned.

20       “(d) AUTHORIZED RECOMMENDATIONS.—The Phys-  
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  
16          a covered individual in accordance with a recommendation  
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.

22          “(2) In the case of a member previously separated  
23          pursuant to the findings and decision of a Physical Eval-  
24          uation Board together with a lump-sum or other payment  
25          of back pay and allowances at separation, the amount of

1 pay or other monetary benefits to which such member  
2 would be entitled based on the member's military record  
3 as corrected shall be reduced to take into account receipt  
4 of such lump-sum or other payment in such manner as  
5 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 Sec-  
14 retary of Defense.

15       “(2) The regulations under paragraph (1) shall speci-  
16 fy reasonable deadlines for the performance of reviews re-  
17 quired by this section.

18       “(3) The regulations under paragraph (1) shall speci-  
19 fy the effect of a determination or pending determination  
20 of a Physical Evaluation Board on considerations by  
21 boards for correction of military records under section  
22 1552 of this title.”.

23               (2) CLERICAL AMENDMENT.—The table of sec-  
24 tions 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 IM-**  
10                   **PROVE THE DISABILITY EVALUATION SYS-**  
11                   **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  
25 may—

1 (i) conduct an evaluation of the mem-  
2 ber for physical disability; and

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

10 (B) the Secretary of the military depart-  
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  
25 member is unfit to perform the duties of the mem-



1 ber's office, grade, rank, or rating because of a  
2 physical disability as described in section 1201(a) of  
3 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 disabili-  
10 ties 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 (3) ELECTRONIC CLEARING HOUSE.—Under  
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  
22 enables participating members of the Armed Forces  
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  
22                        separated for disability, and who have not re-  
23                        quested continuation on active duty, including,  
24                        in particular, members who are severely wound-  
25                        ed;

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-

1       tem in order to achieve the objectives set forth in  
2       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  
6       Secretary of Defense and the Secretary of Veterans Af-  
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

23           (B) the Secretary of Defense and the Sec-  
24      retary of Veterans Affairs may waive any provi-  
25      sion of title 10, 37, or 38, United States Code,

1 relating to methods of determining fitness or  
2 unfitness for duty and disability ratings for  
3 members of the Armed Forces if the Secretaries  
4 determine in writing that the application of  
5 such provision would be inconsistent with the  
6 purpose of the pilot program.

7 (2) LIMITATION.—Nothing in paragraph (1)  
8 shall be construed to authorize the waiver of any  
9 provision of section 1216a of title 10, United States  
10 Code, as added by section 1642 of this Act.

11 (f) DURATION.—Each pilot program conducted under  
12 subsection (a) shall be completed not later than one year  
13 after the date of the commencement of such pilot program  
14 under that subsection.

15 (g) REPORTS.—

16 (1) INITIAL REPORT.—Not later than 90 days  
17 after the date of the enactment of this Act, the Sec-  
18 retary of Defense shall submit to the appropriate  
19 committees of Congress a report on each pilot pro-  
20 gram that has been commenced as of that date  
21 under subsection (a). The report shall include—

22 (A) a description of the scope and objec-  
23 tives of the pilot program;

24 (B) a description of the methodology to be  
25 used under the pilot program to ensure rapid

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.

1 **SEC. 1645. REPORTS ON ARMY ACTION PLAN IN RESPONSE**  
2 **TO DEFICIENCIES IN THE ARMY PHYSICAL**  
3 **DISABILITY EVALUATION SYSTEM.**

4 (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 De-  
8 partment of Defense with respect to the Physical Dis-  
9 ability Evaluation System (PDES) in response to the fol-  
10 lowing:

11 (1) The report of the Inspector General of the  
12 Army 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 sub-  
21 section (a) shall include current information on the fol-  
22 lowing:

23 (1) The total number of cases, and the number  
24 of cases involving combat disabled service members,  
25 pending resolution before the Medical and Physical  
26 Disability Evaluation Boards of the Army, including



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—

5                   (1) by inserting “(1)” after “(d)”;

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 de-  
17 pendants 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.

1 **SEC. 1647. ASSESSMENTS OF CONTINUING UTILITY AND FU-**  
2 **TURE ROLE OF TEMPORARY DISABILITY RE-**  
3 **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 com-  
7 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 by  
17 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 re-  
21 sponse to the assessments.

22 (b) **REQUIRED ASSESSMENTS.**—The assessments re-  
23 quired to be conducted as part of the report under sub-  
24 section (a) are the following:

25 (1) An assessment of the continuing utility of  
26 the temporary disability retired list in satisfying the

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 retary of Defense shall establish for the military facilities  
21 of the Department of Defense and the military depart-  
22 ments referred to in subsection (b) standards with respect  
23 to the matters set forth in subsection (c). To the max-  
24 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

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-  
12 TION OF STANDARDS.—

13 (1) IN GENERAL.—Not later than March 1,  
14 2008, the Secretary shall submit to the congres-  
15 sional defense committees a report on the actions  
16 taken to carry out subsection (a).

17 (2) ELEMENTS.—The report under paragraph  
18 (1) shall include the following:

19 (A) The standards established under sub-  
20 section (a).

21 (B) An assessment of the appearance, con-  
22 dition, and maintenance of each facility referred  
23 to in subsection (b), including—



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  
23 period covered by the report through the toll-free hot  
24 line required by section 1616; and

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  
23          of Public Law 101–510; U.S.C. 2687 note), the Secretary  
24          of Defense shall submit to the congressional defense com-  
25          mittees a certification of each of the following:

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-  
23           mit the certifications required by subsection (a) not later  
24           than 90 days after the date of the enactment of this Act.  
25           If the Secretary is unable to make one or more of the cer-

1 tifications by the end of the 90-day period, the Secretary  
2 shall notify the congressional defense committees of the  
3 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 ILL-**  
7 **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 hand-  
11 book and electronic form, a comprehensive description of  
12 the compensation and other benefits to which a member  
13 of the Armed Forces, and the family of such member,  
14 would be entitled upon the separation or retirement of the  
15 member from the Armed Forces as a result of a serious  
16 injury or illness. The handbook shall set forth the range  
17 of such compensation and benefits based on grade, length  
18 of service, degree of disability at separation or retirement,  
19 and such other factors affecting such compensation and  
20 benefits as the Secretary considers appropriate.

21 (b) CONSULTATION.—The Secretary of Defense shall  
22 develop and maintain the comprehensive description re-  
23 quired by subsection (a), including the handbook and elec-  
24 tronic form of the description, in consultation with the  
25 Secretary of Veterans Affairs, the Secretary of Health and

1 Human Services, and the Commissioner of Social Secu-  
2 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 descrip-  
6 tion, on a periodic basis, but not less often than annually.

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  
11 practicable following the injury or illness qualifying the  
12 member for coverage under such subsection.

13 (e) PROVISION TO REPRESENTATIVES.—If a member  
14 is incapacitated or otherwise unable to receive the descrip-  
15 tive handbook to be provided under subsection (a), the  
16 handbook shall be provided to the next of kin or a legal  
17 representative of the member, as determined in accordance  
18 with regulations prescribed by the Secretary of the mili-  
19 tary department concerned for purposes of this section.

1     **Subtitle E—Studies and Reports**

2     **SEC. 1661. STUDY ON PHYSICAL AND MENTAL HEALTH AND**  
3             **OTHER READJUSTMENT NEEDS OF MEMBERS**  
4             **AND FORMER MEMBERS OF THE ARMED**  
5             **FORCES WHO DEPLOYED IN OPERATION**  
6             **IRAQI FREEDOM AND OPERATION ENDURING**  
7             **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 subsection  
17 (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—

21                     (A) to identify preliminary findings on the  
22 physical and mental health and other readjust-  
23 ment needs described in subsection (a) and on  
24 gaps in care for the members, former members,  
25 and families described in that subsection; and

1 (B) to determine the parameters of the  
2 second phase of the study under paragraph (2).

3 (2) A second phase, to be completed not later  
4 than three years after the date of the enactment of  
5 this Act, to carry out a comprehensive assessment,  
6 in accordance with the parameters identified under  
7 the preliminary report required by paragraph (1), of  
8 the physical and mental health and other readjust-  
9 ment needs of members and former members of the  
10 Armed Forces who deployed in Operation Iraqi  
11 Freedom or Operation Enduring Freedom and their  
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 deployment  
16 on such members and former members and  
17 their families;

18 (B) an assessment of the particular im-  
19 pacts of multiple deployments in Operation  
20 Iraqi Freedom or Operation Enduring Freedom  
21 on such members and former members 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 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;

10 (D) an assessment of the effects of  
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 eth-  
20 nic group-specific needs and concerns of mem-  
21 bers of the Armed Forces and veterans;

22 (F) an assessment of the particular needs  
23 and concerns of children of members of the  
24 Armed Forces, taking into account differing age  
25 groups, impacts on development and education,



1 and the mental and emotional well being of chil-  
2 dren;

3 (G) an assessment of the particular edu-  
4 cational and vocational needs of such members  
5 and former members and their families, and an  
6 assessment of the efficacy of existing edu-  
7 cational and vocational programs to address  
8 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 assess-  
16 ment of the efficacy of programs that address  
17 community outreach and education concerning  
18 military deployments of community residents;

19 (I) an assessment of the impacts of in-  
20 creasing numbers of older and married mem-  
21 bers of the Armed Forces on readjustment re-  
22 quirements;

23 (J) the development, based on such assess-  
24 ments, of recommendations for programs, treat-  
25 ments, or policy remedies targeted at pre-

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-

1 tional Academy of Sciences requires in order to carry out  
2 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  
6 study required under subsection (a) in accordance with all  
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 Acad-  
14 emy of Sciences shall submit to the Secretary of Defense,  
15 the Secretary of Veterans Affairs, and the congressional  
16 defense committees a report on such phase of the study.

17 (g) DOD AND VA RESPONSE TO NAS REPORTS.—  
18 Not later than 90 days after the receipt of a report under  
19 subsection (f) on each phase of the study required under  
20 subsection (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.

1 **SEC. 1662. ACCESS OF RECOVERING SERVICE MEMBERS TO**  
2 **ADEQUATE OUTPATIENT RESIDENTIAL FA-**  
3 **CILITIES.**

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.

11 (b) **INSPECTOR GENERAL REPORTS.**—The inspector  
12 general 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

22 (2) post each such report on the Internet  
23 website of such regional medical command.

1 **SEC. 1663. STUDY AND REPORT ON SUPPORT SERVICES**  
2 **FOR FAMILIES OF RECOVERING SERVICE**  
3 **MEMBERS.**

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 sup-  
15 port services that would be feasible for the Depart-  
16 ment to provide to such family members, and the  
17 costs of providing such services, including the fol-  
18 lowing types of services:

19 (A) The provision of medical care at mili-  
20 tary medical treatment facilities.

21 (B) The provision of additional employ-  
22 ment services, and the need for employment  
23 protection, of such family members who are  
24 placed on leave from employment or otherwise  
25 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.**

24 Not later than 90 days after the date of the enact-  
25 ment of this Act, the Secretary of Defense and the Sec-

1   retary of Veterans Affairs jointly shall submit to the Com-  
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  
6   injury victims receive a medical designation concomitant  
7   with their injury rather than a medical designation that  
8   assigns a generic classification (such as “organic psy-  
9   chiatric disorder”).

10 **SEC. 1665. EVALUATION OF THE POLYTRAUMA LIAISON OF-**  
11 **FICER/NON-COMMISSIONED OFFICER PRO-**  
12 **GRAM.**

13       (a) **EVALUATION REQUIRED.**—The Secretary of De-  
14 fense shall conduct an evaluation of the Polytrauma Liai-  
15 son Officer/Non-Commissioned Officer program, which is  
16 the program operated by each of the military departments  
17 and the Department of Veterans Affairs for the purpose  
18 of—

19           (1) assisting in the seamless transition of mem-  
20 bers of the Armed Forces from the Department of  
21 Defense health care system to the Department of  
22 Veterans Affairs system; and

23           (2) expediting the flow of information and com-  
24 munication between military treatment facilities and  
25 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

1 who is deployed outside the United States in order to fa-  
2 cilitate the assessment of the postdeployment cognitive  
3 (including memory) functioning of the member.

4 “(B) The protocol under subparagraph (A) shall in-  
5 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-based  
20 neurocognitive assessment.

21 (ii) Pre-deployment assessments to estab-  
22 lish a neurocognitive baseline for members of  
23 the Armed Forces for future treatment.

24 (B) Not later than 60 days after the completion  
25 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  
25               region;

1           (4) the management or disposition of real prop-  
2           erty of military treatment facilities within the re-  
3           gion; and

4           (5) staffing projections for the region.

5           (c) CERTIFICATION.—After submission of the plan  
6           under subsection (a) to the congressional defense commit-  
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  
11          expanded facilities at the National Naval Medical Center,  
12          Bethesda, Maryland, and DeWitt Army Community Hos-  
13          pital, Fort Belvoir, Virginia, are completed, equipped, and  
14          staffed with sufficient capacity to accept and provide, at  
15          a minimum, the same level of and access to care as pa-  
16          tients received at Walter Reed Army Medical Center dur-  
17          ing fiscal year 2006.

18          (d) DEFINITIONS.—In this section:

19               (1) The term “expanded facilities” means the  
20               other two military hospitals/medical centers within  
21               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



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 paragraph:

17 “(2)(A) The requirement under paragraph (1) relat-  
18 ing to exhaustion of annual and sick leave shall not apply  
19 in the case of a leave recipient who—

20 “(i) sustains a combat-related disability while a  
21 member of the armed forces, including a reserve  
22 component of the armed forces; and

23 “(ii) is undergoing medical treatment for that  
24 disability.

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.**

5 (a) MORATORIUM.—No study or competition may be  
6 begun or announced pursuant to section 2461 of title 10,  
7 United States Code, or otherwise pursuant to Office of  
8 Management and Budget circular A-76, relating to the  
9 possible conversion to performance by a contractor of any  
10 Department of Defense function carried out at a military  
11 medical facility until the Secretary of Defense—

12 (1) submits the certification required by sub-  
13 section (b) to the Committee on Armed Services of  
14 the Senate and the Committee on Armed Services of  
15 the House of Representatives together with a de-  
16 scription of the steps taken by the Secretary in ac-  
17 cordance with the certification; and

18 (2) submits the report required by subsection  
19 (c).

20 (b) CERTIFICATION.—The certification referred to in  
21 paragraph (a)(1) is a certification that the Secretary has  
22 taken appropriate steps to ensure that neither the quality  
23 of military medical care nor the availability of qualified  
24 personnel to carry out Department of Defense functions  
25 related to military medical care will be adversely affected  
26 by either—

1           (1) the process of considering a Department of  
2           Defense function carried out at a military medical  
3           facility for possible conversion to performance by a  
4           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  
11          of the House of Representatives a report on the public-  
12          private competitions being conducted for Department of  
13          Defense functions carried out at military medical facilities  
14          as of the date of the enactment of this Act by each military  
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 De-  
22                       fense affected;

23                       (C) the estimated savings identified and  
24                       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 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-  
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 manage-  
17          ment, it is necessary to conduct outreach and to tai-  
18          lor specialized traumatic brain injury case manage-  
19          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



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.

1           “(5) Dates on which the effectiveness of such  
2           plan will be reviewed in accordance with subsection  
3           (f).

4           “(c) COMPREHENSIVE ASSESSMENT.—(1) Each plan  
5           developed under subsection (a) shall be based on a com-  
6           prehensive assessment, developed in accordance with para-  
7           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.

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-

1 vidual for whom the case manager is designated, regard-  
2 less of whether the case manager obtains such expertise  
3 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 develop-  
11 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 requests  
14 such collaboration; or

15               “(B) in the case of such an individual who is  
16 incapacitated, the family or guardian of the indi-  
17 vidual requests such collaboration.

18       “(3) In the case of a plan required by subsection (a)  
19 for a member of the Armed Forces who is serving on ac-  
20 tive duty, the Secretary shall collaborate with the Sec-  
21 retary of Defense in the development of such plan.

22       “(4) In developing vocational rehabilitation objectives  
23 required under subsection (b)(1) and in conducting the as-  
24 sessment required under subsection (c), the Secretary  
25 shall act through the Under Secretary for Health in co-

1 ordination with the Vocational Rehabilitation and Employ-  
2 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.

16 “(g) STATE DESIGNATED PROTECTION AND ADVO-  
17 CACY SYSTEM DEFINED.—In this section, the term ‘State  
18 protection and advocacy system’ means a system estab-  
19 lished in a State under subtitle C of the Developmental  
20 Disabilities Assistance and Bill of Rights Act of 2000 (42  
21 U.S.C. 15041 et seq.) to protect and advocate for the  
22 rights of persons with development disabilities.

1 **“§ 1710D. Traumatic brain injury: comprehensive**  
2 **program for long-term rehabilitation**

3 “(a) COMPREHENSIVE PROGRAM.—In developing  
4 plans for the rehabilitation and reintegration of individ-  
5 uals with traumatic brain injury under section 1710C of  
6 this title, the Secretary shall develop and carry out a com-  
7 prehensive program of long-term care for post-acute trau-  
8 matic brain injury rehabilitation that includes residential,  
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 des-  
14 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—

19 “(1) served on active duty in a theater of com-  
20 bat operations (as determined by the Secretary in  
21 consultation with the Secretary of Defense) during a  
22 period of war after the Persian Gulf War, or in com-  
23 bat against a hostile force during a period of hos-  
24 tilities (as defined in section 1712A(a)(2)(B) of this  
25 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 rehabilita-  
          tion.”.

1 **SEC. 1703. USE OF NON-DEPARTMENT OF VETERANS AF-**  
2 **FAIRS FACILITIES FOR IMPLEMENTATION OF**  
3 **REHABILITATION AND COMMUNITY RE-**  
4 **INTEGRATION PLANS FOR TRAUMATIC BRAIN**  
5 **INJURY.**

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-**  
11 **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



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, edu-  
6        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 through-  
9        out the Veterans Health Administration.

10       (d) TRAUMATIC BRAIN INJURY REGISTRY.—

11            (1) IN GENERAL.—The Secretary of Veterans  
12        Affairs shall establish and maintain a registry to be  
13        known as the “Traumatic Brain Injury Veterans  
14        Health Registry” (in this section referred to as the  
15        “Registry”).

16            (2) DESCRIPTION.—The Registry shall include  
17        the following information:

18            (A) A list containing the name of each in-  
19        dividual who served as a member of the Armed  
20        Forces in Operation Enduring Freedom or Op-  
21        eration Iraqi Freedom who exhibits symptoms  
22        associated with traumatic brain injury, as de-  
23        termined by the Secretary of Veterans Affairs,  
24        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.

1 **SEC. 1705. PILOT PROGRAM ON ASSISTED LIVING SERVICES**  
2 **FOR VETERANS WITH TRAUMATIC BRAIN IN-**  
3 **JURY.**

4 (a) PILOT PROGRAM.—Beginning not later than 90  
5 days after the date of the enactment of this Act, the Sec-  
6 retary of Veterans Affairs, in collaboration with the De-  
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.—

13 (1) IN GENERAL.—The pilot program shall be  
14 carried out at locations selected by the Secretary for  
15 purposes of the pilot program. Of the locations so  
16 selected—

17 (A) at least one location shall be in each  
18 health care region of the Veterans Health Ad-  
19 ministration of the Department of Veterans Af-  
20 fairs that contains a polytrauma center of the  
21 Department of Veterans Affairs; and

22 (B) any location other than a location de-  
23 scribed in subparagraph (A) shall be in an area  
24 that contains a high concentration of veterans  
25 with traumatic brain injuries, as determined by  
26 the Secretary.

1           (2) SPECIAL CONSIDERATION FOR VETERANS IN  
2 RURAL AREAS.—The Secretary shall give special  
3 consideration to providing veterans in rural areas  
4 with an opportunity to participate in the pilot pro-  
5 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 RE-  
24 HABILITATION SERVICES.—In carrying out the pilot pro-  
25 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 pro-  
3 gram under this section under another program  
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-appro-  
11 priate nursing home care.

12 (b) REQUIREMENT TO PROVIDE AGE-APPROPRIATE  
13 NURSING HOME CARE.—Section 1710A of title 38,  
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 home  
20 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.—

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  
14 from the active military, naval, or air service; and

15 “(2) before the end of the two-year period be-  
16 ginning on the last day of the Persian Gulf War.”.

17 (2) HEADING AMENDMENT.—The heading of  
18 such section is amended to read as follows:

19 “§ 1702. **Presumptions: psychosis after service in**  
20 **World War II and following periods of**  
21 **war; mental illness after service in the**  
22 **Persian Gulf War”.**

23 (3) CLERICAL AMENDMENT.—The table of sec-  
24 tions at the beginning of chapter 17 of such title is

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 periods 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 (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. 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 amended by adding at the end the following new sub-  
19 section:

20 “(k) DESIGNATION OF FIDUCIARY OR TRUSTEE.—

21 (1) The Secretary concerned, in consultation with the Sec-  
22 retary, shall develop a process for the designation of a fi-  
23 duciary or trustee of a member of the uniformed services  
24 who is insured against traumatic injury under this section.

25 The fiduciary or trustee so designated would receive a pay-

1 ment for a qualifying loss under this section if the member  
 2 is medically incapacitated (as determined pursuant to reg-  
 3 ulations prescribed by the Secretary concerned in con-  
 4 sultation with the Secretary) or experiencing an extended  
 5 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 Na-  
 tional Guard Bureau.

Sec. 1812. Establishment of National Guard Bureau as joint activity of the De-  
 partment 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:

12           “(1) are recommended for such appointment by  
 13 their respective Governors or, in the case of the Dis-  
 14 trict of Columbia, the commanding general of the  
 15 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 rec-  
 20 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           signment 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”.

1 (c) REPEAL OF AGE 64 LIMITATION ON SERVICE.—  
2 Subsection (b) of such section is amended by striking “An  
3 officer may not hold that office after becoming 64 years  
4 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

14 “(2) the principal adviser to the Secretary of  
15 the Army and the Chief of Staff of the Army, and  
16 to the Secretary of the Air Force and the Chief of  
17 Staff of the Air Force, on matters relating to the  
18 National Guard, the Army National Guard of the  
19 United States, and the Air National Guard of the  
20 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,

1 United States Code, is amended by striking “joint bureau  
2 of the Department of the Army and the Department of  
3 the Air Force” and inserting “joint activity of the Depart-  
4 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 sec-  
8 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 pre-  
13 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 sec-  
16 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 NA-**  
19 **TIONAL GUARD BUREAU.**

20 (a) ADDITIONAL GENERAL FUNCTIONS.—Section  
21 10503 of title 10, United States Code, is amended—

22 (1) by redesignating paragraph (12) as para-  
23 graph (14) and inserting before such paragraph (14)  
24 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.”.

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-

1 tants general of States, and other State civil authorities  
2 responsible for homeland preparation and response to nat-  
3 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 Na-  
6 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 a  
10 minimum, the following:

11 (1) Protocols for the Department of Defense,  
12 the National Guard Bureau, and the Governors of  
13 the several States to carry out operations in coordi-  
14 nation with each other and to ensure that Governors  
15 and local communities are properly informed and re-  
16 main in control in their respective States and com-  
17 munities.

18 (2) An identification of operational procedures,  
19 command structures, and lines of communication to  
20 ensure a coordinated, efficient response to contin-  
21 gencies.

22 (3) An identification of the training and equip-  
23 ment needed for both National Guard personnel and  
24 members of the Armed Forces on active duty to pro-  
25 vide 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”.

1       **Subtitle B—Additional Reserve**  
2               **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.

20                     (2) SUBMISSION OF RESULTS OF REVIEW.—Not  
21              later than 90 days after the date on which the Sec-  
22              retary of Defense receives the results of the review  
23              under paragraph (1), the Secretary shall submit to  
24              Congress a copy of the results of the review, to-  
25              gether with such recommendations as the Secretary

1 considers appropriate to achieve the objectives of the  
2 review.

3 (b) DEFINITION.—In this section, the term “United  
4 States Northern Command” means the combatant com-  
5 mand the geographic area of responsibility of which in-  
6 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.**

14 (a) PLAN.—The Secretary of Defense shall develop  
15 a plan to implement revisions that the Secretary deter-  
16 mines necessary in the designation, organization, member-  
17 ship, functions, procedures, and legislative framework of  
18 the Reserve Forces Policy Board. The plan—

19 (1) shall be consistent with the findings, conclu-  
20 sions, and recommendations included in Part III E  
21 of the Report of the Commission on the National  
22 Guard and Reserves of March 1, 2007; and

23 (2) to the extent possible, shall take into ac-  
24 count the views and recommendations of civilian and  
25 military leaders, past chairmen of the Reserve

1 Forces Policy Board, private organizations with ex-  
2 pertise and interest in Department of Defense orga-  
3 nization, and other individuals or groups in the dis-  
4 cretion of the Secretary.

5 (b) REPORT.—Not later than July 1, 2008, the Sec-  
6 retary of Defense shall submit to the Committees on  
7 Armed Services of the Senate and the House of Represent-  
8 atives a report on the plan developed under subsection (a),  
9 including such recommendations for legislation as the Sec-  
10 retary considers necessary.

11 **SEC. 1824. HIGH-LEVEL POSITIONS AUTHORIZED OR RE-**  
12 **QUIRED TO BE HELD BY RESERVE COMPO-**  
13 **NENT GENERAL OR FLAG OFFICERS.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-  
15 gress that, whenever officers of the Armed Forces are con-  
16 sidered for promotion to the grade of lieutenant general,  
17 or vice admiral in the case of the Navy, on the active duty  
18 list, officers in the reserve components of the Armed  
19 Forces who are eligible for promotion to such grade should  
20 be considered for promotion to such grade.

21 (b) NATIONAL GUARD OFFICER AS DEPUTY COM-  
22 MANDER OF UNITED STATES NORTHERN COMMAND.—  
23 Section 164(e) of title 10, United States Code, is amended  
24 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 SPECI-  
 8 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 insert-  
 12 ing “15 general and flag officer positions in”.

13 **SEC. 1825. RETIREMENT AGE AND YEARS OF SERVICE LIM-**  
 14 **TATIONS ON CERTAIN RESERVE GENERAL**  
 15 **AND 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, trans-  
 23 ferred to the Retired Reserve, or discharged at an earlier  
 24 date, each reserve officer of the Army, Air Force, or Ma-  
 25 rine Corps in the grade of major general or above and

1 each reserve officer of the Navy in the grade of rear admiral 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 AND O-10 POSITIONS.—The retirement of a reserve officer of the Army, Air Force, or Marine Corps in the grade of lieutenant general or general, or a reserve officer of the Navy in the grade of vice admiral or admiral, under subsection (a) may be deferred—

11               “(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 deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.

19       “(c) EXCEPTION FOR OFFICERS HOLDING CERTAIN OFFICES.—This section does not apply to an officer covered by section 14512 of this title.”.

22               (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           (1) IMPOSITION OF LIMITATION.—Section  
2       14508 of such title is amended by inserting after  
3       subsection (c), as added by section 513, the fol-  
4       lowing new subsection:

5       “(d) FORTY YEARS OF SERVICE FOR GENERALS AND  
6       ADMIRALS.—Unless retired, transferred to the Retired  
7       Reserve, or discharged at an earlier date, each reserve offi-  
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 sec-  
11      tion 14514 of this title on the first day of the first month  
12      beginning after the date of the fifth anniversary of the  
13      officer’s appointment to that grade or 30 days after the  
14      date on which the officer completes 40 years of commis-  
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”.

1 **SEC. 1826. ADDITIONAL REPORTING REQUIREMENTS RE-**  
2 **LATING 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 Na-  
15 tional Guard Bureau setting forth an inventory for  
16 the preceding fiscal year of each item of equip-  
17 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 Na-  
22 tional Guard unit as of the close of that fiscal  
23 year.”.

1 **DIVISION B—MILITARY CON-**  
2 **STRUCTION AUTHORIZA-**  
3 **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  
13 title XXIX for military construction projects, land acqui-  
14 sition, family housing projects and facilities, and contribu-  
15 tions to the North Atlantic Treaty Organization Security  
16 Investment Program (and authorizations of appropria-  
17 tions therefor) shall expire on the later of—

18 (1) October 1, 2010; or

19 (2) the date of the enactment of an Act author-  
20 izing funds for military construction for fiscal year  
21 2011.

22 (b) EXCEPTION.—Subsection (a) shall not apply to  
23 authorizations for military construction projects, land ac-  
24 quisition, family housing projects and facilities, and con-  
25 tributions to the North Atlantic Treaty Organization Se-

1 curity Investment Program (and authorizations of appro-  
 2 priations therefor), for which appropriated funds have  
 3 been obligated before the later of—

4 (1) October 1, 2010; or

5 (2) the date of the enactment of an Act author-  
 6 izing funds for fiscal year 2011 for military con-  
 7 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:

**Army: Inside the United States**

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
.....	Presidio, Monterey .....	\$28,000,000
Colorado .....	Fort Carson .....	\$156,200,000
Delaware .....	Dover Air Force Base .....	\$17,500,000
Florida .....	Miami Doral .....	\$237,000,000
Georgia .....	Fort Benning .....	\$189,500,000
.....	Fort Stewart/Hunter Army Air Field .....	\$123,500,000
Hawaii .....	Fort Shafter .....	\$31,000,000
.....	Kahuku Training Area .....	\$10,200,000
.....	Schofield Barracks .....	\$88,000,000
.....	Wheeler Army Air Field .....	\$51,000,000
Illinois .....	Rock Island Arsenal .....	\$3,350,000
Kansas .....	Fort Leavenworth .....	\$102,400,000
.....	Fort Riley .....	\$140,200,000
Kentucky .....	Fort Campbell .....	\$113,600,000
.....	Fort Knox .....	\$6,700,000
Louisiana .....	Fort Polk .....	\$15,900,000
Maryland .....	Aberdeen Proving Ground .....	\$12,200,000
Michigan .....	Detroit Arsenal .....	\$18,500,000
Missouri .....	Fort Leonard Wood .....	\$136,050,000
Nevada .....	Hawthorne Army Ammunition Plant .....	\$11,800,000
New Jersey .....	Picatinny Arsenal .....	\$9,900,000
New Mexico .....	White Sands Missile Range .....	\$71,000,000
New York .....	Fort Drum .....	\$311,200,000
North Carolina .....	Fort Bragg .....	\$287,200,000
Oklahoma .....	Fort Sill .....	\$7,500,000
South Carolina .....	Fort Jackson .....	\$85,000,000
Texas .....	Camp Bullis .....	\$1,600,000
.....	Corpus Christi .....	\$11,200,000
.....	Fort Bliss .....	\$118,400,000
.....	Fort Hood .....	\$163,400,000
.....	Fort Sam Houston .....	\$19,150,000
.....	Red River Army Depot .....	\$9,200,000
Virginia .....	Fort Belvoir .....	\$13,000,000
.....	Fort Eustis .....	\$75,000,000
.....	Fort Lee .....	\$22,600,000
.....	Fort Myer .....	\$20,800,000
Washington .....	Fort Lewis .....	\$178,500,000
.....	Yakima Training Center .....	\$29,000,000

3 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 4 appropriated pursuant to the authorization of appropria-  
 5 tions in section 2104(a)(2), the Secretary of the Army  
 6 may acquire real property and carry out military construc-

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:

**Army: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
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

4 **SEC. 2102. FAMILY HOUSING.**

5 (a) CONSTRUCTION AND ACQUISITION.—Using  
 6 amounts appropriated pursuant to the authorization of ap-  
 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**

<b>State or Country</b>	<b>Installation or Location</b>	<b>Units</b>	<b>Amount</b>
Utah .....	Dugway Proving Ground .....	28 .....	\$5,000,000
Germany .....	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

1 or improvement of family housing units in an amount not  
2 to exceed \$2,000,000.

3 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
4 **UNITS.**

5 Subject to section 2825 of title 10, United States  
6 Code, and using amounts appropriated pursuant to the  
7 authorization of appropriations in section 2104(a)(5)(A),  
8 the Secretary of the Army may improve existing military  
9 family housing units in an amount not to exceed  
10 \$365,400,000.

11 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
13 are hereby authorized to be appropriated for fiscal years  
14 beginning after September 30, 2007, for military con-  
15 struction, land acquisition, and military family housing  
16 functions of the Department of the Army in the total  
17 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.

21 (2) For military construction projects outside  
22 the United States authorized by section 2101(b),  
23 \$254,950,000.

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  
22 109–289), as added by section 2 of the Revised Con-  
23 tinuing Appropriations Resolution, 2007 (Public  
24 Law 110–5; 121 Stat. 41), \$102,000,000.



1           (7) For the construction of increment 3 of a  
2 barracks complex at Fort Bragg, North Carolina,  
3 authorized by section 2101(a) of the Military Con-  
4 struction Authorization Act for Fiscal Year 2006  
5 (division B of Public Law 109–163; 119 Stat.  
6 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:

13           (1) The total amount authorized to be appro-  
14 priated under paragraphs (1) and (2) of subsection  
15 (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 Head-  
19 quarters, Miami, Florida).

20           (3) \$63,500,000 (the balance of the amount au-  
21 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 au-  
25 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”.

1 **SEC. 2106. TECHNICAL AMENDMENTS TO MILITARY CON-**  
2 **STRUCTION AUTHORIZATION ACT FOR FIS-**  
3 **CAL YEAR 2007.**

4 (a) LOCATION OF PROJECT IN ROMANIA.—The table  
5 in section 2101(b) of the Military Construction Authoriza-  
6 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.**

16 (a) MODIFICATION.—The table in section 2101(a) of  
17 the Military Construction Authorization Act for Fiscal  
18 Year 2006 (division B of Public Law 109–163; 119 Stat.  
19 3485) is amended in the item relating to Fort Bragg,  
20 North Carolina, by striking “\$301,250,000” in the  
21 amount column and inserting “\$308,250,000”.

22 (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”.

1 **SEC. 2108. EXTENSION OF AUTHORIZATION OF CERTAIN**  
 2 **FISCAL YEAR 2005 PROJECT.**

3 (a) **EXTENSION AND RENEWAL.**—Notwithstanding  
 4 section 2701 of the Military Construction Authorization  
 5 Act for Fiscal Year 2005 (division B of Public Law 108–  
 6 375; 118 Stat. 2116), the authorization set forth in the  
 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 author-  
 10 izing funds for military construction for fiscal year 2009,  
 11 whichever is later.

12 (b) **TABLE.**—The table referred to in subsection (a)  
 13 is as follows:

**Army: Extension of 2005 Project Authorization**

<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Schofield Barracks, Hawaii .....	Training facility .....	\$35,542,000

14 **SEC. 2109. GROUND LEASE, SOUTHCOM HEADQUARTERS**  
 15 **FACILITY, MIAMI-DORAL, FLORIDA.**

16 (a) **GROUND LEASE AUTHORIZED.**—The Secretary of  
 17 the Army may utilize the State of Florida property as de-  
 18 scribed in sublease number 4489–01, entered into between  
 19 the State of Florida and the United States (in this section  
 20 referred to as the “ground lease”), for the purpose of con-  
 21 structing a consolidated headquarters facility for the  
 22 United States Southern Command (SOUTHCOM).

1 (b) ADDITIONAL TERMS AND CONDITIONS.—The  
2 Secretary of the Army may carry out the project to con-  
3 struct a new headquarters on property leased from the  
4 State of Florida when the following conditions have been  
5 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-  
14 JACENT PROPERTY.—The Secretary may obtain the  
15 ground lease of additional real property owned by the  
16 State of Florida that is adjacent to the real property  
17 leased under the ground lease for purposes of completing  
18 the construction of the SOUTHCOM headquarters facil-  
19 ity, as long as the additional terms of the ground lease  
20 required by subsection (b) apply to such adjacent prop-  
21 erty.

22 (d) LIMITATION.—The Secretary may not obligate or  
23 expend funds appropriated pursuant to the authorization  
24 of appropriations in section 2104(a)(1) for the construc-  
25 tion of the SOUTHCOM headquarters facility authorized

1 under section 2101(a) until the Secretary transmits to the  
 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).

## 5 **TITLE XXII—NAVY**

- Sec. 2201. Authorized Navy construction and land acquisition projects.  
 Sec. 2202. Family housing.  
 Sec. 2203. Improvements to military family housing units.  
 Sec. 2204. Authorization of appropriations, Navy.  
 Sec. 2205. 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 appropria-  
 10 tions in section 2204(a)(1), the Secretary of the Navy may  
 11 acquire real property and carry out military construction  
 12 projects for the installations or locations inside the United  
 13 States, and in the amounts, set forth in the following  
 14 table:

**Navy: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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 .....	\$23,630,000
Connecticut .....	Submarine Base, New London .....	\$21,160,000
Florida .....	Marine Corps Logistics Base, Blount Island ..	\$10,240,000
.....	Naval Support Activity, Cape Canaveral .....	\$9,900,000
.....	Naval Surface Warfare Center, Panama City	\$13,870,000



**Navy: Inside the United States**—Continued

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
.....	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
.....	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
.....	Naval Station, Bremerton .....	\$190,960,000
.....	Naval Station, Everett .....	\$10,940,000
.....	Naval Station, Kitsap .....	\$6,130,000

1           (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2204(a)(2), the Secretary of the Navy may  
4 acquire real property and carry out military construction  
5 projects for the installations or locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Navy: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Bahrain .....	Southwest Asia .....	\$35,500,000
Diego Garcia .....	Naval Support Facility, Diego Garcia ..	\$7,150,000
Djibouti .....	Camp Lemonier .....	\$22,390,000
Guam .....	Naval Activities, Guam .....	\$278,818,000

1 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-  
 2 propriated pursuant to the authorization of appropriations  
 3 in section 2204(a)(3), the Secretary of the Navy may ac-  
 4 quire real property and carry out military construction  
 5 projects for unspecified installations or locations in the  
 6 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 AND ACQUISITION.—Using  
 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  
 13 installations, in the number of units, and in the amounts  
 14 set forth in the following table:

**Navy: Family Housing**

Location	Installation	Units	Amount
California .....	Twentynine Palms .....	N/A .....	\$4,800,000
Mariana Islands .....	Naval Activities, Guam .....	73 .....	\$57,167,000

15 (b) PLANNING AND DESIGN.—Using amounts appro-  
 16 priated pursuant to the authorization of appropriations in  
 17 section 2204(a)(6)(A), the Secretary of the Navy may  
 18 carry out architectural and engineering services and con-  
 19 struction design activities with respect to the construction

1 or improvement of military family housing units in an  
2 amount not to exceed \$3,172,000.

3 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
4 **UNITS.**

5 Subject to section 2825 of title 10, United States  
6 Code, and using amounts appropriated pursuant to the  
7 authorization of appropriations in section 2204(a)(6)(A),  
8 the Secretary of the Navy may improve existing military  
9 family housing units in an amount not to exceed  
10 \$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  
14 30, 2007, for military construction, land acquisition, and  
15 military family housing functions of the Department of the  
16 Navy in the total amount of \$2,885,317,000, as follows:

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 un-  
24 specified worldwide locations authorized by section  
25 2201(c), \$11,600,000.

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  
6 may not exceed the sum of the following:

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  
16 wharf extension in Apra Harbor, Guam).

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;

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  
2 PROJECTS.—Section 2204(a)(6)(A) of such Act (120  
3 Stat. 2450) is amended by striking “\$308,956,000” and  
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

10 (2) 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  
16 Year 2005 (division B of Public Law 108–375; 118 Stat.  
17 2105), as amended by section 2206 of the Military Con-  
18 struction Authorization Act for Fiscal Year 2006 (division  
19 B of Public Law 109–163; 119 Stat. 3493) and section  
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

1 “\$147,760,000” in the amount column and inserting  
2 “\$295,000,000”; and  
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  
11 Public Law 109–163; 119 Stat. 3493) and section 2205  
12 of the Military Construction Authorization Act for Fiscal  
13 Year 2007 (division B of Public Law 109–364; 120 Stat.  
14 2453), is amended in subsection (b)(6), by striking  
15 “\$95,320,000” and inserting “\$259,320,000”.

16 **SEC. 2207. REPEAL OF AUTHORIZATION FOR CONSTRUC-**  
17 **TION OF NAVY OUTLYING LANDING FIELD,**  
18 **WASHINGTON COUNTY, NORTH CAROLINA.**

19 (a) REPEAL OF AUTHORIZATION.—The table in sec-  
20 tion 2201(a) of the Military Construction Authorization  
21 Act for Fiscal Year 2004 (division B of Public Law 108–  
22 136; 117 Stat. 1704) is amended by striking the item re-  
23 lating to Navy Outlying Landing Field, Washington Coun-  
24 ty, North Carolina, as added by section 2205(a) of the

1 Military Construction Authorization Act for Fiscal Year  
2 2007 (division B of Public Law 109–364; 120 Stat. 2452).

3 (b) REPEAL OF INCREMENTAL FUNDING AUTHOR-  
4 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  
16 appropriated pursuant to the authorization of appropria-  
17 tions in section 2304(1), the Secretary of the Air Force  
18 may acquire real property and carry out military construc-  
19 tion projects for the installations or locations inside the

1 United States, and in the amounts, set forth in the fol-  
 2 lowing table:

**Air Force: Inside the United States**

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

3 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 4 appropriated pursuant to the authorization of appropria-  
 5 tions in section 2304(2), the Secretary of the Air Force  
 6 may acquire real property and carry out military construc-

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:

**Air Force: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
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

4 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-  
 5 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**

<b>Location</b>	<b>Installation or Location</b>	<b>Amount</b>
Worldwide Classified .....	Classified Project .....	\$1,500,000
.....	Classified-Special Evaluation Program	\$12,328,000

10 **SEC. 2302. FAMILY HOUSING.**

11 (a) CONSTRUCTION AND ACQUISITION.—Using  
 12 amounts appropriated pursuant to the authorization of ap-  
 13 propriations in section 2304(6)(A), the Secretary of the  
 14 Air Force may construct or acquire family housing units  
 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.

16 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
17 **FORCE.**

18 Funds are hereby authorized to be appropriated for  
19 fiscal years beginning after September 30, 2007, for mili-  
20 tary construction, land acquisition, and military family  
21 housing functions of the Department of the Air Force in  
22 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

1 the Military Construction Authorization Act for Fis-  
2 cal Year 2006 (division B of Public Law 109–163;  
3 119 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.**

16 (a) **TERMINATION OF INSIDE THE UNITED STATES**  
17 **PROJECTS.**—The table in section 2301(a) of the Military  
18 Construction Authorization Act for Fiscal Year 2007 (di-  
19 vision B of Public Law 109–364; 120 Stat. 2453) is  
20 amended—

21 (1) in the item relating to Elmendorf, Alaska,  
22 by striking “\$68,100,000” in the amount column  
23 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”;

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”;

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  
25     such Act; and

1           (2) for which a contract for the construction or  
2           acquisition was entered into before October 1, 2007.

3 **SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT**  
4 **CERTAIN FISCAL YEAR 2006 PROJECTS.**

5           (a) FURTHER MODIFICATION OF INSIDE THE  
6 UNITED STATES PROJECT.—The table in section 2301(a)  
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  
11 B of Public Law 109–364; 120 Stat. 2456), is further  
12 amended—

13           (1) in the item relating to Edwards Air Force  
14 Base, California, by striking “\$103,000,000” in the  
15 amount column and inserting “\$111,500,000”; and

16           (2) in the item relating to MacDill Air Force  
17 Base, Florida, by striking “\$101,500,000” in the  
18 amount column and inserting “\$126,500,000”.

19           (b) CONFORMING AMENDMENTS.—Section 2304(b)  
20 of the Military Construction Authorization Act for Fiscal  
21 Year 2006 (division B of Public Law 109–163; 119 Stat.  
22 3496), as amended by section 2305(b) of the Military Con-  
23 struction Authorization Act for Fiscal Year 2007 (division  
24 B of Public Law 109–364; 120 Stat. 2456), is further  
25 amended—

1           (1) in paragraph (3), by striking  
2           “\$66,000,000” and inserting “\$74,500,000”; and  
3           (2) in paragraph (4), by striking  
4           “\$23,300,000” and inserting “\$48,300,000”.

5 **SEC. 2307. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
6 **FISCAL YEAR 2005 PROJECTS.**

7           (a) **EXTENSION AND RENEWAL.**—Notwithstanding  
8 section 2701 of the Military Construction Authorization  
9 Act for Fiscal Year 2005 (division B of Public Law 108–  
10 375; 118 Stat. 2116), the authorizations set forth in the  
11 table in subsection (b), as provided in section 2302 of that  
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:

**Air Force: Extension of 2005 Project Authorizations**

<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Davis-Monthan Air Force Base, Arizona.	Family housing (250 units) ..	\$48,500,000
Vandenberg Air Force Base, California.	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, Mississippi.	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

1 **SEC. 2308. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 2 **FISCAL YEAR 2004 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of  
 4 the Military Construction Authorization Act for Fiscal  
 5 Year 2004 (division B of Public Law 108–136; 117 Stat.  
 6 1716), authorizations set forth in the table in subsection  
 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  
 10 B of Public Law 109–364; 120 Stat. 2464), shall remain  
 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**

<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
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.

1 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**  
 2 **TION AND LAND ACQUISITION PROJECTS.**

3 (a) INSIDE THE UNITED STATES.—Using amounts  
 4 appropriated pursuant to the authorization of appropria-  
 5 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 ta-  
 9 bles:

**Defense Education Activity**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
North Carolina	Marine Corps Base, Camp Lejeune .....	\$2,014,000

**Defense Intelligence Agency**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
District of Columbia ..	Bolling Air Force Base .....	\$1,012,000

**Defense Logistics Agency**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
California .....	Port Loma Annex .....	\$140,000,000
Florida .....	Naval Air Station, Key West .....	\$1,874,000
Hawaii .....	Hickam Air Force Base .....	\$11,900,000
New Mexico .....	Kirtland Air Force Base .....	\$1,800,000
Ohio .....	Defense Supply Center, Columbus .....	\$4,000,000
Pennsylvania ...	Defense Distribution Depot, New Cumberland .....	\$21,000,000
Virginia .....	Fort Belvoir .....	\$5,000,000

**National Security Agency**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Maryland .....	Fort Meade .....	\$11,901,000

**Special Operations Command**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
California .....	Marine Corps Base, Camp Pendleton .....	\$20,030,000
.....	Naval Amphibious Base, Coronado .....	\$12,000,000
Florida .....	Hurlburt Field .....	\$29,111,000
.....	MacDill Air Force Base .....	\$47,700,000

**Special Operations Command—Continued**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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

**TRICARE Management Activity**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Florida .....	MacDill Air Force Base .....	\$5,000,000
Illinois .....	Naval Hospital, Great Lakes .....	\$99,000,000
New York .....	Fort Drum .....	\$41,000,000
Texas .....	Camp Bullis .....	\$7,400,000
Virginia .....	Naval Station, Norfolk .....	\$6,450,000
Washington .....	Fort Lewis .....	\$21,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2403(a)(2), the Secretary of Defense may  
4 acquire real property and carry out military construction  
5 projects for the installations or locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing tables:

**Defense Education Activity**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Belgium .....	Sterrebeek .....	\$5,992,000
Germany .....	Ramstein Air Base .....	\$5,393,000
.....	Wiesbaden Air Base .....	\$20,472,000

**Special Operations Command**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Bahrain .....	Southwest Asia .....	\$19,000,000
Qatar .....	Al Udeid AB .....	\$52,852,000



**TRICARE Management Activity**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Germany .....	Spangdahlem Air Base .....	\$30,100,000

1           (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2403(a)(3), the Secretary of Defense may  
4 acquire real property and carry out military construction  
5 projects for unspecified installations or locations in the  
6 amount set forth in the following table:

**Defense Agencies: Unspecified Worldwide**

<b>Location</b>	<b>Installation or Location</b>	<b>Amount</b>
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, DE-**  
14 **FENSE AGENCIES.**

15           (a) IN GENERAL.—Funds are hereby authorized to  
16 be appropriated for fiscal years beginning after September  
17 30, 2007, for military construction, land acquisition, and  
18 military family housing functions of the Department of

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:

1 (A) For support of military family housing  
2 (including functions described in section 2833  
3 of title 10, United States Code), \$48,848,000.

4 (B) For credit to the Department of De-  
5 fense Family Housing Improvement Fund es-  
6 tablished by section 2883(a)(1) of title 10,  
7 United States Code, \$500,000.

8 (9) For the construction of increment 3 of the  
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; 120 Stat. 485),  
17 \$136,318,000.

18 (10) For the construction of increment 3 of the  
19 regional security operations center at Augusta, Geor-  
20 gia, authorized by section 2401(a) of the Military  
21 Construction Authorization Act of Fiscal Year 2006  
22 (division B of Public Law 109–163; 119 Stat.  
23 3497), as amended by section 7016 of the Emer-  
24 gency Supplemental Appropriations Act for Defense,  
25 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.

15 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
16 PROJECTS.—Notwithstanding the cost variations author-  
17 ized by section 2853 of title 10, United States Code, and  
18 any other cost variation authorized by law, the total cost  
19 of all projects carried out under section 2401 of this Act  
20 may not exceed the sum of the following:

21 (1) The total amount authorized to be appro-  
22 priated under paragraphs (1), (2), and (3) of sub-  
23 section (a).

24 (2) \$84,300,000 (the balance of the amount au-  
25 thorized for the Defense Logistics Agency under sec-

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**  
14 **PUEBLO CHEMICAL ACTIVITY, COLORADO.**

15 (a) MUNITIONS DEMILITARIZATION FACILITY, BLUE  
16 GRASS ARMY DEPOT.—

17 (1) AUTHORITY TO INCREASE AMOUNT FOR  
18 CONSTRUCTION.—Consistent with the total project  
19 amount authorized for the construction a munitions  
20 demilitarization facility at Blue Grass Army Depot,  
21 Kentucky, by section 2401(a) of the Military Con-  
22 struction Authorization Act for Fiscal Year 2000  
23 (division B of Public Law 106–65; 113 Stat. 836),  
24 as amended by section 2405 of the Military Con-  
25 struction Authorization Act for Fiscal Year 2002

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  
14 Secretary of Defense shall provide to the congressional de-  
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.—Notwithstanding  
25 section 2701 of the Military Construction Authorization

1 Act for Fiscal Year 2005 (division B of Public Law 108–  
 2 375; 118 Stat. 2116), the authorizations set forth in the  
 3 table in subsection (b), as provided in section 2401 of that  
 4 Act (118 Stat. 2112), shall remain in effect until October  
 5 1, 2008, or the date of the enactment of an Act author-  
 6 izing funds for military construction for fiscal year 2009,  
 7 whichever is later.

8 (b) TABLE.—The table referred to in subsection (a)  
 9 is as follows:

**Defense Agencies: Extension of 2005 Project Authorizations**

<b>Installation or Location</b>	<b>Agency and Project</b>	<b>Amount</b>
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.**

16 The Secretary of Defense may make contributions for  
 17 the North Atlantic Treaty Organization Security Invest-  
 18 ment Program as provided in section 2806 of title 10,  
 19 United States Code, in an amount not to exceed the sum  
 20 of the amount authorized to be appropriated for this pur-

1 pose in section 2502 and the amount collected from the  
 2 North Atlantic Treaty Organization as a result of con-  
 3 struction previously financed by the United States.

4 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

5 Funds are hereby authorized to be appropriated for  
 6 fiscal years beginning after September 30, 2007, for con-  
 7 tributions by the Secretary of Defense under section 2806  
 8 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  
 11 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-

1 retary of the Army may acquire real property and carry  
 2 out military construction projects for the Army National  
 3 Guard locations, and in the amounts, set forth in the fol-  
 4 lowing table:

**Army National Guard**

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

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:

**Army Reserve**

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

9 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**  
 10 **CORPS RESERVE CONSTRUCTION AND LAND**  
 11 **ACQUISITION PROJECTS.**

12 Using amounts appropriated pursuant to the author-  
 13 ization of appropriations in section 2606(a)(2), the Sec-  
 14 retary of the Navy may acquire real property and carry  
 15 out military construction projects for the Navy Reserve  
 16 and Marine Corps Reserve locations, and in the amounts,  
 17 set forth in the following table:

**Navy Reserve and Marine Corps Reserve**

State	Location	Amount
California .....	Miramar .....	\$5,580,000
Michigan .....	Selfridge .....	\$4,030,000

**Navy Reserve and Marine Corps Reserve—Continued**

<b>State</b>	<b>Location</b>	<b>Amount</b>
Ohio .....	Wright-Patterson Air Force Base .....	\$10,277,000
Oregon .....	Portland .....	\$1,900,000
South Dakota .....	Sioux Falls .....	\$3,730,000
Texas .....	Austin .....	\$6,490,000
.....	Fort Worth .....	\$27,484,000
Virginia .....	Quantico .....	\$2,410,000

1 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

2

3 Using amounts appropriated pursuant to the author-

4 ization of appropriations in section 2606(3)(A), the Sec-

5 retary of the Air Force may acquire real property and

6 carry out military construction projects for the Air Na-

7 tional Guard locations, and in the amounts, set forth in

8 the following table:

**Air National Guard**

<b>State</b>	<b>Location</b>	<b>Amount</b>
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**—Continued

State	Location	Amount
.....	Yeager .....	\$17,300,000
Wisconsin .....	Truax Field .....	\$7,000,000

1 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

2  
 3 Using amounts appropriated pursuant to the author-  
 4 ization of appropriations in section 2606(3)(B), the Sec-  
 5 retary of the Air Force may acquire real property and  
 6 carry out military construction projects for the Air Force  
 7 Reserve locations, and in the amounts, set forth in the  
 8 following table:

**Air Force Reserve**

State	Location	Amount
Alaska .....	Elmendorf Air Force Base .....	\$14,950,000
Utah .....	Hill Air Force Base .....	\$3,200,000

9 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.**

10  
 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,  
 14 and construction of facilities for the Guard and Reserve  
 15 Forces, and for contributions therefor, under chapter  
 16 1803 of title 10, United States Code (including the cost  
 17 of acquisition of land for those facilities), in the following  
 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 CON-**  
9 **STRUCTION AND ACQUISITION PROJECTS.**

10 Section 2601(3)(B) of the Military Construction Au-  
11 thorization Act for Fiscal Year 2006 (division B of Public  
12 Law 109–163; 119 Stat. 3501) is amended by striking  
13 “\$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  
18 Act for Fiscal Year 2005 (division B of Public Law 108–  
19 375; 118 Stat. 2116), the authorizations set forth in the  
20 tables in subsection (b), as provided in section 2601 of  
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**

<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Dublin, California .....	Readiness center .....	\$11,318,000
Gary, Indiana .....	Reserve center .....	\$9,380,000

**Army Reserve: Extension of 2005 Project Authorization**

<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
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  
 6 the Military Construction Authorization Act for Fiscal  
 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 (di-  
 12 vision B of Public Law 109–364; 120 Stat. 2464), shall  
 13 remain in effect until October 1, 2008, or the date of the  
 14 enactment of an Act authorizing funds for military con-  
 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**

<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Albuquerque, New Mexico .....	Readiness center .....	\$2,533,000

**Army National Guard: Extension of 2004 Project  
Authorizations—Continued**

<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
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 ACTIVI-**  
5                     **TIES FUNDED THROUGH DEPARTMENT OF**  
6                     **DEFENSE BASE CLOSURE ACCOUNT 1990.**

7         Funds are hereby authorized to be appropriated for  
8 fiscal years beginning after September 30, 2007, for base  
9 closure and realignment activities, including real property  
10 acquisition and military construction projects, as author-  
11 ized 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.

13 **SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN-**  
14 **MENT ACTIVITIES FUNDED THROUGH DE-**  
15 **PARTMENT OF DEFENSE BASE CLOSURE AC-**  
16 **COUNT 2005.**

17 Using amounts appropriated pursuant to the author-  
18 ization of appropriations in section 2703, the Secretary  
19 of Defense may carry out base closure and realignment  
20 activities, including real property acquisition and military  
21 construction projects, as authorized by the Defense Base  
22 Closure and Realignment Act of 1990 (part A of title  
23 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and  
24 funded through the Department of Defense Base Closure

1 Account 2005 established by section 2906A of such Act,  
2 in the amount of \$8,718,988,000.

3 **SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR**  
4 **BASE CLOSURE AND REALIGNMENT ACTIVI-**  
5 **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  
11 and military construction projects, as authorized by the  
12 Defense Base Closure and Realignment Act of 1990 (part  
13 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687  
14 note) and funded through the Department of Defense  
15 Base Closure Account 2005 established by section 2906A  
16 of such Act, in the total amount of \$8,040,401,000, as  
17 follows:

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.

1 (b) GENERAL REDUCTION.—The amount otherwise  
2 authorized to be appropriated by subsection (a) is reduced  
3 by \$133,914,000.

4 **SEC. 2704. AUTHORIZED COST AND SCOPE OF WORK VARI-**  
5 **ATIONS FOR MILITARY CONSTRUCTION AND**  
6 **MILITARY FAMILY HOUSING PROJECTS RE-**  
7 **LATED TO BASE CLOSURES AND REALIGN-**  
8 **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  
16 authorized for a military construction project or military  
17 family housing project to be carried out using funds in  
18 the Account may not be increased or reduced by more than  
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  
25 for the projects listed in such conference report.

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  
6 Account and exceeds the applicable minor construction  
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  
11 makes a determination that an increase or reduction in  
12 cost or a reduction in the scope of work for a military  
13 construction project or military family housing project to  
14 be carried out using funds in the Account needs to be  
15 made for the sole purpose of meeting unusual variations  
16 in cost or scope. If the Secretary makes such a determina-  
17 tion, the Secretary shall notify the congressional defense  
18 committees of the variation in cost or scope not later than  
19 21 days before the date on which the variation is made  
20 in connection with the project or, if the notification is pro-  
21 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 notifica-  
25 tion.”.

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  
6 carried out using funds in the Department of Defense  
7 Base Closure Account 2005 for which a cost or scope of  
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  
11 added by this section, if such subsection had been in effect  
12 when the cost or scope of work variation was made. The  
13 Secretary shall include a description of each variation cov-  
14 ered by the report and the reasons for the variation.

15 **SEC. 2705. TRANSFER OF FUNDS FROM DEPARTMENT OF**  
16 **DEFENSE BASE CLOSURE ACCOUNT 2005 TO**  
17 **DEPARTMENT OF DEFENSE HOUSING FUNDS.**

18 (a) TRANSFER AUTHORITY.—Subsection (c) of sec-  
19 tion 2883 of title 10, United States Code, is amended—

20 (1) in paragraph (1), by adding at the end the  
21 following new subparagraph:

22 “(G) Subject to subsection (f), any amounts  
23 that the Secretary of Defense transfers to that Fund  
24 from amounts in the Department of Defense Base  
25 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)”;

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.”.

1 **SEC. 2706. COMPREHENSIVE ACCOUNTING OF FUNDING RE-**  
2 **QUIRED TO ENSURE TIMELY IMPLEMENTA-**  
3 **TION OF 2005 DEFENSE BASE CLOSURE AND**  
4 **REALIGNMENT COMMISSION RECOMMENDA-**  
5 **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  
10 of the 2005 Defense Base Closure and Realignment Com-  
11 mission remains on schedule for completion by September  
12 15, 2011, as required by section 2904(c)(5) of the Defense  
13 Base Closure and Realignment Act of 1990 (part A of title  
14 XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

15 **SEC. 2707. RELOCATION OF UNITS FROM ROBERTS UNITED**  
16 **STATES ARMY RESERVE CENTER AND NAVY-**  
17 **MARINE CORPS RESERVE CENTER, BATON**  
18 **ROUGE, LOUISIANA.**

19 The Secretary of the Army may use funds appro-  
20 priated pursuant to the authorization of appropriations in  
21 paragraphs (1) and (2) of section 2703 for the purpose  
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  
25 Baton Rouge Metropolitan Airport in Baton Rouge, Lou-  
26 isiana, at a location determined by the Secretary to be

1 in the best interest of national security and in the public  
2 interest.

3 **SEC. 2708. ACQUISITION OF REAL PROPERTY, FORT**  
4 **BELVOIR, VIRGINIA, AS PART OF THE RE-**  
5 **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 mem-  
10 bers of the Armed Forces and civilian employees of the  
11 Department of Defense who are scheduled to be relocated  
12 to Fort Belvoir, Virginia, shall be limited to the following  
13 locations:

14 (1) Fort Belvoir.

15 (2) A parcel of real property consisting of ap-  
16 proximately 69.5 acres, under the administrative ju-  
17 risdiction of the Administrator of General Services  
18 (in this section referred to as the “Administrator”)  
19 and containing warehouse facilities in Springfield,  
20 Virginia (in this section referred to as the “GSA  
21 Property”).

22 (3) Any other parcels of land (using including  
23 any improvement thereon) that are acquired, using  
24 competitive procedures, in fee in the vicinity of Fort  
25 Belvoir.

1           (b) ACQUISITION SELECTION CRITERIA.—The Sec-  
2 retary of the Army shall select the site to be used under  
3 subsection (a) based on the best value to the Government,  
4 and, in making that determination, the Secretary shall  
5 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 Sec-  
11 retary to construct facilities on the property to support  
12 administrative functions to be located at Fort Belvoir, Vir-  
13 ginia.

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—

19                       (A) pay all reasonable costs to move per-  
20 sonnel, furnishings, equipment, and other mate-  
21 rial related to the relocation of functions identi-  
22 fied by the Administrator; and

23                       (B) if determined to be necessary by the  
24 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

1 the United States and further the purposes of this  
2 section.

3 (e) ADMINISTRATION OF TRANSFERRED OR AC-  
4 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 congres-  
10 sional defense committees a report on the status and esti-  
11 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

1 Law 101–510; 10 U.S.C. 2687 note) or any other  
2 significant impact resulting from a realignment of  
3 forces should be considered for designation as de-  
4 fense access roads for purposes of section 210 of  
5 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  
17 SURFACE TRANSPORTATION INFRASTRUCTURE.—Not  
18 later than April 1, 2008, the Comptroller General shall  
19 submit to the congressional defense committees a report  
20 with regard to each military installation that will be sig-  
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 (1) military facility requirements (including  
2 quality of life projects) will be met before the arrival  
3 of assigned forces; and

4 (2) the Department of Defense has pro-  
5 grammed sufficient funding to mitigate community  
6 traffic congestion in accordance with the defense ac-  
7 cess roads program under section 210 of title 23,  
8 United States Code.

9 **TITLE XXVIII—MILITARY CON-**  
10 **STRUCTION GENERAL PROVI-**  
11 **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.

- 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, Bismarek, 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.

1 **Subtitle A—Military Construction**  
 2 **Program and Military Family**  
 3 **Housing Changes**

4 **SEC. 2801. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.**

7 (a) ONE-YEAR EXTENSION OF AUTHORITY.—Sub-  
 8 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 sec-  
 11 tion 2810 of the Military Construction Authorization Act  
 12 for Fiscal Year 2005 (division B of Public Law 108–375;

1 118 Stat. 2128), section 2809 of the Military Construction  
2 Authorization Act for Fiscal Year 2006 (division B of  
3 Public Law 109–163; 119 Stat. 3508), and section 2802  
4 of the Military Construction Authorization Act for Fiscal  
5 Year 2007 (division B of Public Law 109–364; 120 Stat.  
6 2466), is further amended by striking “2007” and insert-  
7 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  
11 using appropriated funds available for operation and  
12 maintenance to carry out a construction project outside  
13 the United States that has an estimated cost in excess  
14 of the amounts authorized for unspecified minor military  
15 construction projects under section 2805(c) of title 10,  
16 United States Code, the Secretary of Defense shall submit  
17 to the congressional committees specified in subsection (f)  
18 a notice regarding the construction project. The project  
19 may be carried out only after the end of the 10-day period  
20 beginning on the date the notice is received by the commit-  
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.”.

1 (c) ANNUAL LIMITATION ON USE OF AUTHORITY.—  
2 Subsection (c) of such section is amended to read as fol-  
3 lows:

4 “(c) ANNUAL LIMITATION ON USE OF AUTHORITY.—  
5 The total cost of the construction projects carried out  
6 under the authority of this section using, in whole or in  
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  
10 such section is amended by striking “notice of the” and  
11 inserting “advance notice of the proposed”.

12 (e) RATIFICATION OF PROPOSED CONSTRUCTION  
13 AND LAND ACQUISITION PROJECTS USING FISCAL YEAR  
14 2007 OPERATION AND MAINTENANCE FUNDS.—The nine  
15 construction projects outside the United States proposed  
16 to be carried out using funds appropriated to the Depart-  
17 ment of Defense for operation and maintenance for fiscal  
18 year 2007, but for which the obligation or expenditure of  
19 funds was prohibited by subsection (g) of section 2808 of  
20 the Military Construction Authorization Act for Fiscal  
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

1 out using such funds after the date of the enactment of  
2 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 AUTHOR-  
6 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)”.

11 (b) CLARIFICATION OF DEFINITION.—Section  
12 2801(a) of such title is amended by inserting after “per-  
13 manent requirements” the following: “, or any acquisition  
14 of land or construction of a defense access road (as de-  
15 scribed in section 210 of title 23)”.

16 **SEC. 2803. INCREASE IN THRESHOLDS FOR UNSPECIFIED**  
17 **MINOR 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  
6 required. The Secretary of Defense shall establish proce-  
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.

10       “(3) For purposes of this subsection, the total  
11 amount allowed to be applied in any one fiscal year to  
12 projects at any one laboratory shall be limited to the larger  
13 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 com-  
16 mittees a report on the use of the authority provided by  
17 this subsection. The report shall include a list and descrip-  
18 tion of the construction projects carried out under this  
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 development  
23 center; and

24               “(B) a test and evaluation activity.



1 “(6) The authority to carry out a project under this  
2 subsection expires on September 30, 2012.”.

3 (b) **STYLISTIC AMENDMENTS.**—Such section is fur-  
4 ther amended—

5 (1) in subsection (a), by inserting “**AUTHORITY**  
6 **TO CARRY OUT UNSPECIFIED MINOR MILITARY**  
7 **CONSTRUCTION PROJECTS.—**” after “(a)”;

8 (2) in subsection (b), by inserting “**APPROVAL**  
9 **AND CONGRESSIONAL NOTIFICATION.—**” after  
10 “(b)”;

11 (3) in subsection (c), by inserting “**USE OF OP-**  
12 **ERATION AND MAINTENANCE FUNDS.—**” after  
13 “(c)”;

14 (4) in subsection (e), as redesignated by sub-  
15 section (a)(1), by inserting “**PROHIBITION ON USE**  
16 **FOR NEW HOUSING UNITS.—**” after “(e)”.

17 **SEC. 2805. EXTENSION OF AUTHORITY TO ACCEPT EQUALI-**  
18 **ZATION PAYMENTS FOR FACILITY EX-**  
19 **CHANGES.**

20 Section 2809(c)(5) of the Military Construction Au-  
21 thorization Act for Fiscal Year 2005 (division B of Public  
22 Law 108–375; 118 Stat. 2127) is amended by striking  
23 “September 30, 2007” and inserting “September 30,  
24 2010”.

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)”;

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).

23 “(B) The maximum lease amount provided in sub-  
24 paragraph (A) shall apply only to Army family housing  
25 in areas designated by the Secretary of the Army.

1       “(C) The term of a lease under subparagraph (A)  
2 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  
6 than 2,800 units of family housing in Italy, and the Sec-  
7 retary of the Army may lease not more than 500 units  
8 of family housing in Italy” and inserting “the Secretaries  
9 of the military departments may lease not more than  
10 3,300 units of family housing in Italy”.

11       (c) INCREASED THRESHOLD FOR CONGRESSIONAL  
12 NOTIFICATION FOR FOREIGN MILITARY FAMILY HOUS-  
13 ING LEASES.—Subsection (f) of such section is amended  
14 by striking “\$500,000” and inserting “\$1,000,000”.

15       (d) REPORT REQUIRED.—Not later than March 1,  
16 2008, the Secretary of Defense shall submit to the con-  
17 gressional defense committees a report on the rental of  
18 family housing in foreign countries (including the costs of  
19 utilities, maintenance, and operations) that exceed  
20 \$60,000 per unit per year. The report shall include a list  
21 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  
25 with the rentals.

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**  
13 **LODGING FACILITIES.**—Notwithstanding any other provi-  
14 sion of subchapter IV of chapter 169 of title 10, United  
15 States Code, the privatization of temporary lodging facili-  
16 ties under such subchapter is limited to the military instal-  
17 lations authorized in subsection (b) until 120 days after  
18 the date on which the report described in subsection (d)(1)  
19 is submitted.

20 (b) **AUTHORIZED INSTALLATIONS.**—The military in-  
21 stallations at which the privatization of temporary lodging  
22 facilities may proceed under subsection (a) are the fol-  
23 lowing:

- 24 (1) Redstone Arsenal, Alabama.  
25 (2) Fort Rucker, Alabama.  
26 (3) Yuma Proving Ground, Arizona.

- 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  
22 the congressional defense committees and the Comp-  
23 troller General a report that—

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”.

1 (b) REPORT REQUIRED.—Subsection (d) of such sec-  
2 tion is amended by striking “March 1, 2007” and insert-  
3 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 Com-  
8 mittees on Armed Services of the Senate and the House  
9 of Representatives a report containing—

10 (1) a list of all housing privatization trans-  
11 actions carried out by the Department of Defense  
12 that, as of such date, are behind schedule or in de-  
13 fault; and

14 (2) recommendations regarding the opportuni-  
15 ties for the Federal Government to ensure that all  
16 terms of each housing privatization transaction are  
17 completed according to the original schedule and  
18 budget.

19 (b) SPECIFIC INFORMATION REGARDING EACH  
20 TRANSACTION.—For each housing privatization trans-  
21 action included in the report required by subsection (a),  
22 the report shall provide a description of the following:

23 (1) The reasons for schedule delays, cost over-  
24 runs, or default.

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.



1           (c) HOUSING PRIVATIZATION TRANSACTION DE-  
2 FINED.—In this section, the term “housing privatization  
3 transaction” means any contract or other transaction for  
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.

8           **Subtitle B—Real Property and**  
9           **Facilities Administration**

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-  
14 FENSE AGENCIES.—

15                   (1) REQUIREMENT TO REPORT.—Subsection (a)  
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  
22           “military department” the following: “or the  
23           Secretary of Defense”.

24                   (2) ANNUAL REPORT REGARDING MINOR  
25           TRANSACTIONS.—Subsection (b) of such section is

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

1 of a military department may acquire an option on a par-  
2 cel of real property before or after its acquisition is au-  
3 thorized by law, if the Secretary considers it suitable and  
4 likely to be needed for a military project of the military  
5 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 re-  
14 pealed.

15 (2) CLERICAL AMENDMENT.—The table of sec-  
16 tions at the beginning of chapter 159 of such title  
17 is amended by striking the item relating to section  
18 2677.

19 **SEC. 2823. MODIFICATION OF AUTHORITY TO LEASE NON-**  
20 **EXCESS PROPERTY OF THE MILITARY DE-**  
21 **PARTMENTS.**

22 (a) ELIMINATION OF AUTHORITY TO ACCEPT FACILI-  
23 TIES OPERATION SUPPORT AS IN-KIND CONSIDER-  
24 ATION.—Subsection (c)(1) of section 2667 of title 10,  
25 United States Code, is amended—

1           (1) by redesignating subparagraph (E) as sub-  
2           paragraph (F); and

3           (2) by striking subparagraph (D) and inserting  
4           the following new subparagraphs:

5           “(D) Provision or payment of utility services  
6           for the Secretary concerned.

7           “(E) Provision of real property maintenance  
8           services for the Secretary concerned.”.

9           (b) ELIMINATION OF AUTHORITY TO USE RENTAL  
10          AND CERTAIN OTHER PROCEEDS FOR FACILITIES OPER-  
11          ATION SUPPORT.—Subsection (e)(1)(C) of such section is  
12          amended—

13           (1) by adjusting the margins of clauses (ii) and  
14           (iii) to conform to the margin of clause (i); and

15           (2) by striking clause (iv) and inserting the fol-  
16           lowing new clauses:

17           “(iv) Payment of utility services.

18           “(v) Real property maintenance services.”.

19           (c) USE OF COMPETITIVE PROCEDURES FOR SELEC-  
20          TION OF CERTAIN LESSEES.—Subsection (h) of such sec-  
21          tion is amended—

22           (1) in paragraph (1), by striking “exceeds one  
23           year, and the fair market value of the lease” and in-  
24           serting “exceeds one year, or the fair market value  
25           of the lease”;

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—

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 subsections (c) and (d), respectively; and

17 (3) by inserting after subsection (a) the fol-  
18 lowing new subsection (b):

19 “(b) AUTHORIZED CULTURAL RESOURCES SITES.—  
20 To be covered by a cooperative agreement under sub-  
21 section (a), cultural resources must be located—

22 “(1) on a military installation; or

23 “(2) on a site outside of a military installation,  
24 but only if the cooperative agreement will directly re-  
25 lieve or eliminate current or anticipated restrictions

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-**  
13 **ING, TESTING, AND OPERATIONS.**

14 (a) MANAGEMENT OF NATURAL RESOURCES OF AC-  
15 QUIRED PROPERTY.—Subsection (d) of section 2684a of  
16 title 10, United States Code, is amended—

17 (1) by redesignating paragraphs (3), (4), (5),  
18 and (6) as paragraphs (4), (5), (6), and (7), respec-  
19 tively; and

20 (2) by inserting after paragraph (2) the fol-  
21 lowing new paragraph (3):

22 “(3) An agreement with an eligible entity under this  
23 section may provide for the management of natural re-  
24 sources on real property in which the Secretary concerned  
25 acquires any right, title, or interest in accordance with this

1 subsection and for the payment by the United States of  
2 all or a portion of the costs of such natural resource man-  
3 agement if the Secretary concerned determines that there  
4 is a demonstrated need to preserve or restore habitat for  
5 the purpose described in subsection (a)(2).”.

6 (b) LIMITATION ON PORTION OF ACQUISITION COSTS  
7 BORNE BY UNITED STATES.—Paragraph (4) of such sub-  
8 section, as redesignated by subsection (a)(1), is amend-  
9 ed—

10 (1) by redesignating subparagraph (D) as sub-  
11 paragraph (E);

12 (2) in subparagraph (C), by striking “equal to  
13 the fair market value” and all that follows through  
14 the period at the end and inserting “equal to, at the  
15 discretion of the Secretary concerned—

16 “(i) the fair market value of any property or in-  
17 terest in property to be transferred to the United  
18 States upon the request of the Secretary concerned  
19 under paragraph (5); or

20 “(ii) the cumulative fair market value of all  
21 properties or interests to be transferred to the  
22 United States under paragraph (5) pursuant to an  
23 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”.

1 (c) EXTENSION OF DURATION OF PROGRAM.—Such  
2 section is further amended by striking subsections (e) and  
3 (f) and inserting the following new subsection:

4 “(e) TERMINATION OF PILOT PROGRAM.—The pilot  
5 program shall terminate on September 30, 2012. Any con-  
6 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 DE-**  
14 **FENSE ACTIONS TO PROTECT INSTALLA-**  
15 **TIONS, RANGES, AND MILITARY AIRSPACE**  
16 **FROM ENCROACHMENT.**

17 (a) FINDINGS.—In light of the initial report of the  
18 Department of Defense submitted pursuant to section  
19 2684a(g) of title 10, United States Code, and of the  
20 RAND Corporation report entitled “The Thin Green Line:  
21 An Assessment of DoD’s Readiness and Environmental  
22 Protection Initiative to Buffer Installation Encroach-  
23 ment”, 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

1 installations, ranges, and airspace pose a continuing  
2 and significant threat to the readiness of the Armed  
3 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.

12 (3) The opportunities to take effective action to  
13 protect installations, ranges, and airspace from en-  
14 croachment is in many cases transient, and delay in  
15 taking action will result in either higher costs or per-  
16 manent loss of the opportunity effectively to address  
17 encroachment.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-  
19 gress that the Department of Defense should—

20 (1) develop additional policy guidance on the  
21 further implementation of the Readiness and Envi-  
22 ronmental Protection Initiative (REPI), to include  
23 additional emphasis on protecting biodiversity and  
24 on further refining procedures;

1           (2) give greater emphasis to effective coopera-  
2           tion and collaboration on matters of mutual concern  
3           with other Federal agencies charged with managing  
4           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 mili-  
10          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 Sec-  
13          retary of Defense shall review Chapter 6 of the initial re-  
14          port submitted to Congress under section 2684a(g) of title  
15          10, United States Code, and report to the congressional  
16          defense committees on the specific steps, if any, that the  
17          Secretary plans to take, or recommends that Congress  
18          take, to address the issues raised in such chapter.

19          **SEC. 2829. REPORTS ON ARMY AND MARINE CORPS OPER-**  
20   **ATIONAL RANGES.**

21          (a) REPORT ON UTILIZATION AND POTENTIAL EX-  
22          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 congres-  
25          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, in-  
16 cluding the size, characteristics, and attributes for  
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 com-  
21 ponent of the Marine Corps to 202,000 personnel by  
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 ad-  
9 dress the potential expansion or upgrade of Marine  
10 Corps operational ranges.

11           (5) An analysis of alternatives to the expansion  
12 of Marine Corps operational ranges, including an as-  
13 sessment of the joint use of operational ranges  
14 under the jurisdiction, custody, or control of the  
15 Secretary of another military department.

16           (6) An analysis of the cost of, potential military  
17 value of, and potential legal or practical impedi-  
18 ments to, the expansion of Marine Corps Base,  
19 Twentynine Palms, California, through the acqui-  
20 sition of additional land adjacent to or in the vicinity  
21 of that installation that is under the control of the  
22 Bureau of Land Management.

23           (c) SUPPLEMENTAL REPORT.—Not later than 90  
24 days after the date on which the second of the two reports  
25 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 to  
18 be made to or from Niagara Air Reserve Base and the  
19 timeline for such relocations.

20 **SEC. 2831. REPORT ON THE PINON CANYON MANEUVER**  
21 **SITE, COLORADO.**

22 (a) REPORT ON THE PINON CANYON MANEUVER  
23 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 congress-  
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 enhance-  
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

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-

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 beef, from local businesses.



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

1 PCMS Land expansion map” means the June 2007  
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  
6 Comptroller General of the United States shall submit to  
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 of  
12 not less than 90 days. Not later than 30 days after the  
13 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.**

19 Section 2851(a) of the Military Construction Author-  
20 ization Act for Fiscal Year 1999 (division B of Public Law  
21 105–261; 112 Stat. 2219) is amended by striking “, not-  
22 withstanding any provision of State law to the contrary,”  
23 as added by section 2867 of Public Law 107–107 (115  
24 Stat. 1334).

1 **SEC. 2842. GRANT OF EASEMENT, EGLIN AIR FORCE BASE,**  
2 **FLORIDA.**

3 (a) GRANT AUTHORIZED.—Secretary of the Air  
4 Force may use the authority provided by section 2668 of  
5 title 10, United States Code, to grant to the Mid Bay  
6 Bridge Authority an easement for a roadway right-of-way  
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.

11 (b) CONSIDERATION.—As consideration for the grant  
12 of the easement under subsection (a), the Mid Bay Bridge  
13 Authority shall pay to the Secretary an amount equal to  
14 the fair-market-value of the easement, as determined by  
15 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

1 this section referred to as the “University”) all right, title,  
2 and interest of the United States in and to a parcel of  
3 real property, including improvements thereon, consisting  
4 of approximately 40 acres located at the Lynn Haven Fuel  
5 Depot in Lynn Haven, Florida, as a public benefit convey-  
6 ance for the purpose of permitting the University to de-  
7 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.

15 (2) REDUCED TUITION RATES.—The Secretary  
16 may accept as in-kind consideration under para-  
17 graph (1) reduced tuition rates or scholarships for  
18 military personnel at the University.

19 (c) PAYMENT OF COSTS OF CONVEYANCES.—

20 (1) PAYMENT REQUIRED.—The Secretary shall  
21 require the University to cover costs to be incurred  
22 by the Secretary, or to reimburse the Secretary for  
23 costs incurred by the Secretary, to carry out the  
24 conveyance under subsection (a), including survey  
25 costs, appraisal costs, and other costs related to the

1 conveyance. If amounts are collected from the Uni-  
2 versity in advance of the Secretary incurring the ac-  
3 tual costs, and the amount collected exceeds the  
4 costs actually incurred by the Secretary to carry out  
5 the conveyance, the Secretary shall refund the excess  
6 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  
14 merged with amounts in such fund or account and  
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  
24 value of the property, as of the time of such determination.  
25 The fair market value of the property, excluding the value

1 of any improvements made to the property by the Univer-  
2 sity, shall be determined by the Secretary in accordance  
3 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 satis-  
7 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, NA-**  
14 **TIONAL FLIGHT ACADEMY AT THE NATIONAL**  
15 **MUSEUM OF NAVAL AVIATION, NAVAL AIR**  
16 **STATION, PENSACOLA, FLORIDA.**

17 Section 2850(a) of the Military Construction Author-  
18 ization Act for Fiscal Year 2001 (division B of the Floyd  
19 D. Spence National Defense Authorization Act for Fiscal  
20 Year 2001 (as enacted into law by Public Law 106–398;  
21 114 Stat. 1654A–428)) is amended—

22 (1) by striking “naval aviation and” and insert-  
23 ing “naval aviation,”; and

24 (2) by inserting before the period at the end the  
25 following: “, and, as of January 1, 2008, to teach

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.

15          (c) CONSIDERATION.—

16           (1) IN GENERAL.—As consideration for the con-  
17 veyance under subsection (b)—

18           (A) the City shall convey to the United  
19 States all right, title, and interest in and to the  
20 City land; and

21           (B) the EDC shall construct a facility and  
22 parking lot acceptable to the Commandant of  
23 the Coast Guard.

24          (2) EQUALIZATION PAYMENT OPTION.—



1           (A) IN GENERAL.—The Commandant may,  
2           upon the agreement of the City and the EDC,  
3           waive the requirement to construct a facility  
4           and parking lot under paragraph (1)(B) and ac-  
5           cept in lieu thereof an equalization payment  
6           from the City equal to the difference between  
7           the value, as determined by the Administrator  
8           at the time of transfer, of the Federal land and  
9           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.

21           (2) AUTHORITY TO ACCEPT QUITCLAIM  
22           DEED.—The Commandant may accept a quitclaim  
23           deed for the City land and may convey the Federal  
24           land by quitclaim deed.

1           (3) ENVIRONMENTAL REMEDIATION.—Prior to  
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  
14          LEASE.—The Commandant may enter into a license or  
15          lease agreement with the Detroit Riverfront Conservancy  
16          for the use of a portion of the Federal land for the Detroit  
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.—

23                 (1) IN GENERAL.—As soon as practicable after  
24                 the date of enactment of this Act, the Commandant  
25                 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.

22 (h) EXPIRATION OF AUTHORITY TO CONVEY.—The  
23 authority to enter into the exchange authorized by this  
24 section shall expire three years after the date of enactment  
25 of this Act.

1 **SEC. 2846. TRANSFER OF JURISDICTION, FORMER NIKE**  
2 **MISSILE 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.

12 (c) ADMINISTRATION OF PROPERTY.—Subject to  
13 subsection (d), the Secretary of the Interior shall admin-  
14 ister the property described in subsection (b)—

15 (1) acting through the United States Fish and  
16 Wildlife Service;

17 (2) as part of the Detroit River International  
18 Wildlife Refuge; and

19 (3) for use as a habitat for fish and wildlife and  
20 as a recreational property for outdoor education and  
21 environmental appreciation.

22 (d) MANAGEMENT OF REMEDIATION.—The Sec-  
23 retary of Defense, acting through the Army Corps of En-  
24 gineers, shall manage and carry out environmental remedi-  
25 ation activities with respect to the property described in  
26 subsection (b) that, at a minimum, achieve the standard

1 sufficient to allow the property to be used as provided in  
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 De-  
6 fense may use amounts made available from the account  
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-**  
17 **ITY, FORT BRAGG, NORTH CAROLINA.**

18 (a) REQUIREMENT TO CONVEY TRACT NO. 404-1  
19 PROPERTY WITHOUT CONSIDERATION.—Section 2836 of  
20 the Military Construction Authorization Act for Fiscal  
21 Year 1998 (division B of Public Law 105-85; 111 Stat.  
22 2005) is amended—

23 (1) in subsection (a)(3), by striking “at fair  
24 market value” and inserting “without consider-  
25 ation”;

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 edu-  
6 cational purposes and the construction of public school  
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  
11 real property conveyed under paragraph (2) or paragraph  
12 (3) of subsection (a) is not being used in accordance with  
13 subsection (b)(2), all right, title, and interest in and to  
14 the property conveyed under such paragraph, including  
15 any improvements thereon, shall revert, at the option of  
16 the Secretary, to the United States, and the United States  
17 shall have the right of immediate entry thereon.”.

18          (b) PAYMENT OF COSTS OF CONVEYANCE.—Such  
19 section is further amended by adding at the end the fol-  
20 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 in-  
25 curred by the Secretary, or to reimburse the Sec-

1       retary for costs incurred by the Secretary, to carry  
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.**

23      (a) CONVEYANCE AUTHORIZED.—The Secretary of  
24      the Army may convey, without consideration, to the  
25      United Tribes Technical College all right, title, and inter-

1 est of the United States in and to a parcel of real property,  
2 including improvements thereon, consisting of approxi-  
3 mately 2 acres located at the Lewis and Clark United  
4 States Army Reserve Center, 3319 University Drive, Bis-  
5 marck, North Dakota, for the purpose of supporting edu-  
6 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:

22 (A) The real property conveyed under sub-  
23 section (a) is used in accordance with the pur-  
24 poses of the conveyance specified in such sub-



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.

10          (d) DESCRIPTION OF REAL PROPERTY.—The exact  
11          acreage and legal description of the real property to be  
12          conveyed under subsection (a) shall be determined by a  
13          survey satisfactory to the Secretary.

14          (e) ADDITIONAL TERMS AND CONDITIONS.—The  
15          Secretary may require such additional terms and condi-  
16          tions in connection with the conveyance under subsection  
17          (a) as the Secretary considers appropriate to protect the  
18          interests of the United States.

19          **SEC. 2849. LAND EXCHANGE, FORT HOOD, TEXAS.**

20          (a) EXCHANGE AUTHORIZED.—The Secretary of the  
21          Army may convey to the City of Copperas Cove, Texas  
22          (in this section referred to as the “City”), all right, title,  
23          and interest of the United States in and to a parcel of  
24          real property, including any improvements thereon, con-  
25          sisting of approximately 200 acres at Fort Hood, Texas,

1 for the purpose of permitting the City to improve arterial  
2 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  
6 to one or more parcels of real property that are acceptable  
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.

12 (c) DESCRIPTION OF PROPERTY.—The exact acreage  
13 and legal description of the real property to be exchanged  
14 under this section shall be determined by surveys satisfac-  
15 tory 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

1 out the conveyances, the Secretary shall refund the  
2 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  
7 credited to the fund or account that was used to  
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.

14 (e) ADDITIONAL TERM AND CONDITIONS.—The Sec-  
15 retary may require such additional terms and conditions  
16 in connection with the conveyances under this section as  
17 the Secretary considers appropriate to protect the inter-  
18 ests of the United States.

## 19 **Subtitle D—Energy Security**

### 20 **SEC. 2861. REPEAL OF CONGRESSIONAL NOTIFICATION RE-** 21 **QUIREMENT REGARDING CANCELLATION** 22 **CEILING FOR DEPARTMENT OF DEFENSE EN-** 23 **ERGY SAVINGS PERFORMANCE CONTRACTS.**

24 Section 2913 of title 10, United States Code, is  
25 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.”.

1 **SEC. 2863. USE OF ENERGY EFFICIENT LIGHTING FIXTURES**  
2 **AND BULBS IN DEPARTMENT OF DEFENSE**  
3 **FACILITIES.**

4 (a) CONSTRUCTION AND ALTERATION OF BUILD-  
5 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 fea-  
8 sible as determined by the Secretary concerned, with light-  
9 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.

17 (c) CONSIDERATIONS.—In making a determination  
18 under this section concerning the feasibility of installing  
19 a lighting fixture or bulb that is energy efficient, the Sec-  
20 retary of Defense or the Secretary of a military depart-  
21 ment shall consider—

22 (1) the life cycle cost effectiveness of the fixture  
23 or bulb;

24 (2) the compatibility of the fixture or bulb with  
25 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  
9           section if—

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.  
13           6294a); or

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  
18           treated as being significantly altered for purposes of sub-  
19           section (a) if the alteration is subject to congressional au-  
20           thorization under section 2802 of title 10, United States  
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.

1 (g) EFFECTIVE DATE.—The requirements of sub-  
2 sections (a) and (b) shall take effect one year after the  
3 date of the enactment of this Act.

4 **SEC. 2864. REPORTING REQUIREMENTS RELATING TO RE-**  
5 **NEWABLE ENERGY USE BY DEPARTMENT OF**  
6 **DEFENSE TO MEET DEPARTMENT ELEC-**  
7 **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:

13 (1) The extent to which energy from renewable  
14 energy sources is used to meet the electricity needs  
15 of the Department of Defense, to be stated as a per-  
16 centage of total facility electricity use for the pre-  
17 vious fiscal year.

18 (2) The extent to which energy from renewable  
19 energy sources was procured through alternative fi-  
20 nancing methods, to be stated as a percentage of  
21 total renewable energy procurement and as a dollar  
22 amount for the previous fiscal year.

23 (3) The extent to which energy from renewable  
24 energy sources was procured through the use of ap-  
25 propriated funds, to be stated as a percentage of



1 total renewable energy procurement and as a dollar  
2 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  
14 by paragraphs (1) through (4) of subsection (a) shall be  
15 included in the Annual Energy Management Report pre-  
16 pared by the Under Secretary of Defense for Acquisition,  
17 Technology, and Logistics.

18 (c) RENEWABLE ENERGY SOURCES DEFINED.—In  
19 this section, the term “renewable energy sources” has the  
20 meaning given that term in section 203(b) of the Energy  
21 Policy Act of 2005 (42 U.S.C. 15852(b)).

1                   **Subtitle E—Other Matters**

2   **SEC. 2871. REVISED DEADLINE FOR TRANSFER OF ARLING-**  
3                   **TON NAVAL ANNEX TO ARLINGTON NA-**  
4                   **TIONAL CEMETERY.**

5           Subsection (h) of section 2881 of the Military Con-  
6   struction Authorization Act for Fiscal Year 2000 (division  
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 Con-  
11  struction Authorization Act for Fiscal Year 2003 (division  
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;

18                   “(2) the date on which the Navy Annex prop-  
19   erty is no longer required (as determined by the Sec-  
20   retary of Defense) for use as temporary office space;  
21   or

22                   “(3) one year after the date on which the Sec-  
23   retary of the Army notifies the Secretary of Defense  
24   that the Navy Annex property is needed for the ex-  
25   pansion of Arlington National Cemetery.”.

1 **SEC. 2872. TRANSFER OF JURISDICTION OVER AIR FORCE**  
2 **MEMORIAL TO DEPARTMENT OF THE AIR**  
3 **FORCE.**

4 (a) **TRANSFER OF JURISDICTION.**—Notwithstanding  
5 section 2881 of the Military Construction Authorization  
6 Act for Fiscal Year 2000 (division B of Public Law 106–  
7 65; 113 Stat. 879) and section 2863 of the Military Con-  
8 struction Authorization Act for Fiscal Year 2002 (division  
9 B of Public Law 107–107; 115 Stat. 1330; 40 U.S.C.  
10 1003 note), the Secretary of the Army may transfer ad-  
11 ministrative jurisdiction, custody, and control of the parcel  
12 of Federal land described in subsection (b)(1) of such sec-  
13 tion 2863 to the Secretary of the Air Force.

14 (b) **LIMITATION ON PAYMENT OF EXPENSES.**—If the  
15 Air Force Memorial is transferred to the Secretary of the  
16 Air Force as authorized by subsection (a), the United  
17 States shall not pay any costs incurred for the mainte-  
18 nance and repair of the Air Force Memorial.

19 **SEC. 2873. REPORT ON PLANS TO REPLACE THE MONU-**  
20 **MENT AT THE TOMB OF THE UNKNOWNNS AT**  
21 **ARLINGTON NATIONAL CEMETERY, VIRGINIA.**

22 (a) **REPORT REQUIRED.**—Not later than 180 days  
23 after the date of the enactment of this Act, the Secretary  
24 of the Army and the Secretary of Veterans Affairs shall  
25 jointly submit to Congress a report setting forth the fol-  
26 lowing:

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

1 Unknowns at Arlington National Cemetery, Virginia, until  
2 180 days after the date of the receipt by Congress of the  
3 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, RESTORA-**  
12 **TION, AND PRESERVATION OF LAFAYETTE**  
13 **ESCADRILLE MEMORIAL, MARNES-LA-CO-**  
14 **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 PROTEC-**  
23 **TION PROJECT.**

24 Section 2866 of the Military Construction Authoriza-  
25 tion Act for Fiscal Year 2007 (division B of Public Law

1 109–364; 120 Stat. 2499) is amended by adding at the  
2 end the following new subsection:

3 “(d) WOONSOCKET LOCAL PROTECTION PROJECT.—

4 “(1) ASSUMPTION OF RESPONSIBILITY.—The  
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 paragraph (2), any interest of the 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 retary’s assumption of responsibility 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 quitclaim  
25 deed and without consideration, all right, title, and

1 interest of the city in and to the Woonsocket local  
2 protection project, including any interest of the city  
3 in and to land and structures required for the con-  
4 tinued operation and maintenance, repair, replace-  
5 ment, rehabilitation, and structural integrity of the  
6 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 De-  
10 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 SUITABLE**  
15 **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-  
20 stallation 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.

24 (b) **LOCATION AND DESIGN OF MONUMENT.**—The  
25 actual location and final design of the monument author-

1 ized by subsection (a) shall be subject to the approval of  
2 the Secretary. In selecting the military installation and  
3 site on such installation to serve as the location for the  
4 monument, the Secretary shall seek to maximize access  
5 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.

12 (d) LIMITATION ON PAYMENT OF EXPENSES.—The  
13 United States Government shall not pay any expense for  
14 the establishment or maintenance of the monument au-  
15 thorized 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  
19 shall submit to the congressional defense committees a re-  
20 port on the feasibility of establishing an association be-  
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 evalua-  
25 tions:



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.

1 **SEC. 2879. REPORT ON CONDITION OF SCHOOLS UNDER JU-**  
2 **RISDICTION OF DEPARTMENT OF DEFENSE**  
3 **EDUCATION ACTIVITY.**

4 (a) **REPORT REQUIRED.**—Not later than March 1,  
5 2008, the Secretary of Defense shall submit to the con-  
6 gressional defense committees a report on the conditions  
7 of schools under the jurisdiction of the Department of De-  
8 fense Education Activity.

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

11 (1) A description of each school under the con-  
12 trol of the Secretary, including the location, year  
13 constructed, grades of attending children, maximum  
14 capacity, and current capacity of the school.

15 (2) A description of the standards and proc-  
16 esses used by the Secretary to assess the adequacy  
17 of the size of school facilities, the ability of facilities  
18 to support school programs, and the current condi-  
19 tion of facilities.

20 (3) A description of the conditions of the facil-  
21 ity or facilities at each school, including the level of  
22 compliance with the standards described in para-  
23 graph (2), any existing or projected facility defi-  
24 ciencies or inadequate conditions at each facility,  
25 and whether any of the facilities listed are tem-  
26 porary structures.

1           (4) An investment strategy planned for each  
2 school to correct deficiencies identified in paragraph  
3 (3), including a description of each project to correct  
4 such deficiencies, cost estimates, and timelines to  
5 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 per-  
9 sonnel.

10       (c) **USE OF REPORT AS MASTER PLAN FOR REPAIR,**  
11 **UPGRADE, AND CONSTRUCTION OF SCHOOLS.**—The Sec-  
12 retary shall use the report required under subsection (a)  
13 as a master plan for the repair, upgrade, and construction  
14 of schools in the Department of Defense system that sup-  
15 port dependents of members of the Armed Forces and ci-  
16 vilian employees of the Department of Defense.

17 **SEC. 2880. REPORT ON FACILITIES AND OPERATIONS OF**  
18 **DARNALL ARMY MEDICAL CENTER, FORT**  
19 **HOOD MILITARY RESERVATION, TEXAS.**

20       (a) **IN GENERAL.**—Not later than 120 days after the  
21 date of the enactment of this Act, the Secretary of Defense  
22 shall submit to the congressional defense committees a re-  
23 port assessing the facilities and operations of the Darnall  
24 Army Medical Center at Fort Hood Military Reservation,  
25 Texas.

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.

1           (4) Such a headquarters would be appropriately  
2           located on available Federal property in Region VI  
3           of the Federal Emergency Management Agency,  
4           which includes Texas, Louisiana, Oklahoma, Arkan-  
5           sas, and New Mexico, and is a region subject to for-  
6           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  
11          in San Antonio, Texas, a permanent, regionally oriented  
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 subsection  
18          (b) shall include the following:

19                 (1) A determination of how the regional dis-  
20                 aster response center, if established at Kelly Air  
21                 Field, would organize and leverage capabilities of the  
22                 following currently co-located organizations, facili-  
23                 ties, and forces located in San Antonio, Texas:

24                         (A) Lackland Air Force Base.

25                         (B) Fort Sam Houston.

- 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-



1        requirements and an assessment of any additional ca-  
2        pabilities that are required.

3            (6) An assessment of the costs and benefits of  
4        adding such capabilities at Kelly Air Field to the  
5        costs and benefits of other locations.

6        **SEC. 2882. NAMING OF HOUSING FACILITY AT FORT CAR-**  
7                            **SON, COLORADO, IN HONOR OF THE HONOR-**  
8                            **ABLE JOEL HEFLEY, A FORMER MEMBER OF**  
9                            **THE UNITED STATES HOUSE OF REPRESENT-**  
10                           **ATIVES.**

11        (a) FINDINGS.—Congress makes the following find-  
12        ings:

13            (1) Representative Joel Hefley was elected to  
14        represent Colorado’s 5th Congressional district in  
15        1986 and served in the House of Representatives  
16        until the end of the 109th Congress in 2007 with  
17        distinction, class, integrity, and honor.

18            (2) Representative Hefley served on the Com-  
19        mittee on Armed Services of the House of Rep-  
20        resentatives for 18 years, including service as Chair-  
21        man of the Subcommittee on Military Installations  
22        and Facilities from 1995 through 2000 and, from  
23        2001 until 2007, as Chairman of the Subcommittee  
24        on Readiness.

1           (3) Representative Hefley was a fair and effective  
2           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  
4 children at installations throughout the United  
5 States.

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  
9 Hefley.

10 (b) DESIGNATION.—Notwithstanding Army Regula-  
11 tion AR 1–33, the Secretary of the Army shall designate  
12 one of the military family housing areas or facilities con-  
13 structed for Fort Carson, Colorado, using the authority  
14 provided by subchapter IV of chapter 169 of title 10,  
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.

1           (7) In honor of his service in the Marine Corps  
2           and to his district and the United States, it is fitting  
3           and proper that the Navy and Marine Corps Reserve  
4           Center at Rock Island Arsenal be named in honor of  
5           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  
11          States to the Navy and Marine Corps Reserve Center at  
12          Rock Island Arsenal shall be deemed to be a reference to  
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.**

20          The new laboratory building at the Air Force Rome  
21          Research Site, Rome, New York, shall be known and des-  
22          ignated as the “Sherwood Boehlert Center of Excellence  
23          for Information Science and Technology”. Any reference  
24          in a law, map, regulation, document, paper, or other  
25          record of the United States to such laboratory facility

1 shall be deemed to be a reference to the Sherwood Boeh-  
2 lert Center of Excellence for Information Science and  
3 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 REPRESENT-**  
9 **ATIVES.**

10 The administration building under construction at  
11 the Joint Systems Manufacturing Center in Lima, Ohio,  
12 shall be known and designated as the “Michael G. Oxley  
13 Administration and Technology Center”. Any reference in  
14 a law, map, regulation, document, paper, or other record  
15 of the United States to such building shall be deemed to  
16 be a reference to the Michael G. Oxley Administration and  
17 Technology Center.

18 **SEC. 2886. NAMING OF LOGISTICS AUTOMATION TRAINING**  
19 **FACILITY, ARMY QUARTERMASTER CENTER**  
20 **AND SCHOOL, FORT LEE, VIRGINIA, IN**  
21 **HONOR OF GENERAL RICHARD H. THOMP-**  
22 **SON.**

23 Notwithstanding Army Regulation AR 1–33, the Lo-  
24 gistics Automation Training Facility of the Army Quarter-  
25 master Center and School at Fort Lee, Virginia, shall be

1 known and designated as the “General Richard H.  
2 Thompson Logistics Automation Training Facility” in  
3 honor of General Richard H. Thompson, the only quarter-  
4 master to have risen from private to full general. Any ref-  
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.**

11 (a) **AUTHORITY TO CARRY OUT RELOCATION AGREE-**  
12 **MENT.**—The Secretary of Defense may carry out an  
13 agreement to relocate the Joint Spectrum Center, a geo-  
14 graphically separated unit of the Defense Information  
15 Systems Agency, from Annapolis, Maryland, to Fort  
16 Meade, Maryland, or another military installation if—

17 (1) the Secretary determines that the relocation  
18 of the Joint Spectrum Center is in the best interest  
19 of national security and the physical protection of  
20 personnel and missions of the Department of De-  
21 fense; and

22 (2) the agreement between the lease holder and  
23 the Department of Defense provides equitable and  
24 appropriate terms to facilitate the relocation.

1 (b) AUTHORIZATION.—Any facility, road, or infra-  
 2 structure constructed or altered on a military installation  
 3 as a result of the agreement referred to in subsection (a)  
 4 is deemed to be authorized in accordance with section  
 5 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.**

18 (a) INSIDE THE UNITED STATES.—Using amounts  
 19 appropriated pursuant to the authorization of appropria-  
 20 tions in subsection (c)(1), the Secretary of the Army may  
 21 acquire real property and carry out military construction



1 projects for the installations or locations inside the United  
 2 States, and in the amounts, set forth in the following  
 3 table:

**Army: Inside the United States**

State	Installation or Location	Amount
Colorado .....	Fort Carson .....	\$8,100,000
Georgia .....	Fort Stewart .....	\$6,000,000
Kansas .....	Fort Riley .....	\$50,000,000
Kentucky .....	Fort Campbell .....	\$7,400,000
Louisiana .....	Fort Polk .....	\$4,900,000
New York .....	Fort Drum .....	\$38,000,000
Texas .....	Fort Hood .....	\$9,100,000

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:

**Army: Outside the United States**

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
.....	Falhujah .....	\$880,000
.....	Camp Marez .....	\$880,000
.....	Mosul .....	\$43,000,000
.....	Q-West .....	\$26,000,000
.....	Camp Ramadi .....	\$880,000
.....	Seania .....	\$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

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 the Army in the total  
6 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-  
17 TAIN PROJECTS.—Funds may not be obligated for the  
18 projects authorized by subsection (b) for Camp Arifjan,  
19 Kuwait, or Camp Cropper, Iraq, until 14 days after the  
20 date on which the Secretary of Defense submits to the  
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

1 site selected, and timelines for completion. The Secretary  
 2 shall submit the report not later than January 15, 2008.

3 **SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
 4 **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**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
California .....	Camp Pendleton .....	\$102,034,000
.....	Twentynine Palms .....	\$4,440,000
North Carolina ...	Camp Lejeune .....	\$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**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Djibouti .....	Camp Lemonier .....	\$25,410,000

1 (c) FAMILY HOUSING.—Using amounts appropriated  
 2 pursuant to the authorization of appropriations in sub-  
 3 section (d)(4), the Secretary of the Navy may construct  
 4 or acquire family housing units (including land acquisition  
 5 and supporting facilities) at the installations or locations,  
 6 and in the amounts, set forth in the following table:

**Navy: Family Housing**

State	Installation or Location	Amount
California .....	Camp Pendleton .....	\$10,692,000
.....	Twentynine Palms .....	\$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.

1 (4) For construction and acquisition, planning  
 2 and design, and improvement of military family  
 3 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**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Afghanistan .....	Bagram Air Base .....	\$108,800,000
.....	Kandahar .....	\$26,300,000
Iraq .....	Balad Air Base .....	\$58,300,000
Kyrgyzstan .....	Manas Air Base .....	\$30,300,000

13 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds  
 14 are hereby authorized to be appropriated for fiscal years  
 15 beginning after September 30, 2007, for military con-  
 16 struction, land acquisition, and military family housing  
 17 functions of the Department of the Air Force in the total  
 18 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.

1 (2) For architectural and engineering services  
 2 and construction design under section 2807 of title  
 3 10, United States Code, \$35,000,000.

4 **SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

6 (a) **INSIDE THE UNITED STATES.**—Using amounts  
 7 appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of Defense 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:  
 12

**Defense Agencies: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Texas .....	Fort Sam Houston .....	\$21,000,000

13 (b) **OUTSIDE THE UNITED STATES.**—Using amounts  
 14 appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of Defense 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 following  
 18 table:  
 19

**Defense Agencies: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
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.

14 **SEC. 2905. AUTHORIZED BASE CLOSURE AND REALIGN-**  
15 **MENT ACTIVITIES FUNDED THROUGH DE-**  
16 **PARTMENT OF DEFENSE BASE CLOSURE AC-**  
17 **COUNT 2005 AND RELATED AUTHORIZATION**  
18 **OF APPROPRIATIONS.**

19 (a) AUTHORIZED BASE CLOSURE AND REALIGN-  
20 MENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF  
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,

1 including real property acquisition and military construc-  
2 tion projects, as authorized by the Defense Base Closure  
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  
6 2005 established by section 2906A of such Act, in the  
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.

16 **DIVISION C—DEPARTMENT OF**  
17 **ENERGY NATIONAL SECURITY**  
18 **AUTHORIZATIONS AND**  
19 **OTHER AUTHORIZATIONS**  
20 **TITLE XXXI—DEPARTMENT OF**  
21 **ENERGY NATIONAL SECURITY**  
22 **PROGRAMS**

Subtitle A—National Security Programs Authorizations

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- 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.
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Subtitle D—Nuclear Terrorism Prevention

- Sec. 3131. Definitions.
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- 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.—Funds  
 6 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.

10 (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 activi-  
14 ties, the following new plant project:

15 Project 08–D–414, Project engineering and de-  
16 sign, Plutonium Vitrification Facility, various loca-  
17 tions, \$9,000,000.

18 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

19 Funds are hereby authorized to be appropriated to  
20 the Department of Energy for fiscal year 2008 for other  
21 defense activities in carrying out programs necessary for  
22 national security in the amount of \$763,974,000.

23 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

24 Funds are hereby authorized to be appropriated to  
25 the Department of Energy for fiscal year 2008 for defense

1 nuclear waste disposal for payment to the Nuclear Waste  
2 Fund established in section 302(c) of the Nuclear Waste  
3 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount  
4 of \$292,046,000.

5 **SEC. 3105. ENERGY SECURITY AND ASSURANCE.**

6 Funds are hereby authorized to be appropriated to  
7 the Department of Energy for fiscal year 2008 for energy  
8 security and assurance programs necessary for national  
9 security in the amount of \$5,860,000.

10 **Subtitle B—Program Authoriza-**  
11 **tions, Restrictions, and Limita-**  
12 **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  
16 available for weapons activities of the National Nuclear  
17 Security Administration for fiscal year 2008 may be obli-  
18 gated or expended for activities under the Reliable Re-  
19 placement Warhead program under section 4204a of the  
20 Atomic Energy Defense Act (50 U.S.C. 2524a) beyond  
21 phase 2A activities.

22 **SEC. 3112. NUCLEAR TEST READINESS.**

23 (a) REPEAL OF REQUIREMENTS ON READINESS POS-  
24 TURE.—Section 3113 of the National Defense Authoriza-

1 tion Act for Fiscal Year 2004 (Public Law 108–136; 117  
2 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:

17 “(1) An estimate of the period of time that  
18 would be necessary for the Secretary of Energy to  
19 conduct an underground test of a nuclear weapon  
20 once directed by the President to conduct such a  
21 test.

22 “(2) A description of the level of test readiness  
23 that the Secretary of Energy, in consultation with  
24 the Secretary of Defense, determines to be appro-  
25 priate.

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)  
4 shall be submitted in classified form, and shall include a  
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**  
11 **FISCAL YEAR FUNDS.**—No more than 75 percent of the  
12 fiscal year 2008 Fissile Materials Disposition program  
13 funds may be obligated for the Fissile Materials Disposi-  
14 tion program until the Secretary of Energy, in consulta-  
15 tion with the Administrator for Nuclear Security, submits  
16 to the congressional defense committees a report setting  
17 forth a plan for obligating and expending funds made  
18 available for that program in fiscal years before fiscal year  
19 2008 that remain available for obligation or expenditure  
20 as of January 1, 2005, and for fiscal year 2008.

21       (b) **AVAILABILITY OF UNUTILIZED FUNDS UNDER**  
22 **CERTIFICATION OF PARTIAL USE.**—Any funds identified  
23 in the plan required in subsection (a) that are not planned  
24 to be obligated by the end of fiscal year 2009 shall also  
25 be available for any defense nuclear nonproliferation ac-



1 tivities (other than the Fissile Materials Disposition pro-  
2 gram) for which amounts are authorized to be appro-  
3 priated by section 3101(a)(2).

4 (c) FISCAL YEAR 2008 FISSILE MATERIALS DISPOSI-  
5 TION PROGRAM FUNDS DEFINED.—In this section, the  
6 term “fiscal year 2008 Fissile Materials Disposition pro-  
7 gram funds” means amounts authorized to be appro-  
8 priated by section 3101(a)(2) and available for the Fissile  
9 Materials Disposition program.

10 **SEC. 3115. MODIFICATION OF LIMITATIONS ON AVAIL-**  
11 **ABILITY OF FUNDS FOR WASTE TREATMENT**  
12 **AND IMMOBILIZATION PLANT.**

13 Paragraph (2) of section 3120(a) of the John Warner  
14 National Defense Authorization Act for Fiscal Year 2007  
15 (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

1 of using existing pits in the Reliable Replacement War-  
2 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-  
20 able 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 desir-  
24 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.

14 **SEC. 3123. PLAN FOR ADDRESSING SECURITY RISKS POSED**  
15 **TO NUCLEAR WEAPONS COMPLEX.**

16 Section 3253(b) of the National Nuclear Security Ad-  
17 ministration Act (50 U.S.C. 2453(b)) is amended by add-  
18 ing at the end the following:

19 “(6) A plan, developed in consultation with the  
20 Director of the Office of Health, Safety, and Secu-  
21 rity of the Department of Energy, for the research  
22 and development, deployment, and lifecycle  
23 sustainment of the technologies employed within the  
24 nuclear weapons complex to address physical and

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 enforcement 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  
5 such law enforcement or law enforcement-  
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  
10 with the requirements of the Design Basis  
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 disadvan-



1 tages of each option, and an assessment of the  
2 approximate cost of each option when compared  
3 with the costs associated with the existing man-  
4 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 ALTER-  
9 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,  
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 on the man-  
19 agement of the protective forces of the Department  
20 of Energy.

21 (2) CONTENTS.—The report shall include the  
22 following:

23 (A) Each of the matters specified in sub-  
24 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            Russia to reduce the number of nonstrategic nuclear  
24            weapons and further reduce the number of strategic  
25            nuclear weapons in the respective nuclear weapons

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-

1 gram within the Global Threat Reduction Initiative. The  
2 plan shall address concerns raised and recommendations  
3 made by the Government Accountability Office in its re-  
4 port of March 13, 2007, titled “Focusing on the Highest  
5 Priority Radiological Sources Could Improve DOE’s Ef-  
6 forts to Secure Sources in Foreign Countries”, and shall  
7 specifically include actions to—

8           (1) improve the Department’s coordination with  
9           the Department of State and the Nuclear Regu-  
10          latory Commission;

11          (2) improve information-sharing between the  
12          Department and the International Atomic Energy  
13          Agency;

14          (3) with respect to hospitals and clinics con-  
15          taining radiological sources that receive security up-  
16          grades, give high priority to those determined to be  
17          the highest risk;

18          (4) accelerate efforts to remove as many radio-  
19          isotope thermoelectric generators (RTGs) in the  
20          Russian Federation as practicable;

21          (5) develop a long-term sustainability plan for  
22          security upgrades that includes, among other things,  
23          future resources required to implement such a plan;  
24          and

1           (6) develop a long-term operational plan that  
2           ensures sufficient funding for the IRTR program  
3           and ensures sufficient funding to identify, recover,  
4           and secure all vulnerable high-risk radiological  
5           sources worldwide as quickly and effectively as pos-  
6           sible.

7 **SEC. 3128. DEPARTMENT OF ENERGY REPORT ON PLAN TO**  
8                           **STRENGTHEN AND EXPAND MATERIALS PRO-**  
9                           **TECTION, CONTROL, AND ACCOUNTING PRO-**  
10                           **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 expand-  
14           ing the Department of Energy Materials Protection, Con-  
15           trol, and Accounting (MPC&A) program. The plan shall  
16           address concerns raised and recommendations made by  
17           the Government Accountability Office in its report of Feb-  
18           ruary 2007, titled “Progress Made in Improving Security  
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—

22                   (1) strengthen program management and the  
23                   effectiveness of the Department’s efforts to improve  
24                   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           (1) IN GENERAL.—Title XLIII of the Atomic  
2       Energy Defense Act (50 U.S.C. 2561 et seq.) is  
3       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 con-  
11      duct data collection and analysis to determine accurately  
12      and in a timely manner the source of any components of,  
13      or fissile material used or attempted to be used in, a nu-  
14      clear device or weapon.

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 Sec-  
19      retary of Defense, the Secretary of Homeland Security,  
20      and the Director of National Intelligence, enter into agree-  
21      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 serring 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-

1 pabilities of the United States by September 30,  
2 2010.

3 **SEC. 3130. REPORT ON STATUS OF ENVIRONMENTAL MAN-**  
4 **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  
11 the United States a report on the status of the environ-  
12 mental management initiatives undertaken to accelerate  
13 the reduction of the environmental risks and challenges  
14 that, as a result of the legacy of the Cold War, are faced  
15 by the Department of Energy, contractors of the Depart-  
16 ment, and applicable Federal and State agencies with reg-  
17 ulatory jurisdiction.

18 (b) ELEMENTS.—The report required by subsection  
19 (a) shall include the following:

20 (1) A discussion and assessment of the progress  
21 made in reducing the environmental risks and chal-  
22 lenges described in subsection (a) in each of the fol-  
23 lowing 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

1 summary and summarized by site, including assump-  
2 tions impacting cost projections and descriptions of  
3 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.

11 (c) REVIEW BY COMPTROLLER GENERAL.—Not later  
12 than March 30, 2009, the Comptroller General shall sub-  
13 mit to the congressional defense committees a report con-  
14 taining a review of the report required by subsection (a).

## 15 **Subtitle D—Nuclear Terrorism** 16 **Prevention**

### 17 **SEC. 3131. DEFINITIONS.**

18 In this subtitle:

19 (1) The term “Convention on the Physical Pro-  
20 tection of Nuclear Material” means the Convention  
21 on the Physical Protection of Nuclear Material,  
22 signed at New York and Vienna March 3, 1980.

23 (2) The term “formula quantities of strategic  
24 special nuclear material” means uranium-235 (con-  
25 tained 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           (1) the President should make the prevention of  
2 a nuclear terrorist attack on the United States a  
3 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.**

14          (a) POLICY.—It is the policy of the United States to  
15          work with the international community to take all possible  
16          steps to ensure that all nuclear weapons around the world  
17          are secure and accounted for and that all formula quan-  
18          tities of strategic special nuclear material are eliminated,  
19          removed, or secure and accounted for to a level sufficient  
20          to defeat the threats posed by terrorists and criminals.

21          (b) INTERNATIONAL NUCLEAR SECURITY STAND-  
22          ARD.—It is the sense of Congress that, in furtherance of  
23          the policy described in subsection (a), and consistent with  
24          the requirement for “appropriate effective” physical pro-  
25          tection contained in United Nations Security Council Res-

1 olution 1540 (2004), as well as the Nuclear Non-Prolifera-  
2 tion Treaty and the Convention on the Physical Protection  
3 of Nuclear Material, the President, in consultation with  
4 relevant Federal departments and agencies, should seek  
5 the broadest possible international agreement on a global  
6 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 de-  
10          feat the threats posed by terrorists and criminals;

11          (2) takes into account the limitations of equip-  
12          ment and human performance; and

13          (3) includes steps to provide confidence that the  
14          needed measures have in fact been implemented.

15          (c) INTERNATIONAL EFFORTS.—It is the sense of  
16 Congress that, in furtherance of the policy described in  
17 subsection (a), the President, in consultation with relevant  
18 Federal departments and agencies, should—

19           (1) work with other countries and the Inter-  
20           national Atomic Energy Agency to assist as appro-  
21           priate, and if necessary work to convince, the gov-  
22           ernments of any and all countries in possession of  
23           nuclear weapons or formula quantities of strategic  
24           special nuclear material to ensure that security is  
25           upgraded to meet the standard described in sub-

1 section (b) as rapidly as possible and in a manner  
2 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

14 (3) work with the governments of other coun-  
15 tries to ensure that effective nuclear security rules,  
16 accompanied by effective regulation and enforce-  
17 ment, are put in place to govern all nuclear weapons  
18 and formula quantities of strategic special nuclear  
19 material around the world.

20 **SEC. 3134. ANNUAL REPORT.**

21 (a) IN GENERAL.—Not later than September 1 of  
22 each year through 2012, the President, in consultation  
23 with relevant Federal departments and agencies, shall sub-  
24 mit to Congress a report on the security of nuclear weap-

1 ons and related equipment and formula quantities of stra-  
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.

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**

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

14 **SEC. 3201. ADDITIONAL WAR-RELATED AUTHORIZATION OF**  
15 **APPROPRIATIONS FOR NATIONAL NUCLEAR**  
16 **SECURITY ADMINISTRATION.**

17 (a) IN GENERAL.—Funds are hereby authorized to  
18 be appropriated for fiscal year 2008 to the Department  
19 of Energy for the National Nuclear Security Administra-  
20 tion for defense nuclear nonproliferation in the amount of  
21 \$50,000,000, of which \$30,000,000 is for the Inter-  
22 national Nuclear Materials Protection and Cooperation  
23 program and \$20,000,000 is for the Global Threat Reduc-  
24 tion Initiative.

1 (b) TREATMENT AS ADDITIONAL AUTHORIZATION.—  
 2 The amounts authorized to be appropriated by this section  
 3 are in addition to amounts otherwise authorized to be ap-  
 4 propriated by this Act.

5 **TITLE XXXIII—DEFENSE NU-**  
 6 **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.**

16 (a) AMOUNT.—There are hereby authorized to be ap-  
 17 propriated to the Secretary of Energy \$17,301,000 for fis-  
 18 cal year 2008 for the purpose of carrying out activities  
 19 under chapter 641 of title 10, United States Code, relating  
 20 to the naval petroleum reserves.

21 (b) PERIOD OF AVAILABILITY.—Funds appropriated  
 22 pursuant to the authorization of appropriations in sub-  
 23 section (a) shall remain available until expended.



1 **SEC. 3402. REMEDIAL ACTION AT MOAB URANIUM MILLING**  
 2 **SITE.**

3 Section 3405(i) of the Strom Thurmond National De-  
 4 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 Sec-  
 8 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.

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                                   **Subtitle A—Maritime**  
 2                                   **Administration Reauthorization**

3   **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**  
 4                                   **CAL YEAR 2008.**

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 im-  
 14 provements at the United States Merchant Ma-  
 15 rine Academy; and

16                           (B) \$11,500,000 which shall remain avail-  
 17 able until expended for maintenance and repair  
 18 of school ships at the State Maritime Acad-  
 19 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  
11 1535 of title 31, United States Code, popularly known as  
12 the Economy Act, transfer to the Secretary of the Navy  
13 during fiscal year 2008 for disposal by the Navy, no fewer  
14 than 3 combatant vessels in the nonretention fleet of the  
15 Maritime Administration that are acceptable to the Sec-  
16 retary of the Navy.

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  
20 shall 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 Oce-

1 anic and Atmospheric Administration, and the United  
2 States Navy to participate in the working group. The Sec-  
3 retary may request the participation of senior representa-  
4 tives of any other Federal department or agency, as appro-  
5 priate, and may also request participation from concerned  
6 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—

15 (1) examine current storage and disposal poli-  
16 cies, procedures, and practices for obsolete vessels  
17 owned or operated by Federal agencies;

18 (2) examine Federal and State laws and regula-  
19 tions governing such policies, procedures, and prac-  
20 tices and any applicable environmental laws; and

21 (3) within 90 days after the date of enactment  
22 of the Act, submit a plan to the Committee on  
23 Armed Services and the Committee on Commerce,  
24 Science and Transportation of the Senate and the  
25 Committee on Armed Services of the House of Rep-

1        representatives 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

1 storage, disposal, and interim transportation of such  
2 vessels; and

3 (6) recommendations for necessary steps, in-  
4 cluding regulations if appropriate, to ensure that  
5 best environmental practices apply to all such ves-  
6 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.

21 (2) ARMED SERVICES VESSELS.—The Secretary  
22 and the Secretary of Defense, in consultation with  
23 the Administrator of the Environmental Protection  
24 Agency, shall each ensure that environmental best  
25 practices are observed with respect to the storage,

1 disposal, and interim transportation of obsolete ves-  
2 sels owned or operated by the Department of De-  
3 fense.

4 (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
5 tion shall be construed to supersede, limit, modify, or oth-  
6 erwise affect any other provision of law, including environ-  
7 mental law.

## 8 **Subtitle B—Programs**

### 9 **SEC. 3511. COMMERCIAL VESSEL CHARTERING AUTHORITY.**

10 (a) IN GENERAL.—Subchapter III of chapter 575 of  
11 title 46, United States Code, is amended by adding at the  
12 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.”.

21 (b) CONFORMING AMENDMENT.—The chapter anal-  
22 ysis for chapter 575 of such title is amended by adding  
23 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;”.

1 **SEC. 3515. VESSEL TRANSFER AUTHORITY.**

2 Section 50304 of title 46, United States Code, is  
3 amended by adding at the end thereof the following:

4 “(d) VESSEL CHARTERS TO OTHER DEPART-  
5 MENTS.—On a reimbursable or nonreimbursable basis, as  
6 determined by the Secretary of Transportation, the Sec-  
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 De-  
10 partment that receives the vessel. The prior consent of the  
11 Secretary of Defense for such use shall be required with  
12 respect to any vessel in the Ready Reserve Force or in  
13 the National Defense Reserve Fleet which is maintained  
14 in a retention status for the Department of Defense.”.

15 **SEC. 3516. SEA TRIALS FOR READY RESERVE FORCE.**

16 Section 11(c)(1)(B) of the Merchant Ship Sales Act  
17 of 1946 (50 U.S.C. App. 1744(c)(1)(B)) is amended to  
18 read as follows:

19 “(B) activate and conduct sea trials on  
20 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 following  
24 findings:

25 (1) The maritime loan guarantee program was  
26 established by the Congress through the Merchant

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.

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.

1           (c) SUBMISSION TO CONGRESS.—The Administrator  
2 shall submit a copy of the comprehensive plan to the Com-  
3 mittee on Commerce, Science, and Transportation of the  
4 Senate and the Committee on Armed Services of the  
5 House of Representatives within 180 days after the date  
6 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 applica-  
23          tion, as determined by the Administrator of the  
24          Maritime Administration.

## 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 redesign-  
24 ated) 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”;

1 (C) by striking “OF COMMERCE” in the  
2 heading of subsection (b);

3 (D) by striking “of Commerce” in sub-  
4 sections (b) and (c);

5 (E) in subsection (d), by—

6 (i) inserting “or Administrator” after  
7 “Secretary” the first place it appears; and

8 (ii) striking “financial structures, or  
9 other risk factors identified by the Sec-  
10 retary. Any independent analysis con-  
11 ducted under this subsection shall be per-  
12 formed by a party chosen by the Sec-  
13 retary.” and inserting “or financial struc-  
14 tures. A third party independent analysis  
15 conducted under this subsection shall be  
16 performed by a private sector expert in as-  
17 sessing such risk factors who is selected by  
18 the Secretary or Administrator.”; and

19 (F) in subsection (e), by—

20 (i) inserting “or Administrator” after  
21 “Secretary” the first place it appears; and

22 (ii) striking “financial structures, or  
23 other risk factors identified by the Sec-  
24 retary” and inserting “or financial struc-  
25 tures”.

1           (5) Section 53710(b)(1) is amended by striking  
2           “Secretary’s” and inserting “Administrator’s”.

3           (6) Section 53712(b) is amended by striking  
4           the last sentence and inserting “If the Secretary or  
5           Administrator has waived a requirement under sec-  
6           tion 53707(d) of this title, the loan agreement shall  
7           include requirements for additional payments, collat-  
8           eral, or equity contributions to meet the waived re-  
9           quirement upon the occurrence of verifiable condi-  
10          tions indicating that the obligor’s financial condition  
11          enables the obligor to meet the waived require-  
12          ment.”.

13          (7) Subsections (c) and (d) of section 53717  
14          are each amended—

15                 (A) by striking “OF COMMERCE” in the  
16                 subsection heading; and

17                 (B) by striking “of Commerce” each place  
18                 it appears.

19          (8) Section 53732(e)(2) is amended by insert-  
20          ing “of Defense” after “Secretary” the second place  
21          it appears.

22          (9) The following provisions are amended by  
23          striking “Secretary” and “Secretary of Transpor-  
24          tation” and inserting “Administrator”:

25                 (A) Section 53710(b)(2)(A)(i).

1 (B) Section 53717(b) each place it appears  
2 in a heading and in text.

3 (C) Section 53718.

4 (D) Section 53731 each place it appears,  
5 except where “Secretary” is followed by “of En-  
6 ergy”.

7 (E) Section 53732 (as amended by para-  
8 graph (8)) each place it appears, except where  
9 “Secretary” is followed by “of the Treasury”,  
10 “of State”, or “of Defense”.

11 (F) Section 53733 each place it appears.

12 (10) The following provisions are amended by  
13 inserting “or Administrator” after “Secretary” each  
14 place it appears in headings and text, except where  
15 “Secretary” is followed by “of Transportation” or  
16 “of the Treasury”:

17 (A) The items relating to sections 53722  
18 and 53723 in the chapter analysis for chapter  
19 537.

20 (B) Sections 53701(1), (4), and (9) (as re-  
21 designated by paragraph (1)(A)), 53702(a),  
22 53703, 53704, 53706(a)(3)(B)(iii),  
23 53709(a)(1), (b)(1) and (2)(A), and (d),  
24 53710(a) and (c), 53711, 53712 (except in the  
25 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  
14 amended as follows:

15 (1) Chapters 513 and 515 are amended by  
16 striking “Naval Reserve” each place it appears in  
17 analyses, headings, and text and inserting “Navy  
18 Reserve”.

19 (2) Section 51504(f) is amended to read as fol-  
20 lows:

21 “(f) FUEL COSTS.—

22 “(1) IN GENERAL.—Subject to the availability  
23 of appropriations, the Secretary shall pay to each  
24 State maritime academy the costs of fuel used by a

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**

“See

“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 ..... 54101”.**

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 years 2006 through 2010, and 6 cents per ton,



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  
5 Law 109–171) is repealed.

6 **SEC. 3525. AMENDMENTS BASED ON PUBLIC LAW 109-241.**

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  
12 DRILLING UNITS.—

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—

16 “(A) the setting, relocation, or recovery of  
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

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           (1) IN GENERAL.—Section 51306 of title 46,  
2           United States Code, is amended by adding at the  
3           end the following:

4           “(e) ALTERNATIVE SERVICE.—

5                 “(1) SERVICE AS COMMISSIONED OFFICER.—An  
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).

14                 “(2) MODIFICATION OR WAIVER.—The Sec-  
15          retary may modify or waive any of the terms and  
16          conditions set forth in subsection (a) through the  
17          imposition of alternative service requirements.”.

18           (2) APPLICATION.—Section 51306(e) of title  
19          46, United States Code, as added by paragraph (1),  
20          applies only to an individual who enrolls as a cadet  
21          at the United States Merchant Marine Academy,  
22          and signs an agreement under section 51306(a) of  
23          title 46, after October 17, 2006.

24          (c) SECTION 51306(f).—

1           (1) IN GENERAL.—Section 51306 of title 46,  
2           United States Code, is further amended by adding  
3           at the end the following:

4           “(f) SERVICE OBLIGATION PERFORMANCE REPORT-  
5           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 Acad-  
15                 emy upon request of the Secretary; and

16                 “(B) may, in their discretion, notify the  
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 re-  
25                 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.

5 “(3) CONSIDERED AS IN DEFAULT.—Upon re-  
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

21 (2) inserting “or the Coast Guard Reserve”  
22 after “Reserve)”.

23 (e) SECTION 51908(a).—Section 51908(a) of title 46,  
24 United States Code, is amended by striking “under this

1 chapter” and inserting “by this chapter or the Secretary  
2 of Transportation”.

3 (f) SECTION 53105(e)(2).—Section 53105(e)(2) of  
4 title 46, United States Code, is amended by striking “sec-  
5 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.—Sec-  
8 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 CAN-  
13 TON ISLAND.—Section 55101(b) of title 46, United States  
14 Code, is amended—

15 (1) by inserting “or” after the semicolon at the  
16 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, United  
21 States Code, is amended as follows:

22 (1) The heading of section 55110 is amended  
23 by inserting “**valueless material or**” before  
24 “**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  
20 “commmand” and inserting “command”.

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.

1 (2) INTENDED EFFECT.—The provisions re-  
2 pealed by paragraph (1) shall be treated as if never  
3 enacted.

4 (d) LARGE PASSENGER VESSEL CREW REQUIRE-  
5 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”.

Passed the House of Representatives January 16,  
2008.

Attest: LORRAINE C. MILLER,  
*Clerk.*