

October 4, 2007

Ordered to be printed as passed

In the Senate of the United States,

October 1, 2007.

Resolved, That the bill from the House of Representatives (H.R. 1585) entitled “An Act to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “National Defense Au-*
3 *thorization Act for Fiscal Year 2008”.*

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

3 (a) *DIVISIONS.*—*This Act is organized into three divi-*
 4 *sions as follows:*

5 (1) *Division A—Department of Defense Author-*
 6 *izations.*

7 (2) *Division B—Military Construction Author-*
 8 *izations.*

9 (3) *Division C—Department of Energy National*
 10 *Security Authorizations and Other Authorizations.*

11 (4) *Division D—Veteran Small Businesses.*

12 (5) *Division E—Maritime Administration.*

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

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Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

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Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Rapid Acquisition Fund.

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Sec. 112. Multiyear procurement authority for M2A3/M3A3 Bradley fighting ve-
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Sec. 113. Stryker Mobile Gun System.

Sec. 114. Consolidation of Joint Network Node program and Warfighter Informa-
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Sec. 115. General Fund Enterprise Business System.

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Sec. 133. Advanced procurement for Virginia class submarine program.

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Sec. 142. Limitation on retirement of KC-135E aerial refueling aircraft.

Sec. 143. Sense of Congress on the procurement program for the KC-X tanker aircraft.

Sec. 144. Transfer to Government of Iraq of three C-130E tactical airlift aircraft.

Sec. 145. Modification of limitations on retirement of B-52 bomber aircraft.

Sec. 146. Sense of Congress on the Air Force strategy for the replacement of the aerial refueling tanker aircraft fleet.

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Sec. 202. Amount for defense science and technology.

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Sec. 213. Obligation and expenditure of funds for competitive procurement of propulsion system for the Joint Strike Fighter.

Sec. 214. Gulf War illnesses research.

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Sec. 252. Modification of cost sharing requirement for Technology Transition Initiative.

Sec. 253. Strategic plan for the Manufacturing Technology Program.

- Sec. 254. Modification of authorities on coordination of Defense Experimental Program to Stimulate Competitive Research with similar Federal programs.*
- Sec. 255. Enhancement of defense nanotechnology research and development program.*
- Sec. 256. Comptroller General assessment of the Defense Experimental Program to Stimulate Competitive Research.*
- Sec. 257. Study and report on standard soldier patient tracking system.*
- Sec. 258. Cost-benefit analysis of proposed funding reduction for High Energy Laser Systems Test Facility.*

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- Sec. 533. Appointment, grade, duties, and retirement of the Chief of the National Guard Bureau.*
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- Sec. 1231. Reports on United States policy and military operations in Afghanistan.*
- Sec. 1232. Strategy for enhancing security in Afghanistan by eliminating safe havens for violent extremists in Pakistan.*
- Sec. 1233. One-year extension of update on report on claims relating to the bombing of the Labelle Discotheque.*
- Sec. 1234. Report on planning and implementation of United States engagement and policy toward Darfur.*
- Sec. 1235. Report on the airfield in Abeche, Chad, and other resources needed to provide stability in the Darfur region.*
- Sec. 1236. Inclusion of information on asymmetric capabilities in annual report on military power of the People's Republic of China.*
- Sec. 1237. Application of the Uniform Code of Military Justice to military contractors during a time of war.*
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Sec. 1509. Drug Interdiction and Counter-Drug Activities, Defense-wide.

Sec. 1510. Joint Improvised Explosive Device Defeat Fund.

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- Sec. 1534. Competition for procurement of small arms supplied to Iraq and Afghanistan.*
- Sec. 1535. Report on support from Iran for attacks against Coalition Forces in Iraq.*
- Sec. 1536. Sense of the Senate on the consequences of a failed state in Iraq.*
- Sec. 1537. Sense of Congress on federalism in Iraq.*
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- Sec. 1539. Study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom.*
- Sec. 1540. Modification of authorities related to the Office of the Special Inspector General for Iraq Reconstruction.*
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- Sec. 1571. Short Title.*
- Sec. 1572. Processing Mechanisms.*
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- Sec. 1611. Comprehensive policy on care, management, and transition of members of the Armed Forces with serious injuries or illnesses.*
- Sec. 1612. Consideration of needs of women members of the Armed Forces and veterans.*

*Subtitle B—Health Care**Part I—Enhanced Availability of Care for Servicemembers*

- Sec. 1621. Medical care and other benefits for members and former members of the Armed Forces with severe injuries or illnesses.*
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Part II—Care and Services for Dependents

- Sec. 1626. Medical care and services and support services for families of members of the Armed Forces recovering from serious injuries or illnesses.*
- Sec. 1627. Extended benefits under TRICARE for primary caregivers of members of the uniformed services who incur a serious injury or illness on active duty.*

Part III—Traumatic Brain Injury and Post-traumatic Stress Disorder

- Sec. 1631. Comprehensive plans on prevention, diagnosis, mitigation, and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.*
- Sec. 1632. Improvement of medical tracking system for members of the Armed Forces deployed overseas.*
- Sec. 1633. Centers of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder.*
- Sec. 1634. Review of mental health services and treatment for female members of the Armed Forces and veterans.*
- Sec. 1635. Funding for improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder.*
- Sec. 1636. Reports.*

Part IV—Other Matters

- Sec. 1641. Joint electronic health record for the Department of Defense and Department of Veterans Affairs.*
- Sec. 1642. 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. 1643. Personnel shortages in the mental health workforce of the Department of Defense, including personnel in the mental health workforce.*

*Subtitle C—Disability Matters**Part I—Disability Evaluations*

- Sec. 1651. Utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.*
- Sec. 1652. Requirements and limitations on Department of Defense determinations of disability with respect to members of the Armed Forces.*
- Sec. 1653. Review of separation of members of the Armed Forces separated from service with a disability rating of 20 percent disabled or less.*
- Sec. 1654. Pilot programs on revised and improved disability evaluation system for members of the Armed Forces.*

Sec. 1655. Reports on Army action plan in response to deficiencies in the Army Physical Disability Evaluation System.

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Sec. 1661. Enhancement of disability severance pay for members of the Armed Forces.

Sec. 1662. Electronic transfer from the Department of Defense to the Department of Veterans Affairs of documents supporting eligibility for benefits.

Sec. 1663. Assessments of temporary disability retired list.

Subtitle D—Improvement of Facilities Housing Patients

Sec. 1671. Standards for military medical treatment facilities, specialty medical care facilities, and military quarters housing patients.

Sec. 1672. Reports on Army action plan in response to deficiencies identified at Walter Reed Army Medical Center.

Sec. 1673. Construction of facilities required for the closure of Walter Reed Army Medical Center, District of Columbia.

Subtitle E—Outreach and Related Information on Benefits

Sec. 1681. Handbook for members of the Armed Forces on compensation and benefits available for serious injuries and illnesses.

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Sec. 1691. 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.

TITLE XVII—VETERANS 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 severe traumatic brain injury.

Sec. 1705. Pilot program on assisted living services for veterans with traumatic brain injury.

Sec. 1706. Research on traumatic brain injury.

Sec. 1707. Age-appropriate nursing home care.

Sec. 1708. Extension of period of eligibility for health care for combat service in the Persian Gulf war or future hostilities.

Sec. 1709. Mental health: service-connection status and evaluations for certain veterans.

Sec. 1710. Modification of requirements for furnishing outpatient dental services to veterans with a service-connected dental condition or disability.

- Sec. 1711. Demonstration program on preventing veterans at-risk of homelessness from becoming homeless.*
- Sec. 1712. Clarification of purpose of the outreach services program of the Department of Veterans Affairs.*

TITLE XVIII—NATIONAL GUARD BUREAU MATTERS AND RELATED MATTERS

- Sec. 1801. Short title.*
- Sec. 1802. Expanded authority of Chief of the National Guard Bureau and expanded functions of the National Guard Bureau.*
- Sec. 1803. Promotion of eligible reserve officers to lieutenant general and vice admiral grades on the active-duty list.*
- Sec. 1804. Promotion of reserve officers to lieutenant general grade.*
- Sec. 1805. Requirement that position of Deputy Commander of the United States northern command be filled by a qualified National Guard officer.*
- Sec. 1806. Requirement for Secretary of Defense to prepare annual plan for response to natural disasters and terrorist events.*
- Sec. 1807. Additional reporting requirements relating to National Guard equipment.*

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.*

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. Modification of authority to carry out certain fiscal year 2006 project.*
- Sec. 2107. Extension of authorizations of certain fiscal year 2005 project.*
- Sec. 2108. Technical amendments to the Military Construction Authorization Act for 2007.*
- Sec. 2109. Ground lease, SOUTHCOM Headquarters Facility, Miami-Doral, Florida.*

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.*

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 project.*
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TITLE XXIV—DEFENSE 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. Extension of authorizations of certain fiscal year 2005 projects.*
- Sec. 2406. Munitions demilitarization facilities, Blue Grass Army Depot, Kentucky, and Pueblo Chemical Activity, Colorado.*

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

- Sec. 2501. Authorized NATO construction and land acquisition projects.*
- Sec. 2502. Authorization of appropriations, NATO.*

TITLE XXVI—GUARD AND 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, 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.*
- Sec. 2611. Relocation of units from Roberts United States Army Reserve Center and Navy-Marine Corps Reserve Center, Baton Rouge, Louisiana.*

TITLE XXVII—BASE CLOSURE 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.*

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

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Sec. 2801. Effective Date.

Sec. 2802. Expiration of authorizations and amounts required to be specified by law.

Subtitle B—Military Construction Program and Military Family Housing Changes

Sec. 2811. General military construction transfer authority.

Sec. 2812. Modifications of authority to lease military family housing.

Sec. 2813. Increase in thresholds for unspecified minor military construction projects.

Sec. 2814. Modification and extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.

Sec. 2815. Temporary authority to support revitalization of Department of Defense laboratories through unspecified minor military construction projects.

Sec. 2816. Two-year extension of temporary program to use minor military construction authority for construction of child development centers.

Sec. 2817. Extension of authority to accept equalization payments for facility exchanges.

Sec. 2818. Clarification of requirement for authorization of military construction.

Subtitle C—Real Property and Facilities Administration

Sec. 2831. Requirement to report transactions resulting in annual costs of more than \$750,000.

Sec. 2832. Modification of authority to lease non-excess property.

Sec. 2833. Enhanced flexibility to create or expand buffer zones.

Sec. 2834. Reports on Army and Marine Corps operational ranges.

Sec. 2835. Consolidation of real property provisions without substantive change.

Subtitle D—Base Closure and Realignment

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Sec. 2842. Comprehensive accounting of funding required to ensure timely implementation of 2005 Defense Base Closure and Realignment Commission recommendations.

Sec. 2843. Authority to relocate the Joint Spectrum Center to Fort Meade, Maryland.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance, Lynn Haven Fuel Depot, Lynn Haven, Florida.

Sec. 2852. Modification to land conveyance authority, Fort Bragg, North Carolina.

Sec. 2853. Transfer of administrative jurisdiction, GSA property, Springfield, Virginia.

Sec. 2854. Land conveyance, Lewis and Clark United States Army Reserve Center, Bismarck, North Dakota.

Sec. 2855. Land exchange, Detroit, Michigan.

Sec. 2856. Transfer of jurisdiction, former Nike missile site, Grosse Ile, Michigan.

Sec. 2857. Modification of lease of property, National Flight Academy at the National Museum of Naval Aviation, Naval Air Station, Pensacola, Florida.

Subtitle F—Other Matters

Sec. 2861. Report on condition of schools under jurisdiction of Department of Defense Education Activity.

Sec. 2862. Modification of land management restrictions applicable to Utah national defense lands.

Sec. 2863. Additional project in Rhode Island.

Sec. 2864. Sense of Congress on Department of Defense actions to address encroachment of military installations.

Sec. 2865. Report on water conservation projects.

Sec. 2866. Report on housing privatization initiatives.

Sec. 2867. Report on the Pinon Canyon Maneuver Site, Colorado.

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**TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION
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Sec. 2901. Authorized war-related Army construction and land acquisition projects.

Sec. 2902. Authorization of war-related military construction appropriations, Army.

**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.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Reliable Replacement Warhead program.

Sec. 3112. Limitation on availability of funds for Fissile Materials Disposition program.

Sec. 3113. Modification of limitations on availability of funds for Waste Treatment and Immobilization Plant.

Subtitle C—Other Matters

Sec. 3121. Nuclear test readiness.

Sec. 3122. Sense of Congress on the nuclear non-proliferation policy of the United States and the Reliable Replacement Warhead program.

Sec. 3123. Report on status of environmental management initiatives to accelerate the reduction of environmental risks and challenges posed by the legacy of the Cold War.

Sec. 3124. Comptroller General report on Department of Energy protective force management.

Sec. 3125. Technical amendments.

Subtitle D—Nuclear Terrorism Prevention

Sec. 3131. Definitions.

Sec. 3132. Findings.

Sec. 3133. Sense of Congress on the prevention of nuclear terrorism.

Sec. 3134. Minimum security standard for nuclear weapons and formula quantities of strategic special nuclear material.

Sec. 3135. Annual report.

Sec. 3136. Modification of reporting requirement.

Sec. 3137. Modification of sunset date of the Office of the Ombudsman of the Energy Employees Occupational Illness Compensation Program.

Sec. 3138. Evaluation of National Nuclear Security Administration strategic plan for advanced computing.

Sec. 3139. Agreements and reports on nuclear forensics capabilities.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

DIVISION D—VETERAN SMALL BUSINESSES

Sec. 4001. Short title.

Sec. 4002. Definitions.

TITLE XLI—VETERANS BUSINESS DEVELOPMENT

Sec. 4101. Increased funding for the Office of Veterans Business Development.

Sec. 4102. Interagency task force.

Sec. 4103. Permanent extension of SBA Advisory Committee on veterans business affairs.

TITLE XLII—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY

Sec. 4201. Short title.

Sec. 4202. Purpose.

Sec. 4203. National guard and reserve business assistance.

TITLE XLIII—RESERVIST PROGRAMS

Sec. 4301. Reservist programs.

Sec. 4302. Reservist loans.

Sec. 4303. Noncollateralized loans.

Sec. 4304. Loan priority.

Sec. 4305. Relief from time limitations for veteran-owned small businesses.

Sec. 4306. Service-disabled veterans.

Sec. 4307. Study on options for promoting positive working relations between employers and their Reserve component employees.

DIVISION E—MARITIME ADMINISTRATION

Sec. 5001. Short title.

TITLE LI—GENERAL

Sec. 5101. Commercial vessel chartering authority.

Sec. 5102. Maritime Administration vessel chartering authority.

- Sec. 5103. *Chartering to state and local governmental instrumentalities.*
 Sec. 5104. *Disposal of obsolete government vessels.*
 Sec. 5105. *Vessel transfer authority.*
 Sec. 5106. *Sea trials for ready reserve force.*
 Sec. 5107. *Review of applications for loans and guarantees.*

TITLE LII—TECHNICAL CORRECTIONS

- Sec. 5201. *Statutory construction.*
 Sec. 5202. *Personal injury to or death of seamen.*
 Sec. 5203. *Amendments to chapter 537 based on Public Law 109–163.*
 Sec. 5204. *Additional amendments based on Public Law 109–163.*
 Sec. 5205. *Amendments based on Public Law 109–171.*
 Sec. 5206. *Amendments based on Public Law 109–241.*
 Sec. 5207. *Amendments based on Public Law 109–364.*
 Sec. 5208. *Miscellaneous amendments.*
 Sec. 5209. *Application of sunset provision to codified provision.*
 Sec. 5210. *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***
 8 ***Subtitle A—Authorization of***
 9 ***Appropriations***

10 ***SEC. 101. ARMY.***

11 *Funds are hereby authorized to be appropriated for fis-*
 12 *cal year 2008 for procurement for the Army as follows:*

13 (1) *For aircraft, \$5,229,175,000.*

14 (2) *For missiles, \$2,178,102,000.*

15 (3) *For weapons and tracked combat vehicles,*
 16 *\$7,546,684,000.*

17 (4) *For ammunition, \$2,228,976,000.*

1 (5) *For other procurement, \$15,013,155,000.*

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

3 (a) *NAVY.—Funds are hereby authorized to be appro-*
4 *priated for fiscal year 2008 for procurement for the Navy*
5 *as follows:*

6 (1) *For aircraft, \$13,475,107,000.*

7 (2) *For weapons, including missiles and tor-*
8 *pedoes, \$3,078,387,000.*

9 (3) *For shipbuilding and conversion,*
10 *\$13,605,638,000.*

11 (4) *For other procurement, \$5,432,412,000.*

12 (b) *MARINE CORPS.—Funds are hereby authorized to*
13 *be appropriated for fiscal year 2008 for procurement for*
14 *the Marine Corps in the amount of \$2,699,057,000.*

15 (c) *NAVY AND MARINE CORPS AMMUNITION.—Funds*
16 *are hereby authorized to be appropriated for fiscal year*
17 *2008 for procurement of ammunition for the Navy and the*
18 *Marine Corps in the amount of \$926,597,000.*

19 **SEC. 103. AIR FORCE.**

20 *Funds are hereby authorized to be appropriated for fis-*
21 *cal year 2008 for procurement for the Air Force as follows:*

22 (1) *For aircraft, \$12,593,813,000.*

23 (2) *For ammunition, \$868,917,000.*

24 (3) *For missiles, \$5,166,002,000.*

25 (4) *For other procurement, \$16,312,962,000.*

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

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 2008 for Defense-wide procurement in the amount*
4 *of \$3,385,970,000.*

5 **SEC. 105. RAPID ACQUISITION FUND.**

6 *Funds are hereby authorized to be appropriated for fis-*
7 *cal year 2008 for the Rapid Acquisition Fund in the*
8 *amount of \$100,000,000.*

9 ***Subtitle B—Army Programs***

10 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**
11 ***M1A2 ABRAMS SYSTEM ENHANCEMENT PACK-***
12 ***AGE UPGRADES.***

13 *The Secretary of the Army, in accordance with section*
14 *2306b of title 10, United States Code, may enter into a*
15 *multiyear contract, beginning with the fiscal year 2008 pro-*
16 *gram year, for procurement of M1A2 Abrams System En-*
17 *hancement Package upgrades.*

18 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR**
19 ***M2A3/M3A3 BRADLEY FIGHTING VEHICLE UP-***
20 ***GRADES.***

21 *The Secretary of the Army, in accordance with section*
22 *2306b of title 10, United States Code, may enter into a*
23 *multiyear contract, beginning with the fiscal year 2008 pro-*
24 *gram year, for procurement of M2A3/M3A3 Bradley fight-*
25 *ing vehicle upgrades.*

1 **SEC. 113. STRYKER MOBILE GUN SYSTEM.**

2 (a) *LIMITATION ON AVAILABILITY OF FUNDS.*—None
3 of the amounts authorized to be appropriated by sections
4 101(3) and 1501(3) for procurement of weapons and
5 tracked combat vehicles for the Army may be obligated or
6 expended for purposes of the procurement of the Stryker Mo-
7 bile Gun System until 30 days after the date on which the
8 Secretary of the Army certifies to Congress that the Stryker
9 Mobile Gun System is operationally effective, suitable, and
10 survivable for its anticipated deployment missions.

11 (b) *WAIVER.*—The Secretary of Defense may waive the
12 limitation in subsection (a) if the Secretary—

13 (1) determines that further procurement of the
14 Stryker Mobile Gun System utilizing amounts re-
15 ferred to in subsection (a) is in the national security
16 interest of the United States notwithstanding the in-
17 ability of the Secretary of the Army to make the cer-
18 tification required by that subsection; and

19 (2) submits to the Congress, in writing, a notifi-
20 cation of the waiver together with a discussion of—

21 (A) the reasons for the determination de-
22 scribed in paragraph (1); and

23 (B) the actions that will be taken to miti-
24 gate any deficiencies that cause the Stryker Mo-
25 bile Gun System not to be operationally effective,

1 *suitable, or survivable, as that case may be, as*
2 *described in subsection (a).*

3 **SEC. 114. CONSOLIDATION OF JOINT NETWORK NODE PRO-**
4 **GRAM AND WARFIGHTER INFORMATION NET-**
5 **WORK-TACTICAL PROGRAM INTO SINGLE**
6 **ARMY TACTICAL NETWORK PROGRAM.**

7 *(a) CONSOLIDATION REQUIRED.—The Secretary of the*
8 *Army shall consolidate the Joint Network Node program*
9 *and the Warfighter Information Network-Tactical program*
10 *into a single Army tactical network program.*

11 *(b) REPORT ON CONSOLIDATION.—*

12 *(1) REPORT REQUIRED.—Not later than Decem-*
13 *ber 31, 2007, the Secretary shall, with the concurrence*
14 *of the Under Secretary of Defense for Acquisition,*
15 *Technology, and Logistics and the Assistant Secretary*
16 *of Defense for Networks and Information Integration,*
17 *submit to the congressional defense committees a re-*
18 *port setting forth a plan to consolidate the Joint Net-*
19 *work Node program and the Warfighter Information*
20 *Network-Tactical program into a single Army tactical*
21 *network program as required by subsection (a).*

22 *(2) ELEMENTS.—The report required by para-*
23 *graph (1) shall include with respect to the acquisition*
24 *of the single Army tactical network required by sub-*
25 *section (a) the following:*

1 (A) *An analysis of how the systems specified*
2 *in paragraph (1) will be integrated, including—*

3 (i) *an analysis of whether there are op-*
4 *portunities to leverage technologies and*
5 *equipment from the Warfighter Information*
6 *Network-Tactical program as part of the*
7 *continuing development and fielding of the*
8 *Joint Network Node; and*

9 (ii) *an analysis of major technical*
10 *challenges of integrating the two programs.*

11 (B) *A description of the extent to which*
12 *components of the systems could be used together*
13 *as elements of a single Army tactical network.*

14 (C) *A description of the strategy of the*
15 *Army for completing the systems engineering*
16 *necessary to ensure the end-to-end interoper-*
17 *ability of a single Army tactical network as de-*
18 *scribed in subsection (a).*

19 (D) *An assessment of the costs of acquiring*
20 *the systems.*

21 (E) *An assessment of the technical compat-*
22 *ibility of the systems.*

23 (F) *A description and assessment of the*
24 *plans of the Army relating to ownership of the*
25 *technical data packages for the systems, and an*

1 *assessment of the capacity of the industrial base*
2 *to support Army needs.*

3 *(G) A description of the plans and schedule*
4 *of the Army for fielding the systems, and a de-*
5 *scription of the associated training schedule.*

6 *(H) A description of the plans of the Army*
7 *for sustaining the single Army tactical network.*

8 *(I) A description of the plans of the Army*
9 *for the insertion of new technology into the Joint*
10 *Network Node.*

11 *(J) A description of the major technical*
12 *challenges of integrating the two programs.*

13 *(K) An assessment as to whether other pro-*
14 *grams should be inserted into the single Army*
15 *tactical network as required by subsection (a).*

16 *(L) An analysis of the interoperability re-*
17 *quirements between the Army tactical network*
18 *and the Joint Network Node, an assessment of*
19 *the technological barriers to achievement of such*
20 *interoperability requirements, and a description*
21 *of formal mechanisms of coordination between*
22 *the Army tactical network and the Joint Net-*
23 *work Node program.*

24 **SEC. 115. GENERAL FUND ENTERPRISE BUSINESS SYSTEM.**

25 **(a) ADDITIONAL AMOUNT.—**

1 (1) *IN GENERAL.*—*The amount authorized to be*
2 *appropriated by section 201(1) for research, develop-*
3 *ment, test and evaluation for the Army is hereby in-*
4 *creased by \$59,041,000.*

5 (2) *AVAILABILITY.*—*Of the amount authorized to*
6 *be appropriated by section 201(1) for research, devel-*
7 *opment, test and evaluation for the Army, as in-*
8 *creased by paragraph (1), \$59,041,000 may be avail-*
9 *able for the General Fund Enterprise Business Sys-*
10 *tem of the Army.*

11 (3) *SUPPLEMENT NOT SUPPLANT.*—*The amount*
12 *available under paragraph (2) for the purpose speci-*
13 *fied in that paragraph is in addition to any other*
14 *amounts available in this Act for that purpose.*

15 (b) *OFFSET.*—

16 (1) *RDTE, ARMY.*—*The amount authorized to be*
17 *appropriated by section 101(5) for other procurement*
18 *for the Army is hereby reduced by \$29,219,000, with*
19 *the amount of the reduction to be allocated to*
20 *amounts available for the General Fund Enterprise*
21 *Business System.*

22 (2) *O&M, ARMY.*—*The amount authorized to be*
23 *appropriated by section 301(1) for operation and*
24 *maintenance for the Army is hereby reduced by*
25 *\$29,822,000, with the amount of the reduction to be*

1 *allocated to amounts available for the General Fund*
2 *Enterprise Business System.*

3 ***Subtitle C—Navy Programs***

4 ***SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-***
5 ***GINIA CLASS SUBMARINE PROGRAM.***

6 (a) *AUTHORITY.*—*The Secretary of the Navy may, in*
7 *accordance with section 2306b of title 10, United States*
8 *Code, enter into multiyear contracts, beginning with the fis-*
9 *cal year 2009 program year, for the procurement of Vir-*
10 *ginia-class submarines and government-furnished equip-*
11 *ment.*

12 (b) *LIMITATION.*—*The Secretary of the Navy may not*
13 *enter into a contract authorized by subsection (a) until 30*
14 *days after the date on which the Secretary submits to the*
15 *congressional defense committees a certification that the*
16 *Secretary has made each of the findings with respect to such*
17 *contract specified in subsection (a) of section 2306b of title*
18 *10, United States Code.*

19 ***SEC. 132. LITTORAL COMBAT SHIP (LCS) PROGRAM.***

20 (a) *FINDINGS.*—*Congress makes the following findings:*

21 (1) *The plan of the Chief of Naval Operations to*
22 *recapitalize the United States Navy to at least 313*
23 *battle force ships is essential for meeting the long-*
24 *term requirements of the National Military Strategy.*

1 (2) *Fiscal challenges to the plan to build a 313-*
2 *ship fleet require that the Navy exercise discipline in*
3 *determining warfighter requirements and responsi-*
4 *bility in estimating, budgeting, and controlling costs.*

5 (3) *The 55-ship Littoral Combat Ship (LCS)*
6 *program is central to the shipbuilding plan of the*
7 *Navy. The inability of the Navy to control require-*
8 *ments and costs on the two lead ships of the Littoral*
9 *Combat Ship program raises serious concerns regard-*
10 *ing the capacity of the Navy to affordably build a*
11 *313-ship fleet.*

12 (4) *According to information provided to Con-*
13 *gress by the Navy, the cost growth in the Littoral*
14 *Combat Ship program was attributable to several fac-*
15 *tors, most notably that—*

16 (A) *the strategy adopted for the Littoral*
17 *Combat Ship program, a so-called “concurrent*
18 *design-build” strategy, was a high-risk strategy*
19 *that did not account for that risk in the cost and*
20 *schedule for the lead ships in the program;*

21 (B) *inadequate emphasis was placed on*
22 *“bid realism” in the evaluation of contract pro-*
23 *posals under the program;*

1 (C) late incorporation of Naval Vessel Rules
2 into the program caused significant design
3 delays and cost growth;

4 (D) the Earned Value Management System
5 of the contractor under the program did not ade-
6 quately measure shipyard performance, and the
7 Navy program organizations did not independ-
8 ently assess cost performance;

9 (E) the Littoral Combat Ship program or-
10 ganization was understaffed and lacking in the
11 experience and qualifications required for a
12 major defense acquisition program;

13 (F) the Littoral Combat Ship program or-
14 ganization was aware of the increasing costs of
15 the Littoral Combat Ship program, but did not
16 communicate those cost increases directly to the
17 Assistant Secretary of the Navy in a time man-
18 ner; and

19 (G) the relationship between the Naval Sea
20 Systems Command and the program executive
21 offices for the program was dysfunctional.

22 (b) *REQUIREMENT.*—In order to halt further cost
23 growth in the Littoral Combat Ship program, costs and
24 government liability under future contracts under the Lit-
25 toral Combat Ship program shall be limited as follows:

1 (1) *LIMITATION OF COSTS.*—*The total amount*
2 *obligated or expended for the procurement costs of the*
3 *fifth and sixth vessels in the Littoral Combat Ship*
4 *(LCS) class of vessels shall not exceed \$460,000,000*
5 *per vessel.*

6 (2) *PROCUREMENT COSTS.*—*For purposes of*
7 *paragraph (1), procurement costs shall include all*
8 *costs for plans, basic construction, change orders, elec-*
9 *tronics, ordnance, contractor support, and other costs*
10 *associated with completion of production drawings,*
11 *ship construction, test, and delivery, including work*
12 *performed post-delivery that is required to meet origi-*
13 *nal contract requirements.*

14 (3) *CONTRACT TYPE.*—*The Navy shall employ a*
15 *fixed-price type contract for construction of the fifth*
16 *and following ships of the Littoral Combat Ship class*
17 *of vessels.*

18 (4) *LIMITATION OF GOVERNMENT LIABILITY.*—
19 *The Navy shall not enter into a contract, or modify*
20 *a contract, for construction of the fifth or sixth vessel*
21 *of the Littoral Combat Ship class of vessels if the lim-*
22 *itation of the Government's cost liability, when added*
23 *to the sum of other budgeted procurement costs, would*
24 *exceed \$460,000,000 per vessel.*

1 (5) *ADJUSTMENT OF LIMITATION AMOUNT.*—*The*
2 *Secretary of the Navy may adjust the amount set*
3 *forth in paragraphs (1) and (4) for either vessel re-*
4 *ferred to in such paragraph by the following:*

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

9 (B) *The amounts of outfitting costs and*
10 *costs required to complete post-delivery test and*
11 *trials.*

12 (c) *REPEAL OF SUPERSEDED AUTHORITY.*—*Section*
13 *124 of the National Defense Authorization Act for Fiscal*
14 *Year 2006 (Public Law 109–163; 119 Stat. 3157) is re-*
15 *pealed.*

16 **SEC. 133. ADVANCED PROCUREMENT FOR VIRGINIA CLASS**
17 **SUBMARINE PROGRAM.**

18 *Of the amount authorized to be appropriated by sec-*
19 *tion 102(a)(3) for shipbuilding and conversion for the*
20 *Navy, \$1,172,710,000 may be available for advanced pro-*
21 *curement for the Virginia class submarine program, of*
22 *which—*

23 (1) *\$400,000,000 may be available for the pro-*
24 *curement of a second ship set of reactor components;*
25 *and*

1 (2) \$70,000,000 may be available for advanced
2 procurement of non-nuclear long lead time material
3 in order to support a reduced construction span for
4 the boats in the next multiyear procurement program.

5 **Subtitle D—Air Force Programs**

6 **SEC. 141. LIMITATION ON RETIREMENT OF C-130E/H TAC-**
7 **TICAL AIRLIFT AIRCRAFT.**

8 (a) *LIMITATION.*—The Secretary of the Air Force may
9 not retire C-130E/H tactical airlift aircraft during fiscal
10 year 2008.

11 (b) *MAINTENANCE OF CERTAIN RETIRED AIRCRAFT.*—
12 The Secretary of the Air Force shall maintain each C-
13 130E/H tactical airlift aircraft retired during fiscal year
14 2007 in a condition that will permit recall of such aircraft
15 to future service.

16 **SEC. 142. LIMITATION ON RETIREMENT OF KC-135E AERIAL**
17 **REFUELING AIRCRAFT.**

18 The Secretary of the Air Force shall not retire any
19 KC-135E aerial refueling aircraft of the Air Force in fiscal
20 year 2008 unless the Secretary provides written notification
21 of such retirement to the congressional defense committees
22 in accordance with established procedures.

23 **SEC. 143. SENSE OF CONGRESS ON THE PROCUREMENT**
24 **PROGRAM FOR THE KC-X TANKER AIRCRAFT.**

25 (a) *FINDINGS.*—Congress makes the following findings:

1 (1) *Aerial refueling is a critically important*
2 *force multiplier for the Air Force.*

3 (2) *The KC-X tanker aircraft procurement pro-*
4 *gram is the number one acquisition and recapitaliza-*
5 *tion priority of the Air Force.*

6 (3) *Given the competing budgetary requirements*
7 *of the other Armed Forces and other sectors of the*
8 *Federal Government, the Air Force needs to mod-*
9 *ernize at the most cost effective price.*

10 (4) *Competition in defense procurement provides*
11 *the Armed Forces with the best products at the best*
12 *price.*

13 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
14 *that the Air Force should—*

15 (1) *hold a full and open competition to choose*
16 *the best possible joint aerial refueling capability at*
17 *the most reasonable price; and*

18 (2) *be discouraged from taking any actions that*
19 *would limit the ability of either of the teams seeking*
20 *the contract for the procurement of KC-X tanker air-*
21 *craft from competing for that contract.*

22 **SEC. 144. TRANSFER TO GOVERNMENT OF IRAQ OF THREE**
23 **C-130E TACTICAL AIRLIFT AIRCRAFT.**

24 *The Secretary of the Air Force may transfer not more*
25 *than three C-130E tactical airlift aircraft, allowed to be*

1 *retired under the John Warner National Defense Authoriza-*
2 *tion Act for Fiscal Year 2007 (Public Law 109–364), to*
3 *the Government of Iraq.*

4 **SEC. 145. MODIFICATION OF LIMITATIONS ON RETIREMENT**
5 **OF B–52 BOMBER AIRCRAFT.**

6 (a) *MAINTENANCE OF PRIMARY AND BACKUP INVEN-*
7 *TORY OF AIRCRAFT.*—*Subsection (a)(1) of section 131 of the*
8 *John Warner National Defense Authorization Act for Fiscal*
9 *Year 2007 (Public Law 109–364; 120 Stat. 2111) is*
10 *amended—*

11 (1) *in subparagraph (A), by striking “and” at*
12 *the end;*

13 (2) *in subparagraph (B), by striking the period*
14 *at the end and inserting “; and”; and*

15 (3) *by adding at the end the following new sub-*
16 *paragraph (C):*

17 “(C) *shall maintain in a common configu-*
18 *ration a primary aircraft inventory of not less*
19 *than 63 such aircraft and a backup aircraft in-*
20 *ventory of not less than 11 such aircraft.”.*

21 (b) *NOTICE OF RETIREMENT.*—*Subsection (b)(1) of*
22 *such section is amended by striking “45 days” and insert-*
23 *ing “60 days”.*

1 **SEC. 146. SENSE OF CONGRESS ON THE AIR FORCE STRAT-**
2 **EGY FOR THE REPLACEMENT OF THE AERIAL**
3 **REFUELING TANKER AIRCRAFT FLEET.**

4 (a) *FINDINGS.*—Congress makes the following findings:

5 (1) *A properly executed comprehensive strategy*
6 *to replace Air Force tankers will allow the United*
7 *States military to continue to project combat capa-*
8 *bility anywhere in the world on short notice without*
9 *relying on intermediate bases for refueling.*

10 (2) *With an average age of 45 years, it is esti-*
11 *mated that it will take over 30 years to replace the*
12 *KC-135 aircraft fleet with the funding currently in*
13 *place.*

14 (3) *In addition to the KC-X program of record,*
15 *which supports the tanker replacement strategy, the*
16 *Air Force should immediately pursue that part of the*
17 *tanker replacement strategy that would support, aug-*
18 *ment, or enhance the Air Force air refueling mission,*
19 *such as Fee-for-Service support or modifications and*
20 *upgrades to maintain the viability of the KC-135*
21 *aircraft force structure as the Air Force recapitalizes*
22 *the tanker fleet.*

23 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
24 *that—*

1 (1) *the timely modernization of the Air Force*
2 *aerial refueling tanker fleet is a vital national secu-*
3 *rity priority; and*

4 (2) *in furtherance of meeting this priority, the*
5 *Secretary of the Air Force has initiated, and Congress*
6 *approves of, a comprehensive strategy for replacing*
7 *the aerial refueling tanker aircraft fleet, which in-*
8 *cludes the following elements:*

9 (A) *Replacement of the aging tanker air-*
10 *craft fleet with newer and improved capabilities*
11 *under the KC-X program of record which sup-*
12 *ports the tanker replacement strategy, through*
13 *the purchase of new commercial derivative air-*
14 *craft.*

15 (B) *Sustainment and extension of the legacy*
16 *tanker aircraft fleet until replacement through*
17 *depot-type modifications and upgrades of KC-*
18 *135 aircraft and KC-10 aircraft.*

19 (C) *Augmentation of the aerial refueling ca-*
20 *pability through aerial refueling Fee-for-Service.*

21 **SEC. 147. SENSE OF CONGRESS ON RAPID FIELDING OF AS-**
22 **SOCIATE INTERMODAL PLATFORM SYSTEM**
23 **AND OTHER INNOVATIVE LOGISTICS SYS-**
24 **TEMS.**

25 (a) *FINDINGS.—Congress makes the following findings:*

1 (1) *Use of the Associate Intermodal Platform*
2 *(AIP) pallet system, developed two years ago by the*
3 *United States Transportation Command, could save*
4 *the United States as much as \$1,300,000 for every*
5 *1,000 pallets deployed.*

6 (2) *The benefits of the usage of the Associate*
7 *Intermodal Platform pallet system include the fol-*
8 *lowing:*

9 (A) *The Associate Intermodal Platform pal-*
10 *let system can be used to transport cargo alone*
11 *within current International Standard of Orga-*
12 *nization containers and thereby provide further*
13 *savings in costs of transportation of cargo.*

14 (B) *The Associate Intermodal Platform pal-*
15 *let system has successfully passed rigorous testing*
16 *by the United States Transportation Command*
17 *at various military installations in the United*
18 *States, at a Navy testing lab, and in the field in*
19 *Iraq, Kuwait, and Antarctica.*

20 (C) *By all accounts the Associate Inter-*
21 *modal Platform pallet system has performed well*
22 *beyond expectations and is ready for immediate*
23 *production and deployment.*

24 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
25 *that the Department of Defense should—*

1 (1) rapidly field innovative logistic systems such
 2 as the Associated Intermodal Platform pallet system;
 3 and

4 (2) seek to fully procure innovative logistic sys-
 5 tems such as the Associate Intermodal Platform pallet
 6 system in future budgets.

7 **TITLE II—RESEARCH, DEVELOP-**
 8 **MENT, TEST, AND EVALUA-**
 9 **TION**

10 **Subtitle A—Authorization of**
 11 **Appropriations**

12 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

13 *Funds are hereby authorized to be appropriated for fis-*
 14 *cal year 2008 for the use of the Department of Defense for*
 15 *research, development, test, and evaluation as follows:*

16 (1) For the Army, \$11,268,904,000.

17 (2) For the Navy, \$16,296,395,000.

18 (3) For the Air Force, \$25,581,989,000.

19 (4) For Defense-wide activities, \$21,511,739,000,
 20 of which \$180,264,000 is authorized for the Director
 21 of Operational Test and Evaluation.

22 **SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECH-**
 23 **NOLOGY.**

24 (a) *FISCAL YEAR 2008.—Of the amounts authorized*
 25 *to be appropriated by section 201, \$11,204,784,000 shall be*

1 *available for the Defense Science and Technology Program,*
2 *including basic research, applied research, and advanced*
3 *technology development projects.*

4 **(b) BASIC RESEARCH, APPLIED RESEARCH, AND AD-**
5 **VANCED TECHNOLOGY DEVELOPMENT DEFINED.**—*For pur-*
6 *poses of this section, the term “basic research, applied re-*
7 *search, and advanced technology development” means work*
8 *funded in program elements for defense research and devel-*
9 *opment under Department of Defense budget activity 1, 2,*
10 *or 3.*

11 ***Subtitle B—Program Requirements,***
12 ***Restrictions, and Limitations***

13 ***SEC. 211. ADVANCED SENSOR APPLICATIONS PROGRAM.***

14 **(a) TRANSFER OF FUNDS.**—*Of the amount authorized*
15 *to be appropriated by section 201(4) for research, develop-*
16 *ment, test, and evaluation, Defense-wide activities, and*
17 *made available for the Foreign Material Acquisition and*
18 *Exploitation Program and for activities of the Office of*
19 *Special Technology, an aggregate of \$20,000,000 shall be*
20 *transferred to the Advanced Sensor Applications Program*
21 *not later than 60 days after the date of the enactment of*
22 *this Act.*

23 **(b) REASSIGNMENT OF PROGRAM.**—*Beginning not*
24 *later than 30 days after the date of the enactment of this*
25 *Act, the Advanced Sensor Applications Program shall be*

1 *a program of the Defense Threat Reduction Agency, man-*
2 *aged by the Director of the Defense Threat Reduction Agen-*
3 *cy, and shall be executed by the Program Executive Officer*
4 *for Aviation for the Navy working for the Director of the*
5 *Defense Threat Reduction Agency.*

6 **SEC. 212. ACTIVE PROTECTION SYSTEMS.**

7 *(a) COMPARATIVE TESTS REQUIRED.—*

8 *(1) IN GENERAL.—The Secretary of Defense shall*
9 *undertake comparative tests, including live-fire tests,*
10 *of appropriate foreign and domestic active protection*
11 *systems in order—*

12 *(A) to determine the effectiveness of such*
13 *systems; and*

14 *(B) to develop information useful in the*
15 *consideration of the adoption of such systems in*
16 *defense acquisition programs.*

17 *(2) REPORTS.—Not later than March 1 of each*
18 *of 2008 and 2009, the Secretary shall submit to the*
19 *congressional defense committees a report on the re-*
20 *sults of the tests undertaken under paragraph (1) as*
21 *of the date of such report.*

22 *(b) COMPREHENSIVE ASSESSMENT REQUIRED.—*

23 *(1) IN GENERAL.—The Secretary shall undertake*
24 *a comprehensive assessment of active protection sys-*
25 *tems in order to develop information useful in the de-*

1 *velopment of joint active protection systems and other*
2 *defense programs.*

3 (2) *ELEMENTS.*—*The assessment under para-*
4 *graph (1) shall include—*

5 (A) *an identification of the potential merits*
6 *and operational costs of the use of active protec-*
7 *tion systems by United States military forces;*

8 (B) *a characterization of the threats that*
9 *use of active protection systems by potential ad-*
10 *versaries would pose to United States military*
11 *forces and weapons;*

12 (C) *an identification and assessment of*
13 *countermeasures to active protection systems;*

14 (D) *an analysis of collateral damage poten-*
15 *tial of active protection systems;*

16 (E) *an identification and assessment of*
17 *emerging direct-fire and top-attack threats to de-*
18 *fense systems that could potentially deploy active*
19 *protection systems; and*

20 (F) *an identification and assessment of crit-*
21 *ical technology elements of active protection sys-*
22 *tems.*

23 (3) *REPORT.*—*Not later than December 31, 2008,*
24 *the Secretary shall submit to the congressional defense*

1 *committees a report on the assessment under para-*
2 *graph (1).*

3 **SEC. 213. OBLIGATION AND EXPENDITURE OF FUNDS FOR**
4 **COMPETITIVE PROCUREMENT OF PROPUL-**
5 **SION SYSTEM FOR THE JOINT STRIKE FIGHT-**
6 **ER.**

7 *Within amount authorized to be appropriated for fis-*
8 *cal years after fiscal year 2007 for procurement, and for*
9 *research, development, test, and evaluation, for the Joint*
10 *Strike Fighter Program, the Secretary of Defense shall en-*
11 *sure the obligation and expenditure of sufficient amounts*
12 *each such fiscal year for the continued development and*
13 *procurement of two options for the propulsion system for*
14 *the Joint Strike Fighter in order to assure the competitive*
15 *development and eventual production for the propulsion*
16 *system for a Joint Strike Fighter aircraft, thereby giving*
17 *a choice of engine to the growing number of nations express-*
18 *ing interest in procuring such aircraft.*

19 **SEC. 214. GULF WAR ILLNESSES RESEARCH.**

20 *(a) FUNDING.—*

21 *(1) ADDITIONAL AMOUNT.—Of the amount au-*
22 *thorized to be appropriated by section 201(1) for re-*
23 *search, development, test, and evaluation, Army*
24 *\$15,000,000, may be allocated to Medical Advanced*
25 *Technology (PE #0603002A) for the Army to carry*

1 *out, as part of its Congressionally Directed Medical*
2 *Research Programs, a program for Gulf War Illnesses*
3 *Research.*

4 *(b) PURPOSE.—The purpose of the program may be*
5 *to develop diagnostic markers and treatments for the com-*
6 *plex of symptoms commonly known as “Gulf War Illnesses*
7 *(GWI)”, including widespread pain, cognitive impairment,*
8 *and persistent fatigue in conjunction with diverse other*
9 *symptoms and abnormalities, that are associated with serv-*
10 *ice in the Southwest Asia theater of operations in the early*
11 *1990s during the Persian Gulf War.*

12 *(c) PROGRAM ACTIVITIES.—*

13 *(1) Highest priority under the program shall be*
14 *afforded to pilot and observational studies of treat-*
15 *ments for the complex of symptoms described in sub-*
16 *section (b) and comprehensive clinical trials of such*
17 *treatments that have demonstrated effectiveness in*
18 *previous past pilot and observational studies.*

19 *(2) Secondary priority under the program may*
20 *be afforded to studies that identify objective markers*
21 *for such complex of symptoms and biological mecha-*
22 *nisms underlying such complex of symptoms that can*
23 *lead to the identification and development of such*
24 *markers and treatments.*

1 (3) *No study shall be funded under the program*
2 *that is based on psychiatric illness and psychological*
3 *stress as the central cause of such complex of symp-*
4 *toms (as is consistent with current research findings).*

5 (d) *COMPETITIVE SELECTION AND PEER REVIEW.—*
6 *The program shall be conducted using competitive selection*
7 *and peer review for the identification of activities having*
8 *the most substantial scientific merit, utilizing individuals*
9 *with recognized expertise in Gulf War illnesses in the design*
10 *of the solicitation and in the scientific and programmatic*
11 *review processes.*

12 ***Subtitle C—Missile Defense***
13 ***Programs***

14 ***SEC. 231. LIMITATION ON AVAILABILITY OF FUNDS FOR***
15 ***PROCUREMENT, CONSTRUCTION, AND DE-***
16 ***PLOYMENT OF MISSILE DEFENSES IN EU-***
17 ***ROPE.***

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

24 (1) *The governments of the countries in which*
25 *major components of such missile defense system (in-*

1 cluding interceptors and associated radars) are pro-
2 posed to be deployed have each given final approval
3 to any missile defense agreements negotiated between
4 such governments and the United States Government
5 concerning the proposed deployment of such compo-
6 nents in their countries.

7 (2) 45 days have elapsed following the receipt by
8 Congress of the report required under subsection
9 (c)(6).

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

22 (c) *REPORT ON INDEPENDENT ASSESSMENT FOR BAL-*
23 *LISTIC MISSILE DEFENSE IN EUROPE.*—

24 (1) *INDEPENDENT ASSESSMENT.*—Not later than
25 30 days after the date of the enactment of this Act,

1 *the Secretary of Defense shall select a federally funded*
2 *research and development center to conduct an inde-*
3 *pendent assessment of options for ballistic missile de-*
4 *fense for forward deployed forces of the United States*
5 *and its allies in Europe.*

6 (2) *ISSUES TO BE ASSESSED.—In carrying out*
7 *the assessment described in paragraph (1), the feder-*
8 *ally funded research and development center selected*
9 *under that paragraph shall consider the following in*
10 *connection with options for missile defense in Europe:*

11 (A) *The threat to Europe of ballistic mis-*
12 *siles (including short-range, medium-range, in-*
13 *termediate-range, and long-range ballistic mis-*
14 *siles) from Iran and from other nations (except*
15 *Russia), including the likelihood and timing of*
16 *such threats.*

17 (B) *The missile defense capabilities appro-*
18 *priate to meet current, near-term, and mid-term*
19 *ballistic missile threats facing Europe during the*
20 *period from 2008 through 2015.*

21 (C) *Alternative options for defending the*
22 *European territory of members of the North At-*
23 *lantic Treaty Organization against the threats*
24 *described in subparagraph (B).*

1 (D) *The utility and cost-effectiveness of pro-*
2 *viding ballistic missile defense of the United*
3 *States with a system located in Europe, if war-*
4 *ranted by the threat, when compared with the*
5 *provision of such defense through the deployment*
6 *of additional ballistic missile defense in the*
7 *United States.*

8 (E) *The views of European members of the*
9 *North Atlantic Treaty Organization on the desir-*
10 *ability of ballistic missile defenses for the Euro-*
11 *pean territory of such nations.*

12 (F) *Potential opportunities for participa-*
13 *tion by the Government of Russia in a European*
14 *missile defense system.*

15 (3) *TECHNOLOGIES TO BE CONSIDERED.—In*
16 *conducting the assessment described in paragraph (1),*
17 *the federally funded research and development center*
18 *selected under that paragraph shall consider, but not*
19 *be limited to, the following missile defense technology*
20 *options:*

21 (A) *The Patriot PAC-3 system.*

22 (B) *The Medium Extended Air Defense Sys-*
23 *tem.*

1 (C) *The Aegis Ballistic Missile Defense sys-*
2 *tem, with all variants of the Standard Missile-*
3 *3 interceptor.*

4 (D) *The Terminal High Altitude Area De-*
5 *fense (THAAD) system.*

6 (E) *The proposed deployment of Ground-*
7 *based Midcourse Defense (GMD) system elements*
8 *in Europe, consisting of the proposed 2-stage Or-*
9 *bitral Boost Vehicle interceptor, and the proposed*
10 *European Midcourse X-band radar.*

11 (F) *Forward-Based X-band Transportable*
12 *(FBX-T) radars.*

13 (G) *Other non-United States, North Atlan-*
14 *tic Treaty Organization missile defense systems.*

15 (4) *FACTORS TO BE CONSIDERED.—In con-*
16 *ducting the assessment described in paragraph (1),*
17 *the federally funded research and development center*
18 *selected under that paragraph shall consider the fol-*
19 *lowing factors with respect to potential ballistic mis-*
20 *sile defense options:*

21 (A) *The missile defense needs of the Euro-*
22 *pean members of the North Atlantic Treaty Or-*
23 *ganization, including forward deployed United*
24 *States forces, with respect to current, near-term,*
25 *and mid-term ballistic missile threats.*

1 (B) *Operational effectiveness.*

2 (C) *Command and control arrangements.*

3 (D) *Integration and interoperability with*
4 *North Atlantic Treaty Organization missile de-*
5 *fenses.*

6 (E) *Cost and affordability, including pos-*
7 *sible allied cost-sharing.*

8 (F) *Cost-effectiveness.*

9 (G) *The degree of coverage of the European*
10 *territory of members of the North Atlantic Trea-*
11 *ty Organization.*

12 (5) *COOPERATION OF OTHER AGENCIES.—The*
13 *Secretary of Defense, the Director of National Intel-*
14 *ligence, and the heads of other departments and agen-*
15 *cies of the United States Government shall provide the*
16 *federally funded research and development center se-*
17 *lected under paragraph (1) such data, analyses, brief-*
18 *ings, and other information as the center considers*
19 *necessary to carry out the assessment described in*
20 *that paragraph.*

21 (6) *REPORT REQUIRED.—Not later than 180*
22 *days after the date of the enactment of this Act, the*
23 *federally funded research and development center se-*
24 *lected under paragraph (1) shall submit to the Sec-*
25 *retary of Defense and the congressional defense com-*

1 *mittees a report on the results of the assessment de-*
2 *scribed in that paragraph, including any findings*
3 *and recommendations of the center as a result of the*
4 *assessment.*

5 (7) *FORM.—The report under paragraph (6)*
6 *shall be submitted in unclassified form, but may in-*
7 *clude a classified annex.*

8 (d) *CONSTRUCTION.—Nothing in this section shall be*
9 *construed to limit continuing obligation and expenditure*
10 *of funds for missile defense, including for research and de-*
11 *velopment and for other activities not otherwise limited by*
12 *subsection (a) or (b).*

13 **SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR DE-**
14 **PLOYMENT OF MISSILE DEFENSE INTERCEP-**
15 **TORS IN ALASKA.**

16 *None of the funds authorized to be appropriated by this*
17 *Act may be obligated or expended to deploy more than 40*
18 *Ground-Based Interceptors at Fort Greely, Alaska, until the*
19 *Secretary of Defense, after receiving the views of the Direc-*
20 *tor of Operational Test and Evaluation, submits to Con-*
21 *gress a certification that the Block 2006 Ground-based Mid-*
22 *course Defense element of the Ballistic Missile Defense Sys-*
23 *tem has demonstrated, through operationally realistic end-*
24 *to-end flight testing, that it has a high probability of work-*
25 *ing in an operationally effective manner.*

1 **SEC. 233. BUDGET AND ACQUISITION REQUIREMENTS FOR**
2 **MISSILE DEFENSE AGENCY ACTIVITIES.**

3 (a) *REVISED BUDGET STRUCTURE.*—The budget jus-
4 tification materials submitted to Congress in support of the
5 Department of Defense budget for any fiscal year after fiscal
6 year 2008 (as submitted with the budget of the President
7 under section 1105(a) of title 31, United States Code) shall
8 set forth separately amounts requested for the Missile De-
9 fense Agency for each of the following:

10 (1) *Research, development, test, and evaluation.*

11 (2) *Procurement.*

12 (3) *Operation and maintenance.*

13 (4) *Military construction.*

14 (b) *OBJECTIVES FOR ACQUISITION ACTIVITIES.*—

15 (1) *IN GENERAL.*—Commencing as soon as prac-
16 ticable, but not later than the submittal to Congress
17 of the budget for the President for fiscal year 2009
18 under section 1105(a) of title 31, United States Code,
19 the Missile Defense Agency shall take appropriate ac-
20 tions to achieve the following objectives in its acquisi-
21 tion activities:

22 (A) *Improved transparency.*

23 (B) *Improved accountability.*

24 (C) *Enhanced oversight.*

25 (2) *REQUIRED ACTIONS.*—In order to achieve the
26 objectives specified in paragraph (1), the Missile De-

1 *fense Agency shall, at a minimum, take actions as fol-*
2 *lows:*

3 *(A) Establish acquisition cost, schedule, and*
4 *performance baselines for each Ballistic Missile*
5 *Defense System element that—*

6 *(i) has entered the equivalent of the*
7 *System Development and Demonstration*
8 *phase of acquisition; or*

9 *(ii) is being produced and acquired for*
10 *operational fielding.*

11 *(B) Provide unit cost reporting data for*
12 *each Ballistic Missile Defense System element*
13 *covered by subparagraph (A), and secure inde-*
14 *pendent estimation and verification of such cost*
15 *reporting data.*

16 *(C) Include each year in the budget jus-*
17 *tification materials described in subsection (a) a*
18 *description of actions being taken in the fiscal*
19 *year in which such materials are submitted, and*
20 *the actions to be taken in the fiscal year covered*
21 *by such materials, to achieve such objectives.*

22 *(3) SPECIFICATION OF BALLISTIC MISSILE DE-*
23 *FENSE SYSTEM ELEMENTS.—The Ballistic Missile De-*
24 *fense System elements that, as of May 2007, are Bal-*

1 *listic Missile Defense System elements covered by*
2 *paragraph (2)(A) are the following elements:*

3 *(A) Ground-based Midcourse Defense.*

4 *(B) Aegis Ballistic Missile Defense.*

5 *(C) Terminal High Altitude Area Defense.*

6 *(D) Forward-Based X-band radar-Trans-*
7 *portable (AN/TPY-2).*

8 *(E) Command, Control, Battle Manage-*
9 *ment, and Communications.*

10 *(F) Sea-Based X-band radar.*

11 *(G) Upgraded Early Warning radars.*

12 **SEC. 234. PARTICIPATION OF DIRECTOR, OPERATIONAL**
13 **TEST AND EVALUATION, IN MISSILE DEFENSE**
14 **TEST AND EVALUATION ACTIVITIES.**

15 *Section 139 of title 10, United States Code, is*
16 *amended—*

17 *(1) by redesignating subsections (f) through (j)*
18 *as subsections (g) through (k), respectively; and*

19 *(2) by inserting after subsection (e) the following*
20 *new subsection (f):*

21 *“(f)(1) The Director of the Missile Defense Agency shall*
22 *report promptly to the Director of Operational Test and*
23 *Evaluation the results of all tests and evaluations conducted*
24 *by the Missile Defense Agency and of all studies conducted*

1 *by the Missile Defense Agency in connection with tests and*
2 *evaluations in the Missile Defense Agency.*

3 “(2) *The Director of Operational Test and Evaluation*
4 *may require that such observers as the Director designates*
5 *be present during the preparation for and the conduct of*
6 *any test and evaluation conducted by the Missile Defense*
7 *Agency.*

8 “(3) *The Director of Operational Test and Evaluation*
9 *shall have access to all records and data in the Department*
10 *of Defense (including the records and data of the Missile*
11 *Defense Agency) that the Director considers necessary to re-*
12 *view in order to carry out his duties under this subsection.”.*

13 **SEC. 235. EXTENSION OF COMPTROLLER GENERAL ASSESS-**
14 **MENTS OF BALLISTIC MISSILE DEFENSE PRO-**
15 **GRAMS.**

16 *Section 232(g) of the National Defense Authorization*
17 *Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is*
18 *amended—*

19 (1) *in paragraph (1), by striking “through*
20 *2008” and inserting “through 2013”; and*

21 (2) *in paragraph (2), by striking “through*
22 *2009” and inserting “through 2014”.*

1 ***Subtitle D—Other Matters***

2 ***SEC. 251. MODIFICATION OF NOTICE AND WAIT REQUIRE-***
3 ***MENT FOR OBLIGATION OF FUNDS FOR FOR-***
4 ***EIGN COMPARATIVE TEST PROGRAM.***

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

7 “(3) *The Director of Defense Research and Engineer-*
8 *ing shall notify the congressional defense committees of the*
9 *intent to obligate funds made available to carry out this*
10 *subsection not less than 7 days before such funds are obli-*
11 *gated.*”.

12 ***SEC. 252. MODIFICATION OF COST SHARING REQUIREMENT***
13 ***FOR TECHNOLOGY TRANSITION INITIATIVE.***

14 *Paragraph (2) of section 2359a(f) of title 10, United*
15 *States Code, is amended to read as follows:*

16 “(2) *The amount of funds provided to a project under*
17 *paragraph (1) by the military department or Defense Agen-*
18 *cy concerned shall be the appropriate share of the military*
19 *department or Defense Agency, as the case may be, of the*
20 *cost of the project, as determined by the Manager.*”.

21 ***SEC. 253. STRATEGIC PLAN FOR THE MANUFACTURING***
22 ***TECHNOLOGY PROGRAM.***

23 *(a) IN GENERAL.—Section 2521 of title 10, United*
24 *States Code, is amended by adding at the end the following*
25 *new subsection:*

1 “(e) *STRATEGIC PLAN.*—(1) *The Secretary shall de-*
2 *velop a plan for the program which includes the following:*

3 “(A) *The overall manufacturing technology goals,*
4 *milestones, priorities, and investment strategy for the*
5 *program during the 5-fiscal year period beginning*
6 *with the first fiscal year commencing after the devel-*
7 *opment of the plan.*

8 “(B) *For each of the fiscal years under the pe-*
9 *riod of the plan, the objectives of, and funding for, the*
10 *program for each military department and each De-*
11 *fense Agency that shall participate in the program*
12 *during the period of the plan.*

13 “(2) *The Secretary shall include in the plan mecha-*
14 *nisms for assessing the effectiveness of the program under*
15 *the plan.*

16 “(3) *The Secretary shall update the plan on a biennial*
17 *basis.*

18 “(4) *The Secretary shall include the plan, and any up-*
19 *date of the plan under paragraph (3), in the budget jus-*
20 *tification documents submitted in support of the budget of*
21 *the Department of Defense for the applicable fiscal year (as*
22 *included in the budget of the President submitted to Con-*
23 *gress under section 1105 of title 31).”.*

24 “(b) *INITIAL DEVELOPMENT OF PLAN.*—*The Secretary*
25 *of Defense shall develop the strategic plan required by sub-*

1 *section (e) of section 2521 of title 10, United States Code*
2 *(as added by subsection (a) of this section), so that the plan*
3 *goes into effect at the beginning of fiscal year 2009.*

4 **SEC. 254. MODIFICATION OF AUTHORITIES ON COORDINA-**
5 **TION OF DEFENSE EXPERIMENTAL PROGRAM**
6 **TO STIMULATE COMPETITIVE RESEARCH**
7 **WITH SIMILAR FEDERAL PROGRAMS.**

8 *Section 257(e)(2) of the National Defense Authoriza-*
9 *tion Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is*
10 *amended by striking “shall” each place it appears and in-*
11 *serting “may”.*

12 **SEC. 255. ENHANCEMENT OF DEFENSE NANOTECHNOLOGY**
13 **RESEARCH AND DEVELOPMENT PROGRAM.**

14 *(a) PROGRAM PURPOSES.—Subsection (b) of section*
15 *246 of the Bob Stump National Defense Authorization Act*
16 *for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2500;*
17 *10 U.S.C. 2358 note) is amended—*

18 *(1) in paragraph (2), by striking “in nanoscale*
19 *research and development” and inserting “in the Na-*
20 *tional Nanotechnology Initiative and with the Na-*
21 *tional Nanotechnology Coordination Office under sec-*
22 *tion 3 of the 21st Century Nanotechnology Research*
23 *and Development Act (15 U.S.C. 7502)”;* and

24 *(2) in paragraph (3), by striking “portfolio of*
25 *fundamental and applied nanoscience and engineer-*

1 *ing research initiatives” and inserting “portfolio of*
2 *nanotechnology research and development initiatives”.*

3 *(b) PROGRAM ADMINISTRATION.—*

4 *(1) ADMINISTRATION THROUGH UNDER SEC-*
5 *RETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY,*
6 *AND LOGISTICS.—Subsection (c) of such section is*
7 *amended—*

8 *(A) by striking “the Director of Defense Re-*
9 *search and Engineering” and inserting “the*
10 *Under Secretary of Defense for Acquisition,*
11 *Technology, and Logistics”; and*

12 *(B) by striking “The Director” and insert-*
13 *ing “The Under Secretary”.*

14 *(2) OTHER ADMINISTRATIVE MATTERS.—Such*
15 *subsection is further amended—*

16 *(A) in paragraph (2), by striking “the De-*
17 *partment’s increased investment in*
18 *nanotechnology and the National Nanotechnology*
19 *Initiative; and” and inserting “investments by*
20 *the Department and other departments and*
21 *agencies participating in the National*
22 *Nanotechnology Initiative in nanotechnology re-*
23 *search and development;”;*

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 new
2 paragraph:

3 “(4) oversee interagency coordination of the pro-
4 gram with other departments and agencies partici-
5 pating in the National Nanotechnology Initiative, in-
6 cluding providing appropriate funds to support the
7 National Nanotechnology Coordination Office.”.

8 (c) *PROGRAM ACTIVITIES*.—Such section is further
9 amended—

10 (1) by striking subsection (d); and

11 (2) by adding at the end the following new sub-
12 section (d):

13 “(d) *ACTIVITIES*.—Activities under the program shall
14 include the following:

15 “(1) The development of a strategic plan for de-
16 fense nanotechnology research and development that is
17 integrated with the strategic plan for the National
18 Nanotechnology Initiative.

19 “(2) The issuance on an annual basis of policy
20 guidance to the military departments and the Defense
21 Agencies that—

22 “(A) establishes research priorities under
23 the program;

1 “(B) provides for the determination and
2 documentation of the benefits to the Department
3 of Defense of research under the program; and

4 “(C) sets forth a clear strategy for
5 transitioning the research into products needed
6 by the Department.

7 “(3) Advocating for the transition of
8 nanotechnologies in defense acquisition programs, in-
9 cluding the development of nanomanufacturing capa-
10 bilities and a nanotechnology defense industrial
11 base.”.

12 (d) *REPORTS*.—Such section is further amended by
13 adding at the end the following new subsection:

14 “(e) *REPORTS*.—(1) Not later than March 1 of each
15 of 2009, 2011, and 2013, the Under Secretary of Defense
16 for Acquisition, Technology, and Logistics shall submit to
17 the congressional defense committees a report on the pro-
18 gram.

19 “(2) Each report under paragraph (1) shall include
20 the following:

21 “(A) A review of—

22 “(i) the long-term challenges and specific
23 technical goals of the program; and

24 “(ii) the progress made toward meeting
25 such challenges and achieving such goals.

1 “(B) *An assessment of current and proposed*
2 *funding levels for the program, including an assess-*
3 *ment of the adequacy of such funding levels to support*
4 *program activities.*

5 “(C) *A review of the coordination of activities*
6 *under the program within the Department of Defense,*
7 *with other departments and agencies of the United*
8 *States, and with the National Nanotechnology Initia-*
9 *tive.*

10 “(D) *A review and analysis of the findings and*
11 *recommendations relating to the Department of De-*
12 *fense of the most recent triennial external review of*
13 *the National Nanotechnology Program under section*
14 *5 of the 21st Century Nanotechnology Research and*
15 *Development Act (15 U.S.C. 1704), and a description*
16 *of initiatives of the Department to implement such*
17 *recommendations.*

18 “(E) *An assessment of technology transition from*
19 *nanotechnology research and development to enhanced*
20 *warfighting capabilities, including contributions from*
21 *the Department of Defense Small Business Innovative*
22 *Research and Small Business Technology Transfer*
23 *Research programs, and the Department of Defense*
24 *Manufacturing Technology program, and an identi-*

1 *fication of acquisition programs and deployed defense*
2 *systems that are incorporating nanotechnologies.*

3 *“(F) An assessment of global nanotechnology re-*
4 *search and development in areas of interest to the De-*
5 *partment, including an identification of the use of*
6 *nanotechnologies in any foreign defense systems.*

7 *“(G) An assessment of the defense*
8 *nanotechnology manufacturing and industrial base*
9 *and its capability to meet the near and far term re-*
10 *quirements of the Department.*

11 *“(H) Such recommendations for additional ac-*
12 *tivities under the program to meet emerging national*
13 *security requirements as the Under Secretary con-*
14 *siders appropriate.*

15 *“(3) Each report under paragraph (1) shall be sub-*
16 *mitted in unclassified form, but may include a classified*
17 *annex.”.*

18 *(e) COMPTROLLER GENERAL REPORT ON PROGRAM.—*
19 *Not later than March 31, 2010, the Comptroller General*
20 *of the United States shall submit to the congressional de-*
21 *fense committees a report setting forth the assessment of the*
22 *Comptroller General of the progress made by the Depart-*
23 *ment of Defense in achieving the purposes of the defense*
24 *nanotechnology research and development program required*
25 *by section 246 of the Bob Stump National Defense Author-*

1 ization Act for Fiscal Year 2003 (as amended by this sec-
2 tion).

3 **SEC. 256. COMPTROLLER GENERAL ASSESSMENT OF THE**
4 **DEFENSE EXPERIMENTAL PROGRAM TO STIM-**
5 **ULATE COMPETITIVE RESEARCH.**

6 (a) *REVIEW.*—Not later than one year after the date
7 of the enactment of this Act, the Comptroller General of the
8 United States shall submit to the Committees on Armed
9 Services of the Senate and the House of Representatives an
10 assessment of the effectiveness of the Defense Experimental
11 Program to Stimulate Competitive Research.

12 (b) *ASSESSMENT.*—The report under subsection (a)
13 shall include the following:

14 (1) A description and assessment of the tangible
15 results and progress toward the objectives of the pro-
16 gram, including—

17 (A) an identification of any past program
18 activities that led to, or were fundamental to,
19 applications used by, or supportive of, oper-
20 ational users; and

21 (B) an assessment of whether the program
22 has expanded the national research infrastruc-
23 ture.

1 (2) *An assessment whether the activities under-*
2 *taken under the program are consistent with the stat-*
3 *ute authorizing the program.*

4 (3) *An assessment whether the various elements*
5 *of the program, such as structure, funding, staffing,*
6 *project solicitation and selection, and administration,*
7 *are working effectively and efficiently to support the*
8 *effective execution of the program.*

9 (4) *A description and assessment of past and on-*
10 *going activities of State planning committees under*
11 *the program in supporting the achievement of the ob-*
12 *jectives of the program.*

13 (5) *An analysis of the advantages and disadvan-*
14 *tages of having an institution-based formula for qual-*
15 *ification to participate in the program when com-*
16 *pared with the advantages and disadvantages of hav-*
17 *ing a State-based formula for qualification to partici-*
18 *pate in supporting defense missions and the objective*
19 *of expanding the Nation's defense research infrastruc-*
20 *ture.*

21 (6) *An identification of mechanisms for improv-*
22 *ing the management and implementation of the pro-*
23 *gram, including modification of the statute author-*
24 *izing the program, Department regulations, program*

1 *structure, funding levels, funding strategy, or the ac-*
2 *tivities of the State committees.*

3 *(7) Any other matters the Comptroller General*
4 *considers appropriate.*

5 **SEC. 257. STUDY AND REPORT ON STANDARD SOLDIER PA-**
6 **TIENT TRACKING SYSTEM.**

7 *(a) STUDY REQUIRED.—In conjunction with the devel-*
8 *opment of the pilot program utilizing an electronic clear-*
9 *inghouse for support of the disability evaluation system of*
10 *the Department of Defense authorized under this Act, the*
11 *Secretary of Defense shall conduct a study on the feasibility*
12 *of including in the required pilot program the following ad-*
13 *ditional elements:*

14 *(1) A means to allow each recovering service*
15 *member, each family member of such a member, each*
16 *commander of a military installation retaining med-*
17 *ical holdover patients, each patient navigator, and*
18 *ombudsman office personnel, at all times, to be able*
19 *to locate and understand exactly where a recovering*
20 *service member is in the medical holdover process.*

21 *(2) A means to ensure that the commander of*
22 *each military medical facility where recovering serv-*
23 *ice members are located is able to track appointments*
24 *of such members to ensure they are meeting timeliness*
25 *and other standards that serve the member.*

1 (3) *A means to ensure each recovering service*
 2 *member is able to know when his or her appointments*
 3 *and other medical evaluation board or physical eval-*
 4 *uation board deadlines will be and that they have*
 5 *been scheduled in a timely and accurate manner.*

6 (4) *Any other information needed to conduct*
 7 *oversight of care of the member through out the med-*
 8 *ical holdover process.*

9 (5) *Information that will allow the Secretaries of*
 10 *the military departments and the Under Secretary of*
 11 *Defense for Personnel and Readiness to monitor*
 12 *trends and problems.*

13 (b) *REPORT.—Not later than 90 days after the date*
 14 *of the enactment of this Act, the Secretary of Defense shall*
 15 *submit to the Committees on Armed Services of the Senate*
 16 *and the House of Representatives a report on the results*
 17 *of the study, with such findings and recommendations as*
 18 *the Secretary considers appropriate.*

19 **SEC. 258. COST-BENEFIT ANALYSIS OF PROPOSED FUNDING**
 20 **REDUCTION FOR HIGH ENERGY LASER SYS-**
 21 **TEMS TEST FACILITY.**

22 (a) *REPORT REQUIRED.—Not later than 90 days after*
 23 *the date of the enactment of this Act, the Secretary of De-*
 24 *fense shall submit to the congressional defense committees*
 25 *a report containing a cost-benefit analysis of the proposed*

1 *reduction in Army research, development, test, and evalua-*
 2 *tion funding for the High Energy Laser Systems Test Facil-*
 3 *ity.*

4 (b) *EVALUATION OF IMPACT ON OTHER MILITARY DE-*
 5 *PARTMENTS.—The report required under subsection (a)*
 6 *shall include an evaluation of the impact of the proposed*
 7 *reduction in funding on each Department of Defense orga-*
 8 *nization or activity that utilizes the High Energy Laser*
 9 *Systems Test Facility.*

10 **TITLE III—OPERATION AND**
 11 **MAINTENANCE**

12 **Subtitle A—Authorization of**
 13 **Appropriations**

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

15 *Funds are hereby authorized to be appropriated for fis-*
 16 *cal year 2008 for the use of the Armed Forces and other*
 17 *activities and agencies of the Department of Defense, for*
 18 *expenses, not otherwise provided for, for operation and*
 19 *maintenance, in amounts as follows:*

20 (1) *For the Army, \$29,725,273,000.*

21 (2) *For the Navy, \$33,307,690,000.*

22 (3) *For the Marine Corps, \$4,998,493,000.*

23 (4) *For the Air Force, \$32,967,215,000.*

24 (5) *For Defense-wide activities, \$22,397,153,000.*

25 (6) *For the Army Reserve, \$2,512,062,000.*

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

2 (8) *For the Marine Corps Reserve, \$208,637,000.*

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

4 (10) *For the Army National Guard,*
5 *\$5,861,409,000.*

6 (11) *For the Air National Guard,*
7 *\$5,469,368,000.*

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

10 (13) *For Environmental Restoration, Army,*
11 *\$434,879,000.*

12 (14) *For Environmental Restoration, Navy,*
13 *\$300,591,000.*

14 (15) *For Environmental Restoration, Air Force,*
15 *\$458,428,000.*

16 (16) *For Environmental Restoration, Defense-*
17 *wide, \$12,751,000.*

18 (17) *For Environmental Restoration, Formerly*
19 *Used Defense Sites, \$270,249,000.*

20 (18) *For Former Soviet Union Threat Reduction*
21 *programs, \$448,048,000.*

22 (19) *For Overseas Humanitarian, Disaster and*
23 *Civic Aid programs, \$63,300,000.*

24 (20) *For Overseas Contingency Operations*
25 *Transfer Fund, \$5,000,000.*

1 **Subtitle B—Environmental**
2 **Provisions**

3 **SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**
4 **TION AGENCY FOR CERTAIN COSTS IN CON-**
5 **NECTION WITH MOSES LAKE WELLFIELD**
6 **SUPERFUND SITE, MOSES LAKE, WASH-**
7 **INGTON.**

8 (a) *AUTHORITY TO REIMBURSE.*—

9 (1) *TRANSFER AMOUNT.*—Using funds described
10 in subsection (b), the Secretary of Defense may, not-
11 withstanding section 2215 of title 10, United States
12 Code, transfer not more than \$91,588.51 to the Moses
13 Lake Wellfield Superfund Site 10–6J Special Ac-
14 count.

15 (2) *PURPOSE OF REIMBURSEMENT.*—The pay-
16 ment under paragraph (1) is to reimburse the Envi-
17 ronmental Protection Agency for its costs incurred in
18 overseeing a remedial investigation/feasibility study
19 performed by the Department of the Army under the
20 Defense Environmental Restoration Program at the
21 former Larson Air Force Base, Moses Lake Superfund
22 Site, Moses Lake, Washington.

23 (3) *INTERAGENCY AGREEMENT.*—The reimburse-
24 ment described in paragraph (2) is provided for in
25 the interagency agreement entered into by the Depart-

1 *ment of the Army and the Environmental Protection*
2 *Agency for the Moses Lake Wellfield Superfund Site*
3 *in March 1999.*

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

8 *(c) USE OF FUNDS.—The Environmental Protection*
9 *Agency shall use the amount transferred under subsection*
10 *(a) to pay costs incurred by the Agency at the Moses Lake*
11 *Wellfield Superfund Site.*

12 **SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**
13 **TION AGENCY FOR CERTAIN COSTS IN CON-**
14 **NECTION WITH THE ARCTIC SURPLUS SUPER-**
15 **FUND SITE, FAIRBANKS, ALASKA.**

16 *(a) AUTHORITY TO REIMBURSE.—*

17 *(1) TRANSFER AMOUNT.—Using funds described*
18 *in subsection (b), the Secretary of Defense may, not-*
19 *withstanding section 2215 of title 10, United States*
20 *Code, transfer not more than \$186,625.38 to the Haz-*
21 *ardous Substance Superfund.*

22 *(2) PURPOSE OF REIMBURSEMENT.—The pay-*
23 *ment under paragraph (1) is to reimburse the Envi-*
24 *ronmental Protection Agency for costs incurred pur-*
25 *suant to the agreement known as “In the Matter of*

1 *Arctic Surplus Superfund Site, U.S. EPA Docket*
2 *Number CERCLA-10-2003-0114: Administrative*
3 *Order on Consent for Remedial Design and Remedial*
4 *Action,” entered into by the Department of Defense*
5 *and the Environmental Protection Agency on Decem-*
6 *ber 11, 2003.*

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

11 *(c) USE OF FUNDS.—The Environmental Protection*
12 *Agency shall use the amount transferred under subsection*
13 *(a) to pay costs incurred by the Agency pursuant to the*
14 *agreement described in paragraph (2) of such subsection.*

15 **SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION**
16 **AGENCY OF STIPULATED PENALTIES IN CON-**
17 **NECTION WITH JACKSON PARK HOUSING**
18 **COMPLEX, WASHINGTON.**

19 *(a) AUTHORITY TO TRANSFER FUNDS.—*

20 *(1) TRANSFER AMOUNT.—Using funds described*
21 *in subsection (b), the Secretary of the Navy may, not-*
22 *withstanding section 2215 of title 10, United States*
23 *Code, transfer not more than \$40,000.00 to the Haz-*
24 *ardous Substance Superfund.*

1 (2) *PURPOSE OF TRANSFER.*—*The payment*
2 *under paragraph (1) is to pay a stipulated penalty*
3 *assessed by the Environmental Protection Agency on*
4 *October 25, 2005, against the Jackson Park Housing*
5 *Complex, Washington, for the failure by the Navy to*
6 *timely submit a draft final Phase II Remedial Inves-*
7 *tigation Work Plan for the Jackson Park Housing*
8 *Complex Operable Unit (OU-3T-JPHC) pursuant to*
9 *a schedule included in an Interagency Agreement*
10 *(Administrative Docket No. CERCLA-10-2005-*
11 *0023).*

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

16 (c) *USE OF FUNDS.*—*The amount transferred under*
17 *subsection (a) shall be used by the Environmental Protec-*
18 *tion Agency to pay the penalty described under paragraph*
19 *(2) of such subsection.*

20 **SEC. 314. REPORT ON CONTROL OF THE BROWN TREE**
21 **SNAKE.**

22 (a) *FINDINGS.*—*Congress makes the following findings:*
23 (1) *The brown tree snake (Boiga irregularis), an*
24 *invasive species, is found in significant numbers on*
25 *military installations and in other areas on Guam,*

1 *and constitutes a serious threat to the ecology of*
2 *Guam.*

3 (2) *If introduced into Hawaii, the Common-*
4 *wealth of the Northern Mariana Islands, or the conti-*
5 *ental United States, the brown tree snake would pose*
6 *an immediate and serious economic and ecological*
7 *threat.*

8 (3) *The most probable vector for the introduction*
9 *of the brown tree snake into Hawaii, the Common-*
10 *wealth of the Northern Mariana Islands, or the conti-*
11 *ental United States is the movement from Guam of*
12 *military aircraft, personnel, and cargo, including the*
13 *household goods of military personnel.*

14 (4) *It is probable that the movement of military*
15 *aircraft, personnel, and cargo, including the house-*
16 *hold goods of military personnel, from Guam to Ha-*
17 *waii, the Commonwealth of the Northern Mariana Is-*
18 *lands, or the continental United States will increase*
19 *significantly coincident with the increase in the num-*
20 *ber of military units and personnel stationed on*
21 *Guam.*

22 (5) *Current policies, programs, procedures, and*
23 *dedicated resources of the Department of Defense and*
24 *of other departments and agencies of the United*
25 *States may not be sufficient to adequately address the*

1 *increasing threat of the introduction of the brown tree*
2 *snake from Guam into Hawaii, the Commonwealth of*
3 *the Northern Mariana Islands, or the continental*
4 *United States.*

5 *(b) REPORT.—Not later than 180 days after the date*
6 *of the enactment of this Act, the Secretary of Defense shall*
7 *submit to the congressional defense committees a report on*
8 *the following:*

9 *(1) The actions currently being taken (including*
10 *the resources being made available) by the Depart-*
11 *ment of Defense to control, and to develop new or ex-*
12 *isting techniques to control, the brown tree snake on*
13 *Guam and to ensure that the brown tree snake is not*
14 *introduced into Hawaii, the Commonwealth of the*
15 *Northern Mariana Island, or the continental United*
16 *States as a result of the movement from Guam of*
17 *military aircraft, personnel, and cargo, including the*
18 *household goods of military personnel.*

19 *(2) Current plans for enhanced future actions,*
20 *policies, and procedures and increased levels of re-*
21 *sources in order to ensure that the projected increase*
22 *of military personnel stationed on Guam does not in-*
23 *crease the threat of introduction of the brown tree*
24 *snake from Guam into Hawaii, the Commonwealth of*

1 *the Northern Mariana Islands, or the continental*
 2 *United States.*

3 ***Subtitle C—Program Requirements,***
 4 ***Restrictions, and Limitations***

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

9 *(a) IN GENERAL.—Funds in the Defense Information*
 10 *Systems Agency Working Capital Fund may be used for*
 11 *expenses directly related to technology upgrades to the De-*
 12 *fense Information Systems Network.*

13 *(b) LIMITATION ON CERTAIN PROJECTS.—Funds may*
 14 *not be used under subsection (a) for—*

15 *(1) any significant technology insertion to the*
 16 *Defense Information Systems Network; or*

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

19 *(c) LIMITATION IN FISCAL YEAR PENDING TIMELY RE-*
 20 *PORT.—If in any fiscal year the report required by para-*
 21 *graph (1) of subsection (d) is not submitted by the date*
 22 *specified in paragraph (2) of subsection (d), funds may not*
 23 *be used under subsection (a) in such fiscal year during the*
 24 *period—*

1 (1) *beginning on the date specified in paragraph*
2 (2) *of subsection (d); and*

3 (2) *ending on the date of the submittal of the re-*
4 *port 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 con-*
8 *gressional defense committees each fiscal year a report*
9 *on the use of the authority in subsection (a) during*
10 *the preceding fiscal year.*

11 (2) *DEADLINE FOR SUBMITTAL.—The report re-*
12 *quired by paragraph (1) in a fiscal year shall be sub-*
13 *mitted not later than 60 days after the date of the*
14 *submittal to Congress of the budget of the President*
15 *for the succeeding fiscal year pursuant to section 1105*
16 *of title 31, United States Code.*

17 (e) *SUNSET.—The authority in subsection (a) shall ex-*
18 *pire on October 1, 2011.*

19 **SEC. 322. EXTENSION OF TEMPORARY AUTHORITY FOR**
20 **CONTRACT PERFORMANCE OF SECURITY**
21 **GUARD FUNCTIONS.**

22 (a) *EXTENSION.—Subsection (c) of section 332 of the*
23 *Bob Stump National Defense Authorization Act for Fiscal*
24 *Year 2003 (Public Law 107–314) is amended by striking*

1 “September 30, 2009” both places it appears and inserting
2 “September 30, 2012”.

3 (b) *LIMITATION FOR FISCAL YEARS 2010 THROUGH*
4 *2012.—Subsection (d) of such section is amended—*

5 (1) *in paragraph (2), by striking “and” at the*
6 *end;*

7 (2) *in paragraph (3), by striking the period and*
8 *inserting “; and”; and*

9 (3) *by adding at the end the following new para-*
10 *graphs:*

11 “(4) *for fiscal year 2010, the number equal to 70*
12 *percent of the total number of such personnel em-*
13 *ployed under such contracts on October 1, 2006;*

14 “(5) *for fiscal year 2011, the number equal to 60*
15 *percent of the total number of such personnel em-*
16 *ployed under such contracts on October 1, 2006; and*

17 “(6) *for fiscal year 2012, the number equal to 50*
18 *percent of the total number of such personnel em-*
19 *ployed under such contracts on October 1, 2006.”.*

20 **SEC. 323. REPORT ON INCREMENTAL COST OF EARLY 2007**
21 **ENHANCED DEPLOYMENT.**

22 *Section 323(b)(2) of the John Warner National Defense*
23 *Authorization Act for Fiscal Year 2007 (Public Law 109–*
24 *364; 10 U.S.C. 229 note) is amended—*

1 (1) *in subparagraph (A), by striking “; and”*
2 *and inserting a semicolon;*

3 (2) *in subparagraph (B), by striking the period*
4 *at the end and inserting “; and”; and*

5 (3) *by adding at the end the following new sub-*
6 *paragraph:*

7 “(C) *each of the military departments for*
8 *the additional incremental cost resulting from*
9 *the additional deployment of forces to Iraq and*
10 *Afghanistan above the levels deployed to such*
11 *countries on January 1, 2007.”.*

12 **SEC. 324. INDIVIDUAL BODY ARMOR.**

13 (a) *ASSESSMENT.—The Director of Operational Test*
14 *and Evaluation and the Director of Defense Research and*
15 *Engineering shall jointly conduct an assessment of various*
16 *domestic technological approaches for body armor systems*
17 *for protection against ballistic threats at or above military*
18 *requirements.*

19 (b) *REPORT.—*

20 (1) *REPORT REQUIRED.—Not later than 90 days*
21 *after the date of the enactment of this Act, the Direc-*
22 *tor of Operational Test and Evaluation and the Di-*
23 *rector of Defense Research and Engineering shall*
24 *jointly submit to the Secretary of Defense, and to the*

1 congressional defense committees, a report on the as-
2 sessment required by subsection (a).

3 (2) *ELEMENTS.*—The report required under
4 paragraph (1) shall include—

5 (A) a detailed comparative analysis and as-
6 sessment of the technical approaches covered by
7 the assessment under subsection (a), including
8 the technical capability, feasibility, military
9 utility, and cost of each such approach; and

10 (B) such other matters as the Director of
11 Operational Test and Evaluation and the Direc-
12 tor of Defense Research and Engineering jointly
13 consider appropriate.

14 (3) *FORM.*—The report submitted under para-
15 graph (1) to the congressional defense committees
16 shall be submitted in both classified and unclassified
17 form.

18 **Subtitle D—Workplace and Depot** 19 **Issues**

20 **SEC. 341. EXTENSION OF AUTHORITY FOR ARMY INDUS-** 21 **TRIAL FACILITIES TO ENGAGE IN COOPERA-** 22 **TIVE ACTIVITIES WITH NON-ARMY ENTITIES.**

23 (a) *EXTENSION OF AUTHORITY.*—Section 4544 of title
24 10, United States Code, is amended—

1 (1) *in subsection (a), by adding at the end the*
2 *following: “This authority may be used to enter into*
3 *not more than eight contracts or cooperative agree-*
4 *ments.”; and*

5 (2) *in subsection (k), by striking “2009” and in-*
6 *serting “2014”.*

7 **(b) REPORTS.—**

8 (1) **ANNUAL REPORT ON USE OF AUTHORITY.—**
9 *The Secretary of the Army shall submit to Congress*
10 *at the same time the budget of the President is sub-*
11 *mitted to Congress for fiscal years 2009 through 2016*
12 *under section 1105 of title 31, United States Code, a*
13 *report on the use of the authority provided under sec-*
14 *tion 4544 of title 10, United States Code.*

15 (2) **ANALYSIS OF USE OF AUTHORITY.—***Not later*
16 *than September 30, 2012, the Secretary of the Army*
17 *shall submit to the congressional defense committees a*
18 *report assessing the advisability of making such au-*
19 *thority permanent and eliminating the limitation on*
20 *the number of contracts or cooperative arrangements*
21 *that may be entered into pursuant to such authority.*

22 **SEC. 342. TWO-YEAR EXTENSION OF ARSENAL SUPPORT**
23 **DEMONSTRATION PROGRAM.**

24 (a) **EXTENSION.—***Subsection (a) of section 343 of the*
25 *Floyd D. Spence National Defense Authorization Act for*

1 *Fiscal Year 2001 (as enacted into law by Public Law 106–*
2 *398; 10 U.S.C. 4551 note) is amended by striking “fiscal*
3 *years 2001 through 2008” and inserting “fiscal years 2001*
4 *through 2010”.*

5 (b) *EXTENSION OF REPORTING REQUIREMENT.*—*The*
6 *second sentence in subsection (g)(1) of such section is*
7 *amended to read as follows: “No report is required after*
8 *fiscal year 2010.”.*

9 **SEC. 343. REPORTS ON NATIONAL GUARD READINESS FOR**
10 **DOMESTIC EMERGENCIES.**

11 (a) *ANNUAL REPORTS ON EQUIPMENT.*—*Section*
12 *10541(b) of title 10, United States Code, is amended by*
13 *adding at the end the following new paragraphs:*

14 “(9) *An assessment of the extent to which the Na-*
15 *tional Guard possesses the equipment required to re-*
16 *spond to domestic emergencies, including large scale,*
17 *multi-State disasters and terrorist attacks.*

18 “(10) *An assessment of the shortfalls, if any, in*
19 *National Guard equipment throughout the United*
20 *States, and an assessment of the effect of such short-*
21 *falls on the capacity of the National Guard to re-*
22 *spond to domestic emergencies.*

23 “(11) *Strategies and investment priorities for*
24 *equipment for the National Guard to ensure that the*
25 *National Guard possesses the equipment required to*

1 *respond in a timely and effective way to domestic*
2 *emergencies.”.*

3 *(b) INCLUSION OF NATIONAL GUARD READINESS IN*
4 *QUARTERLY PERSONNEL AND UNIT READINESS REPORT.—*

5 *Section 482 of such title is amended—*

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

8 *(2) by redesignating subsection (f) as subsection*
9 *(g);*

10 *(3) by inserting after subsection (e) the following*
11 *new subsection (f):*

12 *“(f) READINESS OF NATIONAL GUARD TO PERFORM*
13 *CIVIL SUPPORT MISSIONS.—(1) Each report shall also in-*
14 *clude an assessment of the readiness of the National Guard*
15 *to perform tasks required to support the National Response*
16 *Plan for support to civil authorities.*

17 *“(2) Any information in a report under this subsection*
18 *that is relevant to the National Guard of a particular State*
19 *shall also be made available to the Governor of that State.”.*

20 *(c) EFFECTIVE DATE.—The amendments made by sub-*
21 *sections (a) and (b) shall apply with respect to reports sub-*
22 *mitted after the date of the enactment of this Act.*

23 *(d) REPORT ON IMPLEMENTATION.—*

24 *(1) IN GENERAL.—As part of the budget jus-*
25 *tification materials submitted to Congress in support*

1 *of the budget of the President for fiscal year 2009 (as*
2 *submitted under section 1105 of title 31, United*
3 *States Code), the Secretary of Defense shall submit to*
4 *the congressional defense committees a report on ac-*
5 *tions taken by the Secretary to achieve the implemen-*
6 *tation of the amendments made by this section.*

7 (2) *ELEMENTS.*—*The report under paragraph*
8 *(1) shall include a description of the mechanisms to*
9 *be utilized by the Secretary for assessing the per-*
10 *sonnel, equipment, and training readiness of the Na-*
11 *tional Guard, including the standards and measures*
12 *that will be applied and mechanisms for sharing in-*
13 *formation on such matters with the Governors of the*
14 *States.*

15 **SEC. 344. SENSE OF SENATE ON THE AIR FORCE LOGISTICS**

16 **CENTERS.**

17 (a) *FINDINGS.*—*The Senate makes the following find-*
18 *ings:*

19 (1) *Air Force Air Logistics Centers have served*
20 *as a model of efficiency and effectiveness in providing*
21 *integrated sustainment (depot maintenance, supply*
22 *management, and product support) for fielded weap-*
23 *on systems within the Department of Defense. This*
24 *success has been founded in the integration of these*
25 *dependent processes.*

1 (2) *Air Force Air Logistics Centers have em-*
2 *braced best practices, technology changes, and process*
3 *improvements, and have successfully managed in-*
4 *creased workload while at the same time reducing*
5 *personnel.*

6 (3) *Air Force Air Logistics Centers continue to*
7 *successfully sustain an aging aircraft fleet that is per-*
8 *forming more flying hours, with less aircraft, than at*
9 *any point in the last thirty years.*

10 (4) *The purpose of the Global Logistics Support*
11 *Center is to apply an enterprise approach to supply*
12 *chain management to eliminate redundancies and*
13 *improve efficiencies across the Air Force in order to*
14 *best provide capable aircraft to the warfighter.*

15 (5) *The Air Force is working diligently to iden-*
16 *tify means to create further efficiencies in the Air*
17 *Force logistics network.*

18 (b) *SENSE OF SENATE.—It is the sense of the Senate*
19 *that the Air Force should work closely with Congress as the*
20 *Air Force continues to develop and implement the Global*
21 *Logistics Support Center concept.*

1 **Subtitle E—Other Matters**

2 **SEC. 351. ENHANCEMENT OF CORROSION CONTROL AND**
3 **PREVENTION FUNCTIONS WITHIN DEPART-**
4 **MENT OF DEFENSE.**

5 (a) *OFFICE OF CORROSION POLICY AND OVERSIGHT.*—

6 (1) *IN GENERAL.*—Section 2228 of title 10,
7 *United States Code, is amended—*

8 (A) *in the section heading, by striking*
9 **“Military equipment and infrastruc-**
10 **ture: prevention and mitigation of cor-**
11 **rosion”** *and inserting “Office of Corro-*
12 **sion Policy and Oversight”**; *and*

13 (B) *by amending subsection (a) to read as*
14 *follows:*

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 Corro-*
20 *sion Policy and Oversight (in this section referred to as the*
21 *‘Director’), who shall be assigned to such position by the*
22 *Under Secretary from among civilian employees of the De-*
23 *partment of Defense with the qualifications described in*
24 *paragraph (3). The Director is the senior official respon-*
25 *sible in the Department of Defense to the Secretary of De-*

1 *fense (after the Under Secretary of Defense for Acquisition,*
2 *Technology, and Logistics) for the prevention and mitiga-*
3 *tion of corrosion of the military equipment and infrastruc-*
4 *ture of the Department of Defense. The Director shall report*
5 *directly to the Under Secretary.*

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

8 “(A) *have a minimum of 10 years experience in*
9 *the Defense Acquisition Corps;*

10 “(B) *have technical expertise in, and profes-*
11 *sional experience with, corrosion engineering, includ-*
12 *ing an understanding of the effects of corrosion poli-*
13 *cies on infrastructure; research, development, test, and*
14 *evaluation; and maintenance; and*

15 “(C) *have background in and an understanding*
16 *of Department of Defense budget formulation and exe-*
17 *cution, policy formulation, and planning and pro-*
18 *gram requirements.”.*

19 (2) *CONFORMING CHANGES.—Subsection (b) of*
20 *such section is amended—*

21 (A) *in paragraph (1), by striking “official*
22 *or organization designated under subsection (a)”*
23 *and inserting “Director”; and*

1 (B) by striking “designated official or orga-
2 nization” each place it appears and inserting
3 “Director”.

4 (b) *ADDITIONAL AUTHORITY FOR DIRECTOR OF OF-*
5 *FICE.*—Such section is further amended—

6 (1) by redesignating subsections (c) and (d) as
7 subsections (d) and (f), respectively; and

8 (2) by inserting after subsection (b) the following
9 new subsection:

10 “(c) *ADDITIONAL AUTHORITIES FOR DIRECTOR.*—The
11 *Director is authorized to—*

12 “(1) develop, update, and coordinate corrosion
13 training with the Defense Acquisition University;

14 “(2) participate in the process within the De-
15 partment of Defense for the development of relevant
16 directives and instructions; and

17 “(3) interact directly with the corrosion preven-
18 tion industry, trade associations, other government
19 corrosion prevention agencies, academic research in-
20 stitutions, and scientific organizations engaged in
21 corrosion prevention, including the National Academy
22 of Sciences.”.

23 (c) *INCLUSION OF COOPERATIVE RESEARCH AGREE-*
24 *MENTS AS PART OF CORROSION REDUCTION STRATEGY.*—

25 *Subparagraph (D) of subsection (d)(2) of such section, as*

1 *redesignated by subsection (b), is amended by inserting*
2 *after “operational strategies” the following: “, including*
3 *through the establishment of memoranda of agreement, joint*
4 *funding agreements, public-private partnerships, university*
5 *research centers, and other cooperative research agree-*
6 *ments”.*

7 *(d) REPORT REQUIREMENT.—Such section is further*
8 *amended by inserting after subsection (d), as redesignated*
9 *by subsection (b), the following new subsection:*

10 *“(e) REPORT.—(1) The Secretary of Defense shall sub-*
11 *mit with the defense budget materials for each fiscal year*
12 *beginning with fiscal year 2009 a report on the following:*

13 *“(A) Funding requirements for the long-term*
14 *strategy developed under subsection (d).*

15 *“(B) The return on investment that would be*
16 *achieved by implementing the strategy.*

17 *“(C) The funds requested in the budget compared*
18 *to the funding requirements.*

19 *“(D) An explanation of why the Department of*
20 *Defense is not requesting funds for the entire require-*
21 *ment.*

22 *“(2) Not later than 60 days after submission of the*
23 *budget for a fiscal year, the Comptroller General shall pro-*
24 *vide to the congressional defense committees—*

1 “(A) an analysis of the budget submission for
2 corrosion control and prevention by the Department
3 of Defense; and

4 “(B) an analysis of the report required under
5 paragraph (1).”.

6 (e) *DEFINITIONS.*—Subsection (f), as redesignated by
7 subsection (b), is amended by adding at the end the fol-
8 lowing new paragraphs:

9 “(4) The term ‘budget’, with respect to a fiscal
10 year, means the budget for that fiscal year that is
11 submitted to Congress by the President under section
12 1105(a) of title 31.

13 “(5) The term ‘defense budget materials’, with
14 respect to a fiscal year, means the materials sub-
15 mitted to Congress by the Secretary of Defense in sup-
16 port of the budget for that fiscal year.”.

17 **SEC. 352. REIMBURSEMENT FOR NATIONAL GUARD SUP-**
18 **PORT PROVIDED TO FEDERAL AGENCIES.**

19 Section 377 of title 10, United States Code, is
20 amended—

21 (1) in subsection (a), by striking “To the extent”
22 and inserting “Subject to subsection (c), to the ex-
23 tent”;

24 (2) by redesignating subsection (b) as subsection
25 (c);

1 (3) by inserting after subsection (a) the following
2 new subsection:

3 “(b)(1) Subject to subsection (c), the Secretary of De-
4 fense shall require a Federal agency to which law enforce-
5 ment support or support to a national special security event
6 is provided by National Guard personnel performing duty
7 under section 502(f) of title 32 to reimburse the Department
8 of Defense for the costs of that support, notwithstanding any
9 other provision of law. No other provision of this chapter
10 shall apply to such support.

11 “(2) Any funds received by the Department of Defense
12 under this subsection as reimbursement for support pro-
13 vided by personnel of the National Guard shall be credited,
14 at the election of the Secretary of Defense, to the following:

15 “(A) The appropriation, fund, or account used to
16 fund the support.

17 “(B) The appropriation, fund, or account cur-
18 rently available for reimbursement purposes.”; and

19 (4) in subsection (c), as redesignated by para-
20 graph (2)—

21 (A) by inserting “or section 502(f) of title
22 32” after “under this chapter”; and

23 (B) in paragraph (2), by inserting “or per-
24 sonnel of the National Guard” after “Depart-
25 ment of Defense”.

1 **SEC. 353. REAUTHORIZATION OF AVIATION INSURANCE**
2 **PROGRAM.**

3 *Section 44310 of title 49, United States Code, is*
4 *amended by striking “March 30, 2008” and inserting “De-*
5 *cember 31, 2013”.*

6 **SEC. 354. PROPERTY ACCOUNTABILITY AND DISPOSITION**
7 **OF UNLAWFULLY OBTAINED PROPERTY OF**
8 **THE ARMED FORCES.**

9 *(a) STATUTORY ESTABLISHMENT OF ACCOUNTABILITY*
10 *FOR PROPERTY OF NAVY AND MARINE CORPS.—*

11 *(1) IN GENERAL.—Chapter 661 of title 10,*
12 *United States Code, is amended by adding at the end*
13 *the following new section:*

14 **“§ 7864. Property accountability; regulations**

15 *“The Secretary of the Navy may prescribe regulations*
16 *for the accounting for property of the Navy and the Marine*
17 *Corps and for the fixing of responsibility for such prop-*
18 *erty.”.*

19 *(2) UNAUTHORIZED DISPOSITION AND RECOVERY*
20 *OF PROPERTY.—Such chapter is further amended by*
21 *adding at the end the following new section:*

22 **“§ 7865. Military equipment: unauthorized disposition**

23 *“(a) PROHIBITION.—No member of the Navy or the*
24 *Marine Corps may sell, lend, pledge, barter, or give any*
25 *clothing, arms, or equipment obtained by or furnished to*
26 *the member by the United States to any person other than*

1 *a member of the Navy or the Marine Corps authorized to*
2 *receive it, an officer of the United States authorized to re-*
3 *ceive it, or any other individual authorized to receive it.*

4 “(b) *SEIZURE OF PROPERTY.*—*If a member of the*
5 *Navy or the Marine Corps disposes of property in violation*
6 *of subsection (a) and it is in the possession of a person*
7 *who is not authorized to receive it as described in that sub-*
8 *section, that person has no right to or interest in the prop-*
9 *erty, and any civil or military officer of the United States*
10 *may seize it, wherever found, subject to applicable regula-*
11 *tions. Possession of such property by a person who is not*
12 *authorized to receive it as described in subsection (a) is*
13 *prima facie evidence that it has been disposed of in viola-*
14 *tion of subsection (a).*

15 “(c) *RETENTION OF SEIZED PROPERTY.*—*If an officer*
16 *who seizes property under subsection (b) is not authorized*
17 *to retain it for the United States, the officer shall deliver*
18 *it to a person who is authorized to retain it.”.*

19 (b) *STANDARDIZING AMENDMENTS RELATING TO DIS-*
20 *POSITION OF UNLAWFULLY OBTAINED ARMY AND AIR*
21 *FORCE PROPERTY.*—

22 (1) *ARMY PROPERTY.*—*Section 4836 of title 10,*
23 *United States Code, is amended to read as follows:*

1 **“§ 4836. Military equipment: unauthorized disposition**

2 “(a) *PROHIBITION.*—No member of the Army may sell,
3 lend, pledge, barter, or give any clothing, arms, or equip-
4 ment obtained by or furnished to the member by the United
5 States to any person other than a member of the Army au-
6 thorized to receive it, an officer of the United States author-
7 ized to receive it, or any other individual authorized to re-
8 ceive it.

9 “(b) *SEIZURE OF PROPERTY.*—If a member of the
10 Army disposes of property in violation of subsection (a) and
11 it is in the possession of a person who is not authorized
12 to receive it as described in that subsection, that person has
13 no right to or interest in the property, and any civil or
14 military officer of the United States may seize it, wherever
15 found, subject to applicable regulations. Possession of such
16 property by a person who is not authorized to receive it
17 as described in subsection (a) is *prima facie* evidence that
18 it has been disposed of in violation of subsection (a).

19 “(c) *RETENTION OF SEIZED PROPERTY.*—If an officer
20 who seizes property under subsection (b) is not authorized
21 to retain it for the United States, the officer shall deliver
22 it to a person who is authorized to retain it.”.

23 (2) *AIR FORCE PROPERTY.*—Section 9836 of such
24 title is amended to read as follows:

1 **“§ 9836. Military equipment: unauthorized disposition**

2 “(a) *PROHIBITION.*—No member of the Air Force may
3 sell, lend, pledge, barter, or give any clothing, arms, or
4 equipment obtained by or furnished to the member by the
5 United States to any person other than a member of the
6 Air Force authorized to receive it, an officer of the United
7 States authorized to receive it, or any other individual au-
8 thorized to receive it.

9 “(b) *SEIZURE OF PROPERTY.*—If a member of the Air
10 Force disposes of property in violation of subsection (a) and
11 it is in the possession of a person who is not authorized
12 to receive it as described in that subsection, that person has
13 no right to or interest in the property, and any civil or
14 military officer of the United States may seize it, wherever
15 found, subject to applicable regulations. Possession of such
16 property by a person who is not authorized to receive it
17 as described in subsection (a) is prima facie evidence that
18 it has been disposed of in violation of subsection (a).

19 “(c) *RETENTION OF SEIZED PROPERTY.*—If an officer
20 who seizes property under subsection (b) is not authorized
21 to retain it for the United States, the officer shall deliver
22 it to a person who is authorized to retain it.”.

23 (c) *CLERICAL AMENDMENTS.*—

24 (1) *The table of sections at the beginning of*
25 *chapter 453 of such title is amended by striking the*

1 *item relating to section 4836 and inserting the fol-*
2 *lowing new item:*

“4836. Military equipment: unauthorized disposition.”.

3 (2) *The table of sections at the beginning of*
4 *chapter 661 of such title is amended by adding at the*
5 *end the following new items:*

“7864. Property accountability: regulations.

“7865. Military equipment: unauthorized disposition.”.

6 (3) *The table of sections at the beginning of*
7 *chapter 953 of such title is amended by striking the*
8 *item relating to section 9836 and inserting the fol-*
9 *lowing new item:*

“9836. Military equipment: unauthorized disposition.”.

10 **SEC. 355. AUTHORITY TO IMPOSE REASONABLE CONDI-**
11 **TIONS ON THE PAYMENT OF FULL REPLACE-**
12 **MENT VALUE FOR CLAIMS RELATED TO PER-**
13 **SONAL PROPERTY TRANSPORTED AT GOV-**
14 **ERNMENT EXPENSE.**

15 *Section 2636a(d) of title 10, United States Code, is*
16 *amended by adding at the end the following new sentence:*
17 *“The regulations may require members of the armed forces*
18 *or civilian employees of the Department of Defense to com-*
19 *ply with reasonable conditions in order to receive benefits*
20 *under this section.”.*

1 **SEC. 356. AUTHORITY FOR INDIVIDUALS TO RETAIN COM-**
 2 **BAT UNIFORMS ISSUED IN CONNECTION**
 3 **WITH CONTINGENCY OPERATIONS.**

4 *The Secretary of a military department may authorize*
 5 *members of the Armed Forces under the jurisdiction of the*
 6 *Secretary to retain combat uniforms issued as organiza-*
 7 *tional clothing and individual equipment in connection*
 8 *with their deployment in support of contingency operations.*

9 **SEC. 357. MODIFICATION OF REQUIREMENTS ON COMP-**
 10 **TROLLER GENERAL REPORT ON THE READI-**
 11 **NESS OF ARMY AND MARINE CORPS GROUND**
 12 **FORCES.**

13 *(a) SUBMITTAL DATE.—Subsection (a)(1) of section*
 14 *345 of the John Warner National Defense Authorization Act*
 15 *for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2156)*
 16 *is amended by striking “June 1, 2007” and inserting*
 17 *“March 1, 2008”.*

18 *(b) ELEMENTS.—Subsection (b) of such section is*
 19 *amended—*

20 *(1) by striking paragraph (2);*

21 *(2) by redesignating paragraphs (3) through (7)*
 22 *as paragraphs (4) through (8), respectively; and*

23 *(3) by inserting after paragraph (1) the fol-*
 24 *lowing new paragraphs:*

25 *“(2) An assessment of the ability of the Army*
 26 *and Marine Corps to provide trained and ready*

1 *forces to meet the requirements of increased force lev-*
2 *els in support of Operations Iraqi Freedom and En-*
3 *during Freedom and to meet the requirements of other*
4 *ongoing operations simultaneously with such in-*
5 *creased force levels.*

6 “(3) *An assessment of the strategic depth of the*
7 *Army and Marine Corps and their ability to provide*
8 *trained and ready forces to meet the requirements of*
9 *the high-priority contingency war plans of the re-*
10 *gional combatant commands, including an identifica-*
11 *tion and evaluation for each such plan of—*

12 “(A) *the strategic and operational risks as-*
13 *sociated with current and projected forces of cur-*
14 *rent and projected readiness;*

15 “(B) *the time required to make forces avail-*
16 *able and prepare them for deployment; and*

17 “(C) *likely strategic tradeoffs necessary to*
18 *meet the requirements of each such plan.”.*

19 (c) *DEPARTMENT OF DEFENSE COOPERATION.—Such*
20 *section is further amended—*

21 (1) *by redesignating subsection (c) as subsection*
22 *(d); and*

23 (2) *by inserting after subsection (b) the following*
24 *new subsection (c):*

1 “(c) *DEPARTMENT OF DEFENSE COOPERATION.*—The
2 *Secretary of Defense shall ensure the full cooperation of the*
3 *Department of Defense with the Comptroller General for*
4 *purposes of the preparation of the report required by this*
5 *section.*”.

6 **SEC. 358. AUTHORITY FOR DEPARTMENT OF DEFENSE TO**
7 ***PROVIDE SUPPORT FOR CERTAIN SPORTING***
8 ***EVENTS.***

9 (a) *PROVISION OF SUPPORT.*—Section 2564 of title 10,
10 *United States Code, is amended—*

11 (1) *in subsection (c), by adding at the end the*
12 *following new paragraphs:*

13 “(4) *A sporting event sanctioned by the United*
14 *States Olympic Committee through the Paralympic*
15 *Military Program.*

16 “(5) *Any national or international paralympic*
17 *sporting event (other than a sporting event described*
18 *in paragraphs (1) through (4))—*

19 “(A) *that—*

20 “(i) *is held in the United States or*
21 *any of its territories or commonwealths;*

22 “(ii) *is governed by the International*
23 *Paralympic Committee; and*

24 “(iii) *is sanctioned by the United*
25 *States Olympic Committee;*

1 “(B) for which participation exceeds 100
2 amateur athletes; and

3 “(C) in which at least 10 percent of the ath-
4 letes participating in the sporting event are
5 members or former members of the armed forces
6 who are participating in the sporting event
7 based upon an injury or wound incurred in the
8 line of duty in the armed force and veterans who
9 are participating in the sporting event based
10 upon a service-connected disability.”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(g) *FUNDING FOR SUPPORT OF CERTAIN EVENTS.*—
14 (1) Amounts for the provision of support for a sporting
15 event described in paragraph (4) or (5) of subsection (c)
16 may be derived from the Support for International Sport-
17 ing Competitions, Defense account established by section
18 5802 of the Omnibus Consolidated Appropriations Act,
19 1997 (10 U.S.C. 2564 note), notwithstanding any limita-
20 tion under that section relating to the availability of funds
21 in such account for the provision of support for inter-
22 national sporting competitions.

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

1 (b) *SOURCE OF FUNDS.*—Section 5802 of the Omnibus
2 *Consolidated Appropriations Act, 1997 (10 U.S.C. 2564*
3 *note) is amended—*

4 (1) *by inserting after “international sporting*
5 *competitions” the following: “and for support of*
6 *sporting competitions authorized under section*
7 *2564(c)(4) and (5), of title 10, United States Code,”;*
8 *and*

9 (2) *by striking “45 days” and inserting “15*
10 *days”.*

11 **SEC. 359. DEPARTMENT OF DEFENSE INSPECTOR GENERAL**
12 **REPORT ON PHYSICAL SECURITY OF DEPART-**
13 **MENT OF DEFENSE INSTALLATIONS.**

14 (a) *REPORT.*—*Not later than one year after the date*
15 *of the enactment of this Act, the Inspector General of the*
16 *Department of Defense shall submit to Congress a report*
17 *on the physical security of Department of Defense installa-*
18 *tions and resources.*

19 (b) *ELEMENTS.*—*The report required by subsection (a)*
20 *shall include the following:*

21 (1) *An analysis of the progress in implementing*
22 *requirements under the Physical Security Program as*
23 *set forth in the Department of Defense Instruction*
24 *5200.08–R, Chapter 2 (C.2) and Chapter 3, Section*
25 *3: Installation Access (C3.3), which mandates the*

1 *policies and minimum standards for the physical se-*
2 *curity of Department of Defense installations and re-*
3 *sources.*

4 (2) *Recommendations based on the findings of*
5 *the Comptroller General of the United States in the*
6 *report required by section 344 of the John Warner*
7 *National Defense Authorization Act for Fiscal Year*
8 *2007 (Public Law 109–366; 120 Stat. 2155).*

9 (3) *Recommendations based on the lessons*
10 *learned from the thwarted plot to attack Fort Dix,*
11 *New Jersey, in 2007.*

12 **SEC. 360. CONTINUITY OF DEPOT OPERATIONS TO RESET**
13 **COMBAT EQUIPMENT AND VEHICLES IN SUP-**
14 **PORT OF WARS IN IRAQ AND AFGHANISTAN.**

15 (a) *FINDINGS.*—*Congress makes the following findings:*

16 (1) *The United States Armed Forces, particu-*
17 *larly the Army and the Marine Corps, are currently*
18 *engaged in a tremendous effort to reset equipment*
19 *that was damaged and worn in combat operations in*
20 *Iraq and Afghanistan.*

21 (2) *The implementing guidance from the Under*
22 *Secretary of Defense for Acquisition, Technology, and*
23 *Logistics related to the decisions of the 2005 Defense*
24 *Base Closure and Realignment Commission (BRAC)*
25 *to transfer depot functions appears not to differen-*

1 *tiate between external supply functions and in-process*
2 *storage functions related to the performance of depot*
3 *maintenance.*

4 (3) *Given the fact that up to 80 percent of the*
5 *parts involved in the vehicle reset process are re-*
6 *claimed and refurbished, the transfer of this inher-*
7 *ently internal depot maintenance function to the De-*
8 *fense Logistics Agency could severely disrupt produc-*
9 *tion throughput, generate increased costs, and nega-*
10 *tively impact Army and Marine Corps equipment*
11 *reset efforts.*

12 (4) *The goal of the Department of Defense, the*
13 *Defense Logistics Agency, and the 2005 Defense Base*
14 *Closure and Realignment Commission is the re-*
15 *engineering of businesses processes in order to achieve*
16 *higher efficiency and cost savings.*

17 (b) *REPORT.—*

18 (1) *IN GENERAL.—Not later than June 1, 2008,*
19 *the Secretary of Defense shall submit to the congres-*
20 *sional defense committees a report on the challenges*
21 *of implementing the transfer of depot functions and*
22 *the impacts on production, including parts reclama-*
23 *tion and refurbishment.*

24 (2) *CONTENT.—The report required under para-*
25 *graph (1) shall describe—*

1 (A) the sufficiency of the business plan to
2 transfer depot functions to accommodate a time-
3 ly and efficient transfer without the disruption
4 of depot production;

5 (B) a description of the completeness of the
6 business plan in addressing part reclamation
7 and refurbishment;

8 (C) the estimated cost of the implementation
9 and what savings are likely be achieved;

10 (D) the impact of the transfer on the De-
11 fense Logistics Agency and depot hourly rates
12 due to the loss of budgetary control of the depot
13 commander over overtime pay for in-process
14 parts supply personnel, and any other relevant
15 rate-related factors;

16 (E) the number of personnel positions af-
17 fected;

18 (F) the sufficiency of the business plan to
19 ensure the responsiveness and availability of De-
20 fense Logistics supply personnel to meet depot
21 throughput needs, including potential impact on
22 depot turnaround time; and

23 (G) the impact of Defense Logistics per-
24 sonnel being outside the chain of command of the

1 *depot commander in terms of overtime sched-*
2 *uling and meeting surge requirements.*

3 (3) *GOVERNMENT ACCOUNTABILITY OFFICE AS-*
4 *SESSMENT.—Not later than September 30, 2008, the*
5 *Comptroller General of the United States shall review*
6 *the report submitted under paragraph (1) and submit*
7 *to the congressional defense committees an inde-*
8 *pendent assessment of the matters addressed in such*
9 *report, as requested by the Chairman of the Com-*
10 *mittee on Armed Services of the House of Representa-*
11 *tives.*

12 **SEC. 361. REPORT ON SEARCH AND RESCUE CAPABILITIES**
13 **OF AIR FORCE IN NORTHWESTERN UNITED**
14 **STATES.**

15 (a) *REPORT.—Not later than April 1, 2008, the Sec-*
16 *retary of the Air Force shall submit to the appropriate con-*
17 *gressional committees a report on the search and rescue ca-*
18 *pabilities of the Air Force in the northwestern United*
19 *States.*

20 (b) *CONTENT.—The report required under subsection*
21 *(a) shall include the following:*

22 (1) *An assessment of the search and rescue capa-*
23 *bilities required to support Air Force operations and*
24 *training.*

1 (2) *A description of the compliance of the Air*
2 *Force with the 1999 United States National Search*
3 *and Rescue Plan (NSRP) for Washington, Oregon,*
4 *Idaho, and Montana.*

5 (3) *An inventory and description of search and*
6 *rescue assets of the Air Force that are available to*
7 *meet such requirements.*

8 (4) *A description of the utilization during the*
9 *previous three years of such search and rescue assets.*

10 (5) *The plans of the Air Force to meet current*
11 *and future search and rescue requirements in the*
12 *northwestern United States, including with respect to*
13 *risk assessment services for Air Force missions and*
14 *compliance with the NSRP.*

15 (c) *USE OF REPORT FOR PURPOSES OF CERTIFI-*
16 *CATION REGARDING SEARCH AND RESCUE CAPABILI-*
17 *TIES.—Section 1085 of the Ronald W. Reagan National De-*
18 *fense Authorization Act for Fiscal Year 2005 (Public Law*
19 *108–375; 10 U.S.C. 113 note) is amended by striking “un-*
20 *less the Secretary first certifies” and inserting “unless the*
21 *Secretary, after reviewing the search and rescue capabilities*
22 *report prepared by the Secretary of the Air Force under*
23 *section 358 of the National Defense Authorization Act for*
24 *Fiscal Year 2008, first certifies”.*

1 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
2 *FINED.*—*In this section, the term “appropriate congres-*
3 *sional committees” means—*

4 (1) *the Committee on Armed Services, the Com-*
5 *mittee on Homeland Security and Governmental Af-*
6 *airs, the Committee on Commerce, Science, and*
7 *Transportation, the Committee on Energy and Nat-*
8 *ural Resources, and the Committee on Appropriations*
9 *of the Senate; and*

10 (2) *the Committee on Armed Services, the Com-*
11 *mittee on Homeland Security, the Committee on En-*
12 *ergy and Commerce, the Committee on Natural Re-*
13 *sources, and the Committee on Appropriations of the*
14 *House of Representatives.*

15 **SEC. 362. REPORT ON HIGH-ALTITUDE AVIATION TRAINING**
16 **SITE, COLORADO.**

17 (a) *IN GENERAL.*—*Not later than 60 days after the*
18 *date of the enactment of this Act, the Secretary of the Army*
19 *shall submit to the congressional defense committees a re-*
20 *port on the High-Altitude Aviation Training Site at Gyp-*
21 *sum, Colorado.*

22 (b) *CONTENT.*—*The report required under subsection*
23 *(a) shall include—*

24 (1) *a summary of costs for each of the previous*
25 *5 years associated with transporting aircraft to and*

1 *from the High-Altitude Aviation Training Site for*
2 *training purposes; and*

3 (2) *an analysis of potential cost savings and*
4 *operational benefits, if any, of permanently sta-*
5 *tioning no less than 4 UH-60, 2 CH-47, and 2*
6 *LUH-72 aircraft at the High-Altitude Aviation*
7 *Training Site.*

8 **SEC. 363. SENSE OF CONGRESS ON FUTURE USE OF SYN-**
9 **THETIC FUELS IN MILITARY SYSTEMS.**

10 *It is the sense of Congress to encourage the Department*
11 *of Defense to continue and accelerate, as appropriate, the*
12 *testing and certification of synthetic fuels for use in all*
13 *military air, ground, and sea systems.*

14 **SEC. 364. REPORTS ON SAFETY MEASURES AND ENCROACH-**
15 **MENT ISSUES AT WARREN GROVE GUNNERY**
16 **RANGE, NEW JERSEY.**

17 (a) *FINDINGS.—Congress makes the following findings:*

18 (1) *The United States Air Force has 32 training*
19 *sites in the United States for aerial bombing and*
20 *gunner training, of which Warren Grove Gunnery*
21 *Range functions in the densely populated Northeast.*

22 (2) *A number of dangerous safety incidents*
23 *caused by the Air National Guard have repeatedly*
24 *impacted the residents of New Jersey, including the*
25 *following:*

1 (A) On May 15, 2007, a fire ignited during
2 an Air National Guard practice mission at War-
3 ren Grove Gunnery Range, scorching 17,250
4 acres of New Jersey's Pinelands, destroying 5
5 houses, significantly damaging 13 others, and
6 temporarily displacing approximately 6,000 peo-
7 ple from their homes in sections of Ocean and
8 Burlington Counties.

9 (B) In November 2004, an F-16 Vulcan
10 cannon piloted by the District of Columbia Air
11 National Guard was more than 3 miles off target
12 when it blasted 1.5-inch steel training rounds
13 into the roof of the Little Egg Harbor Township
14 Intermediate School.

15 (C) In 2002, a pilot ejected from an F-16
16 aircraft just before it crashed into the woods near
17 the Garden State Parkway, sending large pieces
18 of debris onto the busy highway.

19 (D) In 1999, a dummy bomb was dumped
20 a mile off target from the Warren Grove target
21 range in the Pine Barrens, igniting a fire that
22 burned 12,000 acres of the Pinelands forest.

23 (E) In 1997, the pilots of F-16 aircraft up-
24 lifting from the Warren Grove Gunnery Range
25 escaped injury by ejecting from their aircraft

1 *just before the planes collided over the ocean near*
2 *the north end of Brigantine. Pilot error was*
3 *found to be the cause of the collision.*

4 *(F) In 1986, a New Jersey Air National*
5 *Guard jet fighter crashed in a remote section of*
6 *the Pine Barrens in Burlington County, starting*
7 *a fire that scorched at least 90 acres of wood-*
8 *land.*

9 *(b) ANNUAL REPORT ON SAFETY MEASURES.—Not*
10 *later than 90 days after the date of the enactment of this*
11 *Act, and annually thereafter for two years, the Secretary*
12 *of the Air Force shall submit to the congressional defense*
13 *committees a report on efforts made to provide the highest*
14 *level of safety by all of the military departments utilizing*
15 *the Warren Grove Gunnery Range.*

16 *(c) STUDY ON ENCROACHMENT AT WARREN GROVE*
17 *GUNNERY RANGE.—*

18 *(1) IN GENERAL.—Not later than 180 days after*
19 *the date of the enactment of this Act, the Secretary of*
20 *the Air Force shall submit to the congressional defense*
21 *committees a study on encroachment issues at Warren*
22 *Grove Gunnery Range.*

23 *(2) CONTENT.—The study required under para-*
24 *graph (1) shall include a master plan for the Warren*
25 *Grove Gunnery Range and the surrounding commu-*

1 *nity, taking into consideration military mission, land*
2 *use plans, urban encroachment, the economy of the re-*
3 *gion, and protection of the environment and public*
4 *health, safety, and welfare.*

5 (3) *REQUIRED INPUT.—The study required*
6 *under paragraph (1) shall include input from all af-*
7 *ected parties and relevant stakeholders at the Fed-*
8 *eral, State, and local level.*

9 **SEC. 365. MODIFICATION TO PUBLIC-PRIVATE COMPETI-**
10 **TION REQUIREMENTS BEFORE CONVERSION**
11 **TO CONTRACTOR PERFORMANCE.**

12 (a) *COMPARISON OF RETIREMENT SYSTEM COSTS.—*
13 *Section 2461(a)(1) of title 10, United States Code, is*
14 *amended—*

15 (1) *in subparagraph (F), by striking “and” at*
16 *the end;*

17 (2) *by redesignating subparagraph (G) as sub-*
18 *paragraph (H); and*

19 (3) *by inserting after subparagraph (F) the fol-*
20 *lowing new subparagraph (G):*

21 “(G) *requires that the contractor shall not receive*
22 *an advantage for a proposal that would reduce costs*
23 *for the Department of Defense by—*

24 “(i) *not making an employer-sponsored*
25 *health insurance plan (or payment that could be*

1 *used in lieu of such a plan), health savings ac-*
2 *count, or medical savings account, available to*
3 *the workers who are to be employed to perform*
4 *the function under the contract;*

5 “(i) offering to such workers an employer-

6 *sponsored health benefits plan that requires the*
7 *employer to contribute less towards the premium*
8 *or subscription share than the amount that is*
9 *paid by the Department of Defense for health*
10 *benefits for civilian employees of the Department*
11 *under chapter 89 of title 5; or*

12 “(iii) offering to such workers a retirement

13 *benefit that, in any year, costs less than the an-*
14 *nuual retirement cost factor applicable to civilian*
15 *employees of the Department of Defense under*
16 *chapter 84 of title 5; and”.*

17 **(b) CONFORMING AMENDMENTS.**—*Such title is further*
18 *amended—*

19 (1) *by striking section 2467; and*

20 (2) *in section 2461—*

21 (A) *by redesignating subsections (b) through*
22 *(d) as subsections (c) through (e); and*

23 (B) *by inserting after subsection (a) the fol-*
24 *lowing new subsection (b):*

1 “(b) *REQUIREMENT TO CONSULT DOD EMPLOYEES.*—

2 (1) *Each officer or employee of the Department of Defense*
3 *responsible for determining under Office of Management*
4 *and Budget Circular A-76 whether to convert to contractor*
5 *performance any function of the Department of Defense—*

6 “(A) *shall, at least monthly during the develop-*
7 *ment and preparation of the performance work state-*
8 *ment and the management efficiency study used in*
9 *making that determination, consult with civilian em-*
10 *ployees who will be affected by that determination*
11 *and consider the views of such employees on the devel-*
12 *opment and preparation of that statement and that*
13 *study; and*

14 “(B) *may consult with such employees on other*
15 *matters relating to that determination.*

16 “(2)(A) *In the case of employees represented by a labor*
17 *organization accorded exclusive recognition under section*
18 *7111 of title 5, consultation with representatives of that*
19 *labor organization shall satisfy the consultation require-*
20 *ment in paragraph (1).*

21 “(B) *In the case of employees other than employees re-*
22 *ferred to in subparagraph (A), consultation with appro-*
23 *priate representatives of those employees shall satisfy the*
24 *consultation requirement in paragraph (1).*

1 “(C) *The Secretary of Defense shall prescribe regula-*
 2 *tions to carry out this subsection. The regulations shall in-*
 3 *clude provisions for the selection or designation of appro-*
 4 *priate representatives of employees referred to in subpara-*
 5 *graph (B) for purposes of consultation required by para-*
 6 *graph (1).”.*

7 (c) *TECHNICAL AMENDMENTS.—Section 2461 of such*
 8 *title, as amended by subsection (a), is further amended—*

9 (1) *in subsection (a)(1)—*

10 (A) *in subparagraph (B), by inserting after*
 11 *“2003” the following: “, or any successor cir-*
 12 *cular”;* and

13 (B) *in subparagraph (D), by striking “and*
 14 *reliability” and inserting “, reliability, and*
 15 *timeliness”;* and

16 (2) *in subsection (c)(2), as redesignated under*
 17 *subsection (b)(2), by inserting “of” after “examina-*
 18 *tion”.*

19 **SEC. 366. BID PROTESTS BY FEDERAL EMPLOYEES IN AC-**
 20 **TIONS UNDER OFFICE OF MANAGEMENT**
 21 **BUDGET CIRCULAR A-76.**

22 (a) *ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COM-*
 23 *PETITIONS.—Section 3551(2) of title 31, United States*
 24 *Code, is amended to read as follows:*

25 “(2) *The term ‘interested party’—*

1 “(A) *with respect to a contract or a sollicita-*
2 *tion or other request for offers described in para-*
3 *graph (1), means an actual or prospective bidder*
4 *or offeror whose direct economic interest would*
5 *be affected by the award of the contract or by*
6 *failure to award the contract; and*

7 “(B) *with respect to a public-private com-*
8 *petition conducted under Office of Management*
9 *and Budget Circular A-76 with respect to the*
10 *performance of an activity or function of a Fed-*
11 *eral agency, or a decision to convert a function*
12 *performed by Federal employees to private sector*
13 *performance without a competition under Office*
14 *of Management and Budget Circular A-76,*
15 *includes—*

16 “(i) *any official who submitted the*
17 *agency tender in such competition; and*

18 “(ii) *any one individual who, for the*
19 *purpose of representing the Federal employ-*
20 *ees engaged in the performance of the activ-*
21 *ity or function for which the public-private*
22 *competition is conducted in a protest under*
23 *this subchapter that relates to such public-*
24 *private competition, has been designated as*

1 *the agent of the Federal employees by a ma-*
 2 *jority of such employees.”.*

3 (b) *EXPEDITED ACTION.*—

4 (1) *IN GENERAL.*—*Subchapter V of chapter 35 of*
 5 *such title is amended by adding at the end the fol-*
 6 *lowing new section:*

7 **“SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-**
 8 **PRIVATE COMPETITIONS.**

9 *“For any protest of a public-private competition con-*
 10 *ducted under Office of Management and Budget Circular*
 11 *A–76 with respect to the performance of an activity or func-*
 12 *tion of a Federal agency, the Comptroller General shall ad-*
 13 *minister the provisions of this subchapter in the manner*
 14 *best suited for expediting the final resolution of the protest*
 15 *and the final action in the public-private competition.”.*

16 (2) *CLERICAL AMENDMENT.*—*The chapter anal-*
 17 *ysis at the beginning of such chapter is amended by*
 18 *inserting after the item relating to section 3556 the*
 19 *following new item:*

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

20 (c) *RIGHT TO INTERVENE IN CIVIL ACTION.*—*Section*
 21 *1491(b) of title 28, United States Code, is amended by add-*
 22 *ing at the end the following new paragraph:*

23 *“(5) If an interested party who is a member of*
 24 *the private sector commences an action described in*
 25 *paragraph (1) with respect to a public-private com-*

1 *petition conducted under Office of Management and*
2 *Budget Circular A-76 regarding the performance of*
3 *an activity or function of a Federal agency, or a deci-*
4 *sion to convert a function performed by Federal em-*
5 *ployees to private sector performance without a com-*
6 *petition under Office of Management and Budget Cir-*
7 *cular A-76, then an interested party described in sec-*
8 *tion 3551(2)(B) of title 31 shall be entitled to inter-*
9 *vene in that action.”.*

10 *(d) APPLICABILITY.—Subparagraph (B) of section*
11 *3551(2) of title 31, United States Code (as added by sub-*
12 *section (a)), and paragraph (5) of section 1491(b) of title*
13 *28, United States Code (as added by subsection (c)), shall*
14 *apply to—*

15 *(1) a protest or civil action that challenges final*
16 *selection of the source of performance of an activity*
17 *or function of a Federal agency that is made pursu-*
18 *ant to a study initiated under Office of Management*
19 *and Budget Circular A-76 on or after January 1,*
20 *2004; and*

21 *(2) any other protest or civil action that relates*
22 *to a public-private competition initiated under Office*
23 *of Management and Budget Circular A-76, or to a*
24 *decision to convert a function performed by Federal*
25 *employees to private sector performance without a*

1 *competition under Office of Management and Budget*
 2 *Circular A-76, on or after the date of the enactment*
 3 *of this Act.*

4 **SEC. 367. PUBLIC-PRIVATE COMPETITION REQUIRED BE-**
 5 **FORE CONVERSION TO CONTRACTOR PER-**
 6 **FORMANCE.**

7 *(a) IN GENERAL.—The Office of Federal Procurement*
 8 *Policy Act (41 U.S.C. 403 et seq.) is amended by adding*
 9 *at the end the following new section:*

10 **“SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BE-**
 11 **FORE CONVERSION TO CONTRACTOR PER-**
 12 **FORMANCE.**

13 *“(a) PUBLIC-PRIVATE COMPETITION.—(1) A function*
 14 *of an executive agency performed by 10 or more agency ci-*
 15 *vilian employees may not be converted, in whole or in part,*
 16 *to performance by a contractor unless the conversion is*
 17 *based on the results of a public-private competition that—*

18 *“(A) formally compares the cost of performance*
 19 *of the function by agency civilian employees with the*
 20 *cost of performance by a contractor;*

21 *“(B) creates an agency tender, including a most*
 22 *efficient organization plan, in accordance with Office*
 23 *of Management and Budget Circular A-76, as imple-*
 24 *mented on May 29, 2003, or any successor circular;*

25 *“(C) includes the issuance of a solicitation;*

1 “(D) determines whether the submitted offers
2 meet the needs of the executive agency with respect to
3 factors other than cost, including quality, reliability,
4 and timeliness;

5 “(E) examines the cost of performance of the
6 function by agency civilian employees and the cost of
7 performance of the function by one or more contrac-
8 tors to demonstrate whether converting to performance
9 by a contractor will result in savings to the Govern-
10 ment over the life of the contract, including—

11 “(i) the estimated cost to the Government
12 (based on offers received) for performance of the
13 function by a contractor;

14 “(ii) the estimated cost to the Government
15 for performance of the function by agency civil-
16 ian employees; and

17 “(iii) an estimate of all other costs and ex-
18 penditures that the Government would incur be-
19 cause of the award of such a contract;

20 “(F) requires continued performance of the func-
21 tion by agency civilian employees unless the difference
22 in the cost of performance of the function by a con-
23 tractor compared to the cost of performance of the
24 function by agency civilian employees would, over all

1 *performance periods required by the solicitation, be*
2 *equal to or exceed the lesser of—*

3 “(i) 10 percent of the personnel-related costs
4 *for performance of that function in the agency*
5 *tender; or*

6 “(ii) \$10,000,000; and

7 “(G) examines the effect of performance of the
8 *function by a contractor on the agency mission asso-*
9 *ciated with the performance of the function.*

10 “(2) A function that is performed by the executive
11 *agency and is reengineered, reorganized, modernized, up-*
12 *graded, expanded, or changed to become more efficient, but*
13 *still essentially provides the same service, shall not be con-*
14 *sidered a new requirement.*

15 “(3) In no case may a function being performed by
16 *executive agency personnel be—*

17 “(A) modified, reorganized, divided, or in any
18 *way changed for the purpose of exempting the conver-*
19 *sion of the function from the requirements of this sec-*
20 *tion; or*

21 “(B) converted to performance by a contractor to
22 *circumvent a civilian personnel ceiling.*

23 “(b) *REQUIREMENT TO CONSULT EMPLOYEES.—(1)*
24 *Each civilian employee of an executive agency responsible*
25 *for determining under Office of Management and Budget*

1 *Circular A-76 whether to convert to contractor performance*
2 *any function of the executive agency—*

3 “(A) shall, at least monthly during the develop-
4 ment and preparation of the performance work state-
5 ment and the management efficiency study used in
6 making that determination, consult with civilian em-
7 ployees who will be affected by that determination
8 and consider the views of such employees on the devel-
9 opment and preparation of that statement and that
10 study; and

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

13 “(2)(A) In the case of employees represented by a labor
14 organization accorded exclusive recognition under section
15 7111 of title 5, consultation with representatives of that
16 labor organization shall satisfy the consultation require-
17 ment in paragraph (1).

18 “(B) In the case of employees other than employees re-
19 ferred to in subparagraph (A), consultation with appro-
20 priate representatives of those employees shall satisfy the
21 consultation requirement in paragraph (1).

22 “(C) The head of each executive agency shall prescribe
23 regulations to carry out this subsection. The regulations
24 shall include provisions for the selection or designation of
25 appropriate representatives of employees referred to in

1 *paragraph (2)(B) for purposes of consultation required by*
2 *paragraph (1).*

3 “(c) *CONGRESSIONAL NOTIFICATION.—(1) Before com-*
4 *mencing a public-private competition under subsection (a),*
5 *the head of an executive agency shall submit to Congress*
6 *a report containing the following:*

7 “(A) *The function for which such public-private*
8 *competition is to be conducted.*

9 “(B) *The location at which the function is per-*
10 *formed by agency civilian employees.*

11 “(C) *The number of agency civilian employee po-*
12 *sitions potentially affected.*

13 “(D) *The anticipated length and cost of the pub-*
14 *lic-private competition, and a specific identification*
15 *of the budgetary line item from which funds will be*
16 *used to cover the cost of the public-private competi-*
17 *tion.*

18 “(E) *A certification that a proposed performance*
19 *of the function by a contractor is not a result of a*
20 *decision by an official of an executive agency to im-*
21 *pose predetermined constraints or limitations on such*
22 *employees in terms of man years, end strengths, full-*
23 *time equivalent positions, or maximum number of*
24 *employees.*

1 “(2) *The report required under paragraph (1) shall in-*
2 *clude an examination of the potential economic effect of per-*
3 *formance of the function by a contractor on—*

4 “(A) *agency civilian employees who would be af-*
5 *ected by such a conversion in performance; and*

6 “(B) *the local community and the Government,*
7 *if more than 50 agency civilian employees perform*
8 *the function.*

9 “(3)(A) *A representative individual or entity at a fa-*
10 *cility where a public-private competition is conducted may*
11 *submit to the head of the executive agency an objection to*
12 *the public private competition on the grounds that the re-*
13 *port required by paragraph (1) has not been submitted or*
14 *that the certification required by paragraph (1)(E) is not*
15 *included in the report submitted as a condition for the pub-*
16 *lic private competition. The objection shall be in writing*
17 *and shall be submitted within 90 days after the following*
18 *date:*

19 “(i) *In the case of a failure to submit the report*
20 *when required, the date on which the representative*
21 *individual or an official of the representative entity*
22 *authorized to pose the objection first knew or should*
23 *have known of that failure.*

1 “(ii) *In the case of a failure to include the cer-*
2 *tification in a submitted report, the date on which the*
3 *report was submitted to Congress.*

4 “(B) *If the head of the executive agency deter-*
5 *mines that the report required by paragraph (1) was*
6 *not submitted or that the required certification was*
7 *not included in the submitted report, the function for*
8 *which the public-private competition was conducted*
9 *for which the objection was submitted may not be the*
10 *subject of a solicitation of offers for, or award of, a*
11 *contract until, respectively, the report is submitted or*
12 *a report containing the certification in full compli-*
13 *ance with the certification requirement is submitted.*

14 “(d) *EXEMPTION FOR THE PURCHASE OF PRODUCTS*
15 *AND SERVICES OF THE BLIND AND OTHER SEVERELY*
16 *HANDICAPPED PERSONS.—This section shall not apply to*
17 *a commercial or industrial type function of an executive*
18 *agency that—*

19 “(1) *is included on the procurement list estab-*
20 *lished pursuant to section 2 of the Javits-Wagner-*
21 *O’Day Act (41 U.S.C. 47); or*

22 “(2) *is planned to be changed to performance by*
23 *a qualified nonprofit agency for the blind or by a*
24 *qualified nonprofit agency for other severely handi-*
25 *capped persons in accordance with that Act.*

1 “(e) *INAPPLICABILITY DURING WAR OR EMER-*
 2 *GENCY.*—*The provisions of this section shall not apply dur-*
 3 *ing war or during a period of national emergency declared*
 4 *by the President or Congress.”.*

5 (b) *CLERICAL AMENDMENT.*—*The table of sections in*
 6 *section 1(b) of such Act is amended by adding at the end*
 7 *the following new item:*

“Sec. 43. Public-private competition required before conversion to contractor per-
formance.”.

8 **SEC. 368. PERFORMANCE OF CERTAIN WORK BY FEDERAL**
 9 **GOVERNMENT EMPLOYEES.**

10 (a) *GUIDELINES.*—

11 (1) *IN GENERAL.*—*The Under Secretary of De-*
 12 *fense for Personnel and Readiness shall prescribe*
 13 *guidelines and procedures for ensuring that consider-*
 14 *ation is given to using Federal Government employees*
 15 *on a regular basis for new work and work that is per-*
 16 *formed under Department of Defense contracts and*
 17 *could be performed by Federal Government employees.*

18 (2) *CRITERIA.*—*The guidelines and procedures*
 19 *prescribed under paragraph (1) shall provide for spe-*
 20 *cial consideration to be given to contracts that—*

21 (A) *have been performed by Federal Govern-*
 22 *ment employees at any time on or after October*
 23 *1, 1980;*

1 (B) are associated with the performance of
2 inherently governmental functions;

3 (C) have been performed by a contractor
4 pursuant to a contract that was awarded on a
5 noncompetitive basis, either a contract for a
6 function once performed by Federal employees
7 that was awarded without the conduct of a pub-
8 lic-private competition or a contract that was
9 last awarded without the conduct of an actual
10 competition between contractors; or

11 (D) have been performed poorly by a con-
12 tractor because of excessive costs or inferior qual-
13 ity, as determined by a contracting officer with-
14 in the last five years .

15 (3) *DEADLINE FOR ISSUANCE OF GUIDELINES.*—
16 The Secretary of Defense shall implement the guide-
17 lines required under paragraph (1) by not later than
18 60 days after the date of the enactment of this Act.

19 (4) *ESTABLISHMENT OF CONTRACTOR INVEN-*
20 *TORY.*—The Secretary of Defense shall establish an
21 inventory of Department of Defense contracts to deter-
22 mine which contracts meet the criteria set forth in
23 paragraph (2).

24 (b) *NEW REQUIREMENTS.*—

1 (1) *LIMITATION ON REQUIRING PUBLIC-PRIVATE*
2 *COMPETITION.*—No public-private competition may be
3 required for any Department of Defense function
4 before—

5 (A) *the commencement of the performance*
6 *by civilian employees of the Department of De-*
7 *fense of a new Department of Defense function;*

8 (B) *the commencement of the performance*
9 *by civilian employees of the Department of De-*
10 *fense of any Department of Defense function de-*
11 *scribed in subparagraphs (B) through (D) of sub-*
12 *section (a)(2); or*

13 (C) *the expansion of the scope of any De-*
14 *partment of Defense function performed by civil-*
15 *ian employees of the Department of Defense.*

16 (2) *CONSIDERATION OF FEDERAL GOVERNMENT*
17 *EMPLOYEES.*—The Secretary of Defense shall, to the
18 maximum extent practicable, ensure that Federal
19 Government employees are fairly considered for the
20 performance of new requirements, with special consid-
21 eration given to new requirements that include func-
22 tions that—

23 (A) *are similar to functions that have been*
24 *performed by Federal Government employees at*
25 *any time on or after October 1, 1980; or*

1 (B) are associated with the performance of
2 inherently governmental functions.

3 (c) *USE OF FLEXIBLE HIRING AUTHORITY.*—The Sec-
4 retary may use the flexible hiring authority available to
5 the Secretary under the National Security Personnel Sys-
6 tem, as established pursuant to section 9902 of title 5,
7 United States Code, to facilitate the performance by civilian
8 employees of the Department of Defense of functions de-
9 scribed in subsection (b).

10 (d) *INSPECTOR GENERAL REPORT.*—Not later than
11 180 days after the enactment of this Act, the Inspector Gen-
12 eral of the Department of Defense shall submit to the Com-
13 mittees on Armed Services of the Senate and the House of
14 Representatives a report on the compliance of the Secretary
15 of Defense with the requirements of this section.

16 (e) *DEFINITIONS.*—In this section:

17 (1) The term “National Security Personnel Sys-
18 tem” means the human resources management system
19 established under the authority of section 9902 of title
20 5, United States Code.

21 (2) The term “inherently governmental function”
22 has the meaning given that term in section 5 of the
23 Federal Activities Inventory Reform Act of 1998
24 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501
25 note).

1 (f) *CONFORMING REPEAL.*—*The National Defense Au-*
2 *thorization Act for Fiscal Year 2006 (Public Law 109–163)*
3 *is amended by striking section 343.*

4 **SEC. 369. 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 not*
9 *direct or require the Secretary of Defense or the Secretary*
10 *of a military department to prepare for, undertake, con-*
11 *tinue, or complete a public-private competition or direct*
12 *conversion of a Department of Defense function to perform-*
13 *ance by a contractor under Office of Management and*
14 *Budget Circular A–76, or any other successor regulation,*
15 *directive, or policy.*

16 (b) *RESTRICTION ON SECRETARY OF DEFENSE.*—*The*
17 *Secretary of Defense or the Secretary of a military depart-*
18 *ment may not prepare for, undertake, continue, or complete*
19 *a public-private competition or direct conversion of a De-*
20 *partment of Defense function to performance by a con-*
21 *tractor under Office of Management and Budget Circular*
22 *A–76, or any other successor regulation, directive, or policy*
23 *by reason of any direction or requirement provided by the*
24 *Office of Management and Budget.*

1 **SEC. 370. PUBLIC-PRIVATE COMPETITION AT END OF PE-**
2 **RIOD SPECIFIED IN PERFORMANCE AGREE-**
3 **MENT NOT REQUIRED.**

4 *Section 2461(a) of title 10, United States Code, is*
5 *amended by adding at the end the following new paragraph:*

6 *“(4) A military department or defense agency*
7 *may not be required to conduct a public-private com-*
8 *petition under Office of Management and Budget Cir-*
9 *cular A-76 or any other provision of law at the end*
10 *of the period specified in the performance agreement*
11 *entered into in accordance with this section for any*
12 *function of the Department of Defense performed by*
13 *Department of Defense civilian employees.”.*

14 **TITLE IV—MILITARY PERSONNEL**
15 **AUTHORIZATIONS**

16 **Subtitle A—Active Forces**

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

18 *The Armed Forces are authorized strengths for active*
19 *duty personnel as of September 30, 2008, as follows:*

20 *(1) The Army, 525,400.*

21 *(2) The Navy, 328,400.*

22 *(3) The Marine Corps, 189,000.*

23 *(4) The Air Force, 328,600.*

1 ***Subtitle B—Reserve Forces***

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

3 (a) *IN GENERAL.*—*The Armed Forces are authorized*
4 *strengths for Selected Reserve personnel of the reserve com-*
5 *ponents as of September 30, 2008, as follows:*

6 (1) *The Army National Guard of the United*
7 *States, 351,300.*

8 (2) *The Army Reserve, 205,000.*

9 (3) *The Navy Reserve, 67,800.*

10 (4) *The Marine Corps Reserve, 39,600.*

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

13 (6) *The Air Force Reserve, 67,500.*

14 (7) *The Coast Guard Reserve, 10,000.*

15 (b) *ADJUSTMENTS.*—*The end strengths prescribed by*
16 *subsection (a) for the Selected Reserve of any reserve compo-*
17 *nent shall be proportionately reduced by—*

18 (1) *the total authorized strength of units orga-*
19 *nized to serve as units of the Selected Reserve of such*
20 *component which are on active duty (other than for*
21 *training) at the end of the fiscal year; and*

22 (2) *the total number of individual members not*
23 *in units organized to serve as units of the Selected*
24 *Reserve of such component who are on active duty*
25 *(other than for training or for unsatisfactory partici-*

1 *pation in training) without their consent at the end*
2 *of the fiscal year.*

3 *Whenever such units or such individual members are re-*
4 *leased from active duty during any fiscal year, the end*
5 *strength prescribed for such fiscal year for the Selected Re-*
6 *serve of such reserve component shall be increased propor-*
7 *tionately by the total authorized strengths of such units and*
8 *by the total number of such individual members.*

9 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
10 **DUTY IN SUPPORT OF THE RESERVES.**

11 *Within the end strengths prescribed in section 411(a),*
12 *the reserve components of the Armed Forces are authorized,*
13 *as of September 30, 2008, the following number of Reserves*
14 *to be serving on full-time active duty or full-time duty, in*
15 *the case of members of the National Guard, for the purpose*
16 *of organizing, administering, recruiting, instructing, or*
17 *training the reserve components:*

18 *(1) The Army National Guard of the United*
19 *States, 29,204.*

20 *(2) The Army Reserve, 15,870.*

21 *(3) The Navy Reserve, 11,579.*

22 *(4) The Marine Corps Reserve, 2,261.*

23 *(5) The Air National Guard of the United*
24 *States, 13,936.*

25 *(6) The Air Force Reserve, 2,721.*

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

3 *The minimum number of military technicians (dual*
4 *status) as of the last day of fiscal year 2008 for the reserve*
5 *components of the Army and the Air Force (notwith-*
6 *standing section 129 of title 10, United States Code) shall*
7 *be the following:*

8 (1) *For the Army Reserve, 8,249.*

9 (2) *For the Army National Guard of the United*
10 *States, 26,502.*

11 (3) *For the Air Force Reserve, 9,909.*

12 (4) *For the Air National Guard of the United*
13 *States, 22,553.*

14 **SEC. 414. FISCAL YEAR 2008 LIMITATION ON NUMBER OF**
15 **NON-DUAL STATUS TECHNICIANS.**

16 (a) *LIMITATIONS.—*

17 (1) *NATIONAL GUARD.—Within the limitation*
18 *provided in section 10217(c)(2) of title 10, United*
19 *States Code, the number of non-dual status techni-*
20 *cians employed by the National Guard as of Sep-*
21 *tember 30, 2008, may not exceed the following:*

22 (A) *For the Army National Guard of the*
23 *United States, 1,600.*

24 (B) *For the Air National Guard of the*
25 *United States, 350.*

1 (2) *ARMY RESERVE.*—*The number of non-dual*
2 *status technicians employed by the Army Reserve as*
3 *of September 30, 2008, may not exceed 595.*

4 (3) *AIR FORCE RESERVE.*—*The number of non-*
5 *dual status technicians employed by the Air Force*
6 *Reserve as of September 30, 2008, may not exceed 90.*

7 (b) *NON-DUAL STATUS TECHNICIANS DEFINED.*—*In*
8 *this section, the term “non-dual status technician” has the*
9 *meaning given that term in section 10217(a) of title 10,*
10 *United States Code.*

11 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
12 **THORIZED TO BE ON ACTIVE DUTY FOR**
13 **OPERATIONAL SUPPORT.**

14 *During fiscal year 2008, the maximum number of*
15 *members of the reserve components of the Armed Forces who*
16 *may be serving at any time on full-time operational sup-*
17 *port duty under section 115(b) of title 10, United States*
18 *Code, is the following:*

19 (1) *The Army National Guard of the United*
20 *States, 17,000.*

21 (2) *The Army Reserve, 13,000.*

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

23 (4) *The Marine Corps Reserve, 3,000.*

24 (5) *The Air National Guard of the United*
25 *States, 16,000.*

1 (6) *The Air Force Reserve, 14,000.*

2 **SEC. 416. REVISION OF AUTHORIZED VARIANCES IN END**
3 **STRENGTHS FOR SELECTED RESERVE PER-**
4 **SONNEL.**

5 (a) *INCREASE.*—*Section 115(f)(3) of title 10, United*
6 *States Code, is amended by striking “2 percent” and insert-*
7 *ing “3 percent”.*

8 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
9 *section (a) shall take effect on October 1, 2007, and shall*
10 *apply with respect to fiscal years beginning on or after that*
11 *date.*

12 **Subtitle C—Authorization of**
13 **Appropriations**

14 **SEC. 421. MILITARY PERSONNEL.**

15 *Funds are hereby authorized to be appropriated for fis-*
16 *cal year 2008 for military personnel, in amounts as follows:*

17 (1) *For the Army, \$34,952,762,000.*

18 (2) *For the Navy, \$23,300,841,000.*

19 (3) *For the Marine Corps, \$11,065,542,000.*

20 (4) *For the Air Force, \$24,091,993,000.*

21 (5) *For the Army Reserve, \$3,701,197,000.*

22 (6) *For the Navy Reserve, \$1,766,408,000.*

23 (7) *For the Marine Corps Reserve, \$593,961,000.*

24 (8) *For the Air Force Reserve, \$1,356,618,000.*

1 (9) *For the Army National Guard,*
 2 \$5,914,979,000.

3 (10) *For the Air National Guard,*
 4 \$2,607,456,000.

5 ***TITLE V—MILITARY PERSONNEL***
 6 ***POLICY***

7 ***Subtitle A—Officer Personnel Policy***

8 ***SEC. 501. INCREASE IN AUTHORIZED STRENGTHS FOR***
 9 ***ARMY OFFICERS ON ACTIVE DUTY IN THE***
 10 ***GRADE OF MAJOR TO MEET FORCE STRUC-***
 11 ***TURE REQUIREMENTS.***

12 *The table in section 523(a)(1) of title 10, United States*
 13 *Code, is amended by striking the items under the heading*
 14 *“Major” in the portion of the table relating to the Army*
 15 *and inserting the following new items:*

“7,768
 8,689
 9,611
 10,532
 11,454
 12,375
 13,297
 14,218
 15,140
 16,061
 16,983
 17,903
 18,825
 19,746
 20,668
 21,589
 22,511
 24,354
 26,197
 28,040
 35,412”.

1 **SEC. 502. INCREASE IN AUTHORIZED STRENGTHS FOR**
 2 **NAVY OFFICERS ON ACTIVE DUTY IN GRADES**
 3 **OF LIEUTENANT COMMANDER, COMMANDER,**
 4 **AND CAPTAIN TO MEET FORCE STRUCTURE**
 5 **REQUIREMENTS.**

6 (a) *IN GENERAL.*—The table in section 523(a)(2) of
 7 title 10, United 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 the grade of:		
	Lieutenant Commander	Commander	Captain
<i>Navy:</i>			
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”.

8 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 9 section (a) shall take effect on October 1, 2007.

1 **SEC. 503. EXPANSION OF EXCLUSION OF MILITARY PERMA-**
2 **NENT PROFESSORS FROM STRENGTH LIMITA-**
3 **TIONS FOR OFFICERS BELOW GENERAL AND**
4 **FLAG GRADES.**

5 (a) *INCLUSION OF PERMANENT PROFESSORS OF THE*
6 *NAVY.—Section 523(b)(8) of title 10, United States Code,*
7 *is amended—*

8 (1) *by striking “Naval Academy” and inserting*
9 *“Navy”; and*

10 (2) *by inserting “or service” before the period at*
11 *the end.*

12 (b) *EXPANSION OF EXCLUSION GENERALLY.—Such*
13 *section is further amended by striking “50” and inserting*
14 *“85”.*

15 **SEC. 504. MANDATORY RETIREMENT AGE FOR ACTIVE-DUTY**
16 **GENERAL AND FLAG OFFICERS CONTINUED**
17 **ON ACTIVE DUTY.**

18 *Section 637(b)(3) of title 10, United States Code, is*
19 *amended by striking “but such period may not (except as*
20 *provided under section 1251(b) of this title) extend beyond*
21 *the date of the officer’s sixty-second birthday” and inserting*
22 *“except as provided under section 1253 of this title”.*

1 **SEC. 505. AUTHORITY FOR REDUCED MANDATORY SERVICE**
2 **OBLIGATION FOR INITIAL APPOINTMENTS OF**
3 **OFFICERS IN CRITICALLY SHORT HEALTH**
4 **PROFESSIONAL SPECIALTIES.**

5 *Section 651 of title 10, United States Code, is amended*
6 *by adding at the end the following new subsection:*

7 *“(c)(1) The Secretary of Defense may waive the service*
8 *required by subsection (a) for initial appointments of com-*
9 *missioned officers in such critically short health profes-*
10 *sional specialties as the Secretary shall specify for purposes*
11 *of this subsection.*

12 *“(2) The minimum period of obligated service for an*
13 *officer under a waiver under this subsection shall be the*
14 *greater of—*

15 *“(A) two years; or*

16 *“(B) in the case of an officer who has accepted*
17 *an accession bonus or executed a contract or agree-*
18 *ment for the multiyear receipt of special pay for serv-*
19 *ice in the armed forces, the period of obligated service*
20 *specified in such contract or agreement.”.*

21 **SEC. 506. INCREASE IN AUTHORIZED NUMBER OF PERMA-**
22 **NENT PROFESSORS AT THE UNITED STATES**
23 **MILITARY ACADEMY.**

24 *Paragraph (4) of section 4331(b) of title 10, United*
25 *States Code, is amended to read as follows:*

26 *“(4) Twenty-eight permanent professors.”.*

1 **SEC. 507. EXPANSION OF AUTHORITY FOR REENLISTMENT**
2 **OF OFFICERS IN THEIR FORMER ENLISTED**
3 **GRADE.**

4 (a) *REGULAR ARMY.*—Section 3258 of title 10, United
5 States Code, 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 appointment”
10 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 (b) *REGULAR AIR FORCE.*—Section 8258 of such title
18 is amended—

19 (1) in subsection (a)—

20 (A) by striking “a reserve officer” and in-
21 serting “an officer”; and

22 (B) by striking “a temporary appointment”
23 and inserting “an appointment”; and

24 (2) in subsection (b)—

25 (A) in paragraph (1), by striking “a Re-
26 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 **SEC. 508. ENHANCED AUTHORITY FOR RESERVE GENERAL**
5 **AND FLAG OFFICERS TO SERVE ON ACTIVE**
6 **DUTY.**

7 Section 526(d) of title 10, United States Code, is
8 amended—

9 (1) by inserting “(1)” before “The limitations”;
10 and

11 (2) by adding at the end the following new para-
12 graph:

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

1 **SEC. 509. PROMOTION OF CAREER MILITARY PROFESSORS**
2 **OF THE NAVY.**

3 (a) *PROMOTION.*—

4 (1) *IN GENERAL.*—Chapter 603 of title 10,
5 *United States Code, is amended—*

6 (A) *by redesignating section 6970 as section*
7 *6970a; and*

8 (B) *by inserting after section 6969 the fol-*
9 *lowing new section 6970:*

10 **“§ 6970. Permanent professors: promotion**

11 “(a) *PROMOTION.*—An officer serving as a permanent
12 professor may be recommended for promotion to the grade
13 of captain or colonel, as the case may be, under regulations
14 prescribed by the Secretary of the Navy. The regulations
15 shall include a competitive selection board process to iden-
16 tify those permanent professors best qualified for promotion.
17 An officer so recommended shall be promoted by appoint-
18 ment to the higher grade by the President, by and with the
19 advice and consent of the Senate.

20 “(b) *EFFECTIVE DATE OF PROMOTION.*—If made, the
21 promotion of an officer under subsection (a) shall be effec-
22 tive not earlier than three years after the selection of the
23 officer as a permanent professor as described in that sub-
24 section.”.

25 (2) *CLERICAL AMENDMENT.*—The table of sec-
26 tions at the beginning of chapter 603 of such title is

1 *amended by striking the item relating to section 6970*
2 *and inserting the following new items:*

“6970. Permanent professors: promotion.

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

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

5 (1) *by striking “and the registrar” and inserting*
6 *“; the registrar”; and*

7 (2) *by inserting before the period at the end the*
8 *following: “, and permanent professors of the Navy*
9 *(as defined in regulations prescribed by the Secretary*
10 *of the Navy)”.*

11 ***Subtitle B—Enlisted Personnel***
12 ***Policy***

13 ***SEC. 521. INCREASE IN AUTHORIZED DAILY AVERAGE OF***
14 ***NUMBER OF MEMBERS IN PAY GRADE E-9.***

15 (a) ***INCREASE.***—*Section 517(a) of title 10, United*
16 *States Code, is amended by striking “1 percent” and insert-*
17 *ing “1.25 percent”.*

18 (b) ***EFFECTIVE DATE.***—*The amendment made by sub-*
19 *section (a) shall take effect on October 1, 2007, and shall*
20 *apply with respect to fiscal years beginning on or after that*
21 *date.*

1 **Subtitle C—Reserve Component**
2 **Management**

3 **SEC. 531. REVISED DESIGNATION, STRUCTURE, AND FUNC-**
4 **TIONS OF THE RESERVE FORCES POLICY**
5 **BOARD.**

6 *(a) MODIFICATION OF DESIGNATION, STRUCTURE, AND*
7 *FUNCTIONS OF RESERVE FORCES POLICY BOARD.—*

8 *(1) IN GENERAL.—Section 10301 of title 10,*
9 *United States Code, is amended to read as follows:*

10 **“§ 10301. Reserve Policy Advisory Board**

11 *“(a) There is in the Office of the Secretary of Defense*
12 *a Reserve Policy Advisory Board.*

13 *“(b)(1) The Board shall consist of a civilian chairman*
14 *and not more than 15 other members, each appointed by*
15 *the Secretary of Defense, of whom—*

16 *“(A) not more than 4 members may be Govern-*
17 *ment civilian officials who must be from outside the*
18 *Department of Defense; and*

19 *“(B) not more than 2 members may be members*
20 *of the armed forces.*

21 *“(2) Each member appointed to serve on the Board*
22 *shall have—*

23 *“(A) extensive knowledge, or experience with, re-*
24 *serve component matters, national security and na-*
25 *tional military strategies of the United States, or*

1 *roles and missions of the regular components and the*
2 *reserve components;*

3 “(B) *extensive knowledge of, or experience in,*
4 *homeland defense and matters involving Department*
5 *of Defense support to civil authorities; or*

6 “(C) *a distinguished background in government,*
7 *business, personnel planning, technology and its ap-*
8 *plication in military operations, or other fields that*
9 *are pertinent to the management and utilization of*
10 *the reserve components.*

11 “(3) *Each member of the Board shall serve for a term*
12 *of 2 years, and, at the conclusion of such term, may be ap-*
13 *pointed under this subsection to serve an additional term*
14 *of 2 years.*

15 “(4) *Upon the designation of the chairman of the*
16 *Board and the approval of the Secretary of Defense, an offi-*
17 *cer of the Army, Navy, Air Force, or Marine Corps in the*
18 *Reserves or the National Guard who is a general or flag*
19 *officer shall serve as the military advisor to, and executive*
20 *officer of, the Board. Such service shall be either full-time*
21 *or part-time, as designated by the Secretary of Defense, and*
22 *shall be in a non-voting status on the Board.*

23 “(c)(1) *This section does not affect the committees on*
24 *reserve policies prescribed within the military departments*
25 *by sections 10302 through 10305 of this title.*

1 “(2) A member of a committee or board prescribed
2 under a section listed in paragraph (1) may, if otherwise
3 eligible, be a member of the Reserve Policy Advisory Board.

4 “(d)(1) The Board shall provide the Secretary of De-
5 fense, through the Deputy Secretary of Defense, with inde-
6 pendent advice and recommendations on strategies, policies,
7 and practices designed to improve the capability, efficiency,
8 and effectiveness of the reserve components.

9 “(2) The Board shall act on those matters referred to
10 it by the Secretary or the chairman and, in addition, on
11 any matter raised by a member of the Board.

12 “(e) The Under Secretary of Defense for Personnel and
13 Readiness shall provide necessary logistical support to the
14 Board.

15 “(f) The Board shall not be subject to the provisions
16 of the Federal Advisory Committee Act (5 U.S.C. App.).”.

17 (2) CLERICAL AMENDMENT.—The table of sec-
18 tions at the beginning of chapter 1009 of such title is
19 amended by striking the item relating to section
20 10301 and inserting the following new item:

“10301. Reserve Policy Advisory Board.”.

21 (3) REFERENCES.—Any reference in any law,
22 regulation, document, record, or other paper of the
23 United States to the Reserve Forces Policy Board
24 shall be deemed to be a reference to the Reserve Policy
25 Advisory Board.

1 **(b) INCLUSION OF MATTERS FROM BOARD IN ANNUAL**
2 **REPORT ON ACTIVITIES OF DEPARTMENT OF DEFENSE.—**
3 *Paragraph (2) of section 113(c) of title 10, United States*
4 *Code, is amended to read as follows:*

5 “(2) *At the same time the Secretary submits the an-*
6 *nual report under paragraph (1), the Secretary may trans-*
7 *mit to the President and Congress with such report any*
8 *additional matters from the Reserve Policy Advisory Board*
9 *on the programs and activities of the reserve components*
10 *as the Secretary considers appropriate to include in such*
11 *report.”.*

12 **(c) EFFECTIVE DATE.—**

13 **(1) IN GENERAL.—***The amendments made by*
14 *this section shall take effect on a date elected by the*
15 *Secretary of Defense, which date may not be earlier*
16 *than the date that is one year after the date of the*
17 *enactment of this Act. The Secretary shall publish in*
18 *the Federal Register notice of the effective date of the*
19 *amendments made by this section, as so elected.*

20 **(2) REPORT.—***Not later than the effective date*
21 *elected under paragraph (1), the Secretary shall sub-*
22 *mit to the Committees on Armed Services of the Sen-*
23 *ate and the House of Representatives a report setting*
24 *forth the recommendations of the Secretary regarding*
25 *the following:*

1 (A) *The appropriate role and mission of the*
2 *Reserve Forces Policy Board.*

3 (B) *The appropriate membership of the Re-*
4 *serve Forces Policy Board.*

5 (C) *The appropriate procedures to be uti-*
6 *lized by the Reserve Forces Policy Board in its*
7 *interaction with the Department of Defense.*

8 **SEC. 532. CHARTER FOR THE NATIONAL GUARD BUREAU.**

9 (a) *PRESCRIPTION OF CHARTER BY SECRETARY OF*
10 *DEFENSE.*—*Section 10503 of title 10, United States Code,*
11 *is amended—*

12 (1) *by striking “The Secretary of the Army and*
13 *the Secretary of the Air Force shall jointly develop*
14 *and” in the matter preceding paragraph (1) and in-*
15 *serting “The Secretary of the Defense shall, in con-*
16 *sultation with the Secretary of the Army, the Sec-*
17 *retary of the Air Force, and the Chairman of the*
18 *Joint Chiefs of Staff;”;*

19 (2) *in paragraph (10), by striking “the Army*
20 *and Air Force” and inserting “the Secretary of De-*
21 *fense, the Secretary of the Army, and the Secretary of*
22 *the Air Force”; and*

23 (3) *in paragraph (12), by striking “Secretaries”*
24 *and inserting “Secretary of Defense, the Secretary of*
25 *the Army, and the Secretary of the Air Force”.*

1 (b) *CONFORMING AND CLERICAL AMENDMENTS.*—

2 (1) *CONFORMING AMENDMENT.*—*The heading of*
 3 *section 10503 of such title is amended to read as fol-*
 4 *lows:*

5 **“§ 10503. Functions of National Guard Bureau: char-**
 6 **ter from the Secretary of Defense”.**

7 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 8 *tions at the beginning of chapter 1011 of such title is*
 9 *amended by striking the item related to section 10503*
 10 *and inserting the following new item:*

“10503. Functions of the National Guard Bureau: charter from the Secretary of
Defense.”.

11 **SEC. 533. APPOINTMENT, GRADE, DUTIES, AND RETIRE-**
 12 **MENT OF THE CHIEF OF THE NATIONAL**
 13 **GUARD BUREAU.**

14 (a) *APPOINTMENT.*—*Subsection (a) of section 10502 of*
 15 *title 10, United States Code, is amended by striking para-*
 16 *graphs (1) through (3) and inserting the following new*
 17 *paragraphs:*

18 “(1) *are recommended for such appointment by*
 19 *their respective Governors or, in the case of the Dis-*
 20 *trict of Columbia, the commanding general of the Dis-*
 21 *trict of Columbia National Guard;*

22 “(2) *are recommended for such appointment by*
 23 *the Secretary of the Army or the Secretary of the Air*
 24 *Force;*

1 “(3) have had at least 10 years of federally rec-
2 cognized commissioned service in an active status in
3 the National Guard;

4 “(4) are in a grade above the grade of brigadier
5 general;

6 “(5) are determined by the Chairman of the
7 Joint Chiefs of Staff, in accordance with criteria and
8 as a result of a process established by the Chairman,
9 to have significant joint duty experience;

10 “(6) are determined by the Secretary of Defense
11 to have successfully completed such other assignments
12 and experiences so as to possess a detailed under-
13 standing of the status and capabilities of National
14 Guard forces and the missions of the National Guard
15 Bureau as set forth in section 10503 of this title;

16 “(7) have a level of operational experience in a
17 position of significant responsibility, professional
18 military education, and demonstrated expertise in
19 national defense and homeland defense matters that
20 are commensurate with the advisory role of the Chief
21 of the National Guard Bureau; and

22 “(8) possess such other qualifications as the Sec-
23 retary of Defense shall prescribe for purposes of this
24 section.”.

1 (b) *GRADE*.—Subsection (d) of such section is amended
2 by striking “lieutenant general” and inserting “general”.

3 (c) *REPEAL OF AGE 64 LIMITATION ON SERVICE*.—
4 Subsection (b) of such section is amended by striking “An
5 officer may not hold that office after becoming 64 years of
6 age.”.

7 (d) *ADVISORY DUTIES*.—Subsection (c) of section
8 10502 of such title is amended to read as follows:

9 “(c) *ADVISOR ON NATIONAL GUARD MATTERS*.—The
10 Chief of the National Guard Bureau is—

11 “(1) an advisor to the Secretary of Defense,
12 through the Chairman of the Joint Chiefs of Staff, on
13 matters involving non-federalized National Guard
14 forces and on other matters as determined by the Sec-
15 retary of Defense; and

16 “(2) the principal adviser to the Secretary of the
17 Army and the Chief of Staff of the Army, and to the
18 Secretary of the Air Force and the Chief of Staff of
19 the Air Force, on matters relating to the National
20 Guard, the Army National Guard of the United
21 States, and the Air National Guard of the United
22 States.”.

23 (e) *DEFERRAL OF RETIREMENT*.—Section 14512(a) of
24 such title is amended by adding at the end the following
25 new paragraph:

1 “(3) *The President may defer the retirement of an offi-*
 2 *cer serving in the position specified in paragraph (2)(A),*
 3 *but such deferment may not extend beyond the first day*
 4 *of the month following the month in which the officer be-*
 5 *comes 68 years of age.”.*

6 **SEC. 534. MANDATORY SEPARATION FOR YEARS OF SERV-**
 7 **ICE OF RESERVE OFFICERS IN THE GRADE OF**
 8 **LIEUTENANT GENERAL OR VICE ADMIRAL.**

9 *Section 14508 of title 10, United States Code, is*
 10 *amended—*

11 *(1) by redesignating subsections (c), (d), and (e)*
 12 *as subsections (d), (e) and (f), respectively; and*

13 *(2) by inserting after subsection (b) the following*
 14 *new subsection (c):*

15 “(c) **THIRTY-EIGHT YEARS OF SERVICE FOR LIEUTEN-**
 16 **ANT GENERALS AND VICE ADMIRALS.**—*Unless retired,*
 17 *transferred to the Retired Reserve, or discharged at an ear-*
 18 *lier date, each reserve officer of the Army, Air Force, or*
 19 *Marine Corps in the grade of lieutenant general, and each*
 20 *reserve officer of the Navy in the grade of vice admiral,*
 21 *shall, 30 days after completion of 38 years of commissioned*
 22 *service or on the fifth anniversary of the date of the officer’s*
 23 *appointment in the grade of lieutenant general or vice ad-*
 24 *miral, whichever is later, be separated in accordance with*
 25 *section 14514 of this title.”.*

1 **SEC. 535. INCREASE IN PERIOD OF TEMPORARY FEDERAL**
2 **RECOGNITION AS OFFICERS OF THE NA-**
3 **TIONAL GUARD FROM SIX TO TWELVE**
4 **MONTHS.**

5 *Section 308(a) of title 32, United States Code, is*
6 *amended by striking “six months” and inserting “12*
7 *months”.*

8 **SEC. 536. SATISFACTION OF PROFESSIONAL LICENSURE**
9 **AND CERTIFICATION REQUIREMENTS BY**
10 **MEMBERS OF THE NATIONAL GUARD AND RE-**
11 **SERVE ON ACTIVE DUTY.**

12 *(a) ADDITIONAL PERIOD BEFORE RE-TRAINING OF*
13 *NURSE AIDES IS REQUIRED UNDER THE MEDICARE AND*
14 *MEDICAID PROGRAMS.—For purposes of subparagraph (D)*
15 *of sections 1819(b)(5) and 1919(b)(5) of the Social Security*
16 *Act (42 U.S.C. 1395i–3(b)(5), 1396r(b)(5)), if, since an in-*
17 *dividual’s most recent completion of a training and com-*
18 *petency evaluation program described in subparagraph (A)*
19 *of such sections, the individual was ordered to active duty*
20 *in the Armed Forces for a period of at least 12 months,*
21 *and the individual completes such active duty service dur-*
22 *ing the period beginning on July 1, 2007, and ending on*
23 *September 30, 2008, the 24-consecutive-month period de-*
24 *scribed subparagraph (D) of such sections with respect to*
25 *the individual shall begin on the date on which the indi-*
26 *vidual completes such active duty service. The preceding*

1 sentence shall not apply to an individual who had already
 2 reached such 24-consecutive-month period on the date on
 3 which such individual was ordered to such active duty serv-
 4 ice.

5 (b) *REPORT ON RELIEF FROM REQUIREMENTS FOR*
 6 *NATIONAL GUARD AND RESERVE ON LONG-TERM ACTIVE*
 7 *DUTY.*—Not later than 120 days after the date of the enact-
 8 ment of this Act, the Secretary of Defense shall submit to
 9 Congress a report setting forth recommendations for such
 10 legislative action as the Secretary considers appropriate
 11 (including amendments to the Servicemembers Civil Relief
 12 Act (50 U.S.C. App. 501 et seq.)) to provide for the exemp-
 13 tion or tolling of professional or other licensure or certifi-
 14 cation requirements for the conduct or practice of a profes-
 15 sion, trade, or occupation with respect to members of the
 16 National Guard and Reserve who are on active duty in the
 17 Armed Forces for an extended period of time.

18 ***Subtitle D—Education and***
 19 ***Training***

20 ***SEC. 551. GRADE AND SERVICE CREDIT OF COMMISSIONED***
 21 ***OFFICERS IN UNIFORMED MEDICAL ACCES-***
 22 ***SION PROGRAMS.***

23 (a) *MEDICAL STUDENTS OF USUHS.*—Section
 24 2114(b) of title 10, United States Code, is amended by strik-
 25 ing the second sentence and inserting the following new sen-

1 tences: “Medical students so commissioned shall be ap-
2 pointed as regular officers in the grade of second lieutenant
3 or ensign, or if they meet promotion criteria prescribed by
4 the Secretary concerned, in the grade of first lieutenant or
5 lieutenant (junior grade), and shall serve on active duty
6 with full pay and allowances of an officer in the applicable
7 grade. Any prior service of medical students on active duty
8 shall be deemed, for pay purposes, to have been service as
9 a warrant officer.”.

10 (b) *PARTICIPANTS IN HEALTH PROFESSIONS SCHOL-*
11 *ARSHIP AND FINANCIAL ASSISTANCE PROGRAM.*—

12 (1) *GRADE OF PARTICIPANTS.*—Section 2121(c)
13 of such title is amended by striking the second sen-
14 tence and inserting the following new sentences: “Per-
15 sons so commissioned shall be appointed in the grade
16 of second lieutenant or ensign, or if they meet pro-
17 motion criteria prescribed by the Secretary concerned,
18 in the grade of first lieutenant or lieutenant (junior
19 grade), and shall serve on active duty with full pay
20 and allowances of an officer in the applicable grade
21 for a period of 45 days during each year of participa-
22 tion in the program. Any prior service of such per-
23 sons on active duty shall be deemed, for pay purposes,
24 to have been service as a warrant officer.”.

1 (2) *SERVICE CREDIT.*—Subsection (a) of section
2 2126 of such title is amended to read as follows:

3 “(a) *SERVICE NOT CREDITABLE.*—Except as provided
4 in subsection (b), service performed while a member of the
5 program shall not be counted in determining eligibility for
6 retirement other than by reason of a physical disability in-
7 curred while on active duty as a member of the program.”.

8 (c) *OFFICERS DETAILED AS STUDENTS AT MEDICAL*
9 *SCHOOLS.*—Subsection (a) of section 2004a of such title is
10 amended by adding at the end the following new sentences:
11 “An officer detailed under this section shall serve on active
12 duty, subject to the limitations on grade specified in section
13 2114(b) of this title. Any prior active service of such an
14 officer shall be deemed, for pay purposes, to have been served
15 as a warrant officer.”.

16 **SEC. 552. EXPANSION OF NUMBER OF ACADEMIES SUP-**
17 **PORTABLE IN ANY STATE UNDER STARBASE**
18 **PROGRAM.**

19 (a) *EXPANSION.*—Section 2193b(c)(3) of title 10,
20 United States Code, is amended—

21 (1) in subparagraph (A), by striking “more than
22 two academies” and inserting “more than four acad-
23 emies”; 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 **(b) EFFECTIVE DATE.**—*The amendments made by sub-*
5 *section (a) shall take effect on October 1, 2007.*

6 **SEC. 553. REPEAL OF POST-2007-2008 ACADEMIC YEAR PRO-**
7 **HIBITION ON PHASED INCREASE IN CADET**
8 **STRENGTH LIMIT AT THE UNITED STATES**
9 **MILITARY ACADEMY.**

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

12 **SEC. 554. TREATMENT OF SOUTHOLD, MATTITUCK, AND**
13 **GREENPORT HIGH SCHOOLS, SOUTHOLD,**
14 **NEW YORK, AS SINGLE INSTITUTION FOR**
15 **PURPOSES OF MAINTAINING A JUNIOR RE-**
16 **SERVE OFFICERS’ TRAINING CORPS UNIT.**

17 *Southold High School, Mattituck High School, and*
18 *Greenport High School, located in Southold, New York, may*
19 *be treated as a single institution for purposes of the mainte-*
20 *nance of a unit of the Junior Reserve Officers’ Training*
21 *Corps of the Navy.*

1 **SEC. 555. AUTHORITY OF THE AIR UNIVERSITY TO CONFER**
2 **ADDITIONAL ACADEMIC DEGREES.**

3 *Section 9317(a) of title 10, United States Code, is*
4 *amended by adding at the end the following new para-*
5 *graphs:*

6 *“(5) The degree of doctor of philosophy in stra-*
7 *tegic studies upon graduates of the School of Ad-*
8 *vanced Airpower Studies who fulfill the requirements*
9 *for that degree in manner consistent with the guide-*
10 *lines of the Department of Education and the prin-*
11 *ciples of the regional accrediting body for Air Univer-*
12 *sity.*

13 *“(6) The degree of master of air, space, and*
14 *cyberspace studies upon graduates of Air University*
15 *who fulfill the requirements for that degree in a man-*
16 *ner consistent with the recommendations of the De-*
17 *partment of Education and the principles of the re-*
18 *gional accrediting body for Air University.*

19 *“(7) The degree of master of flight test engineer-*
20 *ing science upon graduates of the Air Force Test Pilot*
21 *School who fulfill the requirements for that degree in*
22 *a manner consistent with the recommendations of the*
23 *Department of Education and the principles of the re-*
24 *gional accrediting body for Air University.”.*

1 **SEC. 556. NURSE MATTERS.**

2 (a) *IN GENERAL.*—*The Secretary of Defense may pro-*
3 *vide for the carrying out of each of the programs described*
4 *in subsections (b) through (f).*

5 (b) *SERVICE OF NURSE OFFICERS AS FACULTY IN EX-*
6 *CHANGE FOR COMMITMENT TO ADDITIONAL SERVICE IN*
7 *THE ARMED FORCES.*—

8 (1) *IN GENERAL.*—*One of the programs under*
9 *this section may be a program in which covered com-*
10 *missioned officers with a graduate degree in nursing*
11 *or a related field who are in the nurse corps of the*
12 *Armed Force concerned serve a tour of duty of two*
13 *years as a full-time faculty member of an accredited*
14 *school of nursing.*

15 (2) *COVERED OFFICERS.*—*A commissioned offi-*
16 *cer of the nurse corps of the Armed Forces described*
17 *in this paragraph is a nurse officer on active duty*
18 *who has served for more than nine years on active*
19 *duty in the Armed Forces as an officer of the nurse*
20 *corps at the time of the commencement of the tour of*
21 *duty described in paragraph (1).*

22 (3) *BENEFITS AND PRIVILEGES.*—*An officer serv-*
23 *ing on the faculty of an accredited school or nursing*
24 *under this subsection shall be accorded all the benefits,*
25 *privileges, and responsibilities (other than compensa-*
26 *tion and compensation-related benefits) of any other*

1 *comparably situated individual serving a full-time*
2 *faculty member of such school.*

3 (4) *AGREEMENT FOR ADDITIONAL SERVICE.—*

4 *Each officer who serves a tour of duty on the faculty*
5 *of a school of nursing under this subsection shall enter*
6 *into an agreement with the Secretary to serve upon*
7 *the completion of such tour of duty for a period of*
8 *four years for such tour of duty as a member of the*
9 *nurse corps of the Armed Force concerned. Any serv-*
10 *ice agreed to by an officer under this paragraph is in*
11 *addition to any other service required of the officer*
12 *under law.*

13 (c) *SERVICE OF NURSE OFFICERS AS FACULTY IN EX-*
14 *CHANGE FOR SCHOLARSHIPS FOR NURSE OFFICER CAN-*
15 *DIDATES.—*

16 (1) *IN GENERAL.—One of the programs under*
17 *this section may be a program in which commis-*
18 *sioned officers with a graduate degree in nursing or*
19 *a related field who are in the nurse corps of the*
20 *Armed Force concerned serve while on active duty a*
21 *tour of duty of two years as a full-time faculty mem-*
22 *ber of an accredited school of nursing.*

23 (2) *BENEFITS AND PRIVILEGES.—An officer serv-*
24 *ing on the faculty of an accredited school of nursing*
25 *under this subsection shall be accorded all the benefits,*

1 *privileges, and responsibilities (other than compensa-*
2 *tion and compensation-related benefits) of any other*
3 *comparably situated individual serving as a full-time*
4 *faculty member of such school.*

5 (3) *SCHOLARSHIPS FOR NURSE OFFICER CAN-*
6 *DIDATES.—(A) Each accredited school of nursing at*
7 *which an officer serves on the faculty under this sub-*
8 *section shall provide scholarships to individuals un-*
9 *dertaking an educational program at such school*
10 *leading to a degree in nursing who agree, upon com-*
11 *pletion of such program, to accept a commission as*
12 *an officer in the nurse corps of the Armed Forces.*

13 (B) *The total amount of funds made available*
14 *for scholarships by an accredited school of nursing*
15 *under subparagraph (A) for each officer serving on*
16 *the faculty of that school under this subsection shall*
17 *be not less than the amount equal to an entry-level*
18 *full-time faculty member of that school for each year*
19 *that such officer so serves on the faculty of that school.*

20 (C) *The total number of scholarships provided by*
21 *an accredited school of nursing under subparagraph*
22 *(A) for each officer serving on the faculty of that*
23 *school under this subsection shall be such number as*
24 *the Secretary of Defense shall specify for purposes of*
25 *this subsection.*

1 (d) *SCHOLARSHIPS FOR CERTAIN NURSE OFFICERS*
2 *FOR EDUCATION AS NURSES.*—

3 (1) *IN GENERAL.*—*One of the programs under*
4 *this section may be a program in which the Secretary*
5 *provides scholarships to commissioned officers of the*
6 *nurse corps of the Armed Force concerned described in*
7 *paragraph (2) who enter into an agreement described*
8 *in paragraph (4) for the participation of such officers*
9 *in an educational program of an accredited school of*
10 *nursing leading to a graduate degree in nursing.*

11 (2) *COVERED NURSE OFFICERS.*—*A commis-*
12 *sioned officer of the nurse corps of the Armed Forces*
13 *described in this paragraph is a nurse officer who has*
14 *served not less than 20 years on active duty in the*
15 *Armed Forces and is otherwise eligible for retirement*
16 *from the Armed Forces.*

17 (3) *SCOPE OF SCHOLARSHIPS.*—*Amounts in a*
18 *scholarship provided a nurse officer under this sub-*
19 *section may be utilized by the officer to pay the costs*
20 *of tuition, fees, and other educational expenses of the*
21 *officer in participating in an educational program*
22 *described in paragraph (1).*

23 (4) *AGREEMENT.*—*An agreement of a nurse offi-*
24 *cer described in this paragraph is the agreement of*
25 *the officer—*

1 (A) to participate in an educational pro-
2 gram described in paragraph (1); and

3 (B) upon graduation from such educational
4 program—

5 (i) to serve not less than two years as
6 a full-time faculty member of an accredited
7 school of nursing; and

8 (ii) to undertake such activities as the
9 Secretary considers appropriate to encour-
10 age current and prospective nurses to pur-
11 sue service in the nurse corps of the Armed
12 Forces.

13 (e) *TRANSITION ASSISTANCE FOR RETIRING NURSE*
14 *OFFICERS QUALIFIED AS FACULTY.*—

15 (1) *IN GENERAL.*—One of the programs under
16 this section may be a program in which the Secretary
17 provides to commissioned officers of the nurse corps of
18 the Armed Force concerned described in paragraph
19 (2) the assistance described in paragraph (3) to assist
20 such officers in obtaining and fulfilling positions as
21 full-time faculty members of an accredited school of
22 nursing after retirement from the Armed Forces.

23 (2) *COVERED NURSE OFFICERS.*—A commis-
24 sioned officer of the nurse corps of the Armed Forces
25 described in this paragraph is a nurse officer who—

1 (A) *has served an aggregate of at least 20*
2 *years on active duty or in reserve active status*
3 *in the Armed Forces;*

4 (B) *is eligible for retirement from the*
5 *Armed Forces; and*

6 (C) *possesses a doctoral or master degree in*
7 *nursing or a related field which qualifies the*
8 *nurse officer to discharge the position of nurse*
9 *instructor at an accredited school of nursing.*

10 (3) *ASSISTANCE.—The assistance described in*
11 *this paragraph is assistance as follows:*

12 (A) *Career placement assistance.*

13 (B) *Continuing education.*

14 (C) *Stipends (in an amount specified by the*
15 *Secretary).*

16 (4) *AGREEMENT.—A nurse officer provided as-*
17 *stance under this subsection shall enter into an*
18 *agreement with the Secretary to serve as a full-time*
19 *faculty member of an accredited school of nursing for*
20 *such period as the Secretary shall provide in the*
21 *agreement.*

22 (f) *BENEFITS FOR RETIRED NURSE OFFICERS AC-*
23 *CEPTING APPOINTMENT AS FACULTY.—*

24 (1) *IN GENERAL.—One of the programs under*
25 *this section may be a program in which the Secretary*

1 provides to any individual described in paragraph
2 (2) the benefits specified in paragraph (3).

3 (2) *COVERED INDIVIDUALS.*—An individual de-
4 scribed in this paragraph is an individual who—

5 (A) is retired from the Armed Forces after
6 service as a commissioned officer in the nurse
7 corps of the Armed Forces;

8 (B) holds a graduate degree in nursing; and

9 (C) serves as a full-time faculty member of
10 an accredited school of nursing.

11 (3) *BENEFITS.*—The benefits specified in this
12 paragraph shall include the following:

13 (A) Payment of retired or retirement pay
14 without reduction based on receipt of pay or
15 other compensation from the institution of higher
16 education concerned.

17 (B) Payment by the institution of higher
18 education concerned of a salary and other com-
19 pensation to which other similarly situated fac-
20 ulty members of the institution of higher edu-
21 cation would be entitled.

22 (C) If the amount of pay and other com-
23 pensation payable by the institution of higher
24 education concerned for service as an associate
25 full-time faculty member is less than the basic

1 *pay to which the individual was entitled imme-*
2 *diately before retirement from the Armed Forces,*
3 *payment of an amount equal to the difference be-*
4 *tween such basic pay and such payment and*
5 *other compensation.*

6 *(g) ADMINISTRATION AND DURATION OF PROGRAMS.—*

7 *(1) IN GENERAL.—The Secretary shall establish*
8 *requirements and procedures for the administration of*
9 *the programs authorized by this section. Such require-*
10 *ments and procedures shall include procedures for se-*
11 *lecting participating schools of nursing.*

12 *(2) DURATION.—Any program carried out under*
13 *this section shall continue for not less than two years.*

14 *(3) ASSESSMENT.—Not later than two years*
15 *after commencing any program under this section, the*
16 *Secretary shall assess the results of such program and*
17 *determine whether or not to continue such program.*
18 *The assessment of any program shall be based on*
19 *measurable criteria, information concerning results,*
20 *and such other matters as the Secretary considers ap-*
21 *propriate.*

22 *(4) CONTINUATION.—The Secretary may con-*
23 *tinue carrying out any program under this section*
24 *that the Secretary determines, pursuant to an assess-*
25 *ment under paragraph (3), to continue to carry out.*

1 *In continuing to carry out a program, the Secretary*
2 *may modify the terms of the program within the*
3 *scope of this section. The continuation of any pro-*
4 *gram may include its expansion to include additional*
5 *participating schools of nursing.*

6 *(h) DEFINITIONS.—In this section, the terms “school*
7 *of nursing” and “accredited” have the meaning given those*
8 *terms in section 801 of the Public Health Service Act (42*
9 *U.S.C. 296).*

10 **SEC. 557. REPEAL OF ANNUAL LIMIT ON NUMBER OF ROTC**
11 **SCHOLARSHIPS UNDER ARMY RESERVE AND**
12 **ARMY NATIONAL GUARD FINANCIAL ASSIST-**
13 **ANCE PROGRAM.**

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

1 ***Subtitle E—Defense Dependents’***
2 ***Education Matters***

3 ***SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL***
4 ***EDUCATIONAL AGENCIES THAT BENEFIT DE-***
5 ***PENDENTS OF MEMBERS OF THE ARMED***
6 ***FORCES AND DEPARTMENT OF DEFENSE CI-***
7 ***VILIAN EMPLOYEES.***

8 (a) *ASSISTANCE TO SCHOOLS WITH SIGNIFICANT*
9 *NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the*
10 *amount authorized to be appropriated pursuant to section*
11 *301(5) for operation and maintenance for Defense-wide ac-*
12 *tivities, \$35,000,000 shall be available only for the purpose*
13 *of providing assistance to local educational agencies under*
14 *subsection (a) of section 572 of the National Defense Author-*
15 *ization Act for Fiscal Year 2006 (Public Law 109–163; 119*
16 *Stat. 3271; 20 U.S.C. 7703b).*

17 (b) *ASSISTANCE TO SCHOOLS WITH ENROLLMENT*
18 *CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE*
19 *CHANGES, OR FORCE RELOCATIONS.—Of the amount au-*
20 *thorized to be appropriated pursuant to section 301(5) for*
21 *operation and maintenance for Defense-wide activities,*
22 *\$10,000,000 shall be available only for the purpose of pro-*
23 *viding assistance to local educational agencies under sub-*
24 *section (b) of such section 572.*

1 (c) *LOCAL EDUCATIONAL AGENCY DEFINED.*—*In this*
2 *section, the term “local educational agency” has the mean-*
3 *ing given that term in section 8013(9) of the Elementary*
4 *and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).*

5 **SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**
6 **ABILITIES.**

7 *Of the amount authorized to be appropriated pursuant*
8 *to section 301(5) for operation and maintenance for De-*
9 *fense-wide activities, \$5,000,000 shall be available for pay-*
10 *ments under section 363 of the Floyd D. Spence National*
11 *Defense Authorization Act for Fiscal Year 2001 (as enacted*
12 *into law by Public Law 106–398; 114 Stat. 1654A–77; 20*
13 *U.S.C. 7703a).*

14 **SEC. 563. INCLUSION OF DEPENDENTS OF NON-DEPART-**
15 **MENT OF DEFENSE EMPLOYEES EMPLOYED**
16 **ON FEDERAL PROPERTY IN PLAN RELATING**
17 **TO FORCE STRUCTURE CHANGES, RELOCA-**
18 **TION OF MILITARY UNITS, OR BASE CLO-**
19 **SURES AND REALIGNMENTS.**

20 *Section 574(e)(3) of the John Warner National Defense*
21 *Authorization Act for Fiscal Year 2007 (Public Law 109–*
22 *364; 120 Stat. 2227; 20 U.S.C. 7703b note) is amended—*

23 (1) *in subparagraph (A), by striking “and” at*
24 *the end;*

1 (2) *in subparagraph (B), by striking the period*
2 *at the end and inserting “; and”; and*

3 (3) *by adding at the end the following new sub-*
4 *paragraph:*

5 “(C) *elementary and secondary school stu-*
6 *dents who are dependents of personnel who are*
7 *not members of the Armed Forces or civilian em-*
8 *ployees of the Department of Defense but who are*
9 *employed on Federal property.”.*

10 **SEC. 564. AUTHORITY FOR PAYMENT OF PRIVATE BOARD-**
11 **ING SCHOOL TUITION FOR MILITARY DE-**
12 **PENDENTS IN OVERSEAS AREAS NOT SERVED**
13 **BY DEPARTMENT OF DEFENSE DEPENDENTS’**
14 **SCHOOLS.**

15 *Section 1407(b)(1) of the Defense Dependents’ Edu-*
16 *cation Act of 1978 (20 U.S.C. 926(b)(1)) is amended in the*
17 *first sentence by inserting “, including private boarding*
18 *schools in the United States,” after “subsection (a)”.*

19 **SEC. 565. HEAVILY IMPACTED LOCAL EDUCATIONAL AGEN-**
20 **CIES.**

21 (a) *IN GENERAL.*—*For fiscal year 2008 and each suc-*
22 *ceeding fiscal year, the Secretary of Education shall—*

23 (1) *deem each local educational agency that was*
24 *eligible to receive a fiscal year 2007 basic support*
25 *payment for heavily impacted local educational agen-*

1 *cies under section 8003(b)(2) of the Elementary and*
 2 *Secondary Education Act of 1965 (20 U.S.C.*
 3 *7703(b)(2)) as eligible to receive a basic support pay-*
 4 *ment for heavily impacted local educational agencies*
 5 *under such section for the fiscal year for which the de-*
 6 *termination is made under this subsection; and*

7 *(2) make a payment to such local educational*
 8 *agency under such section for such fiscal year.*

9 *(b) EFFECTIVE DATES.—Subsection (a) shall remain*
 10 *in effect until the date that a Federal statute is enacted*
 11 *authorizing the appropriations for, or duration of, any pro-*
 12 *gram under title VIII of the Elementary and Secondary*
 13 *Education Act of 1965 (20 U.S.C. 7701 et seq.) for fiscal*
 14 *year 2008 or any succeeding fiscal year.*

15 **SEC. 566. EMERGENCY ASSISTANCE FOR LOCAL EDU-**
 16 **CATIONAL AGENCIES ENROLLING MILITARY**
 17 **DEPENDENT CHILDREN.**

18 *(a) SHORT TITLE.—This section may be cited as the*
 19 *“Help for Military Children Affected by War Act of 2007”.*

20 *(b) ASSISTANCE AUTHORIZED.—The Secretary of De-*
 21 *fense may provide assistance to eligible local educational*
 22 *agencies for the additional education, counseling, and other*
 23 *needs of military dependent children who are affected by*
 24 *war-related action.*

25 *(c) DEFINITIONS.—In this section:*

1 (1) *ELIGIBLE LOCAL EDUCATIONAL AGENCY.*—

2 *The term “eligible local educational agency” means a*
3 *local educational agency that—*

4 (A) *has a number of military dependent*
5 *children in average daily attendance in the*
6 *schools served by the local educational agency*
7 *during the current school year, determined in*
8 *consultation with the Secretary of Education,*
9 *that—*

10 (i) *equaled or exceeded 20 percent of*
11 *the number of all children in average daily*
12 *attendance in the schools served by such*
13 *agency during the current school year; or*

14 (ii) *is 1,000 or more,*
15 *whichever is less; and*

16 (B) *is designated by the Secretary of De-*
17 *fense as impacted by—*

18 (i) *Operation Iraqi Freedom;*

19 (ii) *Operation Enduring Freedom; or*

20 (iii) *the global rebasing plan of the De-*
21 *partment of Defense.*

22 (2) *LOCAL EDUCATIONAL AGENCY.*—*The term*
23 *“local educational agency” has the meaning given the*
24 *term in section 9101 of the Elementary and Sec-*
25 *ondary Education Act of 1965 (20 U.S.C. 7801).*

1 (3) *MILITARY DEPENDENT CHILD*.—*The term*
2 “*military dependent child*”—

3 (A) *means a child described in subpara-*
4 *graph (B) or (D)(i) of section 8003(a)(1) of the*
5 *Elementary and Secondary Education Act of*
6 *1965 (20 U.S.C. 7703(a)(1)); and*

7 (B) *includes a child—*

8 (i) *who resided on Federal property*
9 *with a parent on active duty in the Na-*
10 *tional Guard or Reserve; or*

11 (ii) *who had a parent on active duty*
12 *in the National Guard or Reserve but did*
13 *not reside on Federal property.*

14 (d) *ASSISTANCE*.—*Assistance provided under this sec-*
15 *tion may be used for—*

16 (1) *tutoring, after-school, and dropout prevention*
17 *activities for military dependent children with a par-*
18 *ent who is or has been impacted by war-related action*
19 *described in clause (i), (ii), or (iii) of subsection*
20 *(c)(1)(B);*

21 (2) *professional development of teachers, prin-*
22 *cipals, and counselors on the needs of military de-*
23 *pendent children with a parent who is or has been*
24 *impacted by war-related action described in clause*
25 *(i), (ii), or (iii) of subsection (c)(1)(B); and*

1 (3) *counseling and other comprehensive support*
 2 *services for military dependent children with a parent*
 3 *who is or has been impacted by war-related action de-*
 4 *scribed in clause (i), (ii), or (iii) of subsection*
 5 *(c)(1)(B), including the subsidization of a percentage*
 6 *of hiring of a military-school liaison.*

7 ***Subtitle F—Military Justice and***
 8 ***Legal Assistance Matters***

9 ***SEC. 571. AUTHORITY OF JUDGES OF THE UNITED STATES***
 10 ***COURT OF APPEALS FOR THE ARMED FORCES***
 11 ***TO ADMINISTER OATHS.***

12 *Section 936 of title 10, United States Code (article 136*
 13 *of the Uniform Code of Military Justice), is amended by*
 14 *adding at the end the following new subsection:*

15 “(c) *The judges of the United States Court of Appeals*
 16 *for the Armed Forces may administer oaths.”.*

17 ***SEC. 572. MILITARY LEGAL ASSISTANCE FOR DEPARTMENT***
 18 ***OF DEFENSE CIVILIAN EMPLOYEES IN AREAS***
 19 ***WITHOUT ACCESS TO NON-MILITARY LEGAL***
 20 ***ASSISTANCE.***

21 *Section 1044(a) of title 10, United States Code, is*
 22 *amended by adding at the end the following new paragraph:*

23 “(6) *Civilian employees of the Department of De-*
 24 *fense in locations where legal assistance from non-*

1 *military legal assistance providers is not reasonably*
2 *available.”.*

3 **SEC. 573. MODIFICATION OF AUTHORITIES ON SENIOR**
4 **MEMBERS OF THE JUDGE ADVOCATE GEN-**
5 **ERALS’ CORPS.**

6 *(a) DEPARTMENT OF THE ARMY.—*

7 *(1) GRADE OF JUDGE ADVOCATE GENERAL.—*
8 *Subsection (a) of section 3037 of title 10, United*
9 *States Code, is amended by striking the third sentence*
10 *and inserting the following new sentence: “The Judge*
11 *Advocate General, while so serving, has the grade of*
12 *lieutenant general.”.*

13 *(2) REDESIGNATION OF ASSISTANT JUDGE ADVO-*
14 *CATE GENERAL AS DEPUTY JUDGE ADVOCATE GEN-*
15 *ERAL.—Such section is further amended—*

16 *(A) in subsection (a), by striking “Assistant*
17 *Judge Advocate General” each place it appears*
18 *and inserting “Deputy Judge Advocate General”;*
19 *and*

20 *(B) in subsection (d), by striking “Assistant*
21 *Judge Advocate General” and inserting “Deputy*
22 *Judge Advocate General”.*

23 *(3) CONFORMING AND CLERICAL AMENDMENTS.—*

24 *(A) The heading of such section is amended by strik-*
25 *ing “ASSISTANT JUDGE ADVOCATE GENERAL”*

1 and inserting “**DEPUTY JUDGE ADVOCATE GEN-**
2 **ERAL**”.

3 (B) *The table of sections at the beginning of*
4 *chapter 305 of such title is amended in the item relat-*
5 *ing to section 3037 by striking “Assistant Judge Ad-*
6 *vocate General” and inserting “Deputy Judge Advo-*
7 *cate General”.*

8 (b) *GRADE OF JUDGE ADVOCATE GENERAL OF THE*
9 *NAVY.—Section 5148(b) of such title is amended in sub-*
10 *section by striking the last sentence and inserting the fol-*
11 *lowing new sentence: “The Judge Advocate General, while*
12 *so serving, has the grade of vice admiral or lieutenant gen-*
13 *eral, as appropriate.”.*

14 (c) *GRADE OF JUDGE ADVOCATE GENERAL OF THE*
15 *AIR FORCE.—Section 8037(a) of such title is amended by*
16 *striking the last sentence and inserting the following new*
17 *sentence: “The Judge Advocate General, while so serving,*
18 *has the grade of lieutenant general.”.*

19 (d) *EXCLUSION FROM ACTIVE-DUTY GENERAL AND*
20 *FLAG OFFICER STRENGTH AND DISTRIBUTION LIMITA-*
21 *TIONS.—Section 525(b) of such title is amended by adding*
22 *at the end the following new paragraph:*

23 “(9) *An officer while serving as the Judge Advocate*
24 *General of the Army, the Judge Advocate General of the*
25 *Navy, or the Judge Advocate General of the Air Force is*

1 *in addition to the number that would otherwise be per-*
 2 *mitted for that officer's armed force for officers serving on*
 3 *active duty in grades above major general or rear admiral*
 4 *under paragraph (1) or (2), as applicable.”.*

5 (e) *LEGAL COUNSEL TO CHAIRMAN OF THE JOINT*
 6 *CHIEFS OF STAFF.*—

7 (1) *IN GENERAL.*—Chapter 5 of title 10, United
 8 *States Code, is amended by adding at the end the fol-*
 9 *lowing new section:*

10 **“§156. *Legal Counsel to the Chairman of the Joint***
 11 ***Chiefs of Staff***

12 “(a) *IN GENERAL.*—There is a Legal Counsel to the
 13 *Chairman of the Joint Chiefs of Staff.*

14 “(b) *SELECTION FOR APPOINTMENT.*—Under regula-
 15 *tions prescribed by the Secretary of Defense, the officer se-*
 16 *lected for appointment to serve as Legal Counsel to the*
 17 *Chairman of the Joint Chiefs of Staff shall be recommended*
 18 *by a board of officers convened by the Secretary of Defense*
 19 *that, insofar as practicable, is subject to the procedures ap-*
 20 *plicable to selection boards convened under chapter 36 of*
 21 *this title.*

22 “(c) *GRADE.*—An officer appointed to serve as Legal
 23 *Counsel to the Chairman of the Joint Chiefs of Staff shall,*
 24 *while so serving, hold the grade of brigadier general or rear*
 25 *admiral (lower half).*

1 “(d) *DUTIES.*—*The Legal Counsel of the Chairman of*
 2 *the Joint Chiefs of Staff shall perform such legal duties in*
 3 *support of the responsibilities of the Chairman of the Joint*
 4 *Chiefs of Staff as the Chairman may prescribe.”.*

5 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 6 *tions at the beginning of chapter 5 of such title is*
 7 *amended by adding at the end the following new item:*
 “156. *Legal Counsel to the Chairman of the Joint Chiefs of Staff.”.*

8 ***Subtitle G—Military Family***
 9 ***Readiness***

10 ***SEC. 581. DEPARTMENT OF DEFENSE MILITARY FAMILY***
 11 ***READINESS COUNCIL.***

12 (a) *IN GENERAL.*—*Subchapter I of chapter 88 of title*
 13 *10, United States Code, is amended by inserting after sec-*
 14 *tion 1781 the following new section:*

15 ***“§1781a. Department of Defense Military Family***
 16 ***Readiness Council***

17 “(a) *IN GENERAL.*—*There is in the Department of De-*
 18 *fense the Department of Defense Military Family Readiness*
 19 *Council (hereafter in this section referred to as the ‘Coun-*
 20 *cil’).*

21 “(b) *MEMBERS.*—(1) *The members of the Council shall*
 22 *be the following:*

23 “(A) *The Under Secretary of Defense for Per-*
 24 *sonnel and Readiness, who shall serve as chair of the*
 25 *Council.*

1 “(B) One representative of each of the Army, the
2 Navy, the Marine Corps, and the Air Force, who shall
3 be appointed by Secretary of Defense.

4 “(C) Three individuals appointed by the Sec-
5 retary of Defense from among representatives of mili-
6 tary family organizations (including military family
7 organizations of families of members of the regular
8 components and of families of members of the reserve
9 components), of whom not less than two shall be mem-
10 bers of the family of an enlisted member of the armed
11 forces.

12 “(D) In addition to the members appointed
13 under subparagraphs (B) and (C), eight individuals
14 appointed by the Secretary of Defense, of whom—

15 “(i) one shall be a commissioned officer of
16 the Army or spouse of a commissioned officer of
17 the Army, and one shall be an enlisted member
18 of the Army or spouse of an enlisted member of
19 the Army, except that of the individuals ap-
20 pointed under this clause at any particular time,
21 one shall be a member of the Army and the other
22 shall be a spouse of a member of the Army;

23 “(ii) one shall be a commissioned officer of
24 the Navy or spouse of a commissioned officer of
25 the Navy, and one shall be an enlisted member

1 *of the Navy or spouse of an enlisted member of*
2 *the Navy, except that of the individuals ap-*
3 *pointed under this clause at any particular time,*
4 *one shall be a member of the Navy and the other*
5 *shall be a spouse of a member of the Navy;*

6 “(iii) *one shall be a commissioned officer of*
7 *the Marine Corps or spouse of a commissioned*
8 *officer of the Marine Corps, and one shall be an*
9 *enlisted member of the Marine Corps or spouse*
10 *of an enlisted member of the Marine Corps, ex-*
11 *cept that of the individuals appointed under this*
12 *clause at any particular time, one shall be a*
13 *member of the Marine Corps and the other shall*
14 *be a spouse of a member of the Marine Corps;*
15 *and*

16 “(iv) *one shall be a commissioned officer of*
17 *the Air Force or spouse of a commissioned officer*
18 *of the Air Force, and one shall be an enlisted*
19 *member of the Air Force or spouse of an enlisted*
20 *member of the Air Force, except that of the indi-*
21 *viduals appointed under this clause at any par-*
22 *ticular time, one shall be a member of the Air*
23 *Force and the other shall be a spouse of a mem-*
24 *ber of the Air Force.*

1 “(2) *The term on the Council of the members appointed*
2 *under paragraph (1)(C) shall be three years.*

3 “(c) *MEETINGS.—The Council shall meet not less often*
4 *than twice each year. Not more than one meeting of the*
5 *Council each year shall be in the National Capital Region.*

6 “(d) *DUTIES.—The duties of the Council shall include*
7 *the following:*

8 “(1) *To review and make recommendations to*
9 *the Secretary of Defense on the policy and plans re-*
10 *quired under section 1781b of this title.*

11 “(2) *To monitor requirements for the support of*
12 *military family readiness by the Department of De-*
13 *fense.*

14 “(3) *To evaluate and assess the effectiveness of*
15 *the military family readiness programs and activities*
16 *of the Department of Defense.*

17 “(e) *ANNUAL REPORTS.—(1) Not later than February*
18 *1 each year, the Council shall submit to the Secretary of*
19 *Defense and the congressional defense committees a report*
20 *on military family readiness.*

21 “(2) *Each report under this subsection shall include*
22 *the following:*

23 “(A) *An assessment of the adequacy and effec-*
24 *tiveness of the military family readiness programs*
25 *and activities of the Department of Defense during*

1 *the preceding fiscal year in meeting the needs and re-*
 2 *quirements of military families.*

3 *“(B) Recommendations on actions to be taken to*
 4 *improve the capability of the military family readi-*
 5 *ness programs and activities of the Department of De-*
 6 *fense to meet the needs and requirements of military*
 7 *families, including actions relating to the allocation*
 8 *of funding and other resources to and among such*
 9 *programs and activities.”.*

10 *(b) CLERICAL AMENDMENT.—The table of sections at*
 11 *the beginning of subchapter I of chapter 88 of such title*
 12 *is amended by inserting after the item relating to section*
 13 *1781 the following new item:*

“1781a. Department of Defense Military Family Readiness Council.”.

14 **SEC. 582. DEPARTMENT OF DEFENSE POLICY AND PLANS**
 15 **FOR MILITARY FAMILY READINESS.**

16 *(a) POLICY AND PLANS REQUIRED.—*

17 *(1) IN GENERAL.—Subchapter I of chapter 88 of*
 18 *title 10, United States Code, as amended by section*
 19 *581 of this Act, is further amended by inserting after*
 20 *section 1781a the following new section:*

21 **“§ 1781b. Department of Defense policy and plans for**
 22 **military family readiness**

23 *“(a) IN GENERAL.—The Secretary of Defense shall de-*
 24 *velop a policy and plans for the Department of Defense for*
 25 *the support of military family readiness.*

1 “(b) *PURPOSES.*—*The purposes of the policy and plans*
2 *required under subsection (a) are as follows:*

3 “(1) *To ensure that the military family readi-*
4 *ness programs and activities of the Department of De-*
5 *fense are comprehensive, effective, and properly sup-*
6 *ported.*

7 “(2) *To ensure that support is continuously*
8 *available to military families in peacetime and in*
9 *war, as well as during periods of force structure*
10 *change and relocation of military units.*

11 “(3) *To ensure that the military family readi-*
12 *ness programs and activities of the Department of De-*
13 *fense are available to all military families, including*
14 *military families of members of the regular compo-*
15 *nents and military families of members of the reserve*
16 *components.*

17 “(4) *To ensure that the goal of military family*
18 *readiness is an explicit element of applicable Depart-*
19 *ment of Defense plans, programs, and budgeting ac-*
20 *tivities, and that achievement of military family*
21 *readiness is expressed through Department-wide goals*
22 *that are identifiable and measurable.*

23 “(5) *To ensure that the military family readi-*
24 *ness programs and activities of the Department of De-*
25 *fense undergo continuous evaluation in order to en-*

1 *sure that resources are allocated and expended for*
2 *such programs and activities in the most effective pos-*
3 *sible manner throughout the Department.*

4 “(c) *ELEMENTS OF POLICY.*—*The policy required*
5 *under subsection (a) shall include the following elements:*

6 “(1) *A definition for treating a program or ac-*
7 *tivity of the Department of Defense as a military*
8 *family readiness program or activity.*

9 “(2) *Department of Defense-wide goals for mili-*
10 *tary family support, both for military families of*
11 *members of the regular components and military fam-*
12 *ilies of members of the reserve components.*

13 “(3) *Requirements for joint programs and activi-*
14 *ties for military family support.*

15 “(4) *Policies on access to military family sup-*
16 *port programs and activities based on military fam-*
17 *ily populations served and geographical location.*

18 “(5) *Metrics to measure the performance and ef-*
19 *fectiveness of the military family readiness programs*
20 *and activities of the Department of Defense.*

21 “(d) *ELEMENTS OF PLANS.*—(1) *Each plan under re-*
22 *quired under subsection (a) shall include the elements speci-*
23 *fied in paragraph (2) for the five-fiscal year period begin-*
24 *ning with the fiscal year in which such plan is submitted*
25 *under paragraph (3).*

1 “(2) *The elements in each plan required under sub-*
2 *section (a) shall include, for the period covered by such*
3 *plan, the following:*

4 “(A) *An ongoing identification and assessment*
5 *of the effectiveness of the military family readiness*
6 *programs and activities of the Department of Defense*
7 *in meeting goals for such programs and activities,*
8 *which assessment shall evaluate such programs and*
9 *activities separately for each military department*
10 *and for each regular component and each reserve com-*
11 *ponent.*

12 “(B) *A description of the resources required to*
13 *support the military family readiness programs and*
14 *activities of the Department of Defense, including the*
15 *military personnel, civilian personnel, and volunteer*
16 *personnel so required.*

17 “(C) *An ongoing identification in gaps in the*
18 *military family readiness programs and activities of*
19 *the Department of Defense, and an ongoing identi-*
20 *fication of the resources required to address such gaps.*

21 “(D) *Mechanisms to apply the metrics developed*
22 *under subsection (c)(5).*

23 “(E) *A summary, by fiscal year, of the alloca-*
24 *tion of funds (including appropriated funds and non-*
25 *appropriated funds) for major categories of military*

1 *family readiness programs and activities of the De-*
2 *partment of Defense, set forth for each of the military*
3 *departments and for the Office of the Secretary of De-*
4 *fense.*

5 “(3) *Not later than March 1, 2008, and each year*
6 *thereafter, the Secretary of Defense shall submit to the con-*
7 *gressional defense committees a report on the plans required*
8 *under subsection (a) for the five-fiscal year period begin-*
9 *ning with the fiscal year beginning in the year in which*
10 *such report is submitted. Each report shall include the*
11 *plans covered by such report and an assessment of the dis-*
12 *charge by the Department of Defense of the previous plans*
13 *submitted under this subsection.”.*

14 (2) *CLERICAL AMENDMENT.—The table of sec-*
15 *tions at the beginning of subchapter I of chapter 88*
16 *of such title, as so amended, is further amended by*
17 *inserting after the item relating to section 1781a the*
18 *following new item:*

 “1781b. *Department of Defense policy and plans for military family readiness.*”.

19 (3) *REPORT ON POLICY.—The Secretary of De-*
20 *fense shall submit to the congressional defense com-*
21 *mittees a report setting forth the policy developed*
22 *under section 1781b of title 10, United States Code*
23 *(as added by this subsection), not later than February*
24 *1, 2009.*

1 (b) *SURVEYS OF MILITARY FAMILIES.*—Section
2 1782(a) of title 10, United States Code, is amended—

3 (1) *in the heading, by striking “AUTHORITY”*
4 *and inserting “IN GENERAL”; and*

5 (2) *by striking “may conduct surveys” in the*
6 *matter preceding paragraph (1) and inserting “shall,*
7 *in fiscal year 2009 and not less often than once every*
8 *three fiscal years thereafter, conduct surveys”.*

9 **SEC. 583. FAMILY SUPPORT FOR FAMILIES OF MEMBERS OF**
10 **THE ARMED FORCES UNDERGOING DEPLOY-**
11 **MENT, INCLUDING NATIONAL GUARD AND RE-**
12 **SERVE PERSONNEL.**

13 (a) *FAMILY SUPPORT.*—

14 (1) *IN GENERAL.*—*The Secretary of Defense shall*
15 *enhance and improve current programs of the Depart-*
16 *ment of Defense to provide family support for families*
17 *of deployed members of the Armed Forces, including*
18 *deployed members of the National Guard and Reserve,*
19 *in order to improve the assistance available for fami-*
20 *lies of such members before, during, and after their*
21 *deployment cycle.*

22 (2) *SPECIFIC ENHANCEMENTS.*—*In enhancing*
23 *and improving programs under paragraph (1), the*
24 *Secretary shall enhance and improve the availability*
25 *of assistance to families of members of the Armed*

1 *Forces, including members of the National Guard and*
2 *Reserve, including assistance in—*

3 *(A) preparing and updating family care*
4 *plans;*

5 *(B) securing information on health care*
6 *and mental health care benefits and services and*
7 *on other community resources;*

8 *(C) providing referrals for—*

9 *(i) crisis services; and*

10 *(ii) marriage counseling and family*
11 *counseling; and*

12 *(D) financial counseling.*

13 *(b) POST-DEPLOYMENT ASSISTANCE FOR SPOUSES*
14 *AND PARENTS OF RETURNING MEMBERS.—*

15 *(1) IN GENERAL.—The Secretary of Defense shall*
16 *provide spouses and parents of members of the Armed*
17 *Forces, including members of the National Guard and*
18 *Reserve, who are returning from deployment assist-*
19 *ance in—*

20 *(A) understanding issues that arise in the*
21 *readjustment of such members—*

22 *(i) for members of the National Guard*
23 *and Reserve, to civilian life; and*

1 (ii) for members of the regular compo-
2 nents of the Armed Forces, to military life
3 in a non-combat environment;

4 (B) identifying signs and symptoms of men-
5 tal health conditions; and

6 (C) encouraging such members and their
7 families in seeking assistance for such condi-
8 tions.

9 (2) *INFORMATION ON AVAILABLE RESOURCES.*—

10 *In providing assistance under paragraph (1), the Sec-*
11 *retary shall provide information on local resources for*
12 *mental health services, family counseling services, or*
13 *other appropriate services, including services avail-*
14 *able from both military providers of such services and*
15 *community-based providers of such services.*

16 (3) *TIMING.*—*The Secretary shall provide re-*
17 *sources under paragraph (1) to a member of the*
18 *Armed Forces approximately six months after the*
19 *date of the return of such member from deployment.*

1 **SEC. 584. SUPPORT SERVICES FOR CHILDREN, INFANTS,**
2 **AND TODDLERS OF MEMBERS OF THE ARMED**
3 **FORCES UNDERGOING DEPLOYMENT, IN-**
4 **CLUDING NATIONAL GUARD AND RESERVE**
5 **PERSONNEL.**

6 (a) *ENHANCEMENT OF SUPPORT SERVICES FOR CHIL-*
7 *DREN.—The Secretary of Defense shall—*

8 (1) *provide information to parents and other*
9 *caretakers of children, including infants and toddlers,*
10 *who are deployed members of the Armed Forces to as-*
11 *sist such parents and caretakers in responding to the*
12 *adverse implications of such deployment (and the*
13 *death or injury of such members during such deploy-*
14 *ment) for such children, including the role such par-*
15 *ents and caretakers can play in addressing and miti-*
16 *gating such implications;*

17 (2) *develop programs and activities to increase*
18 *awareness throughout the military and civilian com-*
19 *munities of the potential adverse implications of such*
20 *deployment (including the death or injury of such*
21 *members during such deployment) for such children*
22 *and their families and to increase collaboration with-*
23 *in such communities to address and mitigate such*
24 *implications;*

25 (3) *develop training for early childhood edu-*
26 *cation, child care, mental health, health care, and*

1 *family support professionals to enhance the awareness*
2 *of such professionals of their role in assisting families*
3 *in addressing and mitigating the potential adverse*
4 *implications of such deployment (including the death*
5 *or injury of such members during such deployment)*
6 *for such children; and*

7 *(4) conduct or sponsor research on best practices*
8 *for building psychological and emotional resiliency in*
9 *such children in coping with the deployment of such*
10 *members.*

11 *(b) REPORTS.—*

12 *(1) REPORTS REQUIRED.—At the end of the 18-*
13 *month period beginning on the date of the enactment*
14 *of this Act, and at the end of the 36-month period be-*
15 *ginning on that date, the Secretary of Defense shall*
16 *submit to Congress a report on the services provided*
17 *under subsection (a).*

18 *(2) ELEMENTS.—Each report under paragraph*
19 *(1) shall include the following:*

20 *(A) An assessment of the extent to which*
21 *outreach to parents and other caretakers of chil-*
22 *dren, or infants and toddlers, as applicable, of*
23 *members of the Armed Forces was effective in*
24 *reaching such parents and caretakers and in*
25 *mitigating any adverse effects of the deployment*

1 *of such members on such children or infants and*
2 *toddlers.*

3 *(B) An assessment of the effectiveness of*
4 *training materials for education, mental health,*
5 *health, and family support professionals in in-*
6 *creasing awareness of their role in assisting fam-*
7 *ilies in addressing and mitigating the adverse ef-*
8 *fects on children, or infants and toddlers, of the*
9 *deployment of deployed members of the Armed*
10 *Forces, including National Guard and Reserve*
11 *personnel.*

12 *(C) A description of best practices identified*
13 *for building psychological and emotional resil-*
14 *iency in children, or infants and toddlers, in*
15 *coping with the deployment of deployed members*
16 *of the Armed Forces, including National Guard*
17 *and Reserve personnel.*

18 *(D) A plan for dissemination throughout*
19 *the military departments of the most effective*
20 *practices for outreach, training, and building*
21 *psychological and emotional resiliency in the*
22 *children of deployed members.*

1 **SEC. 585. STUDY ON IMPROVING SUPPORT SERVICES FOR**
2 **CHILDREN, INFANTS, AND TODDLERS OF**
3 **MEMBERS OF THE ACTIVE AND RESERVE**
4 **COMPONENTS UNDERGOING DEPLOYMENT.**

5 (a) *STUDY REQUIRED.*—

6 (1) *STUDY.*—*The Secretary of Defense shall con-*
7 *duct a study to evaluate the feasibility and advis-*
8 *ability of entering into a contract or other agreement*
9 *with a private sector entity having expertise in the*
10 *health and well-being of families and children, in-*
11 *fant, and toddlers in order to enhance and develop*
12 *support services for children of members of the Active*
13 *and Reserve Components who are deployed.*

14 (2) *TYPES OF SUPPORT SERVICES.*—*In con-*
15 *ducting the study, the Secretary shall consider the*
16 *need—*

17 (A) *to develop materials for parents and*
18 *other caretakers of children of members of the Ac-*
19 *tive and Reserve Components who are deployed*
20 *to assist such parents and caretakers in respond-*
21 *ing to the adverse implications of such deploy-*
22 *ment (and the death or injury of such members*
23 *during such deployment) for such children, in-*
24 *cluding the role such parents and caretakers can*
25 *play in addressing and mitigating such implica-*
26 *tions;*

1 (B) to develop programs and activities to
2 increase awareness throughout the military and
3 civilian communities of the adverse implications
4 of such deployment (and the death or injury of
5 such members during such deployment) for such
6 children and their families and to increase col-
7 laboration within such communities to address
8 and mitigate such implications;

9 (C) to develop training for early child care
10 and education, mental health, health care, and
11 family support professionals to enhance the
12 awareness of such professionals of their role in
13 assisting families in addressing and mitigating
14 the adverse implications of such deployment (and
15 the death or injury of such members during such
16 deployment) for such children; and

17 (D) to conduct research on best practices for
18 building psychological and emotional resiliency
19 in such children in coping with the deployment
20 of such members.

21 (b) *REPORT.*—Not later than 180 days after the date
22 of the enactment of this Act, the Secretary of Defense shall
23 submit to Congress a report containing the results of the
24 study conducted under subsection (a).

1 **SEC. 586. STUDY ON ESTABLISHMENT OF PILOT PROGRAM**
2 **ON FAMILY-TO-FAMILY SUPPORT FOR FAMI-**
3 **LIES OF DEPLOYED MEMBERS OF THE ACTIVE**
4 **AND RESERVE COMPONENTS.**

5 (a) *STUDY.*—*The Secretary of Defense shall carry out*
6 *a study to evaluate the feasibility and advisability of estab-*
7 *lishing a pilot program on family-to-family support for*
8 *families of deployed members of the Active and Reserve*
9 *Components. The study shall include an assessment of the*
10 *following:*

11 (1) *The effectiveness of family-to-family support*
12 *programs in—*

13 (A) *providing peer support for families of*
14 *deployed members of the Active and Reserve*
15 *Components;*

16 (B) *identifying and preventing family prob-*
17 *lems in such families;*

18 (C) *reducing adverse outcomes for children*
19 *of such families, including poor academic per-*
20 *formance, behavioral problems, stress, and anx-*
21 *xiety; and*

22 (D) *improving family readiness and post-*
23 *deployment transition for such families.*

24 (2) *The feasibility and advisability of utilizing*
25 *spouses of members of the Armed Forces as counselors*
26 *for families of deployed members of the Active and*

1 *Reserve Components, in order to assist such families*
2 *in coping throughout the deployment cycle.*

3 (3) *Best practices for training spouses of mem-*
4 *bers of the Armed Forces to act as counselors for fami-*
5 *lies of deployed members of the Active and Reserve*
6 *Components.*

7 (b) *REPORT.*—*The Secretary of Defense shall submit*
8 *to Congress a report containing the results of the study con-*
9 *ducted under subsection (a) not later than 180 days after*
10 *the date of the enactment of this Act.*

11 **SEC. 587. PILOT PROGRAM ON MILITARY FAMILY READI-**
12 **NESS AND SERVICEMEMBER REINTEGRATION.**

13 (a) *PILOT PROGRAM.*—

14 (1) *IN GENERAL.*—*The Secretary of Defense shall*
15 *carry out a pilot program to assess the feasibility and*
16 *advisability of providing assistance and support to*
17 *the Adjutant General of a State or territory of the*
18 *United States to create comprehensive soldier and*
19 *family preparedness and reintegration outreach pro-*
20 *grams for members of the Armed Forces and their*
21 *families to further the purposes described in section*
22 *1781b(b) of title 10, United States Code, as added by*
23 *section 582(a) of this Act.*

24 (2) *COORDINATION.*—*In carrying out the pilot*
25 *program, the Secretary shall—*

1 (A) coordinate with the Department of De-
2 fense Military Family Readiness Council (estab-
3 lished under section 1781a of title, United States
4 Code, as added by section 581 of this Act); and

5 (B) consult with the Secretary of Veterans
6 Affairs.

7 (3) *DESIGNATION.*—The pilot program estab-
8 lished pursuant to paragraph (1) shall be known as
9 the “National Military Family Readiness and
10 Servicemember Reintegration Outreach Program” (in
11 this section referred to as “the pilot program”).

12 (b) *ASSISTANCE PROVIDED.*—The Secretary shall
13 carry out the pilot program through assistance and support
14 to the Adjutant General of a State or territory of the United
15 States.

16 (c) *PURPOSE OF ASSISTANCE AND SUPPORT.*—

17 (1) The pilot program may develop programs of
18 outreach to members of the Armed Forces and their
19 family members to educate such members and their
20 family members about the assistance and services
21 available to them that meet the purposes of section
22 1781b(b) of title 10, United States Code, as added by
23 section 582(a) of this Act, and to assist such members
24 and their family members in obtaining such assist-

1 *ance and services. Such assistance and services may*
2 *include the following:*

3 *(A) Marriage counseling.*

4 *(B) Services for children.*

5 *(C) Suicide prevention.*

6 *(D) Substance abuse awareness and treat-*
7 *ment.*

8 *(E) Mental health awareness and treatment.*

9 *(F) Financial counseling.*

10 *(G) Anger management counseling.*

11 *(H) Domestic violence awareness and pre-*
12 *vention.*

13 *(I) Employment assistance.*

14 *(J) Development of strategies for living with*
15 *a member of the Armed Forces with post trau-*
16 *matic stress disorder or traumatic brain injury.*

17 *(K) Other services that may be appropriate*
18 *to address the unique needs of members of the*
19 *Armed Forces and their families who live in*
20 *rural or remote areas with respect to family*
21 *readiness and servicemember reintegration.*

22 *(L) Assisting members of the Armed Forces*
23 *and their families find and receive assistance*
24 *with military family readiness and*

1 *servicemember reintegration, including referral*
2 *services.*

3 *(M) Development of strategies and programs*
4 *that recognize the need for long-term follow-up*
5 *services for reintegrating members of the Armed*
6 *Forces and their families for extended periods*
7 *following deployments, including between deploy-*
8 *ments.*

9 *(N) Assisting members of the Armed Forces*
10 *and their families in receiving services and as-*
11 *sistance from the Department of Veterans Af-*
12 *airs, including referral services.*

13 *(2) PROVISION OF OUTREACH SERVICES.—A re-*
14 *cipient of a grant under this section shall carry out*
15 *programs of outreach in accordance with paragraph*
16 *(1) to members of the Armed Forces and their fami-*
17 *lies before, during, between, and after deployment of*
18 *such members of the Armed Forces.*

19 *(d) SELECTION OF GRANT RECIPIENTS.—*

20 *(1) APPLICATION.—An eligible entity seeking a*
21 *grant under the pilot program shall submit to the*
22 *Secretary an application therefor in such form and in*
23 *such manner as the Secretary considers appropriate.*

1 (2) *ELEMENTS.*—An application submitted
2 under subparagraph (A) shall include such elements
3 as the Secretary considers appropriate.

4 (3) *PRIORITY.*—In selecting eligible entities to
5 receive grants under the pilot program, the Secretary
6 shall give priority to eligible entities that propose
7 programs with a focus on personal outreach to mem-
8 bers of the Armed Forces and their families by
9 trained staff (with preference given to veterans and,
10 in particular, veterans of combat) conducted in per-
11 son.

12 ***Subtitle H—Other Matters***

13 ***SEC. 591. ENHANCEMENT OF CARRYOVER OF ACCUMU-*** 14 ***LATED LEAVE FOR MEMBERS OF THE ARMED*** 15 ***FORCES.***

16 (a) *INCREASE IN ACCUMULATION OF CARRYOVER*
17 *AMOUNT.*—

18 (1) *IN GENERAL.*—Subsection (b) of section 701
19 of title 10, United States Code, is amended by strik-
20 ing “60 days” and inserting “90 days”.

21 (2) *HIGH DEPLOYMENT MEMBERS.*—Paragraph
22 (1) of subsection (f) of such section is amended—

23 (A) by striking “60 days” each place it ap-
24 pears and inserting “90 days”; and

1 (B) in subparagraph (C), by striking “third
2 fiscal year” and inserting “fourth fiscal year”.

3 (3) MEMBERS SERVING IN SUPPORT OF CONTIN-
4 GENY OPERATIONS.—Paragraph (2) of subsection (f)
5 of such section is amended by striking “except for this
6 paragraph—” and all that follows and inserting “ex-
7 cept for this paragraph, would lose any accumulated
8 leave in excess of 90 days at the end of that fiscal
9 year, shall be permitted to retain such leave until the
10 end of the second fiscal year after the fiscal year in
11 which such service on active duty is terminated.”.

12 (4) CONFORMING AMENDMENTS.—Subsection (g)
13 of such section is amended—

14 (A) by striking “60-day” and inserting “90-
15 day”; and

16 (B) by striking “90-day” and inserting
17 “120-day”.

18 (b) PAY.—Section 501(b) of title 37, United States
19 Code, is amended by adding at the end the following new
20 paragraph:

21 “(6) An enlisted member of the armed forces who would
22 lose accumulated leave in excess of 120 days of leave under
23 section 701(f)(1) of title 10 may elect to be paid in cash
24 or by a check on the Treasurer of the United States for any
25 leave in excess so accumulated for up to 30 days of such

1 *leave. A member may make an election under this para-*
 2 *graph only once.”.*

3 (c) *EFFECTIVE DATE.*—

4 (1) *INCREASE IN ACCUMULATION.*—*The amend-*
 5 *ments made by subsection (a) shall take effect on Oc-*
 6 *tober 1, 2008.*

7 (2) *PAY.*—*The amendment made by subsection*
 8 *(b) shall take effect on the date of the enactment of*
 9 *this Act.*

10 **SEC. 592. UNIFORM POLICY ON PERFORMANCES BY MILI-**
 11 **TARY BANDS.**

12 (a) *IN GENERAL.*—*Chapter 49 of title 10, United*
 13 *States Code, is amended by adding at the end the following*
 14 *new section:*

15 **“§ 988. Performances by military bands**

16 *“(a) IN GENERAL.*—*Department of Defense bands, en-*
 17 *sembles, choruses, or similar musical units, including indi-*
 18 *vidual members thereof performing in an official capacity,*
 19 *may not—*

20 *“(1) engage in the performance of music in com-*
 21 *petition with local civilian musicians; or*

22 *“(2) receive remuneration for official perform-*
 23 *ances.*

24 *“(b) PERFORMANCE OF MUSIC IN COMPETITION WITH*
 25 *LOCAL CIVILIAN MUSICIANS DEFINED.*—*In this section, the*

1 *term ‘performance of music in competition with local civil-*
2 *ian musicians’—*

3 *“(1) includes—*

4 *“(A) a performance of music that is more*
5 *than incidental to an event that is not supported*
6 *solely by appropriated funds or free to the pub-*
7 *lic; and*

8 *“(B) a performance of background, dinner,*
9 *dance, or other social music at any event, re-*
10 *gardless of location, that is not supported solely*
11 *by appropriated funds; but*

12 *“(2) does not include a performance of music—*

13 *“(A) at an official Federal Government*
14 *event that is supported solely by appropriated*
15 *funds;*

16 *“(B) at a concert, parade, or other event of*
17 *a patriotic nature (including a celebration of a*
18 *national holiday) that is free to the public; or*

19 *“(C) that is incidental to an event that is*
20 *not supported solely by appropriated funds, in-*
21 *cluding a short performance of military or patri-*
22 *otic music at the beginning or end of an event,*
23 *if the performance complies with such regula-*
24 *tions as the Secretary of Defense shall prescribe*
25 *for purposes of this section.*

1 “(c) *MEMBERS OF DEPARTMENT OF DEFENSE BANDS*
2 *PERFORMING IN PERSONAL CAPACITY.*—A member of a De-
3 partment of Defense band, ensemble, chorus, or similar mu-
4 sical unit may perform music in the member’s personal ca-
5 pacity, as an individual or part of a group, whether for
6 remuneration or otherwise, if in so performing the member
7 does not wear a military uniform or otherwise identify the
8 member as a member of the Department of Defense, as pro-
9 vided in applicable regulations and standards of conduct.

10 “(d) *RECORDINGS.*—(1) When authorized pursuant to
11 regulations prescribed by the Secretary of Defense for pur-
12 poses of this section, Department of Defense bands, ensem-
13 bles, choruses, or similar musical units may produce record-
14 ings for distribution to the public, at a cost not to exceed
15 production and distribution expenses.

16 “(2) Amounts received in payment for recording dis-
17 tributed to the public under this subsection shall be credited
18 to the appropriation or account providing the funds for the
19 production of such recordings. Any amounts so credited
20 shall be merged with amounts in the appropriation or ac-
21 count to which credited, and shall be available for the same
22 purposes, and subject to the same conditions and limita-
23 tions, as amounts in such appropriation or account.”.

24 “(b) *CONFORMING REPEALS.*—Sections 3634, 6223, and
25 8634 of such title are repealed.

1 (c) *CLERICAL AMENDMENTS.*—

2 (1) *The table of sections at the beginning of*
3 *chapter 49 of such title is amended by adding at the*
4 *end the following new item:*

 “988. *Performances by military bands.*”.

5 (2) *The table of sections at the beginning of*
6 *chapter 349 of such title is amended by striking the*
7 *item relating to section 3634.*

8 (3) *The table of sections at the beginning of*
9 *chapter 565 of such title is amended by striking the*
10 *item relating to section 6223.*

11 (4) *The table of sections at the beginning of*
12 *chapter 849 of such title is amended by striking the*
13 *item relating to section 8634.*

14 **SEC. 593. WAIVER OF TIME LIMITATIONS ON AWARD OF**
15 **MEDALS OF HONOR TO CERTAIN MEMBERS**
16 **OF THE ARMY.**

17 (a) *WAIVER OF TIME LIMITATIONS.*—*Notwithstanding*
18 *the time limitations specified in section 3744 of title 10,*
19 *United States Code, or any other time limitation with re-*
20 *spect to the awarding of certain medals to persons who*
21 *served in the military service, the President may award the*
22 *Medal of Honor under section 3741 of that title to any of*
23 *the persons named in subsections (b), (c), (d), (e), and (f)*
24 *for the acts of valor referred to in the respective subsections.*

1 (b) *WOODROW KEEBLE*.—Subsection (a) applies with
2 *respect to Woodrow W. Keeble, for conspicuous acts of gal-*
3 *lantry and intrepidity at the risk of his life above and be-*
4 *yond the call of duty as an acting platoon leader on October*
5 *20, 1950, during the Korean War.*

6 (c) *LESLIE SABO, JR.*—Subsection (a) applies with re-
7 *spect to Leslie H. Sabo, Jr., for conspicuous acts of gal-*
8 *lantry and intrepidity at the risk of his life above and be-*
9 *yond the call of duty on May 10, 1970, as an Army soldier,*
10 *serving in the grade of Specialist Grade Four in Vietnam,*
11 *with Company B, 3d Battalion, 506th Infantry Regiment,*
12 *101st Airborne Division.*

13 (d) *PHILIP SHADRACH*.—Subsection (a) applies with
14 *respect to Philip G. Shadrach, for conspicuous acts of gal-*
15 *lantry and intrepidity at the risk of his life above and be-*
16 *yond the call of duty on April 12, 1862, as a Union Soldier,*
17 *serving in the grade of Private during the Civil War, with*
18 *Company K, 2nd Ohio Volunteer Infantry Regiment.*

19 (e) *HENRY SVEHLA*.—Subsection (a) applies with re-
20 *spect to Henry Svehla, for conspicuous acts of gallantry and*
21 *intrepidity at the risk of his life above and beyond the call*
22 *of duty on June 12, 1952, as an Army soldier, serving in*
23 *the grade of Private First Class in Korea, with Company*
24 *F, 32d Infantry Regiment, 7th Infantry Division.*

1 (f) *GEORGE WILSON.*—Subsection (a) applies with re-
2 spect to George D. Wilson, for conspicuous acts of gallantry
3 and intrepidity at the risk of his life above and beyond the
4 call of duty on April 12, 1862, as a Union Soldier, serving
5 in the grade of Private during the Civil War, with Com-
6 pany B, 2nd Ohio Volunteer Infantry Regiment.

7 **SEC. 594. ENHANCEMENT OF REST AND RECUPERATION**
8 **LEAVE.**

9 Section 705(b)(2) of title 10, United States Code, is
10 amended by inserting “for members whose qualifying tour
11 of duty is 12 months or less, or for not more than 20 days
12 for members whose qualifying tour of duty is longer than
13 12 months,” after “for not more than 15 days”.

14 **SEC. 595. DEMONSTRATION PROJECTS ON THE PROVISION**
15 **OF SERVICES TO MILITARY DEPENDENT CHIL-**
16 **DREN WITH AUTISM.**

17 (a) *DEMONSTRATION PROJECTS AUTHORIZED.*—

18 (1) *IN GENERAL.*—The Secretary of Defense may
19 conduct one or more demonstration projects to evalu-
20 ate improved approaches to the provision of education
21 and treatment services to military dependent children
22 with autism.

23 (2) *PURPOSE.*—The purpose of any demonstra-
24 tion project carried out under this section shall be to
25 evaluate strategies for integrated treatment and case

1 *manager services that include early intervention and*
2 *diagnosis, medical care, parent involvement, special*
3 *education services, intensive behavioral intervention,*
4 *and language, communications, and other interven-*
5 *tions considered appropriate by the Secretary.*

6 *(b) REVIEW OF BEST PRACTICES.—In carrying out*
7 *demonstration projects under this section, the Secretary of*
8 *Defense shall, in coordination with the Secretary of Edu-*
9 *cation, conduct a review of best practices in the United*
10 *States in the provision of education and treatment services*
11 *for children with autism, including an assessment of Fed-*
12 *eral and State education and treatment services for children*
13 *with autism in each State, with an emphasis on locations*
14 *where members of the Armed Forces who qualify for enroll-*
15 *ment in the Exceptional Family Member Program of the*
16 *Department of Defense are assigned.*

17 *(c) ELEMENTS.—*

18 *(1) ENROLLMENT IN EXCEPTIONAL FAMILY MEM-*
19 *BER PROGRAM.—Military dependent children may*
20 *participate in a demonstration project under this sec-*
21 *tion only if their military sponsor is enrolled in the*
22 *Exceptional Family Member Program of the Depart-*
23 *ment of Defense.*

24 *(2) CASE MANAGERS.—Each demonstration*
25 *project shall include the assignment of both medical*

1 *and special education services case managers which*
2 *shall be required under the Exceptional Family Mem-*
3 *ber Program pursuant to the policy established by the*
4 *Secretary of Defense.*

5 (3) *INDIVIDUALIZED SERVICES PLAN.—Each*
6 *demonstration project shall provide for the voluntary*
7 *development for military dependent children with au-*
8 *tism participating in such demonstration project of*
9 *individualized autism services plans for use by De-*
10 *partment of Defense medical and special education*
11 *services case managers, caregivers, and families to en-*
12 *sure continuity of services throughout the active mili-*
13 *tary service of their military sponsor.*

14 (4) *SUPERVISORY LEVEL PROVIDERS.—The Sec-*
15 *retary of Defense may utilize for purposes of the dem-*
16 *onstration projects personnel who are professionals*
17 *with a level (as determined by the Secretary) of post-*
18 *secondary education that is appropriate for the provi-*
19 *sion of safe and effective services for autism and who*
20 *are from an accredited educational facility in the*
21 *mental health, human development, social work, or*
22 *education field to act as supervisory level providers of*
23 *behavioral intervention services for autism. In so act-*
24 *ing, such personnel may be authorized—*

1 (A) to develop and monitor intensive behav-
2 ior intervention plans for military dependent
3 children with autism who are participating in
4 the demonstration projects; and

5 (B) to provide appropriate training in the
6 provision of approved services to such children.

7 (5) *SERVICES UNDER CORPORATE SERVICES PRO-*
8 *VIDER MODEL.—(A) In carrying out the demonstra-*
9 *tion projects, the Secretary may utilize a corporate*
10 *services provider model.*

11 (B) *Employees of a provider under a model re-*
12 *ferred to in subparagraph (A) shall include personnel*
13 *who implement special educational and behavioral*
14 *intervention plans for military dependent children*
15 *with autism that are developed, reviewed, and main-*
16 *tained by supervisory level providers approved by the*
17 *Secretary.*

18 (C) *In authorizing such a model, the Secretary*
19 *shall establish—*

20 (i) *minimum education, training, and expe-*
21 *rience criteria required to be met by employees*
22 *who provide services to military dependent chil-*
23 *dren with autism;*

24 (ii) *requirements for supervisory personnel*
25 *and supervision, including requirements for su-*

1 *supervisor credentials and for the frequency and*
2 *intensity of supervision; and*

3 *(iii) such other requirements as the Sec-*
4 *retary considers appropriate to ensure safety and*
5 *the protection of the children who receive services*
6 *from such employees under the demonstration*
7 *projects.*

8 *(6) CONSTRUCTION WITH OTHER SERVICES.—*
9 *Services provided to military dependent children with*
10 *autism under the demonstration projects under this*
11 *section shall be in addition to any other publicly-*
12 *funded special education services available in a loca-*
13 *tion in which their military sponsor resides.*

14 *(d) PERIOD.—*

15 *(1) COMMENCEMENT.—If the Secretary deter-*
16 *mines to conduct demonstration projects under this*
17 *section, the Secretary shall commence any such dem-*
18 *onstration projects not later than 180 days after the*
19 *date of the enactment of this Act.*

20 *(2) MINIMUM PERIOD.—Any demonstration*
21 *projects conducted under this section shall be con-*
22 *ducted for not less than two years.*

23 *(e) EVALUATION.—*

1 (1) *IN GENERAL.*—*The Secretary shall conduct*
2 *an evaluation of each demonstration project conducted*
3 *under this section.*

4 (2) *ELEMENTS.*—*The evaluation of a demonstra-*
5 *tion project under this subsection shall include the fol-*
6 *lowing:*

7 (A) *An assessment of the extent to which the*
8 *activities under the demonstration project con-*
9 *tributed to positive outcomes for military de-*
10 *pendent children with autism and their families.*

11 (B) *An assessment of the extent to which the*
12 *activities under the demonstration project led to*
13 *improvements in services and continuity of care*
14 *for children with autism.*

15 (C) *An assessment of the extent to which the*
16 *activities under the demonstration project im-*
17 *proved military family readiness and enhanced*
18 *military retention.*

19 (f) *REPORTS.*—*Not later than 30 months after the*
20 *commencement of any demonstration project authorized by*
21 *this section, the Secretary shall submit to the Committees*
22 *on Armed Services of the Senate and the House of Rep-*
23 *resentatives a report on such demonstration project. The re-*
24 *port on a demonstration project shall include a description*
25 *of such project, the results of the evaluation under subsection*

1 *(e) with respect to such project, and a description of plans*
 2 *for the further provision of services for military dependent*
 3 *children with autism under such project.*

4 **SEC. 596. ENHANCEMENT OF CERTIFICATE OF RELEASE OR**
 5 **DISCHARGE FROM ACTIVE DUTY.**

6 *The Secretary of Defense shall, in consultation with*
 7 *the Secretary of Veterans Affairs, modify the Certificate of*
 8 *Release or Discharge from Active Duty (Department of De-*
 9 *fense from DD214) in order to permit a member of the*
 10 *Armed Forces, upon discharge or release from active duty*
 11 *in the Armed Forces, to elect the forwarding of the Certifi-*
 12 *cate to the following:*

13 *(1) The Central Office of the Department of Vet-*
 14 *erans Affairs in Washington, District of Columbia.*

15 *(2) The appropriate office of the United States*
 16 *Department of Veterans in the State in which the*
 17 *member will first reside after such discharge or re-*
 18 *lease.*

19 **SEC. 597. ADMINISTRATIVE SEPARATIONS OF MEMBERS OF**
 20 **THE ARMED FORCES FOR PERSONALITY DIS-**
 21 **ORDER.**

22 *(a) CLINICAL REVIEW OF ADMINISTRATIVE SEPARA-*
 23 *TIONS BASED ON PERSONALITY DISORDER.—*

24 *(1) REVIEW OF SEPARATIONS OF CERTAIN MEM-*
 25 *BERS.—Not later than 30 days after the date of the*

1 *enactment of this Act, and continuing until the Sec-*
2 *retary of Defense submits to Congress the report re-*
3 *quired by subsection (b), a covered member of the*
4 *Armed Forces may not, except as provided in para-*
5 *graph (2), be administratively separated from the*
6 *Armed Forces on the basis of a personality disorder.*

7 (2) *CLINICAL REVIEW OF PROPOSED SEPARA-*
8 *TIONS BASED ON PERSONALITY DISORDER.—*

9 (A) *IN GENERAL.—A covered member of the*
10 *Armed Forces may be administratively separated*
11 *from the Armed Forces on the basis of a person-*
12 *ality disorder under this paragraph if a clinical*
13 *review of the case is conducted by a senior officer*
14 *in the office of the Surgeon General of the Armed*
15 *Force concerned who is a credentialed mental*
16 *health provider and who is fully qualified to re-*
17 *view cases involving maladaptive behavior (per-*
18 *sonality disorder), diagnosis and treatment of*
19 *post-traumatic stress disorder, or other mental*
20 *health conditions.*

21 (B) *PURPOSES OF REVIEW.—The purposes*
22 *of the review with respect to a member under*
23 *subparagraph (A) are as follows:*

1 (i) *To determine whether the diagnosis*
2 *of personality order in the member is cor-*
3 *rect and fully documented.*

4 (ii) *To determine whether evidence of*
5 *other mental health conditions (including*
6 *depression, post-traumatic stress disorder,*
7 *substance abuse, or traumatic brain injury)*
8 *resulting from service in a combat zone may*
9 *exist in the member which indicate that the*
10 *separation of the member from the Armed*
11 *Forces on the basis of a personality disorder*
12 *is inappropriate pending diagnosis and*
13 *treatment, and, if so, whether initiation of*
14 *medical board procedures for the member is*
15 *warranted.*

16 (b) *SECRETARY OF DEFENSE REPORT ON ADMINIS-*
17 *TRATIVE SEPARATIONS BASED ON PERSONALITY DIS-*
18 *ORDER.—*

19 (1) *REPORT REQUIRED.—Not later than April 1,*
20 *2008, the Secretary of Defense shall submit to the*
21 *Committees on Armed Services of the Senate and the*
22 *House of Representatives a report on all cases of ad-*
23 *ministrative separation from the Armed Forces of*
24 *covered members of the Armed Forces on the basis of*
25 *a personality disorder.*

1 (2) *ELEMENTS.*—*The report required by para-*
2 *graph (1) shall include the following:*

3 (A) *A statement of the total number of*
4 *cases, by Armed Force, in which covered mem-*
5 *bers of the Armed Forces have been separated*
6 *from the Armed Forces on the basis of a person-*
7 *ality disorder, and an identification of the var-*
8 *ious forms of personality disorder forming the basis*
9 *for such separations.*

10 (B) *A statement of the total number of*
11 *cases, by Armed Force, in which covered mem-*
12 *bers of the Armed Forces who have served in Iraq*
13 *and Afghanistan since October 2001 have been*
14 *separated from the Armed Forces on the basis of*
15 *a personality disorder, and the identification of*
16 *the various forms of personality disorder forming*
17 *the basis for such separations.*

18 (C) *A summary of the policies, by Armed*
19 *Forces, controlling administrative separations of*
20 *members of the Armed Forces based on person-*
21 *ality disorder, and an evaluation of the ade-*
22 *quacy of such policies for ensuring that covered*
23 *members of the Armed Forces who may be eligi-*
24 *ble for disability evaluation due to mental health*
25 *conditions are not separated from the Armed*

1 *Forces prematurely or unjustly on the basis of a*
2 *personality order.*

3 *(D) A discussion of measures being imple-*
4 *mented to ensure that members of the Armed*
5 *Forces who should be evaluated for disability*
6 *separation or retirement due to mental health*
7 *conditions are not prematurely or unjustly proc-*
8 *essed for separation from the Armed Forces on*
9 *the basis of a personality disorder, and rec-*
10 *ommendations regarding how members of the*
11 *Armed Forces who may have been so separated*
12 *from the Armed Forces should be provided with*
13 *expedited review by the applicable board for the*
14 *correction of military records.*

15 *(c) COMPTROLLER GENERAL REPORT ON POLICIES ON*
16 *ADMINISTRATIVE SEPARATION BASED ON PERSONALITY*
17 *DISORDER.—*

18 *(1) REPORT REQUIRED.—Not later than June 1,*
19 *2008, the Comptroller General shall submit to Con-*
20 *gress a report on the policies and procedures of the*
21 *Department of Defense and of the military depart-*
22 *ments relating to the separation of members of the*
23 *Armed Forces based on a personality disorder.*

24 *(2) ELEMENTS.—The report required by para-*
25 *graph (1) shall—*

1 (A) include an audit of a sampling of cases
2 to determine the validity and clinical efficacy of
3 the policies and procedures referred to in para-
4 graph (1) and the extent, if any, of the diver-
5 gence between the terms of such policies and pro-
6 cedures and the implementation of such policies
7 and procedures; and

8 (B) include a determination by the Comp-
9 troller General of whether, and to what extent,
10 the policies and procedures referred to in para-
11 graph (1)—

12 (i) deviate from standard clinical diag-
13 nostic practices and current clinical stand-
14 ards; and

15 (ii) provide adequate safeguards aimed
16 at ensuring that members of the Armed
17 Forces who suffer from mental health condi-
18 tions (including depression, post-traumatic
19 stress disorder, or traumatic brain injury)
20 resulting from service in a combat zone are
21 not prematurely or unjustly separated from
22 the Armed Forces on the basis of a person-
23 ality disorder.

1 (d) *COVERED MEMBER OF THE ARMED FORCES DE-*
2 *FINED.*—*In this section, the term “covered member of the*
3 *Armed Forces” includes the following:*

4 (1) *Any member of a regular component of the*
5 *Armed Forces of the Armed Forces who has served in*
6 *Iraq or Afghanistan since October 2001.*

7 (2) *Any member of the Selected Reserve of the*
8 *Ready Reserve of the Armed Forces who served on ac-*
9 *tive duty in Iraq or Afghanistan since October 2001.*

10 **TITLE VI—COMPENSATION AND**
11 **OTHER PERSONNEL BENEFITS**
12 **Subtitle A—Pay and Allowances**

13 **SEC. 601. FISCAL YEAR 2008 INCREASE IN MILITARY BASIC**
14 **PAY.**

15 (a) *WAIVER OF SECTION 1009 ADJUSTMENT.*—*The ad-*
16 *justment to become effective during fiscal year 2008 re-*
17 *quired by section 1009 of title 37, United States Code, in*
18 *the rates of monthly basic pay authorized members of the*
19 *uniformed services shall not be made.*

20 (b) *INCREASE IN BASIC PAY.*—*Effective on January*
21 *1, 2008, the rates of monthly basic pay for members of the*
22 *uniformed services are increased by 3.5 percent.*

1 **SEC. 602. ALLOWANCE FOR PARTICIPATION OF RESERVES**
2 **IN ELECTRONIC SCREENING.**

3 (a) *ALLOWANCE FOR PARTICIPATION IN ELECTRONIC*
4 *SCREENING.*—

5 (1) *IN GENERAL.*—Chapter 7 of title 37, United
6 States Code, is amended by inserting after section 433
7 the following new section:

8 **“§ 433a. Allowance for participation in Ready Reserve**
9 **screening**

10 “(a) *ALLOWANCE AUTHORIZED.*—(1) Under regula-
11 tions prescribed by the Secretaries concerned, a member of
12 the Individual Ready Reserve may be paid a stipend for
13 participation in the screening performed pursuant to sec-
14 tion 10149 of title 10, in lieu of muster duty performed
15 under section 12319 of title 10, if such participation is con-
16 ducted through electronic means.

17 “(2) *The stipend paid a member under this section*
18 *shall constitute the sole monetary allowance authorized for*
19 *participation in the screening described in paragraph (1),*
20 *and shall constitute payment in full to the member for par-*
21 *ticipation in such screening, regardless of the grade or rank*
22 *in which the member is serving.*

23 “(b) *MAXIMUM PAYMENT.*—*The aggregate amount of*
24 *the stipend paid a member of the Individual Ready Reserve*
25 *under this section in any calendar year may not exceed*
26 *\$50.*

1 “(c) *PAYMENT REQUIREMENTS.*—(1) *The stipend au-*
2 *thorized by this section may not be disbursed in kind.*

3 “(2) *Payment of a stipend to a member of the Indi-*
4 *vidual Ready Reserve under this section for participation*
5 *in screening shall be made on or after the date of participa-*
6 *tion in such screening, but not later than 30 days after such*
7 *date.*”.

8 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
9 *tions at the beginning of chapter 7 of such title is*
10 *amended by inserting after the item relating to sec-*
11 *tion 433 the following new item:*

“433a. *Allowance for participation in Ready Reserve screening.*”.

12 (b) *BAR TO DUAL COMPENSATION.*—*Section 206 of*
13 *such title is amended by adding at the end the following*
14 *new subsection:*

15 “(f) *A member of the Individual Ready Reserve is not*
16 *entitled to compensation under this section for participa-*
17 *tion in screening for which the member is paid a stipend*
18 *under section 433a of this title.*”.

19 (c) *BAR TO RETIREMENT CREDIT.*—*Section 12732(b)*
20 *of title 10, United States Code, is amended by adding at*
21 *the end the following new paragraph:*

22 “(8) *Service in the screening performed pursuant*
23 *to section 10149 of this title through electronic means,*
24 *regardless of whether or not a stipend is paid the*

1 *member concerned for such service under section 433a*
 2 *of title 37.”.*

3 **SEC. 603. MIDMONTH PAYMENT OF BASIC PAY FOR CON-**
 4 **TRIBUTIONS OF MEMBERS PARTICIPATING IN**
 5 **THRIFT SAVINGS PLAN.**

6 *Section 1014 of title 37, United States Code, is amend-*
 7 *ed by adding at the end the following new subsection:*

8 *“(c) Subsection (a) does not preclude a payment with*
 9 *respect to a member who elects to participate in the Thrift*
 10 *Savings Plan under section 211 of this title of an amount*
 11 *equal to one-half of the monthly deposit to the Thrift Sav-*
 12 *ings Fund otherwise to be made by the member in partici-*
 13 *pating in the Plan, which amount shall be deposited in the*
 14 *Fund at midmonth.”.*

15 **SEC. 604. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL**
 16 **COSTS FOR CERTAIN SELECTED RESERVE**
 17 **MEMBERS.**

18 *(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—*

19 *(1) IN GENERAL.—Chapter 7 of title 37, United*
 20 *States Code, is amended by inserting after section 408*
 21 *the following new section:*

22 **“§408a. Travel and transportation allowances: inac-**
 23 **tive duty training**

24 *“(a) ALLOWANCE AUTHORIZED.—Under regulations*
 25 *prescribed by the Secretary of Defense, the Secretary con-*

1 *cerned may reimburse a member of the Selected Reserve of*
2 *the Ready Reserve described in subsection (b) for travel ex-*
3 *penses for travel to an inactive duty training location to*
4 *perform inactive duty training.*

5 “(b) *ELIGIBLE MEMBERS.*—*A member of the Selected*
6 *Reserve of the Ready Reserve described in this subsection*
7 *is a member who—*

8 “(1) *is—*

9 “(A) *qualified in a skill designated as criti-*
10 *cally short by the Secretary concerned;*

11 “(B) *assigned to a unit of the Selected Re-*
12 *serve with a critical manpower shortage, or is in*
13 *a pay grade in the member’s reserve component*
14 *with a critical manpower shortage; or*

15 “(C) *assigned to a unit or position that is*
16 *disestablished or relocated as a result of defense*
17 *base closure or realignment or another force*
18 *structure reallocation; and*

19 “(2) *commutes a distance from the member’s per-*
20 *manent residence to the member’s inactive duty train-*
21 *ing location that is outside the normal commuting*
22 *distance (as determined under regulations prescribed*
23 *by the Secretary of Defense) for that commute.*

1 “(c) *MAXIMUM AMOUNT.*—*The maximum amount of*
2 *reimbursement provided a member under subsection (a) for*
3 *each round trip to a training location shall be \$300.*

4 “(d) *TERMINATION.*—*No reimbursement may be pro-*
5 *vided under this section for travel that occurs after Decem-*
6 *ber 31, 2010.*”.

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

“408a. *Travel and transportation allowances: inactive duty training.*”.

11 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
12 *section (a) shall take effect on October 1, 2007. No reim-*
13 *bursement may be provided under section 408a of title 37,*
14 *United States Code (as added by subsection (a)), for travel*
15 *costs incurred before October 1, 2007.*

16 **SEC. 605. EXTENSION AND ENHANCEMENT OF AUTHORITY**
17 **FOR TEMPORARY LODGING EXPENSES FOR**
18 **MEMBERS OF THE ARMED FORCES IN AREAS**
19 **SUBJECT TO MAJOR DISASTER DECLARATION**
20 **OR FOR INSTALLATIONS EXPERIENCING SUD-**
21 **DEN INCREASE IN PERSONNEL LEVELS.**

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

1 (b) *EXTENSION OF AUTHORITY FOR INCREASE IN CER-*
2 *TAIN BAH.*—Section 403(b)(7)(E) of such title is amended
3 by striking “December 31, 2008” and inserting “December
4 31, 2009”.

5 (c) *EFFECTIVE DATE.*—The amendments made by this
6 section shall take effect on October 1, 2007.

7 ***Subtitle B—Bonuses and Special***
8 ***and Incentive Pays***

9 ***SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL***
10 ***PAY AUTHORITIES FOR RESERVE FORCES.***

11 (a) *SELECTED RESERVE REENLISTMENT BONUS.*—
12 Section 308b(g) of title 37, United States Code, is amended
13 by striking “December 31, 2007” and inserting “December
14 31, 2008”.

15 (b) *SELECTED RESERVE AFFILIATION OR ENLISTMENT*
16 *BONUS.*—Section 308c(i) of such title is amended by strik-
17 ing “December 31, 2007” and inserting “December 31,
18 2008”.

19 (c) *SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED*
20 *TO CERTAIN HIGH PRIORITY UNITS.*—Section 308d(c) of
21 such title is amended by striking “December 31, 2007” and
22 inserting “December 31, 2008”.

23 (d) *READY RESERVE ENLISTMENT BONUS FOR PER-*
24 *SONS WITHOUT PRIOR SERVICE.*—Section 308g(f)(2) of

1 *such title is amended by striking “December 31, 2007” and*
2 *inserting “December 31, 2008”.*

3 (e) *READY RESERVE ENLISTMENT AND REENLIST-*
4 *MENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Sec-*
5 *tion 308h(e) of such title is amended by striking “December*
6 *31, 2007” and inserting “December 31, 2008”.*

7 (f) *SELECTED RESERVE ENLISTMENT BONUS FOR*
8 *PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such*
9 *title is amended by striking “December 31, 2007” and in-*
10 *serting “December 31, 2008”.*

11 **SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL**
12 **PAY AUTHORITIES FOR HEALTH CARE PRO-**
13 **FESSIONALS.**

14 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*
15 *GRAM.—Section 2130a(a)(1) of title 10, United States Code,*
16 *is amended by striking “December 31, 2007” and inserting*
17 *“December 31, 2008”.*

18 (b) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*
19 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
20 *RESERVE.—Section 16302(d) of such title is amended by*
21 *striking “January 1, 2008” and inserting “January 1,*
22 *2009”.*

23 (c) *ACCESSION BONUS FOR REGISTERED NURSES.—*
24 *Section 302d(a)(1) of title 37, United States Code, is*

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

3 (d) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*
4 *THETISTS.*—Section 302e(a)(1) of such title is amended by
5 striking “December 31, 2007” and inserting “December 31,
6 2008”.

7 (e) *SPECIAL PAY FOR SELECTED RESERVE HEALTH*
8 *PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIAL-*
9 *TIES.*—Section 302g(e) of such title is amended by striking
10 “December 31, 2007” and inserting “December 31, 2008”.

11 (f) *ACCESSION BONUS FOR DENTAL OFFICERS.*—Sec-
12 tion 302h(a)(1) of such title is amended by striking “De-
13 cember 31, 2007” and inserting “December 31, 2008”.

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

17 (h) *ACCESSION BONUS FOR MEDICAL OFFICERS IN*
18 *CRITICALLY SHORT WARTIME SPECIALTIES.*—Section
19 302k(f) of such title is amended by striking “December 31,
20 2007” and inserting “December 31, 2008”.

21 (i) *ACCESSION BONUS FOR DENTAL SPECIALIST OFFI-*
22 *CERS IN CRITICALLY SHORT WARTIME SPECIALTIES.*—Sec-
23 tion 302l(g) of such title is amended by striking “December
24 31, 2007” and inserting “December 31, 2008”.

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

3 (a) *SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS*
4 *EXTENDING PERIOD OF ACTIVE SERVICE.*—Section 312(f)
5 of title 37, United States Code, is amended by striking “De-
6 cember 31, 2007” and inserting “December 31, 2008”.

7 (b) *NUCLEAR CAREER ACCESSION BONUS.*—Section
8 312b(c) of such title is amended by striking “December 31,
9 2007” and inserting “December 31, 2008”.

10 (c) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—
11 Section 312c(d) of such title is amended by striking “De-
12 cember 31, 2007” and inserting “December 31, 2008”.

13 **SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAY-**
14 **MENT OF OTHER BONUSES AND SPECIAL**
15 **PAYS.**

16 (a) *AVIATION OFFICER RETENTION BONUS.*—Section
17 301b(a) of title 37, United States Code, is amended by strik-
18 ing “December 31, 2007” and inserting “December 31,
19 2008”.

20 (b) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.*—
21 Section 308(g) of such title is amended by striking “Decem-
22 ber 31, 2007” and inserting “December 31, 2008”.

23 (c) *ENLISTMENT BONUS.*—Section 309(e) of such title
24 is amended by striking “December 31, 2007” and inserting
25 “December 31, 2008”.

1 (d) *RETENTION BONUS FOR MEMBERS WITH CRITICAL*
2 *MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY*
3 *UNITS.*—Section 323(i) of such title is amended by striking
4 “December 31, 2007” and inserting “December 31, 2008”.

5 (e) *ACCESSION BONUS FOR NEW OFFICERS IN CRIT-*
6 *ICAL SKILLS.*—Section 324(g) of such title is amended by
7 striking “December 31, 2007” and inserting “December 31,
8 2008”.

9 (f) *INCENTIVE BONUS FOR CONVERSION TO MILITARY*
10 *OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORT-*
11 *AGE.*—Section 326(g) of such title is amended by striking
12 “December 31, 2007” and inserting “December 31, 2008”.

13 (g) *ACCESSION BONUS FOR OFFICER CANDIDATES.*—
14 Section 330(f) of such title is amended by striking “Decem-
15 ber 31, 2007” and inserting “December 31, 2008”.

16 **SEC. 615. INCREASE IN INCENTIVE SPECIAL PAY AND**
17 **MULTIYEAR RETENTION BONUS FOR MED-**
18 **ICAL OFFICERS OF THE ARMED FORCES.**

19 (a) *INCENTIVE SPECIAL PAY.*—Section 302(b)(1) of
20 title 37, United States Code, is amended by striking
21 “\$50,000” and inserting “\$75,000”.

22 (b) *MULTIYEAR RETENTION BONUS.*—Section
23 301d(a)(2) of such title is amended by striking “\$50,000”
24 and inserting “\$75,000”.

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect on October 1, 2007.*

3 **SEC. 616. INCREASE IN DENTAL OFFICER ADDITIONAL SPE-**
4 ****CIAL PAY.****

5 (a) *INCREASE.*—*Section 302b(a)(4) of title 37, United*
6 *States Code, is amended—*

7 (1) *in the matter preceding subparagraph (A),*
8 *by striking “at the following rates” and inserting “at*
9 *a rate determined by the Secretary concerned, which*
10 *rate may not exceed the following”;*

11 (2) *in subparagraph (A), by striking “\$4,000”*
12 *and inserting “\$10,000”; and*

13 (3) *in subparagraph (B), by striking “\$6,000”*
14 *and inserting “\$12,000”.*

15 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
16 *section (a) shall take effect on October 1, 2007, and shall*
17 *apply to payments of dental officer additional special pay*
18 *under agreements entered into under section 302b(b) of title*
19 *37, United States Code, on or after that date.*

20 **SEC. 617. ENHANCEMENT OF HARDSHIP DUTY PAY.**

21 (a) *IN GENERAL.*—*The text of section 305 of title 37,*
22 *United States Code, is amended to read as follows:*

23 “(a) *AUTHORITY.*—*A member of a uniformed service*
24 *who is entitled to basic pay may be paid special pay under*

1 *this section while the member is performing duty that is*
2 *designated by the Secretary of Defense as hardship duty.*

3 “(b) *PAYMENT ON MONTHLY OR LUMP SUM BASIS.*—
4 *Special pay payable under this section may be paid on a*
5 *monthly basis or in a lump sum.*

6 “(c) *MAXIMUM RATE OR AMOUNT.*—(1) *The maximum*
7 *monthly rate of special pay payable to a member on a*
8 *monthly basis under this section is \$1,500.*

9 “(2) *The amount of the lump sum payment of special*
10 *pay payable to a member on a lump sum basis under this*
11 *section may not exceed an amount equal to the product of—*

12 “(A) *the maximum monthly rate authorized*
13 *under paragraph (1) at the time the member qualifies*
14 *for payment of special pay on a lump sum basis*
15 *under this section; and*

16 “(B) *the number of months for which special pay*
17 *on a lump sum basis under this section is payable to*
18 *the member.*

19 “(d) *RELATIONSHIP TO OTHER PAY AND ALLOW-*
20 *ANCES.*—*Special pay paid to a member under this section*
21 *is in addition to any other pay and allowances to which*
22 *the member is entitled.*

23 “(e) *REPAYMENT.*—*A member who is paid special pay*
24 *in a lump sum under this section, but who fails to complete*
25 *the period of service for which such special pay is paid,*

1 *shall be subject to the repayment provisions of section*
 2 *303a(e) of this title.*

3 “(f) *REGULATIONS.*—*The Secretary of Defense shall*
 4 *prescribe regulations for the payment of hardship duty pay*
 5 *under this section, including the specific rates at which spe-*
 6 *cial pay payable under this section on a monthly basis shall*
 7 *be paid.”.*

8 “(b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 9 *section (a) shall take effect on October 1, 2007, and shall*
 10 *apply with respect to hardship duty pay payable on or after*
 11 *that date.*

12 **SEC. 618. INCLUSION OF SERVICE AS OFF-CYCLE CREW-**
 13 **MEMBER OF MULTI-CREWED SHIP IN SEA**
 14 **DUTY FOR CAREER SEA PAY.**

15 “(a) *IN GENERAL.*—*Section 305a(e)(1)(A) of title 37,*
 16 *United States Code, is amended—*

17 “(1) *in clause (ii), by striking “or” at the end;*
 18 *and*

19 “(2) *by adding at the end the following new*
 20 *clause:*

21 “(iv) *while serving as an off-cycle crew-*
 22 *member of a multi-crewed ship; or”.*

23 “(b) *EFFECTIVE DATE.*—*The amendments made by sub-*
 24 *section (a) shall take effect on October 1, 2007, and shall*

1 *apply with respect to months beginning on or after that*
2 *date.*

3 **SEC. 619. MODIFICATION OF REENLISTMENT BONUS FOR**
4 **MEMBERS OF THE SELECTED RESERVE.**

5 (a) *MINIMUM PERIOD OF REENLISTMENT.*—Sub-
6 *section (a)(2) of section 308b of title 37, United States Code,*
7 *is amended by striking “for a period of three years or for*
8 *a period of six years” and inserting “for a period of not*
9 *less than three years”.*

10 (b) *AMOUNT OF BONUS.*—Subsection (b)(1) of such sec-
11 *tion is amended by striking “may not exceed—” and all*
12 *that follows and inserting “may not exceed \$15,000.”.*

13 (c) *EFFECTIVE DATE.*—The amendments made by this
14 *section shall take effect on October 1, 2007, and shall apply*
15 *with respect to reenlistments or extensions of enlistment*
16 *that occur on or after that date.*

17 **SEC. 620. INCREASE IN YEARS OF COMMISSIONED SERVICE**
18 **COVERED BY AGREEMENTS FOR NUCLEAR-**
19 **QUALIFIED OFFICERS EXTENDING PERIODS**
20 **OF ACTIVE DUTY.**

21 (a) *INCREASE.*—Section 312 of title 37, United States
22 *Code, is amended—*

23 (1) *in subsection (a)(3), by striking “26 years”*
24 *and inserting “30 years”; and*

1 (2) *in subsection (e)(1), by striking “26 years”*
2 *and inserting “30 years”.*

3 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
4 *section (a) shall take effect on the date of the enactment*
5 *of this Act, and shall apply with respect to agreements, in-*
6 *cluding new agreements, entered into under section 312 of*
7 *title 37, United States Code, on or after that date.*

8 **SEC. 621. AUTHORITY TO WAIVE 25-YEAR ACTIVE DUTY**
9 **LIMIT FOR RETENTION BONUS FOR CRITICAL**
10 **MILITARY SKILLS WITH RESPECT TO CERTAIN**
11 **MEMBERS.**

12 (a) *AUTHORITY.*—*Section 323(e) of title 37, United*
13 *States Code, is amended by adding at the end the following*
14 *new paragraph:*

15 “(4) *The limitations in paragraph (1) may be waived*
16 *by the Secretary of Defense, or by the Secretary of Home-*
17 *land Security with respect to the Coast Guard when it is*
18 *not operating as a service in the Navy, with respect to a*
19 *member who is assigned duties in a critical skill designated*
20 *by such Secretary for purposes of this paragraph during*
21 *the period of active duty for which the bonus is being of-*
22 *fered.”.*

23 (b) *EFFECTIVE DATE.*—*The amendment made by this*
24 *section shall take effect on October 1, 2007, and shall apply*
25 *with respect to written agreements that are executed, or re-*

1 *enlistments or extensions of enlistment that occur, under*
2 *section 323 of title 37, United States Code, on or after that*
3 *date.*

4 **SEC. 622. CODIFICATION AND IMPROVEMENT OF AUTHOR-**
5 **ITY TO PAY BONUS TO ENCOURAGE MEMBERS**
6 **OF THE ARMY TO REFER OTHER PERSONS**
7 **FOR ENLISTMENT IN THE ARMY.**

8 *(a) CODIFICATION AND IMPROVEMENT OF BONUS AU-*
9 *THORITY.—*

10 *(1) IN GENERAL.—Chapter 5 of title 37, United*
11 *States Code, is amended by adding at the end the fol-*
12 *lowing new section:*

13 **“§331. Bonus to encourage Army personnel to refer**
14 **other persons for enlistment in the Army**

15 **“(a) AUTHORITY TO PAY BONUS.—**

16 *“(1) AUTHORITY.—The Secretary of the Army*
17 *may pay a bonus under this section to an individual*
18 *referred to in paragraph (2) who refers to an Army*
19 *recruiter a person who has not previously served in*
20 *an armed force and who, after such referral, enlists*
21 *in the regular component of the Army or in the Army*
22 *National Guard or Army Reserve.*

23 *“(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Sub-*
24 *ject to subsection (c), the following individuals are eli-*
25 *gible for a referral bonus under this section:*

1 “(A) *A member in the regular component of*
2 *the Army.*

3 “(B) *A member of the Army National*
4 *Guard.*

5 “(C) *A member of the Army Reserve.*

6 “(D) *A member of the Army in a retired*
7 *status, including a member under 60 years of*
8 *age who, but for age, would be eligible for retired*
9 *pay.*

10 “(E) *A civilian employee of the Department*
11 *of the Army.*

12 “(b) *REFERRAL.—For purposes of this section, a refer-*
13 *ral for which a bonus may be paid under subsection (a)*
14 *occurs—*

15 “(1) *when the individual concerned contacts an*
16 *Army recruiter on behalf of a person interested in en-*
17 *listing in the Army; or*

18 “(2) *when a person interested in enlisting in the*
19 *Army contacts the Army recruiter and informs the re-*
20 *cruter of the role of the individual concerned in ini-*
21 *tially recruiting the person.*

22 “(c) *CERTAIN REFERRALS INELIGIBLE.—*

23 “(1) *REFERRAL OF IMMEDIATE FAMILY.—A*
24 *member of the Army may not be paid a bonus under*

1 *subsection (a) for the referral of an immediate family*
2 *member.*

3 “(2) *MEMBERS IN RECRUITING ROLES.*—*A mem-*
4 *ber of the Army serving in a recruiting or retention*
5 *assignment, or assigned to other duties regarding*
6 *which eligibility for a bonus under subsection (a)*
7 *could (as determined by the Secretary) be perceived as*
8 *creating a conflict of interest, may not be paid a*
9 *bonus under subsection (a).*

10 “(3) *JUNIOR RESERVE OFFICERS’ TRAINING*
11 *CORPS INSTRUCTORS.*—*A member of the Army de-*
12 *tailed under subsection (c)(1) of section 2031 of title*
13 *10 to serve as an administrator or instructor in the*
14 *Junior Reserve Officers’ Training Corps program or*
15 *a retired member of the Army employed as an admin-*
16 *istrator or instructor in the program under subsection*
17 *(d) of such section may not be paid a bonus under*
18 *subsection (a).*

19 “(d) *AMOUNT OF BONUS.*—*The amount of the bonus*
20 *payable for a referral under subsection (a) may not exceed*
21 *\$2,000. The amount shall be payable as provided in sub-*
22 *section (e).*

23 “(e) *PAYMENT.*—*A bonus payable for a referral of a*
24 *person under subsection (a) shall be paid as follows:*

1 “(1) Not more than \$1,000 shall be paid upon
2 the commencement of basic training by the person.

3 “(2) Not more than \$1,000 shall be paid upon
4 the completion of basic training and individual ad-
5 vanced training by the person.

6 “(f) *RELATION TO PROHIBITION ON BOUNTIES.*—The
7 referral bonus authorized by this section is not a bounty
8 for purposes of section 514(a) of title 10.

9 “(g) *COORDINATION WITH RECEIPT OF RETIRED*
10 *PAY.*—A bonus paid under this section to a member of the
11 Army in a retired status is in addition to any compensa-
12 tion to which the member is entitled under title 10, 37, or
13 38, or any other provision of law.

14 “(h) *DURATION OF AUTHORITY.*—A bonus may not be
15 paid under subsection (a) with respect to any referral that
16 occurs after December 31, 2008.”.

17 (2) *CLERICAL AMENDMENT.*—The table of sec-
18 tions at the beginning of chapter 5 of such title is
19 amended by adding at the end the following new item:

 “331. Bonus to encourage Army personnel to refer other persons for enlistment in
 the Army.”.

20 (b) *REPEAL OF SUPERSEDED AUTHORITY.*—Section
21 645 of the National Defense Authorization Act for Fiscal
22 Year 2006 (Public Law 109–163), as amended, is repealed.

23 (c) *PAYMENT OF BONUSES UNDER SUPERSEDED AU-*
24 *THORITY.*—Any bonus payable under section 645 of the Na-

1 *tional Defense Authorization Act for Fiscal Year 2006, as*
2 *amended, as of the day before the date of the enactment of*
3 *this Act shall remain payable after that date in accordance*
4 *with the provisions of such section as in effect on such day.*

5 **SEC. 623. AUTHORITY TO PAY BONUS TO ENCOURAGE DE-**
6 **PARTMENT OF DEFENSE PERSONNEL TO**
7 **REFER OTHER PERSONS FOR APPOINTMENT**
8 **AS OFFICERS TO SERVE IN HEALTH PROFES-**
9 **SIONS.**

10 *(a) IN GENERAL.—Chapter 5 of title 37, United States*
11 *Code, as amended by section 622 of this Act, is further*
12 *amended by adding at the end the following new section:*

13 **“§331a. Bonus to encourage Department of Defense**
14 **personnel to refer other persons for ap-**
15 **pointment as officers to serve in health**
16 **professions**

17 **“(a) AUTHORITY TO PAY BONUS.—**

18 **“(1) AUTHORITY.—***The appropriate Secretary*
19 *may pay a bonus under this section to an individual*
20 *referred to in paragraph (2) who refers to a military*
21 *recruiter a person who has not previously served and,*
22 *after such referral, takes an oath of enlistment that*
23 *leads to appointment as a commissioned officer, or*
24 *accepts an appointment as a commissioned officer, in*

1 *an armed force in a health profession designated by*
2 *the appropriate Secretary for purposes of this section.*

3 “(2) *INDIVIDUALS ELIGIBLE FOR BONUS.*—Sub-
4 *ject to subsection (c), the following individuals are eli-*
5 *gible for a referral bonus under this section:*

6 “(A) *A member of the armed forces in a reg-*
7 *ular component of the armed forced.*

8 “(B) *A member of the armed forces in a re-*
9 *serve component of the armed forced.*

10 “(C) *A member of the armed forces in a re-*
11 *tired status, including a member under 60 years*
12 *of age who, but for age, would be eligible for re-*
13 *tired or retainer pay.*

14 “(D) *A civilian employee of a military de-*
15 *partment or the Department of Defense.*

16 “(b) *REFERRAL.*—*For purposes of this section, a refer-*
17 *ral for which a bonus may be paid under subsection (a)*
18 *occurs—*

19 “(1) *when the individual concerned contacts a*
20 *military recruiter on behalf of a person interested in*
21 *taking an oath of enlistment that leads to appoint-*
22 *ment as a commissioned officer, or accepting an ap-*
23 *pointment as a commissioned officer, as applicable,*
24 *in an armed force in a health profession; or*

1 “(2) *when a person interested in taking an oath*
2 *of enlistment that leads to appointment as a commis-*
3 *sioned officer, or accepting an appointment as a com-*
4 *missioned officer, as applicable, in an armed force in*
5 *a health profession contacts a military recruiter and*
6 *informs the recruiter of the role of the individual con-*
7 *cerned in initially recruiting the person.*

8 “(c) *CERTAIN REFERRALS INELIGIBLE.—*

9 “(1) *REFERRAL OF IMMEDIATE FAMILY.—A*
10 *member of the armed forces may not be paid a bonus*
11 *under subsection (a) for the referral of an immediate*
12 *family member.*

13 “(2) *MEMBERS IN RECRUITING ROLES.—A mem-*
14 *ber of the armed forces serving in a recruiting or re-*
15 *tion assignment, or assigned to other duties re-*
16 *garding which eligibility for a bonus under subsection*
17 *(a) could (as determined by the appropriate Sec-*
18 *retary) be perceived as creating a conflict of interest,*
19 *may not be paid a bonus under subsection (a).*

20 “(3) *JUNIOR RESERVE OFFICERS’ TRAINING*
21 *CORPS INSTRUCTORS.—A member of the armed forces*
22 *detailed under subsection (c)(1) of section 2031 of title*
23 *10 to serve as an administrator or instructor in the*
24 *Junior Reserve Officers’ Training Corps program or*
25 *a retired member of the armed forces employed as an*

1 *administrator or instructor in the program under*
2 *subsection (d) of such section may not be paid a*
3 *bonus under subsection (a).*

4 “(d) *AMOUNT OF BONUS.—The amount of the bonus*
5 *payable for a referral under subsection (a) may not exceed*
6 *\$2,000. The amount shall be payable as provided in sub-*
7 *section (e).*

8 “(e) *PAYMENT.—A bonus payable for a referral of a*
9 *person under subsection (a) shall be paid as follows:*

10 “(1) *Not more than \$1,000 shall be paid upon*
11 *the execution by the person of an agreement to serve*
12 *as an officer in a health profession in an armed force*
13 *for not less than 3 years,*

14 “(2) *Not more than \$1,000 shall be paid upon*
15 *the completion by the person of the initial period of*
16 *military training as an officer.*

17 “(f) *RELATION TO PROHIBITION ON BOUNTIES.—The*
18 *referral bonus authorized by this section is not a bounty*
19 *for purposes of section 514(a) of title 10.*

20 “(g) *COORDINATION WITH RECEIPT OF RETIRED*
21 *PAY.—A bonus paid under this section to a member of the*
22 *armed forces in a retired status is in addition to any com-*
23 *penetration to which the member is entitled under title 10,*
24 *37, or 38, or any other provision of law.*

1 “(h) *APPROPRIATE SECRETARY DEFINED.*—*In this*
2 *section, the term ‘appropriate Secretary’ means—*

3 “(1) *the Secretary of the Army, with respect to*
4 *matters concerning the Army;*

5 “(2) *the Secretary of the Navy, with respect to*
6 *matters concerning the Navy, the Marine Corps, and*
7 *the Coast Guard when it is operating as a service in*
8 *the Navy;*

9 “(3) *the Secretary of the Air Force, with respect*
10 *to matters concerning the Air Force; and*

11 “(4) *the Secretary of Defense, with respect to*
12 *personnel of the Department of Defense.*

13 “(i) *DURATION OF AUTHORITY.*—*A bonus may not be*
14 *paid under subsection (a) with respect to any referral that*
15 *occurs after December 31, 2008.”.*

16 “(b) *CLERICAL AMENDMENT.*—*The table of sections at*
17 *the beginning of chapter 5 of such title, as so amended, is*
18 *further amended by adding at the end the following new*
19 *item:*

 “331a. *Bonus to encourage Department of Defense personnel to refer other persons*
 for appointment as officers to serve in health professions.”.

1 **SEC. 624. ACCESSION BONUS FOR PARTICIPANTS IN ARMED**
2 **FORCES HEALTH PROFESSIONS SCHOLAR-**
3 **SHIP AND FINANCIAL ASSISTANCE PROGRAM.**

4 (a) *ACCESSION BONUS AUTHORIZED.*—Section 2127
5 of title 10, United States Code, is amended by adding at
6 the end the following new subsection:

7 “(f)(1) *In order to increase participation in the pro-*
8 *gram, the Secretary of Defense may pay a person who signs*
9 *an agreement under section 2122 of this title an accession*
10 *bonus of not more than \$20,000.*

11 “(2) *An accession bonus paid a person under this sub-*
12 *section is in addition to any other amounts payable to the*
13 *person under this subchapter.*

14 “(3) *In the case of an individual who is paid an acces-*
15 *sion bonus under this subsection, but fails to commence or*
16 *complete the obligated service required of the person under*
17 *this subchapter, the repayment provisions of section 303a(e)*
18 *of title 37 shall apply to the accession bonus paid the person*
19 *under this subsection.”.*

20 (b) *EFFECTIVE DATE.*—The amendment made by sub-
21 section (a) shall take effect on October 1, 2007, and shall
22 apply with respect to agreements signed under subchapter
23 I of chapter 105 of title 10, United States Code, on or after
24 that date.

1 **Subtitle C—Travel and**
2 **Transportation Allowances**

3 **SEC. 641. PAYMENT OF EXPENSES OF TRAVEL TO THE**
4 **UNITED STATES FOR OBSTETRICAL PUR-**
5 **POSES OF DEPENDENTS LOCATED IN VERY**
6 **REMOTE LOCATIONS OUTSIDE THE UNITED**
7 **STATES.**

8 *Section 1040 of title 10, United States Code, is*
9 *amended—*

10 (1) *by redesignating subsections (c) and (d) as*
11 *subsection (d) and (e), respectively; and*

12 (2) *by inserting after subsection (b) the following*
13 *new subsection (c):*

14 “(c) *The Secretary of Defense may pay the travel ex-*
15 *penses and related expenses of a dependent of a member*
16 *of the uniformed services assigned to a very remote location*
17 *outside the United States, as determined by the Secretary,*
18 *for travel for obstetrical purposes to a location in the United*
19 *States.”.*

20 **SEC. 642. PAYMENT OF MOVING EXPENSES FOR JUNIOR RE-**
21 **SERVE OFFICERS’ TRAINING CORPS INSTRUC-**
22 **TORS IN HARD-TO-FILL POSITIONS.**

23 *Section 2031 of title 10, United States Code, is amend-*
24 *ed by adding at the end the following new subsection:*

1 “(f)(1) When determined by the Secretary of the mili-
2 tary department concerned to be in the national interest
3 and agreed upon by the institution concerned, the institu-
4 tion may reimburse the moving expenses of a Junior Re-
5 serve Officers’ Training Corps instructor who executes a
6 written agreement to serve a minimum of two years of em-
7 ployment at the institution in a position that is hard-to-
8 fill for geographic or economic reasons and as determined
9 by the Secretary concerned.

10 “(2) Any reimbursement of an instructor under para-
11 graph (1) is in addition to the minimum instructor pay
12 otherwise payable to the instructor.

13 “(3) The Secretary concerned shall reimburse an insti-
14 tution making a reimbursement under paragraph (1) in an
15 amount equal to the amount of the reimbursement paid by
16 the institution under that paragraph. Any reimbursement
17 under this paragraph shall be made from funds appro-
18 priated for that purpose.

19 “(4) The payment of reimbursements under para-
20 graphs (1) and (3) shall be subject to regulations prescribed
21 by the Secretary of Defense for purposes of this subsection.”.

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

3 **SEC. 651. MODIFICATION OF SCHEME FOR PAYMENT OF**
4 **DEATH GRATUITY PAYABLE WITH RESPECT**
5 **TO MEMBERS OF THE ARMED FORCES.**

6 (a) *IN GENERAL.*—Subsection (a) of section 1477 of
7 title 10, United States Code, is amended by striking all that
8 follows “on the following list:” and inserting the following:

9 “(1) To any individual designated by the person
10 in writing.

11 “(2) If there is no person so designated, to the
12 surviving spouse of the person.

13 “(3) If there is none of the above, to the children
14 (as prescribed by subsection (b)) of the person and the
15 descendants of any deceased children by representa-
16 tion.

17 “(4) If there is none of the above, to the parents
18 (as prescribed by subsection (c)) of the person or the
19 survivor of them.

20 “(5) If there is none of the above, to the duly ap-
21 pointed executor or administrator of the estate of the
22 person.

23 “(6) If there is none of the above, to other next
24 of kin of the person entitled under the laws of domi-
25 cile of the person at the time of the person’s death.”.

1 (b) *CONFORMING AMENDMENTS.*—*Such section is fur-*
2 *ther amended—*

3 (1) *in subsection (b), by striking “Subsection*
4 *(a)(2)” in the matter preceding paragraph (1) and*
5 *inserting “Subsection (a)(3)”;*

6 (2) *by striking (c) and inserting the following*
7 *new subsection (c):*

8 “*(c) For purposes of subsection (a)(4), parents include*
9 *fathers and mothers through adoption. However, only one*
10 *father and one mother may be recognized in any case, and*
11 *preference shall be given to those who exercised a parental*
12 *relationship on the date, or most nearly before the date, on*
13 *which the decedent entered a status described in section*
14 *1475 or 1476 of this title.”; and*

15 (3) *by striking subsection (d).*

16 (c) *EFFECTIVE DATE.*—*The amendments made by this*
17 *section shall take effect on the date of the enactment of this*
18 *Act.*

19 (d) *APPLICABILITY.*—*Notwithstanding subsection (c),*
20 *the provisions of section 1477 of title 10, United States*
21 *Code, as in effect on the day before the date of the enactment*
22 *of this Act, shall continue to apply to each member of the*
23 *Armed Forces covered by such section until the earlier of*
24 *the following—*

1 (1) *the date on which such member makes the*
2 *designation contemplated by paragraph (1) of section*
3 *1477(a) of such title (as amended by subsection (a) of*
4 *this section); or*

5 (2) *January 1, 2008.*

6 (e) *REGULATIONS.—*

7 (1) *IN GENERAL.—Not later than December 1,*
8 *2007, the Secretary of Defense shall prescribe regula-*
9 *tions to implement the amendments to section 1477 of*
10 *title 10, United States Code, made by subsection (a).*

11 (2) *ELEMENTS.—The regulations required by*
12 *paragraph (1) shall include forms for the making of*
13 *the designation contemplated by paragraph (1) of sec-*
14 *tion 1477(a) of title 10, United States Code (as*
15 *amended by subsection (a)), and instructions for*
16 *members of the Armed Forces in the filling out of such*
17 *forms.*

18 **SEC. 652. ANNUITIES FOR GUARDIANS OR CARETAKERS OF**
19 **DEPENDENT CHILDREN UNDER SURVIVOR**
20 **BENEFIT PLAN.**

21 (a) *ELECTION.—Section 1448(b) of title 10, United*
22 *States Code, is amended—*

23 (1) *in the subsection caption, by striking “AND*
24 *FORMER SPOUSE” and inserting “, FORMER SPOUSE,*
25 *AND GUARDIAN OR CARETAKER”; and*

1 (2) *by adding at the end the following new para-*
2 *graph:*

3 “(6) *GUARDIAN OR CARETAKER COVERAGE.—*

4 “(A) *GENERAL RULE.—A person who is not*
5 *married and has one or more dependent children*
6 *upon becoming eligible to participate in the Plan*
7 *may elect to provide an annuity under the Plan*
8 *to a natural person (other than a natural person*
9 *with an insurable interest in the person under*
10 *paragraph (1) or a former spouse) who acts as*
11 *a guardian or caretaker to such child or chil-*
12 *dren. In the case of a person providing a reserve-*
13 *component annuity, such an election shall in-*
14 *clude a designation under subsection (e).*

15 “(B) *TERMINATION OF COVERAGE.—Sub-*
16 *paragraphs (B) through (E) of paragraph (1)*
17 *shall apply to an election under subparagraph*
18 *(A) of this paragraph in the same manner as*
19 *such subparagraphs apply to an election under*
20 *subparagraph (A) of paragraph (1).*

21 “(C) *ELECTION OF NEW BENEFICIARY UPON*
22 *DEATH OF PREVIOUS BENEFICIARY.—Subpara-*
23 *graph (G) of paragraph (1) shall apply to an*
24 *election under subparagraph (A) of this para-*
25 *graph in the same manner as such subparagraph*

1 (G) applies to an election under subparagraph
2 (A) of paragraph (1), except that any new bene-
3 ficiary elected under such subparagraph (G) by
4 reason of this subparagraph shall be a guardian
5 or caretaker of the dependent child or children of
6 the person making such election.”.

7 (b) *PAYMENT OF ANNUITY.*—Section 1450 of such title
8 is amended—

9 (1) in subsection (a), by adding at the end the
10 following new paragraph:

11 “(5) *GUARDIAN OR CARETAKER COVERAGE.*—The
12 natural person designated under section 1448(b)(6) of
13 this title, unless the election to provide an annuity to
14 the natural person has been changed as provided in
15 subsection (f).”; and

16 (2) in the subsection caption of subsection (f), by
17 striking “*OR FORMER SPOUSE*” and inserting “,
18 *FORMER SPOUSE, OR GUARDIAN OR CARETAKER*”.

19 (c) *AMOUNT OF ANNUITY.*—Section 1451(b) of such
20 title is amended—

21 (1) in the subsection caption, by inserting “*OR*
22 *GUARDIAN OR CARETAKER*” after “*INSURABLE IN-*
23 *TEREST*”; and

1 (2) by inserting “or 1450(a)(5)” after
 2 “1450(a)(4)” each place it appears in paragraphs (1)
 3 and (2).

4 (d) *REDUCTION IN RETIRED PAY.*—Section 1452(c) of
 5 such title is amended—

6 (1) in the subsection caption, by inserting “OR
 7 GUARDIAN OR CARETAKER” after “INSURABLE IN-
 8 TEREST”; and

9 (2) by inserting “or 1450(a)(5)” after
 10 “1450(a)(4)” each place it appears in paragraphs (1)
 11 and (3).

12 **SEC. 653. EXPANSION OF COMBAT-RELATED SPECIAL COM-**
 13 **PENSATION ELIGIBILITY FOR CHAPTER 61**
 14 **MILITARY RETIREES.**

15 (a) *ELIGIBILITY.*—Subsection (c) of section 1413a of
 16 title 10, United States Code, is amended by striking “enti-
 17 tled to retired pay who—” and all that follows and insert-
 18 ing “who—

19 “(1) is entitled to retired pay (other than by rea-
 20 son of section 12731b of this title); and

21 “(2) has a combat-related disability.”.

22 (b) *COMPUTATION.*—Paragraph (3) of subsection (b) of
 23 such section is amended—

24 (1) by designating the text of that paragraph as
 25 subparagraph (A), realigning that text so as to be in-

1 *dedented 4 ems from the left margin, and inserting be-*
2 *fore “In the case of” the following heading: “IN GEN-*
3 *ERAL.—”; and*

4 *(2) by adding at the end the following new sub-*
5 *paragraph:*

6 *“(B) SPECIAL RULE FOR RETIREES WITH*
7 *FEWER THAN 20 YEARS OF SERVICE.—In the case*
8 *of an eligible combat-related disabled uniformed*
9 *services retiree who is retired under chapter 61*
10 *of this title with fewer than 20 years of cred-*
11 *itable service, the amount of the payment under*
12 *paragraph (1) for any month shall be reduced by*
13 *the amount (if any) by which the amount of the*
14 *member’s retired pay under chapter 61 of this*
15 *title exceeds the amount equal to 2½ percent of*
16 *the member’s years of creditable service multi-*
17 *plied by the member’s retired pay base under sec-*
18 *tion 1406(b)(1) or 1407 of this title, whichever is*
19 *applicable to the member.”.*

20 *(c) EFFECTIVE DATE.—The amendments made by this*
21 *section shall take effect on January 1, 2008, and shall apply*
22 *to payments for months beginning on or after that date.*

1 **SEC. 654. CLARIFICATION OF APPLICATION OF RETIRED**
2 **PAY MULTIPLIER PERCENTAGE TO MEMBERS**
3 **OF THE UNIFORMED SERVICES WITH OVER 30**
4 **YEARS OF SERVICE.**

5 (a) *COMPUTATION OF RETIRED AND RETAINER PAY*
6 *FOR MEMBERS OF NAVAL SERVICE.*—The table in section
7 6333(a) of title 10, United States Code, is amended in Col-
8 umn 2 of Formula A by striking “75 percent” and inserting
9 “Retired pay multiplier prescribed under section 1409 for
10 the years of service that may be credited to him under sec-
11 tion 1405.”.

12 (b) *RETIRED PAY FOR CERTAIN MEMBERS RECALLED*
13 *TO ACTIVE DUTY.*—The table in section 1402(a) of such title
14 is amended by striking Column 3.

15 (c) *EFFECTIVE DATE.*—The amendments made by sub-
16 sections (a) and (b) shall take effect on January 1, 2007,
17 and shall apply with respect to retired pay and retainer
18 pay payable on or after that date.

19 **SEC. 655. COMMENCEMENT OF RECEIPT OF NON-REGULAR**
20 **SERVICE RETIRED PAY BY MEMBERS OF THE**
21 **READY RESERVE ON ACTIVE FEDERAL STA-**
22 **TUS OR ACTIVE DUTY FOR SIGNIFICANT PERI-**
23 **ODS.**

24 (a) *REDUCED ELIGIBILITY AGE.*—Section 12731 of
25 title 10, United States Code, is amended—

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

3 “(1) has attained the eligibility age applicable
4 under subsection (f) to that person;” and

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

7 “(f)(1) Subject to paragraph (2), the eligibility age for
8 purposes of subsection (a)(1) is 60 years of age.

9 “(2)(A) In the case of a person who as a member of
10 the Ready Reserve serves on active duty or performs active
11 service described in subparagraph (B) after September 11,
12 2001, the eligibility age for purposes of subsection (a)(1)
13 shall be reduced below 60 years of age by three months for
14 each aggregate of 90 days on which such person so performs
15 in any fiscal year after such date, subject to subparagraph
16 (C). A day of duty may be included in only one aggregate
17 of 90 days for purposes of this subparagraph.

18 “(B)(i) Service on active duty described in this sub-
19 paragraph is service on active duty pursuant to a call or
20 order to active duty under a provision of law referred to
21 in section 101(a)(13)(B) or under section 12301(d) of this
22 title. Such service does not include service on active duty
23 pursuant to a call or order to active duty under section
24 12310 of this title.

1 “(ii) Active service described in this subparagraph is
2 also service under a call to active service authorized by the
3 President or the Secretary of Defense under section 502(f)
4 of title 32 for purposes of responding to a national emer-
5 gency declared by the President or supported by Federal
6 funds.

7 “(C) The eligibility age for purposes of subsection
8 (a)(1) may not be reduced below 50 years of age for any
9 person under subparagraph (A).”.

10 (b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR
11 ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR
12 HEALTH CARE.—Section 1074(b) of such title is
13 amended—

14 (1) by inserting “(1)” after “(b)”; and
15 (2) by adding at the end the following new para-
16 graph:

17 “(2) Paragraph (1) does not apply to a member or
18 former member entitled to retired pay for non-regular serv-
19 ice under chapter 1223 of this title who is under 60 years
20 of age.”.

21 (c) ADMINISTRATION OF RELATED PROVISIONS OF
22 LAW OR POLICY.—With respect to any provision of law,
23 or of any policy, regulation, or directive of the executive
24 branch that refers to a member or former member of the
25 uniformed services as being eligible for, or entitled to, re-

1 *tired pay under chapter 1223 of title 10, United States*
2 *Code, but for the fact that the member or former member*
3 *is under 60 years of age, such provision shall be carried*
4 *out with respect to that member or former member by sub-*
5 *stituting for the reference to being 60 years of age a ref-*
6 *erence to having attained the eligibility age applicable*
7 *under subsection (f) of section 12731 of title 10, United*
8 *States Code (as added by subsection (a)), to such member*
9 *or former member for qualification for such retired pay*
10 *under subsection (a) of such section.*

11 **SEC. 656. ADDITIONAL INDIVIDUALS ELIGIBLE FOR TRANS-**
12 **PORTATION FOR SURVIVORS OF DECEASED**
13 **MEMBERS TO ATTEND THE MEMBER'S BURIAL**
14 **CEREMONIES.**

15 *Section 411f(c) of title 37, United States Code, is*
16 *amended—*

17 *(1) in paragraph (1) by adding at the end the*
18 *following new subparagraphs:*

19 *“(D) Any child of the parent or parents of the*
20 *deceased member who is under the age of 18 years if*
21 *such child is attending the burial ceremony of the me-*
22 *morial service with the parent or parents and would*
23 *otherwise be left unaccompanied by the parent or par-*
24 *ents.*

1 “(E) The person who directs the disposition of
2 the remains of the deceased member under section
3 1482(c) of title 10, or, in the case of a deceased mem-
4 ber whose remains are commingled and buried in a
5 common grave in a national cemetery, the person who
6 have been designated under such section to direct the
7 disposition of the remains if individual identification
8 had been made.”; and

9 (2) in paragraph (2), by striking “may be pro-
10 vided to—” and all that follows through the end and
11 inserting “may be provided to up to two additional
12 persons closely related to the deceased member who
13 are selected by the person referred to in paragraph
14 (1)(E).”.

15 **SEC. 657. TRANSPORTATION OF REMAINS OF DECEASED**
16 **MEMBERS OF THE ARMED FORCES AND CER-**
17 **TAIN OTHER PERSONS.**

18 Section 1482(a)(8) of title 10, United States Code, is
19 amended by adding at the end the following new sentence:
20 “When transportation of the remains includes transpor-
21 tation by aircraft, the Secretary concerned shall provide,
22 to the maximum extent possible, for delivery of the remains
23 by air to the commercial, general aviation, or military air-
24 port nearest to the place selected by the designee or, if such

1 *a selection is not made, nearest to the cemetery selected by*
2 *the Secretary.”.*

3 **SEC. 658. REPEAL OF REQUIREMENT OF REDUCTION OF**
4 **SURVIVOR BENEFIT PLAN SURVIVOR ANNU-**
5 **ITIES BY DEPENDENCY AND INDEMNITY COM-**
6 **PENSATION.**

7 *(a) REPEAL.—*

8 *(1) IN GENERAL.—Subchapter II of chapter 73 of*
9 *title 10, United States Code, is amended as follows:*

10 *(A) In section 1450, by striking subsection*

11 *(c).*

12 *(B) In section 1451(c)—*

13 *(i) by striking paragraph (2); and*

14 *(ii) by redesignating paragraphs (3)*

15 *and (4) as paragraphs (2) and (3), respec-*
16 *tively.*

17 *(2) CONFORMING AMENDMENTS.—Such sub-*
18 *chapter is further amended as follows:*

19 *(A) In section 1450—*

20 *(i) by striking subsection (e); and*

21 *(ii) by striking subsection (k).*

22 *(B) In section 1451(g)(1), by striking sub-*
23 *paragraph (C).*

24 *(C) In section 1452—*

1 (i) in subsection (f)(2), by striking
2 “does not apply—” and all that follows and
3 inserting “does not apply in the case of a
4 deduction made through administrative
5 error.”; and

6 (ii) by striking subsection (g).

7 (D) In section 1455(c), by striking “,
8 1450(k)(2),”.

9 (b) *PROHIBITION ON RETROACTIVE BENEFITS.*—No
10 benefits may be paid to any person for any period before
11 the effective date provided under subsection (f) by reason
12 of the amendments made by subsection (a).

13 (c) *PROHIBITION ON RECOUPMENT OF CERTAIN*
14 *AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.*—
15 A surviving spouse who is or has been in receipt of an an-
16 nuity under the Survivor Benefit Plan under subchapter
17 II of chapter 73 of title 10, United States Code, that is in
18 effect before the effective date provided under subsection (f)
19 and that is adjusted by reason of the amendments made
20 by subsection (a) and who has received a refund of retired
21 pay under section 1450(e) of title 10, United States Code,
22 shall not be required to repay such refund to the United
23 States.

1 (d) *REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY*
2 *FOR DEPENDENT CHILDREN.*—Section 1448(d)(2) of such
3 *title is amended—*

4 (1) *by striking “DEPENDENT CHILDREN.—” and*
5 *all that follows through “In the case of a member de-*
6 *scribed in paragraph (1),” and inserting “DEPEND-*
7 *ENT CHILDREN.—In the case of a member described*
8 *in paragraph (1),”;* and

9 (2) *by striking subparagraph (B).*

10 (e) *RESTORATION OF ELIGIBILITY FOR PREVIOUSLY*
11 *ELIGIBLE SPOUSES.*—*The Secretary of the military depart-*
12 *ment concerned shall restore annuity eligibility to any eli-*
13 *gible surviving spouse who, in consultation with the Sec-*
14 *retary, previously elected to transfer payment of such annu-*
15 *ity to a surviving child or children under the provisions*
16 *of section 1448(d)(2)(B) of title 10, United States Code, as*
17 *in effect on the day before the effective date provided under*
18 *subsection (f). Such eligibility shall be restored whether or*
19 *not payment to such child or children subsequently was ter-*
20 *minated due to loss of dependent status or death. For the*
21 *purposes of this subsection, an eligible spouse includes a*
22 *spouse who was previously eligible for payment of such an-*
23 *nuity and is not remarried, or remarried after having at-*
24 *tained age 55, or whose second or subsequent marriage has*
25 *been terminated by death, divorce or annulment.*

1 (f) *EFFECTIVE DATE.*—*The sections and the amend-*
 2 *ments made by this section shall take effect on the later of—*

3 (1) *the first day of the first month that begins*
 4 *after the date of the enactment of this Act; or*

5 (2) *the first day of the fiscal year that begins in*
 6 *the calendar year in which this Act is enacted.*

7 **SEC. 659. EFFECTIVE DATE OF PAID-UP COVERAGE UNDER**
 8 **SURVIVOR BENEFIT PLAN.**

9 (a) *SURVIVOR BENEFIT PLAN.*—*Section 1452(j) of title*
 10 *10, United States Code, is amended by striking “October*
 11 *1, 2008” and inserting “October 1, 2007”.*

12 (b) *RETIRED SERVICEMAN’S FAMILY PROTECTION*
 13 *PLAN.*—*Section 1436a of such title is amended by striking*
 14 *“October 1, 2008” and inserting “October 1, 2007”.*

15 **SEC. 660. 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) of*
 22 *title 10, United States Code, is amended by striking “except*
 23 *that” and all that follows and inserting “except that pay-*
 24 *ment of retired pay is subject to subsection (c) only during*

1 *the period beginning on January 1, 2004, and ending on*
2 *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.*—*The amendment made by sub-*
11 *section (a) shall take effect on December 31, 2004.*

12 **SEC. 661. COMPUTATION OF YEARS OF SERVICE FOR PUR-**
13 **POSES OF RETIRED PAY FOR NON-REGULAR**
14 **SERVICE.**

15 *Section 12733(3) of title 10, United States Code, is*
16 *amended—*

17 (1) *in subparagraph (B), by striking “and” at*
18 *the end;*

19 (2) *in subparagraph (C), by striking the period*
20 *and inserting “before the year of service that includes*
21 *October 30, 2007; and”; and*

22 (3) *by adding at the end the following new sub-*
23 *paragraph:*

1 “(D) 130 days in the year of service that
2 includes October 30, 2007, and any subsequent
3 year of service.”.

4 ***Subtitle E—Education Benefits***

5 ***SEC. 671. TUITION ASSISTANCE FOR OFF-DUTY TRAINING*** 6 ***OR EDUCATION.***

7 (a) *CLARIFICATION OF APPLICABILITY OF CURRENT*
8 *AUTHORITY TO COMMISSIONED OFFICERS ON ACTIVE*
9 *DUTY.*—Subsection (b) of section 2007 of title 10, United
10 *States Code, is amended—*

11 (1) *in paragraph (1)—*

12 (A) *by inserting “(other than a member of*
13 *the Ready Reserve)” after “active duty” the first*
14 *place it appears; and*

15 (B) *by striking “or full-time National*
16 *Guard duty” both places it appears; and*

17 (2) *in paragraph (2)(B), by inserting “for which*
18 *ordered to active duty” after “active duty service”.*

19 (b) *AUTHORITY TO PAY TUITION ASSISTANCE TO*
20 *MEMBERS OF THE READY RESERVE.—*

21 (1) *IN GENERAL.*—Subsection (c) of such section
22 *is amended to read as follows:*

23 “(c)(1) *Subject to paragraphs (3)(A) and (4), the Sec-*
24 *retary of a military department may pay the charges of*
25 *an educational institution for the tuition or expenses de-*

1 *scribed in subsection (a) of a member of the Selected Re-*
2 *serve.*

3 “(2) *Subject to paragraphs (3)(B) and (4), the Sec-*
4 *retary of a military department may pay the charges of*
5 *an educational institution for the tuition or expenses de-*
6 *scribed in subsection (a) of a member of the Individual*
7 *Ready Reserve who has a military occupational specialty*
8 *designated by the Secretary for purposes of this subsection.*

9 “(3)(A) *The Secretary of a military department may*
10 *not pay charges under paragraph (1) for tuition or expenses*
11 *of an officer of the Selected Reserve unless the officer agrees*
12 *to remain a member of the Selected Reserve for at least four*
13 *years after completion of the education or training for*
14 *which the charges are paid.*

15 “(B) *The Secretary of a military department may not*
16 *pay charges under paragraph (2) for tuition or expenses*
17 *of an officer of the Individual Ready Reserve unless the offi-*
18 *cer agrees to remain in the Selected Reserve or Individual*
19 *Ready Reserve for at least four years after completion of*
20 *the education or training for which the charges are paid.*

21 “(4) *The Secretary of a military department may re-*
22 *quire enlisted members of the Selected Reserve or Individual*
23 *Ready Reserve to agree to serve for up to four years in the*
24 *Selected Reserve or Individual Ready Reserve, as the case*
25 *may be, after completion of education or training for which*

1 *tuition or expenses are paid under paragraph (1) or (2),*
2 *as applicable.”.*

3 (2) *REPEAL OF SUPERSEDED PROVISION.*—*Such*
4 *section is further amended—*

5 (A) *by striking subsection (d); and*

6 (B) *by redesignating subsections (e) and (f)*
7 *as subsections (d) and (e), respectively.*

8 (3) *REPAYMENT OF UNEARNED BENEFIT.*—*Sub-*
9 *section (e) of such section, as redesignated by para-*
10 *graph (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 into*
15 *an agreement under subsection (c) does not complete the pe-*
16 *riod of service specified in the agreement, the member shall*
17 *be subject to the repayment provisions of section 303a(e)*
18 *of title 37.”.*

19 (c) *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 and the Sec-*
23 *retary of Homeland Security for the Coast Guard when it*
24 *is not operating as a service in the Navy.”.*

1 **SEC. 672. EXPANSION OF SELECTED RESERVE EDUCATION**
2 **LOAN REPAYMENT PROGRAM.**

3 (a) *ADDITIONAL LOANS ELIGIBLE FOR REPAYMENT.*—
4 *Paragraph (1) of subsection (a) of section 16301 of title 10,*
5 *United States Code, is amended—*

6 (1) *in subparagraph (B), by striking “or” at the*
7 *end;*

8 (2) *in subparagraph (C), by striking the period*
9 *at the end and inserting “; or”; and*

10 (3) *by adding at the end the following new sub-*
11 *paragraph:*

12 “(D) *any loan incurred for educational purposes*
13 *made by a lender that is—*

14 “(i) *an agency or instrumentality of a*
15 *State;*

16 “(ii) *a financial or credit institution (in-*
17 *cluding an insurance company) that is subject to*
18 *examination and supervision by an agency of*
19 *the United States or any State;*

20 “(iii) *a pension fund approved by the Sec-*
21 *retary for purposes of this section; or*

22 “(iv) *a nonprofit private entity designated*
23 *by a State, regulated by such State, and ap-*
24 *proved by the Secretary for purposes of this sec-*
25 *tion.”.*

1 (b) *ELIGIBILITY OF OFFICERS.*—Such subsection is
2 further amended—

3 (1) in paragraph (2)—

4 (A) by striking “Except as provided in
5 paragraph (3), the Secretary” and inserting
6 “The Secretary”; and

7 (B) by striking “an enlisted member of the
8 Selected Reserve of the Ready Reserve of an
9 armed force in a reserve component and military
10 specialty” and inserting “a member of the Se-
11 lected Reserve of the Ready Reserve of an armed
12 force in a reserve component and officer program
13 or military specialty”; and

14 (2) by striking paragraph (3).

15 (c) *CONFORMING AMENDMENT.*—The heading of such
16 section is amended to read as follows:

17 **“§ 16301. Education loan repayment program: mem-
18 bers of the Selected Reserve”.**

19 (d) *CLERICAL AMENDMENT.*—The table of sections at
20 the beginning of chapter 1609 of such title is amended by
21 striking the item relating to section 16301 and inserting
22 the following new item:

“16301. Education loan repayment program: members of the Selected Reserve.”.

1 **SEC. 673. REPORT ON UTILIZATION OF TUITION ASSIST-**
2 **ANCE BY MEMBERS OF THE ARMED FORCES.**

3 (a) *REPORTS REQUIRED.*—Not later than April 1,
4 2008, the Secretary of each military department shall sub-
5 mit to the congressional defense committees a report on the
6 utilization of tuition assistance by members of the Armed
7 Forces, whether in the regular components of the Armed
8 Forces or the reserve components of the Armed Forces, under
9 the jurisdiction of such military department during fiscal
10 year 2007.

11 (b) *ELEMENTS.*—The report with respect to a military
12 department under subsection (a) shall include the following:

13 (1) *Information on the policies of such military*
14 *department for fiscal year 2007 regarding utilization*
15 *of, and limits on, tuition assistance by members of the*
16 *Armed Forces under the jurisdiction of such military*
17 *department, including an estimate of the number of*
18 *members of the reserve components of the Armed*
19 *Forces under the jurisdiction of such military depart-*
20 *ment whose requests for tuition assistance during that*
21 *fiscal year were unfunded.*

22 (2) *Information on the policies of such military*
23 *department for fiscal year 2007 regarding funding of*
24 *tuition assistance for each of the regular components*
25 *of the Armed Forces and each of the reserve compo-*

1 *nents of the Armed Forces under the jurisdiction of*
2 *such military department.*

3 **SEC. 674. ENHANCEMENT OF EDUCATION BENEFITS FOR**
4 **CERTAIN MEMBERS OF RESERVE COMPO-**
5 **NENTS.**

6 *(a) ACCELERATED PAYMENT OF EDUCATIONAL AS-*
7 *SISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—*

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

11 **“§ 16131A. Accelerated payment of educational assist-**
12 **ance**

13 *“(a) The educational assistance allowance payable*
14 *under section 16131 of this title with respect to an eligible*
15 *person described in subsection (b) may, upon the election*
16 *of such eligible person, be paid on an accelerated basis in*
17 *accordance with this section.*

18 *“(b) An eligible person described in this subsection is*
19 *a person entitled to educational assistance under this chap-*
20 *ter who is—*

21 *“(1) enrolled in an approved program of edu-*
22 *cation not exceeding two years in duration and not*
23 *leading to an associate, bachelors, masters, or other*
24 *degree, subject to subsection (g); and*

1 “(2) charged tuition and fees for the program of
2 education that, when divided by the number of
3 months (and fractions thereof) in the enrollment pe-
4 riod, exceeds the amount equal to 200 percent of the
5 monthly rate of educational assistance allowance oth-
6 erwise payable with respect to the person under sec-
7 tion 16131 of this title.

8 “(c)(1) The amount of the accelerated payment of edu-
9 cational assistance payable with respect to an eligible per-
10 son making an election under subsection (a) for a program
11 of education shall be the lesser of—

12 “(A) the amount equal to 60 percent of the estab-
13 lished charges for the program of education; or

14 “(B) the aggregate amount of educational assist-
15 ance allowance to which the person remains entitled
16 under this chapter at the time of the payment.

17 “(2)(A) In this subsection, except as provided in sub-
18 paragraph (B), the term ‘established charges’, in the case
19 of a program of education, means the actual charges (as
20 determined pursuant to regulations prescribed by the Sec-
21 retary) for tuition and fees which similarly circumstanced
22 individuals who are not eligible for benefits under this
23 chapter and who are enrolled in the program of education
24 would be required to pay. Established charges shall be deter-
25 mined on the following basis:

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

5 “(ii) In the case of an individual enrolled in a
6 program of education not offered on a term, quarter,
7 or semester basis, the tuition and fees charged the in-
8 dividual for the entire program of education.

9 “(B) In this subsection, the term ‘established charges’
10 does not include any fees or payments attributable to the
11 purchase of a vehicle.

12 “(3) The educational institution providing the pro-
13 gram of education for which an accelerated payment of edu-
14 cational assistance allowance is elected by an eligible person
15 under subsection (a) shall certify to the Secretary of Vet-
16 erans Affairs the amount of the established charges for the
17 program of education.

18 “(d) An accelerated payment of educational assistance
19 allowance made with respect to an eligible person under this
20 section for a program of education shall be made not later
21 than the last day of the month immediately following the
22 month in which the Secretary of Veterans Affairs receives
23 a certification from the educational institution regarding—

24 “(1) the person’s enrollment in and pursuit of
25 the program of education; and

1 “(2) the amount of the established charges for the
2 program of education.

3 “(e)(1) Except as provided in paragraph (2), for each
4 accelerated payment of educational assistance allowance
5 made with respect to an eligible person under this section,
6 the person’s entitlement to educational assistance under this
7 chapter shall be charged the number of months (and any
8 fraction thereof) determined by dividing the amount of the
9 accelerated payment by the full-time monthly rate of edu-
10 cational assistance allowance otherwise payable with re-
11 spect to the person under section 16131 of this title as of
12 the beginning date of the enrollment period for the program
13 of education for which the accelerated payment is made.

14 “(2) If the monthly rate of educational assistance al-
15 lowance otherwise payable with respect to an eligible person
16 under section 16131 of this title increases during the enroll-
17 ment period of a program of education for which an acceler-
18 ated payment of educational assistance allowance is made
19 under this section, the charge to the person’s entitlement
20 to educational assistance under this chapter shall be deter-
21 mined by prorating the entitlement chargeable, in the man-
22 ner provided for under paragraph (1), for the periods cov-
23 ered by the initial rate and increased rate, respectively, in
24 accordance with regulations prescribed by the Secretary of
25 Veterans Affairs.

1 “(f) *The Secretary of Veterans Affairs shall prescribe*
2 *regulations to carry out this section. The regulations shall*
3 *include requirements, conditions, and methods for the re-*
4 *quest, issuance, delivery, certification of receipt and use,*
5 *and recovery of overpayment of an accelerated payment of*
6 *educational assistance allowance under this section. The*
7 *regulations may include such elements of the regulations*
8 *prescribed under section 3014A of title 38 as the Secretary*
9 *of Veterans Affairs considers appropriate for purposes of*
10 *this section.*

11 “(g) *The aggregate amount of educational assistance*
12 *payable under this section in any fiscal year for enroll-*
13 *ments covered by subsection (b)(1) may not exceed*
14 *\$4,000,000.”.*

15 (2) *CLERICAL AMENDMENT.—The table of sec-*
16 *tions at the beginning of chapter 1606 of such title is*
17 *amended by inserting after the item relating to sec-*
18 *tion 16131 the following new item:*

“16131A. *Accelerated payment of educational assistance.*”.

19 (3) *EFFECTIVE DATE.—The amendments made*
20 *by this subsection shall take effect on October 1, 2008,*
21 *and shall only apply to initial enrollments in ap-*
22 *proved programs of education after such date.*

23 (b) *ACCELERATED PAYMENT OF EDUCATIONAL AS-*
24 *SISTANCE FOR RESERVE COMPONENT MEMBERS SUP-*

1 PORTING CONTINGENCY OPERATIONS AND OTHER OPER-
2 ATIONS.—

3 (1) IN GENERAL.—Chapter 1607 of title 10,
4 United States Code, is amended by inserting after sec-
5 tion 16162 the following new section:

6 **“§ 16162A. Accelerated payment of educational assist-**
7 **ance**

8 “(a) The educational assistance allowance payable
9 under section 16162 of this title with respect to an eligible
10 member described in subsection (b) may, upon the election
11 of such eligible member, be paid on an accelerated basis in
12 accordance with this section.

13 “(b) An eligible member described in this subsection
14 is a member of a reserve component entitled to educational
15 assistance under this chapter who is—

16 “(1) enrolled in an approved program of edu-
17 cation not exceeding two years in duration and not
18 leading to an associate, bachelors, masters, or other
19 degree, subject to subsection (g); and

20 “(2) charged tuition and fees for the program of
21 education that, when divided by the number of
22 months (and fractions thereof) in the enrollment pe-
23 riod, exceeds the amount equal to 200 percent of the
24 monthly rate of educational assistance allowance oth-

1 *erwise payable with respect to the member under sec-*
2 *tion 16162 of this title.*

3 *“(c)(1) The amount of the accelerated payment of edu-*
4 *cational assistance payable with respect to an eligible mem-*
5 *ber making an election under subsection (a) for a program*
6 *of education shall be the lesser of—*

7 *“(A) the amount equal to 60 percent of the estab-*
8 *lished charges for the program of education; or*

9 *“(B) the aggregate amount of educational assist-*
10 *ance allowance to which the member remains entitled*
11 *under this chapter at the time of the payment.*

12 *“(2)(A) In this subsection, except as provided in sub-*
13 *paragraph (B), the term ‘established charges’, in the case*
14 *of a program of education, means the actual charges (as*
15 *determined pursuant to regulations prescribed by the Sec-*
16 *retary) for tuition and fees which similarly circumstanced*
17 *individuals who are not eligible for benefits under this*
18 *chapter and who are enrolled in the program of education*
19 *would be required to pay. Established charges shall be deter-*
20 *mined on the following basis:*

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

1 “(ii) In the case of an individual enrolled in a
2 program of education not offered on a term, quarter,
3 or semester basis, the tuition and fees charged the in-
4 dividual for the entire program of education.

5 “(B) In this subsection, the term ‘established charges’
6 does not include any fees or payments attributable to the
7 purchase of a vehicle.

8 “(3) The educational institution providing the pro-
9 gram of education for which an accelerated payment of edu-
10 cational assistance allowance is elected by an eligible mem-
11 ber under subsection (a) shall certify to the Secretary of
12 Veterans Affairs the amount of the established charges for
13 the program of education.

14 “(d) An accelerated payment of educational assistance
15 allowance made with respect to an eligible member under
16 this section for a program of education shall be made not
17 later than the last day of the month immediately following
18 the month in which the Secretary of Veterans Affairs re-
19 ceives a certification from the educational institution
20 regarding—

21 “(1) the member’s enrollment in and pursuit of
22 the program of education; and

23 “(2) the amount of the established charges for the
24 program of education.

1 “(e)(1) *Except as provided in paragraph (2), for each*
2 *accelerated payment of educational assistance allowance*
3 *made with respect to an eligible member under this section,*
4 *the member’s entitlement to educational assistance under*
5 *this chapter shall be charged the number of months (and*
6 *any fraction thereof) determined by dividing the amount*
7 *of the accelerated payment by the full-time monthly rate*
8 *of educational assistance allowance otherwise payable with*
9 *respect to the member under section 16162 of this title as*
10 *of the beginning date of the enrollment period for the pro-*
11 *gram of education for which the accelerated payment is*
12 *made.*

13 “(2) *If the monthly rate of educational assistance al-*
14 *lowance otherwise payable with respect to an eligible mem-*
15 *ber under section 16162 of this title increases during the*
16 *enrollment period of a program of education for which an*
17 *accelerated payment of educational assistance allowance is*
18 *made under this section, the charge to the member’s entitle-*
19 *ment to educational assistance under this chapter shall be*
20 *determined by prorating the entitlement chargeable, in the*
21 *manner provided for under paragraph (1), for the periods*
22 *covered by the initial rate and increased rate, respectively,*
23 *in accordance with regulations prescribed by the Secretary*
24 *of Veterans Affairs.*

1 “(f) *The Secretary of Veterans Affairs shall prescribe*
2 *regulations to carry out this section. The regulations shall*
3 *include requirements, conditions, and methods for the re-*
4 *quest, issuance, delivery, certification of receipt and use,*
5 *and recovery of overpayment of an accelerated payment of*
6 *educational assistance allowance under this section. The*
7 *regulations may include such elements of the regulations*
8 *prescribed under section 3014A of title 38 as the Secretary*
9 *of Veterans Affairs considers appropriate for purposes of*
10 *this section.*

11 “(g) *The aggregate amount of educational assistance*
12 *payable under this section in any fiscal year for enroll-*
13 *ments covered by subsection (b)(1) may not exceed*
14 *\$3,000,000.”.*

15 (2) *CLERICAL AMENDMENT.—The table of sec-*
16 *tions at the beginning of chapter 1607 of such title is*
17 *amended by inserting after the item relating to sec-*
18 *tion 16162 the following new item:*

“16162A. *Accelerated payment of educational assistance.”.*

19 (3) *EFFECTIVE DATE.—The amendments made*
20 *by this subsection shall take effect on October 1, 2008,*
21 *and shall only apply to initial enrollments in ap-*
22 *proved programs of education after such date.*

23 (c) *ENHANCEMENT OF EDUCATIONAL ASSISTANCE FOR*
24 *RESERVE COMPONENT MEMBERS SUPPORTING CONTIN-*
25 *GENCY OPERATIONS AND OTHER OPERATIONS.—*

1 (1) *ASSISTANCE FOR THREE YEARS CUMULATIVE*
2 *SERVICE.*—*Subsection (c)(4)(C) of section 16162 of*
3 *title 10, United States Code, is amended by striking*
4 *“for two continuous years or more.” and inserting*
5 *“for—*

6 *“(i) two continuous years or more; or*
7 *“(ii) an aggregate of three years or more.”.*

8 (2) *CONTRIBUTIONS FOR INCREASED AMOUNT OF*
9 *EDUCATIONAL ASSISTANCE.*—*Such section is further*
10 *amended by adding at the end the following new sub-*
11 *section:*

12 *“(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF*
13 *EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligi-*
14 *ble for educational assistance under this section may con-*
15 *tribute amounts for purposes of receiving an increased*
16 *amount of educational assistance as provided for in para-*
17 *graph (2).*

18 *“(B) An individual covered by subparagraph (A) may*
19 *make the contributions authorized by that subparagraph at*
20 *any time while a member of a reserve component, but not*
21 *more frequently than monthly.*

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

1 “(D) Contributions under this subsection shall be made
2 to the Secretary concerned. Such Secretary shall deposit
3 any amounts received as contributions under this subsection
4 into the Treasury as miscellaneous receipts.

5 “(2) Effective as of the first day of the enrollment pe-
6 riod following the enrollment period in which an individual
7 makes contributions under paragraph (1), the monthly
8 amount of educational assistance allowance applicable to
9 such individual under this section shall be the monthly rate
10 otherwise provided for under subsection (c) increased by—

11 “(A) an amount equal to \$5 for each \$20 con-
12 tributed by such individual under paragraph (1) for
13 an approved program of education pursued on a full-
14 time basis; or

15 “(B) an appropriately reduced amount based on
16 the amount so contributed as determined under regu-
17 lations that the Secretary of Veterans Affairs shall
18 prescribe, for an approved program of education pur-
19 sued on less than a full-time basis.”.

20 **SEC. 675. EXTENSION OF PERIOD OF ENTITLEMENT TO**
21 **EDUCATIONAL ASSISTANCE FOR CERTAIN**
22 **MEMBERS OF THE SELECTED RESERVE AF-**
23 **FECTED BY FORCE SHAPING INITIATIVES.**

24 Section 16133(b)(1)(B) of title 10, United States Code,
25 is amended by inserting “or the period beginning on Octo-

1 ber 1, 2007, and ending on September 30, 2014,” after “De-
2 cember 31, 2001,”.

3 **SEC. 676. MODIFICATION OF TIME LIMIT FOR USE OF ENTI-**
4 **TLEMENT TO EDUCATIONAL ASSISTANCE FOR**
5 **RESERVE COMPONENT MEMBERS SUP-**
6 **PORTING CONTINGENCY OPERATIONS AND**
7 **OTHER OPERATIONS.**

8 (a) *MODIFICATION.*—Section 16164(a) of title 10,
9 United States Code, is amended by striking “this chapter
10 while serving—” and all that follows and inserting “this
11 chapter—

12 “(1) while the member is serving—

13 “(A) in the Selected Reserve of the Ready
14 Reserve, in the case of a member called or or-
15 dered to active service while serving in the Se-
16 lected Reserve; or

17 “(B) in the Ready Reserve, in the case of a
18 member ordered to active duty while serving in
19 the Ready Reserve (other than the Selected Re-
20 serve); and

21 “(2) in the case of a person who separates from
22 the Selected Reserve of the Ready Reserve after com-
23 pletion of a period of active service described in sec-
24 tion 16163 of this title and completion of a service
25 contract under other than dishonorable conditions,

1 *during the 10-year period beginning on the date on*
2 *which the person separates from the Selected Re-*
3 *serve.”.*

4 **(b) CONFORMING AMENDMENT.**—*Paragraph (2) of sec-*
5 *tion 16165(a) of such title is amended to read as follows:*

6 *“(2) when the member separates from the Ready*
7 *Reserve as provided in section 16164(a)(1) of this*
8 *title, or upon completion of the period provided for in*
9 *section 16164(a)(2) of this title, as applicable.”.*

10 **(c) EFFECTIVE DATE.**—*The amendments made by this*
11 *section shall take effect on October 28, 2004, as if included*
12 *in the enactment of the Ronald W. Reagan National Defense*
13 *Authorization Act for Fiscal Year 2005 (Public Law 108–*
14 *375), to which such amendments relate.*

15 ***Subtitle F—Other Matters***

16 ***SEC. 681. ENHANCEMENT OF AUTHORITIES ON INCOME RE-*** 17 ***PLACEMENT PAYMENTS FOR RESERVES EXPE-*** 18 ***RIENCING EXTENDED AND FREQUENT MOBI-*** 19 ***LIZATION FOR ACTIVE-DUTY SERVICE.***

20 **(a) CLARIFICATION OF GENERAL AUTHORITY.**—*Sub-*
21 *section (a) of section 910 of title 37, United States Code,*
22 *is amended by inserting “, when the total monthly military*
23 *compensation of the member is less than the average month-*
24 *ly civilian income” after “by the Secretary”.*

1 (b) *ELIGIBILITY.*—Subsection (b) of such section is
2 amended to read as follows:

3 “(b) *ELIGIBILITY.*—Subject to subsection (c), a reserve
4 component member is entitled to a payment under this sec-
5 tion for any full month of active duty of the member—

6 “(1) while on active duty under an involuntary
7 mobilization order, following the date on which the
8 member—

9 “(A) completes 18 continuous months of
10 service on active duty under such an order;

11 “(B) completes 730 cumulative days of serv-
12 ice on active duty under such an order during
13 the previous 1,826 days; or

14 “(C) is involuntarily mobilized for service
15 on active duty for a period of 180 days or more
16 within 180 days following the member’s separa-
17 tion from a previous period of involuntary active
18 duty for period of 180 days or more; or

19 “(2) while retained on active duty under sub-
20 paragraph (A) or (B) of section 12301(h)(1) of title
21 10 because of an injury or illness incurred or aggra-
22 vated while deployed to an area designated for special
23 pay under section 310 of this title after becoming en-
24 titled to income replacement pay under paragraph
25 (1).”.

1 (c) *TERMINATION.*—*Subsection (g) of such section is*
2 *amended to read as follows:*

3 “(g) *TERMINATION OF AUTHORITY.*—*Payment under*
4 *this section shall only be made for service performed on or*
5 *before December 31, 2008.*”.

6 **SEC. 682. OVERSEAS NATURALIZATION OF MILITARY FAM-**
7 **ILY MEMBERS.**

8 (a) *IN GENERAL.*—*Section 319 of the Immigration*
9 *and Nationality Act (8 U.S.C. 1430) is amended by adding*
10 *at the end the following new subsection:*

11 “(e) *Any person who is lawfully admitted for perma-*
12 *nent residence, is the spouse or child of a member of the*
13 *Armed Forces, and is authorized to accompany such mem-*
14 *ber and reside in a foreign country with the member pursu-*
15 *ant to the member’s official orders, and who is so accom-*
16 *panying and residing with the member (in marital union*
17 *if a spouse), may be naturalized upon compliance with all*
18 *the requirements of this title except that the person’s resi-*
19 *dence and physical presence in such foreign country shall*
20 *be treated as residence and physical presence in the United*
21 *States or any State for the purpose of satisfying the require-*
22 *ments of section 316 or 322 for naturalization and for the*
23 *purpose of satisfying the requirements of section*
24 *101(a)(13)(C)(i) or (ii).*”.

1 (b) *OVERSEAS NATURALIZATION AUTHORITY.*—Sec-
2 *tion 1701(d) of the National Defense Authorization Act for*
3 *Fiscal Year 2004 (8 U.S.C. 1443a) is amended by inserting*
4 *“, and persons eligible to meet the residence or physical*
5 *presence requirements for naturalization pursuant to sub-*
6 *section (e) of section 319 of the Immigration and Nation-*
7 *ality Act (8 U.S.C. 1430),” after “Armed Forces”.*

8 (c) *EFFECTIVE DATE.*—*The amendments made by this*
9 *section shall take effect on the date of enactment of this Act*
10 *and apply to any application of naturalization pending be-*
11 *fore the Secretary of Homeland Security on or after the date*
12 *of enactment.*

13 **SEC. 683. NATIONAL GUARD YELLOW RIBBON REINTEGRA-**
14 **TION PROGRAM.**

15 (a) *ESTABLISHMENT.*—*The Secretary of Defense shall*
16 *establish a national combat veteran reintegration program*
17 *to provide National Guard and Reserve members and their*
18 *families with sufficient information, services, referral, and*
19 *proactive outreach opportunities throughout the entire de-*
20 *ployment cycle. This program shall be known as the Yellow*
21 *Ribbon Reintegration Program.*

22 (b) *PURPOSE.*—*The Yellow Ribbon Reintegration Pro-*
23 *gram shall consist of informational events and activities for*
24 *Reserve Component members, their families, and commu-*
25 *nity members to facilitate access to services supporting their*

1 *health and well-being through the four phases of the deploy-*
2 *ment cycle:*

3 (1) *Pre-Deployment.*

4 (2) *Deployment.*

5 (3) *Demobilization.*

6 (4) *Post-Deployment-Reconstitution.*

7 (c) *ORGANIZATION.—*

8 (1) *EXECUTIVE AGENT.—The Secretary shall des-*
9 *ignate the OSD (P&R) as the Department of Defense*
10 *executive agent for the Yellow Ribbon Reintegration*
11 *Program.*

12 (2) *ESTABLISHMENT OF THE OFFICE FOR RE-*
13 *INTEGRATION PROGRAMS.—*

14 (A) *IN GENERAL.—The OSD (P&R) shall*
15 *establish the Office for Reintegration Programs*
16 *within the OSD. The office shall administer all*
17 *reintegration programs in coordination with*
18 *State National Guard organizations. The office*
19 *shall be responsible for coordination with exist-*
20 *ing National Guard and Reserve family and*
21 *support programs. The Directors of the Army*
22 *National Guard and Air National Guard and*
23 *the Chiefs of the Army Reserve, Marine Corps*
24 *Reserve, Navy Reserve and Air Force Reserve*
25 *may appoint liaison officers to coordinate with*

1 *the permanent office staff. The Center may also*
2 *enter into partnerships with other public enti-*
3 *ties, including, but not limited to, the U.S. De-*
4 *partment of Health and Human Services, Sub-*
5 *stance Abuse and Mental Health Services Ad-*
6 *ministration, for access to necessary substance*
7 *abuse and mental health treatment services from*
8 *local State-licensed service providers.*

9 *(B) ESTABLISHMENT OF A CENTER FOR EX-*
10 *CELLENCE IN REINTEGRATION.—The Office for*
11 *Reintegration Programs shall establish a Center*
12 *for Excellence in Reintegration within the office.*
13 *The Center shall collect and analyze “lessons*
14 *learned” and suggestions from State National*
15 *Guard and Reserve organizations with existing*
16 *or developing reintegration programs. The Cen-*
17 *ter shall also assist in developing training aids*
18 *and briefing materials and training representa-*
19 *tives from State National Guard and Reserve or-*
20 *ganizations.*

21 *(3) ADVISORY BOARD.—*

22 *(A) APPOINTMENT.—The Secretary of De-*
23 *fense shall appoint an advisory board to analyze*
24 *and report areas of success and areas for nec-*
25 *essary improvements. The advisory board shall*

1 include, but is not limited to, the Director of the
2 Army National Guard, the Director of the Air
3 National Guard, Chiefs of the Army Reserve,
4 Marine Corps Reserve, Navy Reserve, and Air
5 Force Reserve, the Assistant Secretary of Defense
6 for Reserve Affairs, an Adjutant General on a
7 rotational basis as determined by the Chief of the
8 National Guard Bureau, and any other Depart-
9 ment of Defense, Federal Government agency, or
10 outside organization as determined by the Sec-
11 retary of Defense. The members of the advisory
12 board may designate representatives in their
13 stead.

14 (B) *SCHEDULE.*—The advisory board shall
15 meet on a schedule as determined by the Sec-
16 retary of Defense.

17 (C) *INITIAL REPORTING REQUIREMENT.*—
18 The advisory board shall issue internal reports
19 as necessary and shall submit an initial report
20 to the Committees on Armed Services not later
21 than 180 days after the end of a one-year period
22 from establishment of the Office for Reintegra-
23 tion Programs. This report shall contain—

1 (i) *an evaluation of the reintegration*
2 *program's implementation by State Na-*
3 *tional Guard and Reserve organizations;*

4 (ii) *an assessment of any unmet re-*
5 *source requirements; and*

6 (iii) *recommendations regarding closer*
7 *coordination between the Office of Re-*
8 *integration Programs and State National*
9 *Guard and Reserve organizations.*

10 (D) *ANNUAL REPORTS.*—*The advisory*
11 *board shall submit annual reports to the Com-*
12 *mittees on Armed Services of the Senate and the*
13 *House of Representatives following the initial re-*
14 *port by the first week in March of subsequent*
15 *years following the initial report.*

16 (d) *PROGRAM.*—

17 (1) *IN GENERAL.*—*The Office for Reintegration*
18 *Programs shall analyze the demographics, placement*
19 *of State Family Assistance Centers (FAC), and FAC*
20 *resources before a mobilization alert is issued to af-*
21 *ected State National Guard and Reserve organiza-*
22 *tions. The Office of Reintegration Programs shall con-*
23 *sult with affected State National Guard and Reserve*
24 *organizations following the issuance of a mobilization*
25 *alert and implement the reintegration events in ac-*

1 *cordance with the Reintegration Program phase*
2 *model.*

3 (2) *PRE-DEPLOYMENT PHASE.—The Pre-Deploy-*
4 *ment Phase shall constitute the time from first notifi-*
5 *cation of mobilization until deployment of the mobi-*
6 *lized National Guard or Reserve unit. Events and ac-*
7 *tivities shall focus on providing education and ensur-*
8 *ing the readiness of service members, families, and*
9 *communities for the rigors of a combat deployment.*

10 (3) *DEPLOYMENT PHASE.—The Deployment*
11 *Phase shall constitute the period from deployment of*
12 *the mobilized National Guard or Reserve unit until*
13 *the unit arrives at a demobilization station inside the*
14 *continental United States. Events and services pro-*
15 *vided shall focus on the challenges and stress associ-*
16 *ated with separation and having a member in a com-*
17 *bat zone. Information sessions shall utilize State Na-*
18 *tional Guard and Reserve resources in coordination*
19 *with the Employer Support of Guard and Reserve Of-*
20 *fice, Transition Assistance Advisors, and the State*
21 *Family Programs Director.*

22 (4) *DEMOBILIZATION PHASE.—*

23 (A) *IN GENERAL.—The Demobilization*
24 *Phase shall constitute the period from arrival of*
25 *the National Guard or Reserve unit at the demo-*

1 *bilization station until its departure for home*
2 *station. In the interest of returning members as*
3 *soon as possible to their home stations, reintegration*
4 *briefings during the Demobilization Phase*
5 *shall be minimized. State Deployment Cycle*
6 *Support Teams are encouraged, however, to as-*
7 *assist demobilizing members in enrolling in the*
8 *Department of Veterans Affairs system using*
9 *Form 1010EZ during the Demobilization Phase.*
10 *State Deployment Cycle Support Teams may*
11 *provide other events from the Initial Reintegra-*
12 *tion Activity as determined by the State Na-*
13 *tional Guard or Reserve organizations. Remain-*
14 *ing events shall be conducted during the Post-De-*
15 *ployment-Reconstitution Phase.*

16 (B) *INITIAL REINTEGRATION ACTIVITY.*—

17 *The purpose of this reintegration program is to*
18 *educate service members about the resources that*
19 *are available to them and to connect members to*
20 *service providers who can assist them in over-*
21 *coming the challenges of reintegration.*

22 (5) *POST-DEPLOYMENT-RECONSTITUTION*
23 *PHASE.*—

24 (A) *IN GENERAL.*—*The Post-Deployment-*
25 *Reconstitution Phase shall constitute the period*

1 *from arrival at home station until 180 days fol-*
2 *lowing demobilization. Activities and services*
3 *provided shall focus on reconnecting service*
4 *members with their families and communities*
5 *and providing resources and information nec-*
6 *essary for successful reintegration. Reintegration*
7 *events shall begin with elements of the Initial*
8 *Reintegration Activity program that were not*
9 *completed during the Demobilization Phase.*

10 (B) 30-DAY, 60-DAY, AND 90-DAY RE-
11 INTEGRATION ACTIVITIES.—*The State National*
12 *Guard and Reserve organizations shall hold re-*
13 *integration activities at the 30-day, 60-day, and*
14 *90-day interval following demobilization. These*
15 *activities shall focus on reconnecting service*
16 *members and family members with the service*
17 *providers from Initial Reintegration Activity to*
18 *ensure service members and their families under-*
19 *stand what benefits they are entitled to and what*
20 *resources are available to help them overcome the*
21 *challenges of reintegration. The Reintegration*
22 *Activities shall also provide a forum for service*
23 *members and families to address negative behav-*
24 *iors related to combat stress and transition.*

1 (C) *SERVICE MEMBER PAY.*—*Service mem-*
2 *bers shall receive appropriate pay for days spent*
3 *attending the Reintegration Activities at the 30-*
4 *day, 60-day, and 90-day intervals.*

5 (D) *MONTHLY INDIVIDUAL REINTEGRATION*
6 *PROGRAM.*—*The Office for Reintegration Pro-*
7 *grams, in coordination with State National*
8 *Guard and Reserve organizations, shall offer a*
9 *monthly reintegration program for individual*
10 *service members released from active duty or for-*
11 *merly in a medical hold status. The program*
12 *shall focus on the special needs of this service*
13 *member subset and the Office for Reintegration*
14 *Programs shall develop an appropriate program*
15 *of services and information.*

16 **SEC. 684. FLEXIBILITY IN PAYING ANNUITIES TO CERTAIN**
17 **FEDERAL RETIREES WHO RETURN TO WORK.**

18 (a) *IN GENERAL.*—*Section 9902(j) of title 5, United*
19 *States Code, is amended to read as follows:*

20 “(j) *PROVISIONS RELATING TO REEMPLOYMENT.*—

21 “(1) *Except as provided under paragraph (2), if*
22 *an annuitant receiving an annuity from the Civil*
23 *Service Retirement and Disability Fund becomes em-*
24 *ployed in a position within the Department of De-*
25 *fense, his annuity shall continue. An annuitant so re-*

1 *employed shall not be considered an employee for pur-*
2 *poses of chapter 83 or 84.*

3 “(2)(A) *An annuitant receiving an annuity from*
4 *the Civil Service Retirement and Disability Fund*
5 *who becomes employed in a position within the De-*
6 *partment of Defense following retirement under sec-*
7 *tion 8336(d)(1) or 8414(b)(1)(A) shall be subject to*
8 *section 8344 or 8468.*

9 “(B) *The Secretary of Defense may, under proce-*
10 *dures and criteria prescribed under subparagraph*
11 *(C), waive the application of the provisions of section*
12 *8344 or 8468 on a case-by-case or group basis, for*
13 *employment of an annuitant referred to in subpara-*
14 *graph (A) in a position in the Department of Defense.*

15 “(C) *The Secretary shall prescribe procedures for*
16 *the exercise of any authority under this paragraph,*
17 *including criteria for any exercise of authority and*
18 *procedures for a delegation of authority.*

19 “(D) *An employee as to whom a waiver under*
20 *this paragraph is in effect shall not be considered an*
21 *employee for purposes of subchapter III of chapter 83*
22 *or chapter 84.*

23 “(3)(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 is employed in a position within the De-*
2 *partment of Defense after the date of enactment of the*
3 *National Defense Authorization Act for Fiscal Year*
4 *2004 (Public Law 108–136), may elect to begin cov-*
5 *erage under paragraph (2) of this subsection.*

6 “(B) *An election for coverage under this para-*
7 *graph shall be filed not later than the later of 90 days*
8 *after the date the Department of Defense—*

9 “(i) *prescribes regulations to carry out this*
10 *subsection; or*

11 “(ii) *takes reasonable actions to notify em-*
12 *ployees who may file an election.*

13 “(C) *If an employee files an election under this*
14 *paragraph, coverage shall be effective beginning on the*
15 *date of the filing of the election.*

16 “(D) *Paragraph (1) shall apply to an individual*
17 *who is eligible to file an election under subparagraph*
18 *(A) of this paragraph and does not file a timely elec-*
19 *tion under subparagraph (B) of this paragraph.”.*

20 (b) *REGULATIONS.—Not later than 60 days after the*
21 *date of enactment of this Act, the Secretary of Defense shall*
22 *prescribe regulations to carry out the amendment made by*
23 *this section.*

1 **SEC. 685. PLAN FOR PARTICIPATION OF MEMBERS OF THE**
2 **NATIONAL GUARD AND THE RESERVES IN**
3 **THE BENEFITS DELIVERY AT DISCHARGE**
4 **PROGRAM.**

5 (a) *PLAN TO MAXIMIZE PARTICIPATION.*—Not later
6 than 180 days after the date of the enactment of this Act,
7 the Secretary of Defense and the Secretary of Veterans Af-
8 fairs shall jointly submit to Congress a plan to maximize
9 access to the benefits delivery at discharge program for
10 members of the reserve components of the Armed Forces who
11 have been called or ordered to active duty at any time since
12 September 11, 2001.

13 (b) *ELEMENTS.*—The plan submitted under subsection
14 (a) shall include a description of efforts to ensure that serv-
15 ices under the benefits delivery at discharge program are
16 provided, to the maximum extent practicable—

17 (1) *at appropriate military installations;*

18 (2) *at appropriate armories and military family*
19 *support centers of the National Guard;*

20 (3) *at appropriate military medical care facili-*
21 *ties at which members of the Armed Forces are sepa-*
22 *rated or discharged from the Armed Forces;*

23 (4) *in the case of a member on the temporary*
24 *disability retired list under section 1202 or 1205 of*
25 *title 10, United States Code, who is being retired*
26 *under another provision of such title or is being dis-*

1 *charged, at a location reasonably convenient to the*
2 *member; and*

3 *(5) that services described in the plan can be*
4 *provided within resources available to the Secretary*
5 *of Defense and the Secretary of Veterans Affairs in*
6 *the appropriate fiscal year.*

7 *(c) BENEFITS DELIVERY AT DISCHARGE PROGRAM*
8 *DEFINED.—In this section, the term “benefits delivery at*
9 *discharge program” means a program administered jointly*
10 *by the Secretary of Defense and the Secretary of Veterans*
11 *Affairs to provide information and assistance on available*
12 *benefits and other transition assistance to members of the*
13 *Armed Forces who are separating from the Armed Forces,*
14 *including assistance to obtain any disability benefits for*
15 *which such members may be eligible.*

16 **SEC. 686. MODIFICATION OF AMOUNT OF BACK PAY FOR**
17 **MEMBERS OF NAVY AND MARINE CORPS SE-**
18 **LECTED FOR PROMOTION WHILE INTERNED**
19 **AS PRISONERS OF WAR DURING WORLD WAR**
20 **II TO TAKE INTO ACCOUNT CHANGES IN CON-**
21 **SUMER PRICE INDEX.**

22 *(a) MODIFICATION.—Section 667(c) of the Floyd D.*
23 *Spence National Defense Authorization Act for Fiscal Year*
24 *2001 (as enacted into law by Public Law 106–398; 114*

1 *Stat. 1654A–170) is amended by adding at the end the fol-*
2 *lowing new paragraph:*

3 “(3) *The amount determined for a person under para-*
4 *graph (1) shall be increased to reflect increases in cost of*
5 *living since the basic pay referred to in paragraph (1)(B)*
6 *was paid to or for that person, calculated on the basis of*
7 *the Consumer Price Index (all items—United States city*
8 *average) published monthly by the Bureau of Labor Statis-*
9 *tics.”.*

10 ***(b) RECALCULATION OF PREVIOUS PAYMENTS.—****In the*
11 *case of any payment of back pay made to or for a person*
12 *under section 667 of the Floyd D. Spence National Defense*
13 *Authorization Act for Fiscal Year 2001 before the date of*
14 *the enactment of this Act, the Secretary of the Navy shall—*

15 ***(1)*** *recalculate the amount of back pay to which*
16 *the person is entitled by reason of the amendment*
17 *made by subsection (a); and*

18 ***(2)*** *if the amount of back pay, as so recalculated,*
19 *exceeds the amount of back pay so paid, pay the per-*
20 *son, or the surviving spouse of the person, an amount*
21 *equal to the excess.*

1 **TITLE VII—HEALTH CARE**
2 **PROVISIONS**

3 **SEC. 701. INCLUSION OF TRICARE RETAIL PHARMACY PRO-**
4 **GRAM IN FEDERAL PROCUREMENT OF PHAR-**
5 **MACEUTICALS.**

6 (a) *IN GENERAL.*—Section 1074g of title 10, United
7 States Code, is amended—

8 (1) *by redesignating subsections (f) and (g) as*
9 *subsections (g) and (h), respectively; and*

10 (2) *by inserting after subsection (e) the following*
11 *new subsection (f):*

12 “(f) *PROCUREMENT OF PHARMACEUTICALS BY*
13 *TRICARE RETAIL PHARMACY PROGRAM.*—With respect to
14 *any prescription filled on or after October 1, 2007, the*
15 *TRICARE retail pharmacy program shall be treated as an*
16 *element of the Department of Defense for purposes of the*
17 *procurement of drugs by Federal agencies under section*
18 *8126 of title 38 to the extent necessary to ensure that phar-*
19 *maceuticals paid for by the Department of Defense that are*
20 *provided by pharmacies under the program to eligible cov-*
21 *ered beneficiaries under this section are subject to the pric-*
22 *ing standards in such section 8126.”.*

23 (b) *REGULATIONS.*—The Secretary of Defense shall,
24 *after consultation with the other administering Secretaries*
25 *under chapter 55 of title 10, United States Code, modify*

1 *the regulations under subsection (h) of section 1074g of title*
2 *10, United States Code (as redesignated by subsection (a)(1)*
3 *of this section), to implement the requirements of subsection*
4 *(f) of section 1074g of title 10, United States Code (as*
5 *amended by subsection (a)(2) of this section). The Secretary*
6 *shall so modify such regulations not later than December*
7 *31, 2007.*

8 **SEC. 702. SURVEYS ON CONTINUED VIABILITY OF TRICARE**
9 **STANDARD AND TRICARE EXTRA.**

10 *(a) REQUIREMENT FOR SURVEYS.—*

11 *(1) IN GENERAL.—The Secretary of Defense shall*
12 *conduct surveys of health care providers and bene-*
13 *ficiaries who use TRICARE in the United States to*
14 *determine, utilizing a reconciliation of the responses*
15 *of providers and beneficiaries to such surveys, each of*
16 *the following:*

17 *(A) How many health care providers in*
18 *TRICARE Prime service areas selected under*
19 *paragraph (3)(A) are accepting new patients*
20 *under each of TRICARE Standard and*
21 *TRICARE Extra.*

22 *(B) How many health care providers in ge-*
23 *ographic areas in which TRICARE Prime is not*
24 *offered are accepting patients under each of*
25 *TRICARE Standard and TRICARE Extra.*

1 (C) *The availability of mental health care*
2 *providers in TRICARE Prime service areas se-*
3 *lected under paragraph (3)(C) and in geographic*
4 *areas in which TRICARE Prime is not offered.*

5 (2) *BENCHMARKS.—The Secretary shall establish*
6 *for purposes of the surveys required by paragraph (1)*
7 *benchmarks for primary care and specialty care pro-*
8 *viders, including mental health care providers, to be*
9 *utilized to determine the adequacy of health care pro-*
10 *viders to beneficiaries eligible for TRICARE.*

11 (3) *SCOPE OF SURVEYS.—The Secretary shall*
12 *carry out the surveys required by paragraph (1) as*
13 *follows:*

14 (A) *In the case of the surveys required by*
15 *subparagraph (A) of that paragraph, in at least*
16 *20 TRICARE Prime service areas in the United*
17 *States in each of fiscal years 2008 through 2011.*

18 (B) *In the case of the surveys required by*
19 *subparagraph (B) of that paragraph, in 20 geo-*
20 *graphic areas in which TRICARE Prime is not*
21 *offered and in which significant numbers of*
22 *beneficiaries who are members of the Selected Re-*
23 *serve reside.*

1 (C) *In the case of the surveys required by*
2 *subparagraph (C) of that paragraph, in at least*
3 *40 geographic areas.*

4 (4) *PRIORITY FOR SURVEYS.—In prioritizing the*
5 *areas which are to be surveyed under paragraph (1),*
6 *the Secretary shall—*

7 (A) *consult with representatives of*
8 *TRICARE beneficiaries and health care and*
9 *mental health care providers to identify locations*
10 *where TRICARE Standard beneficiaries are ex-*
11 *periencing significant levels of access-to-care*
12 *problems under TRICARE Standard or*
13 *TRICARE Extra; and*

14 (B) *give a high priority to surveying health*
15 *care and mental health care providers in such*
16 *areas.*

17 (5) *INFORMATION FROM PROVIDERS.—The sur-*
18 *veys required by paragraph (1) shall include ques-*
19 *tions seeking to determine from health care and men-*
20 *tal health care providers the following:*

21 (A) *Whether the provider is aware of the*
22 *TRICARE program.*

23 (B) *What percentage of the provider's cur-*
24 *rent patient population uses any form of*
25 *TRICARE.*

1 (C) *Whether the provider accepts patients*
2 *for whom payment is made under the medicare*
3 *program for health care and mental health care*
4 *services.*

5 (D) *If the provider accepts patients referred*
6 *to in subparagraph (C), whether the provider*
7 *would accept additional such patients who are*
8 *not in the provider's current patient population.*

9 (6) *INFORMATION FROM BENEFICIARIES.—The*
10 *surveys required by paragraph (1) shall include ques-*
11 *tions seeking information to determine from*
12 *TRICARE beneficiaries whether they have difficulties*
13 *in finding health care and mental health care pro-*
14 *viders willing to provide services under TRICARE*
15 *Standard or TRICARE Extra.*

16 (b) *SUPERVISION.—*

17 (1) *SUPERVISING OFFICIAL.—The Secretary shall*
18 *designate a senior official of the Department of De-*
19 *fense to take the actions necessary for achieving and*
20 *maintaining participation of health care and mental*
21 *health care providers in TRICARE Standard and*
22 *TRICARE Extra throughout TRICARE in a number*
23 *that is adequate to ensure the viability of TRICARE*
24 *Standard for TRICARE beneficiaries.*

1 (2) *DUTIES.*—*The official designated under*
2 *paragraph (1) shall have the following duties:*

3 (A) *To make recommendations to the Sec-*
4 *retary for purposes of subsection (a)(2) on ap-*
5 *propriate benchmarks for measuring the ade-*
6 *quacy of health care and mental health care pro-*
7 *viders in TRICARE Prime service areas and ge-*
8 *ographic areas in the United States in which*
9 *TRICARE Prime is not offered.*

10 (B) *To educate health care and mental*
11 *health care providers about TRICARE Standard*
12 *and TRICARE Extra.*

13 (C) *To encourage health care and mental*
14 *health care providers to accept patients under*
15 *TRICARE Standard and TRICARE Extra.*

16 (D) *To ensure that TRICARE beneficiaries*
17 *have the information necessary to locate*
18 *TRICARE Standard and TRICARE Extra pro-*
19 *viders readily.*

20 (E) *To recommend adjustments in*
21 *TRICARE Standard provider payment rates*
22 *that the official considers necessary to ensure*
23 *adequate availability of TRICARE Standard*
24 *providers for TRICARE Standard beneficiaries.*

25 (c) *GAO REVIEW.*—

1 (1) *ONGOING REVIEW.*—*The Comptroller General*
2 *shall, on an ongoing basis, review—*

3 (A) *the processes, procedures, and analysis*
4 *used by the Department of Defense to determine*
5 *the adequacy of the number of health care and*
6 *mental health care providers—*

7 (i) *that currently accept TRICARE*
8 *Standard or TRICARE Extra beneficiaries*
9 *as patients under TRICARE Standard in*
10 *each TRICARE area as of the date of com-*
11 *pletion of the review; and*

12 (ii) *that would accept TRICARE*
13 *Standard or TRICARE Extra beneficiaries*
14 *as new patients under TRICARE Standard*
15 *or TRICARE Extra, as applicable, within*
16 *a reasonable time after the date of comple-*
17 *tion of the review; and*

18 (B) *the actions taken by the Department of*
19 *Defense to ensure ready access of TRICARE*
20 *Standard beneficiaries to health care and mental*
21 *health care under TRICARE Standard in each*
22 *TRICARE area, including any pending or re-*
23 *solved requests for waiver of payment limits in*
24 *order to improve access to health care or mental*
25 *health care in a specific geographic area.*

1 (2) *REPORTS.*—*The Comptroller General shall*
2 *submit to the Committees on Armed Services of the*
3 *Senate and the House of Representatives on a bi-an-*
4 *annual basis a report on the results of the review under*
5 *paragraph (1). Each report shall include the fol-*
6 *lowing:*

7 (A) *An analysis of the adequacy of the sur-*
8 *veys under subsection (a).*

9 (B) *An identification of any impediments*
10 *to achieving adequacy of availability of health*
11 *care and mental health care under TRICARE*
12 *Standard or TRICARE Extra.*

13 (C) *An assessment of the adequacy of De-*
14 *partment of Defense education programs to in-*
15 *form health care and mental health care pro-*
16 *viders about TRICARE Standard and*
17 *TRICARE Extra.*

18 (D) *An assessment of the adequacy of De-*
19 *partment of Defense initiatives to encourage*
20 *health care and mental health care providers to*
21 *accept patients under TRICARE Standard and*
22 *TRICARE Extra.*

23 (E) *An assessment of the adequacy of infor-*
24 *mation available to TRICARE Standard bene-*
25 *ficiaries to facilitate access by such beneficiaries*

1 to health care and mental health care under
2 *TRICARE Standard and TRICARE Extra.*

3 (F) *An assessment of any need for adjust-*
4 *ment of health care and mental health care pro-*
5 *vider payment rates to attract participation in*
6 *TRICARE Standard by appropriate numbers of*
7 *health care and mental health care providers.*

8 (d) *EFFECTIVE DATE.*—*This section shall take effect*
9 *on October 1, 2007.*

10 (e) *REPEAL OF SUPERSEDED REQUIREMENTS AND*
11 *AUTHORITY.*—*Section 723 of the National Defense Author-*
12 *ization Act for Fiscal Year 2004 (10 U.S.C. 1073 note) is*
13 *repealed, effective as of October 1, 2007.*

14 (f) *DEFINITIONS.*—*In this section:*

15 (1) *The term “TRICARE Extra” means the op-*
16 *tion of the TRICARE program under which*
17 *TRICARE Standard beneficiaries may obtain dis-*
18 *counts on cost-sharing as a result of using TRICARE*
19 *network providers.*

20 (2) *The term “TRICARE Prime” means the*
21 *managed care option of the TRICARE program.*

22 (3) *The term “TRICARE Prime service area”*
23 *means a geographic area designated by the Department*
24 *of Defense in which managed care support contractors*

1 *develop a managed care network under TRICARE*
2 *Prime.*

3 (4) *The term “TRICARE Standard” means the*
4 *option of the TRICARE program that is also known*
5 *as the Civilian Health and Medical Program of the*
6 *Uniformed Services, as defined in section 1072(4) of*
7 *title 10, United States Code.*

8 (5) *The term “United States” means the United*
9 *States (as defined in section 101(a) of title 10, United*
10 *States Code), its possessions (as defined in such sec-*
11 *tion), and the Commonwealth of Puerto Rico.*

12 **SEC. 703. REPORT ON PATIENT SATISFACTION SURVEYS.**

13 (a) *REPORT REQUIRED.*—*Not later than March 1,*
14 *2008, the Secretary of Defense shall submit to the congres-*
15 *sional defense committees a report on the ongoing patient*
16 *satisfaction surveys taking place in Department of Defense*
17 *inpatient and outpatient settings at military treatment fa-*
18 *cilities.*

19 (b) *CONTENT.*—*The report required under subsection*
20 (i) *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 qual-*
2 *ity improvement.*

3 (6) *An analysis of the impact and effect of inpa-*
4 *tient and outpatient surveys quality improvement*
5 *and a comparison of patient satisfaction survey pro-*
6 *grams with patient satisfaction survey programs used*
7 *by other public and private health care systems and*
8 *organizations.*

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 at health*
12 *care at military treatment facilities in order to ensure the*
13 *provision of high quality healthcare and hospital services*
14 *in such facilities.*

15 **SEC. 704. REVIEW OF LICENSED MENTAL HEALTH COUN-**
16 **SELORS, SOCIAL WORKERS, AND MARRIAGE**
17 **AND FAMILY THERAPISTS UNDER THE**
18 **TRICARE PROGRAM.**

19 (a) *REVIEW REQUIRED.*—*The Secretary of Defense*
20 *shall enter into a contract with the Institute of Medicine*
21 *of the National Academy of Sciences, or another similarly*
22 *qualified independent academic medical organization, for*
23 *the purpose of—*

24 (1) *conducting an independent study of the com-*
25 *parability of credentials, preparation, and training of*

1 *individuals practicing as licensed mental health coun-*
2 *selors, social workers, and marriage and family thera-*
3 *pists under the TRICARE program to provide mental*
4 *health services; and*

5 *(2) making recommendations for permitting such*
6 *professionals to practice independently under the*
7 *TRICARE program.*

8 *(b) ELEMENTS.—The study required by subsection (a)*
9 *shall provide for each of the health care professions referred*
10 *to in subsection (a)(1) the following:*

11 *(1) An assessment of the educational require-*
12 *ments and curriculums relevant to mental health*
13 *practice for members of such profession, including*
14 *types of degrees recognized, certification standards for*
15 *graduate programs for such profession, and recogni-*
16 *tion of undergraduate coursework for completion of*
17 *graduate degree requirements.*

18 *(2) An assessment of State licensing require-*
19 *ments for members of such profession, including for*
20 *each level of licensure if a State issues more than one*
21 *type of license for the profession. The assessment shall*
22 *examine requirements in the areas of education,*
23 *training, examination, continuing education, and*
24 *ethical standards, and shall include an evaluation of*
25 *the extent to which States, through their scope of*

1 *practice, either implicitly or explicitly authorize*
2 *members of such profession to diagnose and treat*
3 *mental illnesses.*

4 (3) *An analysis of the requirements for clinical*
5 *experience in such profession to be recognized under*
6 *regulations for the TRICARE program, and rec-*
7 *ommendations, if any, for standardization or adjust-*
8 *ment of such requirements with those of the other pro-*
9 *fessions.*

10 (4) *An assessment of the extent to which practi-*
11 *tioners under such profession are authorized to prac-*
12 *tice independently under other Federal programs*
13 *(such as the Medicare program, the Department of*
14 *Veterans Affairs, the Indian Health Service, Head*
15 *Start, and the Federal Employee Health Benefits Pro-*
16 *gram), and a review the relationship, if any, between*
17 *recognition of such profession under the Medicare pro-*
18 *gram and independent practice authority for such*
19 *profession under the TRICARE program.*

20 (5) *An assessment of the extent to which practi-*
21 *tioners under such profession are authorized to prac-*
22 *tice independently under private insurance plans.*
23 *The assessment shall identify the States having laws*
24 *requiring private insurers to cover, or offer coverage*
25 *of, the services of members of such profession, and*

1 *shall identify the conditions, if any, that are placed*
2 *on coverage of practitioners under such profession by*
3 *insurance plans and how frequently these types of*
4 *conditions are used by insurers.*

5 *(6) An historical review of the regulations issued*
6 *by the Department of Defense regarding which mem-*
7 *bers of such profession are recognized as providers*
8 *under the TRICARE program as independent practi-*
9 *tioners, and an examination of the recognition by the*
10 *Department of third party certification for members*
11 *of such profession.*

12 *(c) PROVIDERS STUDIED.—It the sense of Congress*
13 *that the study required by subsection (a) should focus only*
14 *on those practitioners of each health care profession referred*
15 *to in subsection (a)(1) who are permitted to practice under*
16 *regulations for the TRICARE program as specified in sec-*
17 *tion 119.6 of title 32, Code of Federal Regulations.*

18 *(d) CLINICAL CAPABILITIES STUDIES.—The study re-*
19 *quired by subsection (a) shall include a review of outcome*
20 *studies and of the literature regarding the comparative*
21 *quality and effectiveness of care provided by practitioners*
22 *within each of the health care professions referred to in sub-*
23 *section (a)(1), and provide an independent review of the*
24 *findings.*

1 (e) *RECOMMENDATIONS FOR TRICARE INDEPENDENT*
2 *PRACTICE AUTHORITY.*—*The recommendations provided*
3 *under subsection (a)(2) shall include specific recommenda-*
4 *tion (whether positive or negative) regarding modifications*
5 *of current policy for the TRICARE program with respect*
6 *to allowing members of each of the health care professions*
7 *referred to in subsection (a)(1) to practice independently*
8 *under the TRICARE program, including recommendations*
9 *regarding possible revision of requirements for recognition*
10 *of practitioners under each such profession.*

11 (f) *REPORT.*—*Not later than 180 days after the date*
12 *of the enactment of this Act, the Secretary shall submit to*
13 *the Committees on Armed Services of the Senate and the*
14 *House of Representatives a report on the review required*
15 *by subsection (a).*

16 **SEC. 705. SENSE OF SENATE ON COLLABORATIONS BE-**
17 **TWEEN THE DEPARTMENT OF DEFENSE AND**
18 **THE DEPARTMENT OF VETERANS AFFAIRS ON**
19 **HEALTH CARE FOR WOUNDED WARRIORS.**

20 (a) *FINDINGS.*—*The Senate makes the following find-*
21 *ings:*

22 (1) *There have been recent collaborations between*
23 *the Department of Defense, the Department of Vet-*
24 *erans Affairs, and the civilian medical community for*
25 *purposes of providing high quality medical care to*

1 *America's wounded warriors. One such collaboration*
2 *is occurring in Augusta, Georgia, between the Dwight*
3 *D. Eisenhower Army Medical Center at Fort Gordon,*
4 *the Augusta Department of Veterans Affairs Medical*
5 *Center, the Medical College of Georgia, and local*
6 *health care providers under the TRICARE program.*

7 (2) *Medical staff from the Dwight D. Eisenhower*
8 *Army Medical Center and the Augusta Department of*
9 *Veterans Affairs Medical Center have been meeting*
10 *weekly to discuss future patient cases for the Active*
11 *Duty Rehabilitation Unit (ADRU) within the Up-*
12 *town Department of Veterans Affairs facility. The Ac-*
13 *tive Duty Rehabilitation Unit, along with the*
14 *Polytrauma Centers of the Department of Veterans*
15 *Affairs, provide rehabilitation for members of the*
16 *Armed Forces on active duty.*

17 (3) *Since 2004, 1,037 soldiers, sailors, airmen,*
18 *and marines have received rehabilitation services at*
19 *the Active Duty Rehabilitation Unit, 32 percent of*
20 *whom served in Operation Iraqi Freedom or Oper-*
21 *ation Enduring Freedom.*

22 (4) *The Dwight D. Eisenhower Army Medical*
23 *Center and the Augusta Department of Veterans Af-*
24 *airs Medical Center have combined their neuro-*

1 *surgery programs and have coordinated on critical*
2 *brain injury and psychiatric care.*

3 (5) *The Department of Defense, the Army, and*
4 *the Army Medical Command have recognized the need*
5 *for expanded behavioral health care services for mem-*
6 *bers of the Armed Forces returning from Operation*
7 *Iraqi Freedom and Operation Enduring Freedom.*
8 *These services are currently being provided by the*
9 *Dwight D. Eisenhower Army Medical Center.*

10 (b) *SENSE OF SENATE.—It is the sense of the Senate*
11 *that the Department of Defense should encourage con-*
12 *tinuing collaboration between the Army and the Depart-*
13 *ment of Veterans Affairs in treating America’s wounded*
14 *warriors and, when appropriate and available, provide ad-*
15 *ditional support and resources for the development of such*
16 *collaborations, including the current collaboration between*
17 *the Active Duty Rehabilitation Unit at the Augusta Depart-*
18 *ment of Veterans Affairs Medical Center, Georgia, and the*
19 *behavioral health care services program at the Dwight D.*
20 *Eisenhower Army Medical Center, Fort Gordon, Georgia.*

21 **SEC. 706. AUTHORITY FOR EXPANSION OF PERSONS ELIGI-**
22 **BLE FOR CONTINUED HEALTH BENEFITS**
23 **COVERAGE.**

24 (a) *AUTHORITY TO SPECIFY ADDITIONAL ELIGIBLE*
25 *PERSONS.—Subsection (b) of section 1078a of title 10,*

1 *United States Code, is amended by adding at the end the*
2 *following new paragraph:*

3 “(4) *Any other person specified in regulations*
4 *prescribed by the Secretary of Defense for purposes of*
5 *this paragraph who loses entitlement to health care*
6 *services under this chapter or section 1145 of this*
7 *title, subject to such terms and conditions as the Sec-*
8 *retary shall prescribe in the regulations.”.*

9 **(b) ELECTION OF COVERAGE.**—*Subsection (d) of such*
10 *section is amended by adding at the end the following new*
11 *paragraph:*

12 “(4) *In the case of a person described in sub-*
13 *section (b)(4), by such date as the Secretary shall pre-*
14 *scribe in the regulations required for purposes of that*
15 *subsection.”.*

16 **(c) PERIOD OF COVERAGE.**—*Subsection (g)(1) of such*
17 *section is amended—*

18 (1) *in subparagraph (B), by striking “and” at*
19 *the end;*

20 (2) *in subparagraph (C), by striking the period*
21 *at the end and inserting “; and”; and*

22 (3) *by adding at the end the following new sub-*
23 *paragraph:*

24 “(D) *in the case of a person described in sub-*
25 *section (b)(4), the date that is 36 months after the*

1 *date on which the person loses entitlement to health*
2 *care services as described in that subsection.”.*

3 **SEC. 707. CONTINUATION OF ELIGIBILITY FOR TRICARE**
4 **STANDARD COVERAGE FOR CERTAIN MEM-**
5 **BERS OF THE SELECTED RESERVE.**

6 *(a) IN GENERAL.—Section 706(f) of the John Warner*
7 *National Defense Authorization Act for Fiscal Year 2007*
8 *(Public Law 109–364; 120 Stat. 2282; 10 U.S.C. 1076d*
9 *note) is amended—*

10 *(1) by striking “Enrollments” and inserting “(1*
11 *Except as provided in paragraph (2), enrollments”;*
12 *and*

13 *(2) by adding at the end the following new para-*
14 *graph:*

15 *“(2) The enrollment of a member in TRICARE Stand-*
16 *ard that is in effect on the day before health care under*
17 *TRICARE Standard is provided pursuant to the effective*
18 *date in subsection (g) shall not be terminated by operation*
19 *of the exclusion of eligibility under subsection (a)(2) of such*
20 *section 1076d, as so amended, for the duration of the eligi-*
21 *bility of the member under TRICARE Standard as in effect*
22 *on October 16, 2006.”.*

23 *(b) EFFECTIVE DATE.—The amendments made by sub-*
24 *section (a) shall take effect on October 1, 2007.*

1 **SEC. 708. AUTHORITY FOR SPECIAL REIMBURSEMENT**
2 **RATES FOR MENTAL HEALTH CARE SERVICES**
3 **UNDER THE TRICARE PROGRAM.**

4 (a) *AUTHORITY.*—Section 1079(h)(5) of title 10,
5 *United States Code*, is amended in the first sentence by in-
6 *serting “, including mental health care services,”* after
7 *“health care services”*.

8 (b) *REPORT ON ACCESS TO MENTAL HEALTH CARE*
9 *SERVICES.*—Not later than one year after the date of the
10 *enactment of this Act*, the Secretary of Defense shall submit
11 *to the Committees on Armed Services of the Senate and the*
12 *House of Representatives a report on the adequacy of access*
13 *to mental health services under the TRICARE program, in-*
14 *cluding in the geographic areas where surveys on the con-*
15 *tinued viability of TRICARE Standard and TRICARE*
16 *Extra are conducted under section 702 of this Act.*

17 **SEC. 709. IMPLEMENTATION OF RECOMMENDATIONS OF DE-**
18 **PARTMENT OF DEFENSE MENTAL HEALTH**
19 **TASK FORCE.**

20 (a) *IN GENERAL.*—As soon as practicable, but not
21 *later than May 31, 2008*, the Secretary of Defense shall im-
22 *plement the recommendations of the Department of Defense*
23 *Task Force on Mental Health developed pursuant to section*
24 *723 of the National Defense Authorization Act for Fiscal*
25 *Year 2006 (Public Law 109–163; 119 Stat. 3348) to ensure*

1 *a full continuum of psychological health services and care*
2 *for members of the Armed Forces and their families.*

3 (b) *IMPLEMENTATION OF CERTAIN RECOMMENDA-*
4 *TIONS.—Not later than 180 days after the date of the enact-*
5 *ment of this Act, the Secretary shall implement the fol-*
6 *lowing recommendations of the Department of Defense Task*
7 *Force on Mental Health:*

8 (1) *The implementation of a comprehensive pub-*
9 *lic education campaign to reduce the stigma associ-*
10 *ated with mental health problems.*

11 (2) *The appointment of a psychological director*
12 *of health for each military department, each military*
13 *treatment facility, the National Guard, and the Re-*
14 *serve Component, and the establishment of a psycho-*
15 *logical health council.*

16 (3) *The establishment of a center of excellence for*
17 *the study of psychological health.*

18 (4) *The enhancement of TRICARE benefits and*
19 *care for mental health problems.*

20 (5) *The implementation of an annual psycho-*
21 *logical health assessment addressing cognition, psy-*
22 *chological functioning, and overall psychological read-*
23 *iness for each member of the Armed Forces, including*
24 *members of the National Guard and Reserve Compo-*
25 *nent.*

1 (6) *The development of a model for allocating re-*
2 *sources to military mental health facilities, and serv-*
3 *ices embedded in line units, based on an assessment*
4 *of the needs of and risks faced by the populations*
5 *served by such facilities and services.*

6 (7) *The issuance of a policy directive to ensure*
7 *that each military department carefully assesses the*
8 *history of occupational exposure to conditions poten-*
9 *tially resulting in post-traumatic stress disorder,*
10 *traumatic brain injury, or related diagnoses in mem-*
11 *bers of the Armed Forces facing administrative or*
12 *medical discharge.*

13 (8) *The maintenance of adequate family support*
14 *programs for families of deployed members of the*
15 *Armed Forces.*

16 (c) *RECOMMENDATIONS REQUIRING LEGISLATIVE AC-*
17 *TION.—Not later than 60 days after the date of the enact-*
18 *ment of this Act, the Secretary shall submit to the congres-*
19 *sional defense committees a description of any legislative*
20 *action required to implement the recommendations of the*
21 *Department of Defense Mental Health Task Force.*

22 (d) *RECOMMENDATIONS TO BE NOT IMPLEMENTED.—*
23 *Not later than 180 days after the date of the enactment of*
24 *this Act, the Secretary shall submit to the congressional de-*
25 *fense committees a description of any recommendations of*

1 *the Department of Defense Mental Health Task Force the*
2 *Secretary of Defense has determined not to implement.*

3 *(e) PROGRESS REPORTS REQUIRED.—*

4 *(1) IN GENERAL.—Not later than 180 days after*
5 *the date of the enactment of this Act, and every six*
6 *months thereafter until the date described in para-*
7 *graph (2), the Secretary shall submit to the congres-*
8 *sional defense committees a report on the status of the*
9 *implementation of the recommendations of the De-*
10 *partment of Defense Mental Health Task Force.*

11 *(2) DATE DESCRIBED.—The date described in*
12 *this paragraph is the date on which all recommenda-*
13 *tions of the Department of Defense Mental Health*
14 *Task Force have been implemented other than the rec-*
15 *ommendations the Secretary has determined pursuant*
16 *to subsection (d) not to implement.*

17 **SEC. 710. CENTER OF EXCELLENCE IN PREVENTION, DIAG-**
18 **NOSIS, MITIGATION, TREATMENT, AND REHA-**
19 **BILITATION OF MILITARY EYE INJURIES.**

20 *(a) ESTABLISHMENT.—*

21 *(1) IN GENERAL.—Chapter 55 of title 10, United*
22 *States Code, is amended by inserting after section*
23 *1105 the following new section:*

1 **“§ 1105a. Center of Excellence in Prevention, Diag-**
2 **nosis, Mitigation, Treatment, and Reha-**
3 **bilitation of Military Eye Injuries**

4 “(a) *IN GENERAL.*—*The Secretary of Defense shall es-*
5 *tablish within the Department of Defense a center of excel-*
6 *lence in the prevention, diagnosis, mitigation, treatment,*
7 *and rehabilitation of military eye injuries to carry out the*
8 *responsibilities specified in subsection (c). The center shall*
9 *be known as a ‘Center of Excellence in Prevention, Diag-*
10 *nosis, Mitigation, Treatment, and Rehabilitation of Mili-*
11 *tary Eye Injuries’.*

12 “(b) *PARTNERSHIPS.*—*The Secretary shall ensure that*
13 *the Center collaborates to the maximum extent practicable*
14 *with the Department of Veterans Affairs, institutions of*
15 *higher education, and other appropriate public and private*
16 *entities (including international entities) to carry out the*
17 *responsibilities specified in subsection (c).*

18 “(c) *RESPONSIBILITIES.*—(1) *The Center shall—*

19 “(A) *develop, implement, and oversee a registry*
20 *of information for the tracking of the diagnosis, sur-*
21 *gical intervention or other operative procedure, other*
22 *treatment, and follow up for each case of eye injury*
23 *incurred by a member of the armed forces in combat*
24 *that requires surgery or other operative intervention;*
25 *and*

1 “(B) ensure the electronic exchange with Sec-
2 retary of Veterans Affairs of information obtained
3 through tracking under subparagraph (A).

4 “(2) The registry under this subsection shall be known
5 as the ‘Military Eye Injury Registry’.

6 “(3) The Center shall develop the Registry in consulta-
7 tion with the ophthalmological specialist personnel and op-
8 tometric specialist personnel of the Department of Defense.
9 The mechanisms and procedures of the Registry shall reflect
10 applicable expert research on military and other eye inju-
11 ries.

12 “(4) The mechanisms of the Registry for tracking
13 under paragraph (1)(A) shall ensure that each military
14 medical treatment facility or other medical facility shall
15 submit to the Center for inclusion in the Registry informa-
16 tion on the diagnosis, surgical intervention or other opera-
17 tive procedure, other treatment, and follow up for each case
18 of eye injury described in that paragraph as follows (to the
19 extent applicable):

20 “(A) Not later than 72 hours after surgery or
21 other operative intervention.

22 “(B) Any clinical or other operative intervention
23 done within 30 days, 60 days, or 120 days after sur-
24 gery or other operative intervention as a result of a
25 follow-up examination.

1 “(C) *Not later than 180 days after surgery or*
2 *other operative intervention.*

3 “(5)(A) *The Center shall provide notice to the Blind*
4 *Service or Low Vision Optometry Service, as applicable, of*
5 *the Department of Veterans Affairs on each member of the*
6 *armed forces described in subparagraph (B) for purposes*
7 *of ensuring the coordination of the provision of visual reha-*
8 *bilitation benefits and services by the Department of Vet-*
9 *erans Affairs after the separation or release of such member*
10 *from the armed forces.*

11 “(B) *A member of the armed forces described in this*
12 *subparagraph is a member of the armed forces as follows:*

13 “(i) *A member with an eye injury incurred in*
14 *combat who has a visual acuity of ²⁰/₂₀₀ or less in ei-*
15 *ther eye.*

16 “(ii) *A member with an eye injury incurred in*
17 *combat who has a loss of peripheral vision of twenty*
18 *degrees or less.*

19 “(d) *UTILIZATION OF REGISTRY INFORMATION.—The*
20 *Secretary of Defense and the Secretary of Veterans Affairs*
21 *shall jointly ensure that information in the Military Eye*
22 *Injury Registry is available to appropriate ophthalmo-*
23 *logical and optometric personnel of the Department of Vet-*
24 *erans Affairs for purposes of encouraging and facilitating*
25 *the conduct of research, and the development of best prac-*

1 *tices and clinical education, on eye injuries incurred by*
2 *members of the armed forces in combat.”.*

3 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
4 *tions at the beginning of chapter 55 of such title is*
5 *amended by inserting after the item relating to sec-*
6 *tion 1105 the following new item:*

“1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment,
and Rehabilitation of Military Eye Injuries.”.

7 (b) *INCLUSION OF RECORDS OF OIF/OEF VET-*
8 *ERANS.*—*The Secretary of Defense shall take appropriate*
9 *actions to include in the Military Eye Injury Registry es-*
10 *tablished under section 1105a of title 10, United States*
11 *Code (as added by subsection (a)), such records of members*
12 *of the Armed Forces who incurred an eye injury in combat*
13 *in Operation Iraqi Freedom or Operation Enduring Free-*
14 *dom before the establishment of the Registry as the Sec-*
15 *retary considers appropriate for purposes of the Registry.*

16 (c) *REPORT ON ESTABLISHMENT.*—*Not later than 180*
17 *days after the date of the enactment of this Act, the Sec-*
18 *retary shall submit to Congress a report on the status of*
19 *the Center of Excellence in Prevention, Diagnosis, Mitiga-*
20 *tion, Treatment, and Rehabilitation of Military Eye Inju-*
21 *ries under section 1105a of title 10, United States Code (as*
22 *so added), including the progress made in established the*
23 *Military Eye Injury Registry required under that section.*

1 (d) *TRAUMATIC BRAIN INJURY POST TRAUMATIC VIS-*
2 *UAL SYNDROME.*—*In carrying out the program at Walter*
3 *Reed Army Medical Center, District of Columbia, on Trau-*
4 *matic Brain Injury Post Traumatic Visual Syndrome, the*
5 *Secretary of Defense and the Department of Veterans Af-*
6 *fairs shall jointly provide for the conduct of a cooperative*
7 *study on neuro-optometric screening and diagnosis of mem-*
8 *bers of the Armed Forces with Traumatic Brain Injury by*
9 *military medical treatment facilities of the Department of*
10 *Defense and medical centers of the Department of Veterans*
11 *Affairs selected for purposes of this subsection for purposes*
12 *of vision screening, diagnosis, rehabilitative management,*
13 *and vision research on visual dysfunction related to Trau-*
14 *matic Brain Injury.*

15 (e) *FUNDING.*—*Of the amounts available for Defense*
16 *Health Program, \$5,000,000 may be available for the Cen-*
17 *ter of Excellence in Prevention, Diagnosis, Mitigation,*
18 *Treatment, and Rehabilitation of Military Eye Injuries*
19 *under section 1105a of title 10, United States Code (as so*
20 *added).*

21 **SEC. 711. REPORT ON ESTABLISHMENT OF A SCHOLARSHIP**
22 **PROGRAM FOR CIVILIAN MENTAL HEALTH**
23 **PROFESSIONALS.**

24 (a) *REPORT REQUIRED.*—*Not later than 180 days*
25 *after the date of the enactment of this Act, the Secretary*

1 of Defense shall, in consultation with the Assistant Sec-
2 retary of Defense for Health Affairs and each of the Sur-
3 geons General of the Armed Forces, shall submit to Congress
4 a report on the feasibility and advisability of establishing
5 a scholarship program for civilian mental health profes-
6 sionals.

7 (b) *ELEMENTS.*—The report shall include the fol-
8 lowing:

9 (1) *An assessment of a potential scholarship pro-*
10 *gram that provides certain educational funding to*
11 *students seeking a career in mental health services in*
12 *exchange for service in the Department of Defense.*

13 (2) *An assessment of current scholarship pro-*
14 *grams which may be expanded to include mental*
15 *health professionals.*

16 (3) *Recommendations regarding the establish-*
17 *ment or expansion of scholarship programs for mental*
18 *health professionals.*

19 (4) *A plan to implement, or reasons for not im-*
20 *plementing, recommendations that will increase men-*
21 *tal health staffing across the Department of Defense.*

1 **SEC. 712. REPORT ON MEDICAL PHYSICAL EXAMINATIONS**
2 **OF MEMBERS OF THE ARMED FORCES BE-**
3 **FORE THEIR DEPLOYMENT.**

4 *Not later than April 1, 2008, the Secretary of Defense*
5 *shall submit to the Committees on Armed Services of the*
6 *Senate and the House of Representatives a report setting*
7 *forth the following:*

8 *(1) The results of a study of the frequency of*
9 *medical physical examinations conducted by each*
10 *component of the Armed Forces (including both the*
11 *regular components and the reserve components of the*
12 *Armed Forces) for members of the Armed Forces with-*
13 *in such component before their deployment.*

14 *(2) A comparison of the policies of the military*
15 *departments concerning medical physical examina-*
16 *tions of members of the Armed Forces before their de-*
17 *ployment, including an identification of instances in*
18 *which a member (including a member of a reserve*
19 *component) may be required to undergo multiple*
20 *physical examinations, from the time of notification*
21 *of an upcoming deployment through the period of*
22 *preparation for deployment.*

23 *(3) A model of, and a business case analysis for,*
24 *each of the following:*

1 (A) *A single predeployment physical exam-*
2 *ination for members of the Armed Forces before*
3 *their deployment.*

4 (B) *A single system for tracking electroni-*
5 *cally the results of examinations under subpara-*
6 *graph (A) that can be shared among the military*
7 *departments and thereby eliminate redundancy*
8 *of medical physical examinations for members of*
9 *the Armed Forces before their deployment.*

10 **SEC. 713. ONE-YEAR EXTENSION OF PROHIBITION ON IN-**
11 **CREASES IN CERTAIN HEALTH CARE COSTS**
12 **FOR MEMBERS OF THE UNIFORMED SERV-**
13 **ICES.**

14 (a) *CHARGES UNDER CONTRACTS FOR MEDICAL*
15 *CARE.—Section 1097(e) of title 10, United States Code, is*
16 *amended by striking “September 30, 2007” and inserting*
17 *“September 30, 2008”.*

18 (b) *CHARGES FOR INPATIENT CARE.—Section*
19 *1086(b)(3) of such title is amended by striking “September*
20 *30, 2007” and inserting “September 30, 2008”.*

21 (c) *PREMIUMS UNDER TRICARE COVERAGE FOR*
22 *CERTAIN MEMBERS IN THE SELECTED RESERVE.—Section*
23 *1076d(d)(3) of such title is amended by striking “September*
24 *30, 2007” and inserting “September 30, 2008”.*

1 (d) *PREMIUMS UNDER TRICARE COVERAGE FOR*
 2 *MEMBERS OF THE READY RESERVE.*—Section 1076b(e)(3)
 3 *of such title is amended by striking “September 30, 2007”*
 4 *and inserting “September 30, 2008”.*

5 **SEC. 714. TEMPORARY PROHIBITION ON INCREASE IN CO-**
 6 **PAYMENTS UNDER RETAIL PHARMACY SYS-**
 7 **TEM OF PHARMACY BENEFITS PROGRAM.**

8 *During the period beginning on October 1, 2007, and*
 9 *ending on September 30, 2008, the cost sharing require-*
 10 *ments established under paragraph (6) of section 1074g(a)*
 11 *of title 10, United States Code, for pharmaceutical agents*
 12 *available through retail pharmacies covered by paragraph*
 13 *(2)(E)(ii) of such section may not exceed amounts as fol-*
 14 *lows:*

15 (1) *In the case of generic agents, \$3.*

16 (2) *In the case of formulary agents, \$9.*

17 (3) *In the case of nonformulary agents, \$22.*

18 **SEC. 715. SENSE OF CONGRESS ON FEES AND ADJUST-**
 19 **MENTS UNDER THE TRICARE PROGRAM.**

20 *It is the sense of Congress that—*

21 (1) *career members of the uniformed services and*
 22 *their families endure unique and extraordinary de-*
 23 *mands, and make extraordinary sacrifices, over the*
 24 *course of 20-year to 30-year careers in protecting free-*
 25 *dom for all Americans;*

1 (2) *these demands and sacrifices are such that*
2 *few Americans are willing to accept them for a multi-*
3 *decade career;*

4 (3) *a primary benefit of enduring the extraor-*
5 *dinary sacrifices inherent in a military career is a*
6 *system of exceptional retirement benefits that a grate-*
7 *ful Nation provides for those who choose to subordi-*
8 *nate much of their personal life to the national inter-*
9 *est for so many years;*

10 (4) *proposals to compare cash fees paid by re-*
11 *tired military members and their families to fees paid*
12 *by civilians fail to recognize adequately that military*
13 *members prepay the equivalent of very large advance*
14 *premiums for health care in retirement through their*
15 *extended service and sacrifice, in addition to cash*
16 *fees, deductibles, and copayments;*

17 (5) *the Department of Defense and the Nation*
18 *have a committed obligation to provide health care*
19 *benefits to active duty, National Guard, Reserve and*
20 *retired members of the uniformed services and their*
21 *families and survivors that considerably exceeds the*
22 *obligation of corporate employers to provide health*
23 *care benefits to their employees; and*

24 (6) *the Department of Defense has options to*
25 *constrain the growth of health care spending in ways*

1 *that do not disadvantage retired members of the uni-*
2 *formed services, and should pursue any and all such*
3 *options as a first priority.*

4 **SEC. 716. CONTINUATION OF TRANSITIONAL HEALTH BENE-**
5 **FITS FOR MEMBERS OF THE ARMED FORCES**
6 **PENDING RESOLUTION OF SERVICE-RELATED**
7 **MEDICAL CONDITIONS.**

8 *Section 1145(a) of title 10, United States Code, is*
9 *amended—*

10 (1) *in paragraph (3), by striking “Transitional*
11 *health care” and inserting “Except as provided in*
12 *paragraph (6), transitional health care”;* and

13 (2) *by adding at the end the following new para-*
14 *graph:*

15 “(6)(A) *A member who has a medical condition relat-*
16 *ing to service on active duty that warrants further medical*
17 *care shall be entitled to receive medical and dental care for*
18 *such medical condition as if the member were a member*
19 *of the armed forces on active duty until such medical condi-*
20 *tion is resolved.*

21 “(B) *The Secretary concerned shall ensure that the De-*
22 *fense Enrollment and Eligibility Reporting System*
23 *(DEERS) is continually updated in order to reflect the con-*
24 *tinuing entitlement of members covered by subparagraph*

1 (A) to the medical and dental care referred to in that sub-
 2 paragraph.”.

3 **TITLE VIII—ACQUISITION POL-**
 4 **ICY, ACQUISITION MANAGE-**
 5 **MENT, AND RELATED MAT-**
 6 **TERS**

7 **Subtitle A—Provisions Relating to**
 8 **Major Defense Acquisition Pro-**
 9 **grams**

10 **SEC. 801. SUBSTANTIAL SAVINGS UNDER MULTIYEAR CON-**
 11 **TRACTS.**

12 (a) *DEFINITION IN REGULATIONS OF SUBSTANTIAL*
 13 *SAVINGS UNDER MULTIYEAR CONTRACTS.—*

14 (1) *IN GENERAL.—Not later than 60 days after*
 15 *the date of the enactment of this Act, the Secretary of*
 16 *Defense shall modify the regulations prescribed pursu-*
 17 *ant to subsection (b)(2)(A) of section 2306b of title 10,*
 18 *United States Code, to define the term “substantial*
 19 *savings” for purposes of subsection (a)(1) of such sec-*
 20 *tion. Such regulations shall specify that—*

21 (A) *savings that exceed 10 percent of the*
 22 *total anticipated costs of carrying out a program*
 23 *through annual contracts shall be considered to*
 24 *be substantial;*

1 (B) savings that exceed 5 percent of the
2 total anticipated costs of carrying out a program
3 through annual contracts, but do not exceed 10
4 percent of such costs, shall not be considered to
5 be substantial unless the Secretary determines in
6 writing that an exceptionally strong case has
7 been made with regard to the findings required
8 by paragraphs (2) through (6) of section
9 2306b(a) of such title; and

10 (C) savings that do not exceed 5 percent of
11 the total anticipated costs of carrying out a pro-
12 gram through annual contracts shall not be con-
13 sidered to be substantial.

14 (2) *EFFECTIVE DATE.*—The modification re-
15 quired by paragraph (1) shall apply with regard to
16 any multiyear contract that is authorized after the
17 date that is 60 days after the date of the enactment
18 of this Act.

19 (b) *REPORT ON BASIS FOR DETERMINATION.*—Section
20 2306b(i)(3) of title 10, United States Code, is amended by
21 inserting before the period at the end the following: “after
22 the head of the agency concerned submits to the congres-
23 sional defense committees a report on the specific facts sup-
24 porting the determination of the head of that agency under
25 subsection (a)”.

1 (c) *REPORTS ON SAVINGS ACHIEVED.*—

2 (1) *REPORTS REQUIRED.*—Not later than Janu-
3 ary 15 of 2008, 2009, and 2010, the Secretary shall
4 submit to the congressional defense committees a re-
5 port on the savings achieved through the use of
6 multiyear contracts that were entered under the au-
7 thority of section 2306b of title 10, United States
8 Code, and the performance of which was completed in
9 the preceding fiscal year.

10 (2) *ELEMENTS.*—Each report under paragraph
11 (1) shall specify, for each multiyear contract covered
12 by such report—

13 (A) the savings that the Department of De-
14 fense estimated it would achieve through the use
15 of the multiyear contract at the time such con-
16 tract was awarded; and

17 (B) the best estimate of the Department on
18 the savings actually achieved under such con-
19 tract.

20 **SEC. 802. CHANGES TO MILESTONE B CERTIFICATIONS.**

21 Section 2366a of title 10, United States Code, is
22 amended—

23 (1) in subsection (a), by inserting “, after receiv-
24 ing a business case analysis,” after “the milestone de-

1 *cision authority” in the matter preceding paragraph*
2 *(1);*

3 *(2) by redesignating subsections (b), (c), (d), and*
4 *(e) as subsections (c), (d), (e), and (f), respectively;*

5 *(3) by inserting after subsection (a) the following*
6 *new subsection (b):*

7 *“(b) CHANGES TO CERTIFICATION.—(1) The program*
8 *manager for a major defense acquisition program that has*
9 *received certification under subsection (a) shall imme-*
10 *diately notify the milestone decision authority of any*
11 *changes to the program that are—*

12 *“(A) inconsistent with such certification; or*

13 *“(B) deviate significantly from the material pro-*
14 *vided to the milestone decision authority in support*
15 *of such certification.*

16 *“(2) Upon receipt of information under paragraph (1),*
17 *the milestone decision authority may withdraw the certifi-*
18 *cation concerned or rescind Milestone B approval (or Key*
19 *Decision Point B approval in the case of a space program)*
20 *if the milestone decision authority determines that such ac-*
21 *tion is in the best interest of the national security of the*
22 *United States.”;*

23 *(4) in subsection (c), as redesignated by para-*
24 *graph (1)—*

1 (A) by inserting “(1)” before “The certifi-
2 cation”; and

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

5 “(2) Any information provided to the milestone deci-
6 sion authority pursuant to subsection (b) shall be summa-
7 rized in the first Selected Acquisition Report submitted
8 under section 2432 of this title after such information is
9 received by the milestone decision authority.”; and

10 (5) in subsection (e), as so redesignated, by strik-
11 ing “subsection (c)” and inserting “subsection (d)”.

12 **SEC. 803. COMPTROLLER GENERAL REPORT ON DEPART-**
13 **MENT OF DEFENSE ORGANIZATION AND**
14 **STRUCTURE FOR MAJOR DEFENSE ACQUI-**
15 **TION PROGRAMS.**

16 (a) *REPORT REQUIRED.*—Not later than one year
17 after the date of the enactment of this Act, the Comptroller
18 General of the United States shall submit to the congress-
19 sional defense committees a report on potential modifica-
20 tions of the organization and structure of the Department
21 of Defense for major defense acquisition programs.

22 (b) *ELEMENTS.*—The report required by subsection (a)
23 shall include the results of a review, conducted by the Comp-
24 troller General for purposes of the report, regarding the fea-
25 sibility and advisability of, at a minimum, the following:

1 (1) *Establishing system commands within each*
2 *military department, each of which commands would*
3 *be headed by a 4-star general or flag officer, to whom*
4 *the program managers and program executive officers*
5 *for major defense acquisition programs would report.*

6 (2) *Revising the acquisition process for major de-*
7 *fense acquisition programs by establishing shorter,*
8 *more frequent acquisition program milestones.*

9 (3) *Requiring certifications of program status to*
10 *the defense acquisition executive and Congress prior*
11 *to milestone approval for major defense acquisition*
12 *programs.*

13 (4) *Establishing a new office (to be known as the*
14 *“Office of Independent Assessment”) to provide inde-*
15 *pendent cost estimates and performance estimates for*
16 *major defense acquisition programs.*

17 (5) *Establishing a milestone system for major de-*
18 *fense acquisition programs utilizing the following*
19 *milestones (or such other milestones as the Comp-*
20 *troller General considers appropriate for purposes of*
21 *the review):*

22 (A) *MILESTONE 0.—The time for the devel-*
23 *opment and approval of a mission need state-*
24 *ment for a major defense acquisition program.*

1 (B) *MILESTONE 1.—The time for the devel-*
2 *opment and approval of a capability need defi-*
3 *inition for a major defense acquisition program,*
4 *including development and approval of a certifi-*
5 *cation statement on the characteristics required*
6 *for the system under the program and a deter-*
7 *mination of the priorities among such character-*
8 *istics.*

9 (C) *MILESTONE 2.—The time for technology*
10 *development and assessment for a major defense*
11 *acquisition program, including development and*
12 *approval of a certification statement on tech-*
13 *nology maturity of elements under the program.*

14 (D) *MILESTONE 3.—The time for system de-*
15 *velopment and demonstration for a major defense*
16 *acquisition program, including development and*
17 *approval of a certification statement on design*
18 *proof of concept.*

19 (E) *MILESTONE 4.—The time for final de-*
20 *sign, production prototyping, and testing of a*
21 *major defense acquisition program, including de-*
22 *velopment and approval of a certification state-*
23 *ment on cost, performance, and schedule in ad-*
24 *vance of initiation of low-rate production of the*
25 *system under the program.*

1 (F) *MILESTONE 5.*—*The time for limited*
2 *production and field testing of the system under*
3 *a major defense acquisition program.*

4 (G) *MILESTONE 6.*—*The time for initiation*
5 *of full-rate production of the system under a*
6 *major defense acquisition program.*

7 (6) *Requiring the Milestone Decision Authority*
8 *for a major defense acquisition program to specify, at*
9 *the time of Milestone B approval, or Key Decision*
10 *Point B approval, as applicable, the period of time*
11 *that will be required to deliver an initial operational*
12 *capability to the relevant combatant commanders.*

13 (7) *Establishing a materiel solutions process for*
14 *addressing identified gaps in critical warfighting ca-*
15 *pacilities, under which process the Under Secretary of*
16 *Defense for Acquisition, Technology, and Logistics*
17 *circulates among the military departments and ap-*
18 *propriate Defense Agencies a request for proposals for*
19 *technologies and systems to address such gaps.*

20 (8) *Modifying the role played by chiefs of staff*
21 *of the Armed Forces in the requirements, resource al-*
22 *location, and acquisition processes.*

23 (c) *CONSULTATION.*—*In conducting the review re-*
24 *quired under subsection (b) for the report required by sub-*

1 *section (a), the Comptroller General shall obtain the views*
2 *of the following:*

3 (1) *Senior acquisition officials currently serving*
4 *in the Department of Defense.*

5 (2) *Individuals who formerly served as senior ac-*
6 *quisition officials in the Department of Defense.*

7 (3) *Participants in previous reviews of the orga-*
8 *nization and structure of the Department of Defense*
9 *for the acquisition of major weapon systems, includ-*
10 *ing the President's Blue Ribbon Commission on De-*
11 *fense Management in 1986.*

12 (4) *Other experts on the acquisition of major*
13 *weapon systems.*

14 (5) *Appropriate experts in the Government Ac-*
15 *countability Office.*

16 **SEC. 804. INVESTMENT STRATEGY FOR MAJOR DEFENSE AC-**
17 **QUISITION PROGRAMS.**

18 (a) *REPORT REQUIRED.*—*Not later than 180 days*
19 *after the date of the enactment of this Act, the Secretary*
20 *of Defense shall submit to the congressional defense commit-*
21 *tees a report on the strategies of the Department of Defense*
22 *for the allocation of funds and other resources under major*
23 *defense acquisition programs.*

24 (b) *ELEMENTS.*—*The report required by subsection (a)*
25 *shall address, at a minimum, Department of Defense orga-*

1 nizations, procedures, and approaches for the following pur-
2 poses:

3 (1) *To establish priorities among needed capa-*
4 *bilities under major defense acquisition programs,*
5 *and to assess the resources (including funds, tech-*
6 *nologies, time, and personnel) needed to achieve such*
7 *capabilities.*

8 (2) *To balance cost, schedule, and requirements*
9 *for major defense acquisition programs to ensure the*
10 *most efficient use of Department of Defense resources.*

11 (3) *To ensure that the budget, requirements, and*
12 *acquisition processes of the Department of Defense*
13 *work in a complementary manner to achieve desired*
14 *results.*

15 (c) *ROLE OF TRI-CHAIR COMMITTEE IN RESOURCE*
16 *ALLOCATION.—*

17 (1) *IN GENERAL.—The report required by sub-*
18 *section (a) shall also address the role of the committee*
19 *described in paragraph (2) in the resource allocation*
20 *process for major defense acquisition programs.*

21 (2) *COMMITTEE.—The committee described in*
22 *this paragraph is a committee (to be known as the*
23 *“Tri-Chair Committee”)* composed of the following:

1 (A) *The Under Secretary of Defense for Ac-*
2 *quisition, Technology, and Logistics, who is one*
3 *of the chairs of the committee.*

4 (B) *The Vice Chairman of the Joint Chiefs*
5 *of Staff, who is one of the chairs of the com-*
6 *mittee.*

7 (C) *The Director of Program Analysis and*
8 *Evaluation, who is one of the chairs of the com-*
9 *mittee.*

10 (D) *Any other appropriate officials of the*
11 *Department of Defense, as jointly agreed upon*
12 *by the Under Secretary and the Vice Chairman.*

13 (d) *RECOMMENDATIONS.*—*The report required by sub-*
14 *section (a) shall include any recommendations, including*
15 *recommendations for legislative action, that the Secretary*
16 *considers appropriate to improve the organizations, proce-*
17 *dures, and approaches described in the report.*

18 **SEC. 805. REPORT ON IMPLEMENTATION OF RECOMMENDA-**
19 **TIONS ON TOTAL OWNERSHIP COST FOR**
20 **MAJOR WEAPON SYSTEMS.**

21 (a) *REPORT REQUIRED.*—*Not later than 180 days*
22 *after the date of the enactment of this Act, the Secretary*
23 *of Defense shall submit to the congressional defense commit-*
24 *tees a report on the extent of the implementation of the rec-*
25 *ommendations set forth in the February 2003 report of the*

1 *Government Accountability Office entitled “Setting Re-*
2 *quirements Differently Could Reduce Weapon Systems’*
3 *Total Ownership Costs”.*

4 (b) *ELEMENTS.—The report required by subsection (a)*
5 *shall include the following:*

6 (1) *For each recommendation described in sub-*
7 *section (a) that has been implemented, or that the*
8 *Secretary plans to implement—*

9 (A) *a summary of all actions that have been*
10 *taken to implement such recommendation; and*

11 (B) *a schedule, with specific milestones, for*
12 *completing the implementation of such rec-*
13 *ommendation.*

14 (2) *For each recommendation that the Secretary*
15 *has not implemented and does not plan to*
16 *implement—*

17 (A) *the reasons for the decision not to im-*
18 *plement such recommendation; and*

19 (B) *a summary of any alternative actions*
20 *the Secretary plans to take to address the pur-*
21 *poses underlying such recommendation.*

22 (3) *A summary of any additional actions the*
23 *Secretary has taken or plans to take to ensure that*
24 *total ownership cost is appropriately considered in*
25 *the requirements process for major weapon systems.*

1 ***Subtitle B—Amendments Relating***
2 ***to General Contracting Authori-***
3 ***ties, Procedures, and Limita-***
4 ***tions***

5 ***SEC. 821. ENHANCED COMPETITION REQUIREMENTS FOR***
6 ***TASK AND DELIVERY ORDER CONTRACTS.***

7 *(a) LIMITATION ON SINGLE AWARD CONTRACTS.—Sec-*
8 *tion 2304a(d) of title 10, United States Code, is amended—*

9 *(1) by redesignating paragraph (3) as para-*
10 *graph (4); and*

11 *(2) by inserting after paragraph (2) the fol-*
12 *lowing new paragraph (3):*

13 *“(3) No task or delivery order contract in an amount*
14 *estimated to exceed \$100,000,000 (including all options)*
15 *may be awarded to a single contractor unless the head of*
16 *the agency determines in writing that—*

17 *“(A) because of the size, scope, or method of per-*
18 *formance of the requirement, it would not be practical*
19 *to award multiple task or delivery order contracts;*

20 *“(B) the task or delivery orders expected under*
21 *the contract are so integrally related that only a sin-*
22 *gle contractor can reasonably perform the work;*

23 *“(C) the contract provides only for firm, fixed*
24 *price task orders or delivery orders for—*

1 “(i) products for which unit prices are es-
2 tablished in the contract; or

3 “(ii) services for which prices are estab-
4 lished in the contract for the specific tasks to be
5 performed; or

6 “(D) only one contractor is qualified and capa-
7 ble of performing the work at a reasonable price to the
8 government.”.

9 (b) *ENHANCED COMPETITION FOR ORDERS IN EXCESS*
10 *OF \$5,000,000.—Section 2304c of such title is amended—*

11 (1) *by redesignating subsections (d), (e), and (f)*
12 *as subsections (e), (f), and (g), respectively;*

13 (2) *by inserting after subsection (c) the following*
14 *new subsection (d):*

15 “(d) *ENHANCED COMPETITION FOR ORDERS IN EX-*
16 *CESS OF \$5,000,000.—In the case of a task or delivery order*
17 *in excess of \$5,000,000, the requirement to provide all con-*
18 *tractors a fair opportunity to be considered under sub-*
19 *section (b) is not met unless all such contractors are pro-*
20 *vided, at a minimum—*

21 “(1) *a notice of the task or delivery order that*
22 *includes a clear statement of the agency’s require-*
23 *ments;*

24 “(2) *a reasonable period of time to provide a*
25 *proposal in response to the notice;*

1 “(3) disclosure of the significant factors and sub-
2 factors, including cost or price, that the agency ex-
3 pects to consider in evaluating such proposals, and
4 their relative importance;

5 “(4) in the case of an award that is to be made
6 on a best value basis, a written statement docu-
7 menting the basis for the award and the relative im-
8 portance of quality and price or cost factors; and

9 “(5) an opportunity for a post-award debriefing
10 consistent with the requirements of section 2305(b)(5)
11 of this title.”; and

12 (3) by striking subsection (e), as redesignated by
13 paragraph (1), and inserting the following new sub-
14 section (e):

15 “(e) *PROTESTS*.—(1) A protest is not authorized in
16 connection with the issuance or proposed issuance of a task
17 or delivery order except for—

18 “(A) a protest on the ground that the order in-
19 creases the scope, period, or maximum value of the
20 contract under which the order is issued; or

21 “(B) a protest of an order valued in excess of
22 \$5,000,000.

23 “(2) Notwithstanding section 3556 of title 31, the
24 Comptroller General of the United States shall have exclu-

1 *sive jurisdiction of a protest authorized under paragraph*
 2 *(1)(B).”.*

3 *(c) EFFECTIVE DATES.—*

4 *(1) SINGLE AWARD CONTRACTS.—The amend-*
 5 *ments made by subsection (a) shall take effect on the*
 6 *date that is 60 days after the date of the enactment*
 7 *of this Act, and shall apply with respect to any con-*
 8 *tract awarded on or after such date.*

9 *(2) ORDERS IN EXCESS OF \$5,000,000.—The*
 10 *amendments made by subsection (b) shall take effect*
 11 *on the date that is 60 days after the date of the enact-*
 12 *ment of this Act, and shall apply with respect to any*
 13 *task or delivery order awarded on or after such date.*

14 **SEC. 822. CLARIFICATION OF RULES REGARDING THE PRO-**
 15 **CUREMENT OF COMMERCIAL ITEMS.**

16 *(a) TREATMENT OF SUBSYSTEMS, COMPONENTS, AND*
 17 *SPARE PARTS AS COMMERCIAL ITEMS.—*

18 *(1) IN GENERAL.—Section 2379 of title 10,*
 19 *United States Code, is amended—*

20 *(A) by striking subsection (b) and inserting*
 21 *the following new subsection (b):*

22 *“(b) TREATMENT OF SUBSYSTEMS AS COMMERCIAL*
 23 *ITEMS.—A subsystem of a major weapon system shall be*
 24 *treated as a commercial item and purchased under proce-*

1 *dures established for the procurement of commercial items*
2 *only if—*

3 “(1) *the subsystem is intended for a major weap-*
4 *on system that is being purchased, or has been pur-*
5 *chased, under procedures established for the procure-*
6 *ment of commercial items in accordance with the re-*
7 *quirements of subsection (a);*

8 “(2) *the Secretary of Defense determines that—*

9 “(A) *the subsystem is a commercial item, as*
10 *defined in section 4(12) of the Office of Federal*
11 *Procurement Policy Act (41 U.S.C. 403(12));*
12 *and*

13 “(B) *the treatment of the subsystem as a*
14 *commercial item is necessary to meet national*
15 *security objectives; or*

16 “(3) *the contractor demonstrates that it has sold,*
17 *leased, or licensed the subsystem or an item that is*
18 *the same as the subsystem, but for modifications de-*
19 *scribed in subparagraphs (B) and (C) of section 4(12)*
20 *of the Office of Federal Procurement Policy Act, in*
21 *significant quantities to the general public.”;*

22 (B) *by redesignating subsections (c) and (d)*
23 *as subsections (e) and (f), respectively; and*

24 (C) *by inserting after subsection (b) the fol-*
25 *lowing new subsections (c) and (d):*

1 “(c) *TREATMENT OF COMPONENTS AND SPARE PARTS*
2 *AS COMMERCIAL ITEMS.*—A component or spare part for
3 a major weapon system may be treated as a commercial
4 item, and purchased under procedures established for the
5 procurement of commercial items, only if—

6 “(1) the component or spare part is intended
7 for—

8 “(A) a major weapon system that is being
9 purchased, or has been purchased, under proce-
10 dures established for the procurement of commer-
11 cial items in accordance with the requirements of
12 subsection (a); or

13 “(B) a subsystem of a major weapon system
14 that is being purchased, or has been purchased,
15 under procedures established for the procurement
16 of commercial items in accordance with the re-
17 quirements of subsection (b); or

18 “(2) the contractor demonstrates that it has sold,
19 leased, or licensed the component or spare part, or an
20 item that is the same as the component or spare part,
21 but for modifications described in subparagraphs (B)
22 and (C) of section 4(12) of the Office of Federal Pro-
23 curement Policy Act, in significant quantities to the
24 general public.

1 “(d) *PRICE INFORMATION.*—*In the case of any major*
2 *weapon system, subsystem, component, or spare part pur-*
3 *chased under procedures established for the procurement of*
4 *commercial items under the authority of this section, the*
5 *contractor shall provide data other than certified cost or*
6 *pricing data, including information on prices at which the*
7 *same item or similar items have previously been sold to the*
8 *general public, that is adequate for evaluating, through*
9 *price analysis, the reasonableness of the price of the con-*
10 *tract, subcontract, or modification of the contract or sub-*
11 *contract pursuant to which such major weapon system, sub-*
12 *system, component or spare part, as the case may be, will*
13 *be purchased.*”.

14 (2) *CONFORMING AMENDMENT TO TECHNICAL*
15 *DATA PROVISION.*—*Section 2321(f)(2) of such title is*
16 *amended by striking “(whether or not under a con-*
17 *tract for commercial items)” and inserting “(other*
18 *than technical data for a subsystem, component, or*
19 *spare part that is determined to be a commercial item*
20 *in accordance with the requirements of section 2379*
21 *of this title)”.*

22 (b) *SALES OF COMMERCIAL ITEMS TO NONGOVERN-*
23 *MENTAL ENTITIES.*—*Not later than 180 days after the date*
24 *of the enactment of this Act, the Secretary of Defense shall*
25 *modify the regulations of the Department of Defense on the*

1 *procurement of commercial items in order to clarify that*
2 *the terms “general public” and “nongovernmental entities”*
3 *in such regulations do not include the following:*

4 (1) *The Federal Government or a State, local, or*
5 *foreign government.*

6 (2) *A contractor or subcontractor acting on be-*
7 *half of the Federal Government or a State, local, or*
8 *foreign government.*

9 (c) *HARMONIZATION OF THRESHOLDS FOR COST OR*
10 *PRICING DATA.—Section 2306a(b)(3)(A) of title 10, United*
11 *States Code, is amended by striking “\$500,000” and insert-*
12 *ing “the amount specified in subsection (a)(1)(A)(i), as ad-*
13 *justed from time to time under subsection (a)(7),”.*

14 **SEC. 823. CLARIFICATION OF RULES REGARDING THE PRO-**
15 **CUREMENT OF COMMERCIAL SERVICES.**

16 *Notwithstanding section 8002(d) of the Federal Acqui-*
17 *sition Streamlining Act of 1994 (41 U.S.C. 264 note), the*
18 *Secretary of Defense shall modify the regulations of the De-*
19 *partment of Defense on procurements for or on behalf of*
20 *the Department of Defense in order to prohibit the use of*
21 *time and materials contracts or labor-hour contracts to pur-*
22 *chase as commercial items any category of commercial serv-*
23 *ices other than the following:*

24 (1) *Commercial services procured for support of*
25 *a commercial item, as described in section 4(12)(E)*

1 *of the Office of Federal Procurement Policy Act (41*
2 *U.S.C. 403(12)(E)).*

3 (2) *Emergency repair services.*

4 **SEC. 824. MODIFICATION OF COMPETITION REQUIREMENTS**
5 **FOR PURCHASES FROM FEDERAL PRISON IN-**
6 **DUSTRIES.**

7 (a) *MODIFICATION OF COMPETITION REQUIRE-*
8 *MENTS.—*

9 (1) *IN GENERAL.—Section 2410n of title 10,*
10 *United States Code, is amended by striking sub-*
11 *sections (a) and (b) and inserting the following new*
12 *subsections (a) and (b):*

13 “(a) *PRODUCTS FOR WHICH FEDERAL PRISON INDUS-*
14 *TRIES DOES NOT HAVE SIGNIFICANT MARKET SHARE.—*

15 (1) *Before purchasing a product listed in the latest edition*
16 *of the Federal Prison Industries catalog under section*
17 *4124(d) of title 18 for which Federal Prison Industries does*
18 *not have a significant market share, the Secretary of De-*
19 *fense shall conduct market research to determine whether*
20 *the product is comparable to products available from the*
21 *private sector that best meet the needs of the Department*
22 *in terms of price, quality, and time of delivery.*

23 “(2) *If the Secretary determines that a Federal Prison*
24 *Industries product described in paragraph (1) is not com-*
25 *parable in price, quality, or time of delivery to products*

1 *of the private sector that best meets the needs of the Depart-*
2 *ment in terms of price, quality, and time of delivery, the*
3 *Secretary shall use competitive procedures for the procure-*
4 *ment of the product, or shall make an individual purchase*
5 *under a multiple award contract in accordance with the*
6 *competition requirements applicable to such contract. In*
7 *conducting such a competition, the Secretary shall consider*
8 *a timely offer from Federal Prison Industries.*

9 “(b) *PRODUCTS FOR WHICH FEDERAL PRISON INDUS-*
10 *TRIES HAS SIGNIFICANT MARKET SHARE.—(1) The Sec-*
11 *retary of Defense may purchase a product listed in the lat-*
12 *est edition of the Federal Prison Industries catalog for*
13 *which Federal Prison Industries has a significant market*
14 *share only if the Secretary uses competitive procedures for*
15 *the procurement of the product or makes an individual pur-*
16 *chase under a multiple award contract in accordance with*
17 *the competition requirements applicable to such contract.*
18 *In conducting such a competition, the Secretary shall con-*
19 *sider a timely offer from Federal Prison Industries.*

20 “(2) *For purposes of this subsection, Federal Prison*
21 *Industries shall be treated as having a significant share of*
22 *the market for a product if the Secretary, in consultation*
23 *with the Administrator of Federal Procurement Policy, de-*
24 *termines that the Federal Prison Industries’ share of the*

1 *Department of Defense market for the category of products*
2 *including such product is greater than 5 percent.”.*

3 (2) *EFFECTIVE DATE.*—*The amendment made by*
4 *subsection (a) shall take effect 60 days after the date*
5 *of the enactment of this Act.*

6 (b) *LIST OF PRODUCTS FOR WHICH FEDERAL PRISON*
7 *INDUSTRIES HAS SIGNIFICANT MARKET SHARE.*—

8 (1) *INITIAL LIST.*—*Not later than 60 days after*
9 *the date of the enactment of this Act, the Secretary of*
10 *Defense shall publish a list of product categories for*
11 *which Federal Prison Industries’ share of the Depart-*
12 *ment of Defense market is greater than 5 percent,*
13 *based on the most recent fiscal year for which data*
14 *is available.*

15 (2) *MODIFICATION.*—*The Secretary may modify*
16 *the list published under paragraph (1) at any time*
17 *if the Secretary determines that new data require*
18 *adding a product category to the list or omitting a*
19 *product category from the list.*

20 (3) *CONSULTATION.*—*The Secretary shall carry*
21 *out this subsection in consultation with the Adminis-*
22 *trator for Federal Procurement Policy.*

1 **SEC. 825. FIVE-YEAR EXTENSION OF AUTHORITY TO CARRY**
2 **OUT CERTAIN PROTOTYPE PROJECTS.**

3 *Section 845(i) of the National Defense Authorization*
4 *Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended*
5 *by striking “September 30, 2008” and inserting “September*
6 *30, 2013”.*

7 **SEC. 826. MULTIYEAR PROCUREMENT AUTHORITY FOR**
8 **ELECTRICITY FROM RENEWABLE ENERGY**
9 **SOURCES.**

10 *(a) MULTIYEAR PROCUREMENT AUTHORIZED.—Chapter*
11 *141 of title 10, United States Code, is amended by add-*
12 *ing at the end the following new section:*

13 **“§2410q. Multiyear procurement authority: purchase**
14 **of electricity from renewable energy**
15 **sources**

16 *“(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject*
17 *to subsection (b), the Secretary of Defense may enter into*
18 *contracts for a period not to exceed 10 years for the pur-*
19 *chase of electricity from sources of renewable energy, as that*
20 *term is defined in section 203(b)(2) of the Energy Policy*
21 *Act of 2005 (42 U.S.C. 15852(b)(2)).*

22 *“(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN*
23 *EXCESS OF FIVE YEARS.—The Secretary may exercise the*
24 *authority in subsection (a) to enter a contract for a period*
25 *in excess of five years only if the Secretary determines, on*

1 *the basis of a business case prepared by the Department*
 2 *of Defense that—*

3 “(1) *the proposed purchase of electricity under*
 4 *such contract is cost effective for the Department of*
 5 *Defense; and*

6 “(2) *it would not be possible to purchase elec-*
 7 *tricity from the source in an economical manner*
 8 *without the use of a contract for a period in excess*
 9 *of five years.”.*

10 **(b) CLERICAL AMENDMENT.**—*The table of sections at*
 11 *the beginning of chapter 141 of such title is amended by*
 12 *adding at the end the following new item:*

“2410g. Multiyear procurement authority: purchase of electricity from renewable energy sources.”.

13 **SEC. 827. PROCUREMENT OF FIRE RESISTANT RAYON FIBER**
 14 **FOR THE PRODUCTION OF UNIFORMS FROM**
 15 **FOREIGN SOURCES.**

16 **(a) AUTHORITY TO PROCURE.**—*The Secretary of De-*
 17 *fense may procure fire resistant rayon fiber for the produc-*
 18 *tion of uniforms that is manufactured in a foreign country*
 19 *referred to in subsection (d) if the Secretary determines ei-*
 20 *ther of the following:*

21 (1) *That fire resistant rayon fiber for the pro-*
 22 *duction of uniforms is not available from sources*
 23 *within the national technology and industrial base.*

24 (2) *That—*

1 (A) *procuring fire resistant rayon fiber*
2 *manufactured from suppliers within the national*
3 *technology and industrial base would result in*
4 *sole-source contracts or subcontracts for the sup-*
5 *ply of fire resistant rayon fiber; and*

6 (B) *such sole-source contracts or sub-*
7 *contracts would not be in the best interests of the*
8 *Government or consistent with the objectives of*
9 *section 2304 of title 10, United States Code.*

10 (b) *SUBMISSION TO CONGRESS.*—*Not later than 30*
11 *days after making a determination under subsection (a),*
12 *the Secretary shall submit to Congress a copy of the deter-*
13 *mination.*

14 (c) *APPLICABILITY TO SUBCONTRACTS.*—*The authority*
15 *under subsection (a) applies with respect to subcontracts*
16 *under Department of Defense contracts as well as to such*
17 *contracts.*

18 (d) *FOREIGN COUNTRIES COVERED.*—*The authority*
19 *under subsection (a) applies with respect to a foreign coun-*
20 *try that—*

21 (1) *is a party to a defense memorandum of un-*
22 *derstanding entered into under section 2531 of this*
23 *title; and*

24 (2) *does not discriminate against defense items*
25 *produced in the United States to a greater degree*

1 *than the United States discriminates against defense*
2 *items produced in that country.*

3 (e) *NATIONAL TECHNOLOGY AND INDUSTRIAL BASE*
4 *DEFINED.—In this section, the term “national technology*
5 *and industrial base” has the meaning given that term in*
6 *section 2500 of title 10, United States Code.*

7 (f) *SUNSET.—The authority under subsection (a) shall*
8 *expire on the date that is five years after the date of the*
9 *enactment of this Act.*

10 **SEC. 828. PROHIBITION ON USE OF EARMARKS TO AWARD**

11 **NO BID CONTRACTS AND NONCOMPETITIVE**
12 **GRANTS.**

13 (a) *PROHIBITION.—*

14 (1) *CONTRACTS.—*

15 (A) *IN GENERAL.—Notwithstanding any*
16 *other provision of this Act, all contracts awarded*
17 *by the Department of Defense to implement new*
18 *programs or projects pursuant to congressional*
19 *initiatives shall be awarded using competitive*
20 *procedures in accordance with the requirements*
21 *of section 2304 of title 10, United States Code,*
22 *and the Federal Acquisition Regulation.*

23 (B) *BID REQUIREMENT.—Except as pro-*
24 *vided in paragraph (3), no contract may be*
25 *awarded by the Department of Defense to imple-*

1 *ment a new program or project pursuant to a*
2 *congressional initiative unless more than one bid*
3 *is received for such contract.*

4 (2) *GRANTS.—Notwithstanding any other provi-*
5 *sion of this Act, no funds may be awarded by the De-*
6 *partment of Defense by grant or cooperative agree-*
7 *ment to implement a new program or project pursu-*
8 *ant to a congressional initiative unless the process*
9 *used to award such grant or cooperative agreement*
10 *uses competitive or merit-based procedures to select*
11 *the grantee or award recipient. Except as provided in*
12 *paragraph (3), no such grant or cooperative agree-*
13 *ment may be awarded unless applications for such*
14 *grant or cooperative agreement are received from two*
15 *or more applicants that are not from the same orga-*
16 *nization and do not share any financial, fiduciary, or*
17 *other organizational relationship.*

18 (3) *WAIVER AUTHORITY.—*

19 (A) *IN GENERAL.—If the Secretary of De-*
20 *fense does not receive more than one bid for a*
21 *contract under paragraph (1)(B) or does not re-*
22 *ceive more than one application from unaffili-*
23 *ated applicants for a grant or cooperative agree-*
24 *ment under paragraph (2), the Secretary may*
25 *waive such bid or application requirement if the*

1 *Secretary determines that the new program or*
2 *project—*

3 *(i) cannot be implemented without a*
4 *waiver; and*

5 *(ii) will help meet important national*
6 *defense needs.*

7 *(B) CONGRESSIONAL NOTIFICATION.—If the*
8 *Secretary of Defense waives a bid requirement*
9 *under subparagraph (A), the Secretary must, not*
10 *later than 10 days after exercising such waiver,*
11 *notify Congress and the Committees on Armed*
12 *Services of the Senate and the House of Rep-*
13 *resentatives.*

14 *(4) CONTRACTING AUTHORITY.—The Secretary of*
15 *Defense may, as appropriate, utilize existing con-*
16 *tracts to carry out congressional initiatives.*

17 *(b) ANNUAL REPORT.—*

18 *(1) IN GENERAL.—Not later than December 31,*
19 *2008, and December 31 of each year thereafter, the*
20 *Secretary of Defense shall submit to Congress a report*
21 *on congressional initiatives for which amounts were*
22 *appropriated or otherwise made available for the fis-*
23 *cal year ending during such year.*

24 *(2) CONTENT.—Each report submitted under*
25 *paragraph (1) shall include with respect to each con-*

1 *tract, grant, or cooperative agreement awarded to im-*
2 *plement a new program or project pursuant to a con-*
3 *gressional initiative—*

4 *(A) the name of the recipient of the funds*
5 *awarded through such contract or grant;*

6 *(B) the reason or reasons such recipient was*
7 *selected for such contract or grant; and*

8 *(C) the number of entities that competed for*
9 *such contract or grant.*

10 *(3) PUBLICATION.—Each report submitted under*
11 *paragraph (1) shall be made publicly available*
12 *through the Internet website of the Department of De-*
13 *fense.*

14 *(c) CONGRESSIONAL INITIATIVE DEFINED.—In this*
15 *section, the term “congressional initiative” means a provi-*
16 *sion of law or a directive contained within a committee*
17 *report or joint statement of managers of an appropriations*
18 *Act that specifies—*

19 *(1) the identity of a person or entity selected to*
20 *carry out a project, including a defense system, for*
21 *which funds are appropriated or otherwise made*
22 *available by that provision of law or directive and*
23 *that was not requested by the President in a budget*
24 *submitted to Congress;*

1 (2) *the specific location at which the work for a*
2 *project is to be done; and*

3 (3) *the amount of the funds appropriated or oth-*
4 *erwise made available for such project.*

5 (d) *APPLICABILITY.—This section shall apply with re-*
6 *spect to funds appropriated or otherwise made available for*
7 *fiscal years beginning after September 30, 2007, and to con-*
8 *gressional initiatives initiated after the date of the enact-*
9 *ment of this Act.*

10 ***Subtitle C—Acquisition Policy and***
11 ***Management***

12 ***SEC. 841. JOINT REQUIREMENTS OVERSIGHT COUNCIL.***

13 (a) *ADVISORS.—Section 181 of title 10, United States*
14 *Code, is amended—*

15 (1) *by redesignating subsection (c) as subsection*
16 *(d); and*

17 (2) *by inserting after subsection (b) the following*
18 *new subsection (c):*

19 “(c) *ADVISORS.—The Under Secretary of Defense for*
20 *Acquisition, Technology, and Logistics and the Under Sec-*
21 *retary of Defense (Comptroller) shall serve as advisors to*
22 *the Council on matters within their authority and exper-*
23 *tise.”.*

24 (b) *CONSULTATION.—Section 2433(e)(2) of such title*
25 *is amended by inserting “, after consultation with the Joint*

1 *Requirements Oversight Council regarding program re-*
2 *quirements,” after “Secretary of Defense” in the matter pre-*
3 *ceding subparagraph (A).*

4 **SEC. 842. MANAGEMENT STRUCTURE FOR THE PROCURE-**
5 **MENT OF CONTRACT SERVICES.**

6 (a) *AUTHORITY TO ESTABLISH CONTRACT SUPPORT*
7 *ACQUISITION CENTERS.*—*Subsection (b) of section 2330 of*
8 *title 10, United States Code, is amended by adding at the*
9 *end the following new paragraph:*

10 “(4) *Each senior official responsible for the manage-*
11 *ment of acquisition of contract services is authorized to es-*
12 *tablish a center (to be known as a ‘Contract Support Acqui-*
13 *sition Center’) to act as executive agent for the acquisition*
14 *of contract services. Any center so established shall be sub-*
15 *ject to the provisions of subsection (c).”.*

16 (b) *DIRECTION, STAFF, AND SUPPORT.*—*Such section*
17 *is further amended—*

18 (1) *by redesignating subsection (c) as subsection*
19 *(d); and*

20 (2) *by inserting after subsection (b) the following*
21 *new subsection (c):*

22 “(c) *DIRECTION, STAFF, AND SUPPORT OF CONTRACT*
23 *SUPPORT ACQUISITION CENTERS.*—(1) *The Contract Sup-*
24 *port Acquisition Center established by a senior official re-*
25 *sponsible for the management of acquisition of contract*

1 *services under subsection (b)(4) shall be subject to the direc-*
2 *tion, supervision, and oversight of such senior official.*

3 “(2) *The Secretary of Defense or the Secretary of the*
4 *military department concerned may transfer to a Contract*
5 *Support Acquisition Center any personnel under the au-*
6 *thority of such Secretary whose principal duty is the acqui-*
7 *sition of contract services.*

8 “(3)(A) *Except as provided in subparagraph (E), the*
9 *Secretary of Defense may accept from the head of a depart-*
10 *ment or agency outside the Department of Defense a trans-*
11 *fer to any Contract Support Acquisition Center under sub-*
12 *section (b)(4) of all or part of any organizational unit of*
13 *such other department or agency that is primarily engaged*
14 *in the acquisition of contract services if, during the most*
15 *recent year for which data is available before such transfer,*
16 *more than 50 percent of the contract services acquired by*
17 *such organizational unit (as determined on the basis of*
18 *cost) were acquired on behalf of the Department of Defense.*

19 “(B) *The head of a department or agency outside the*
20 *Department of Defense may transfer in accordance with*
21 *this paragraph an organizational unit that is authorized*
22 *to be accepted under subparagraph (A).*

23 “(C) *A transfer under this paragraph may be made*
24 *and accepted only pursuant to a memorandum of under-*

1 *standing entered into by the head of the department or*
2 *agency making the transfer and the Secretary of Defense.*

3 “(D) *A transfer of an organizational unit under this*
4 *paragraph shall include the transfer of the personnel of such*
5 *organizational unit, the assets of such organizational unit,*
6 *and the contracts of such organizational unit, to the extent*
7 *provided in the memorandum of understanding governing*
8 *the transfer of the unit.*”

9 “(E) *This paragraph does not authorize a transfer of*
10 *the multiple award schedule program of the General Serv-*
11 *ices Administration as described in section 2302(2)(C) of*
12 *this title.*”

13 **SEC. 843. SPECIFICATION OF AMOUNTS REQUESTED FOR**
14 **PROCUREMENT OF CONTRACT SERVICES.**

15 (a) *SPECIFICATION OF AMOUNTS REQUESTED.—The*
16 *budget justification materials submitted to Congress in sup-*
17 *port of the budget of the Department of Defense for any*
18 *fiscal year after fiscal year 2008 shall identify clearly and*
19 *separately the amounts requested in each budget account*
20 *for the procurement of contract services.*

21 (b) *CONTRACT SERVICES DEFINED.—In this section,*
22 *the term “contract services”—*

23 (1) *means services from contractors; but*

1 (2) *excludes services relating to research and de-*
2 *velopment and services relating to military construc-*
3 *tion.*

4 **SEC. 844. DEPARTMENT OF DEFENSE ACQUISITION WORK-**
5 **FORCE DEVELOPMENT FUND.**

6 (a) *PURPOSE.*—*The purpose of this section is to ensure*
7 *that the Department of Defense acquisition workforce has*
8 *the capacity, in both personnel and skills, needed to prop-*
9 *erly perform its mission, provide appropriate oversight of*
10 *contractor performance, and ensure that the Department re-*
11 *ceives the best value for the expenditure of public resources.*

12 (b) *DEPARTMENT OF DEFENSE ACQUISITION WORK-*
13 *FORCE DEVELOPMENT FUND.*—

14 (1) *ESTABLISHMENT.*—*The Secretary of Defense*
15 *shall establish a fund to be known as the “Depart-*
16 *ment of Defense Acquisition Workforce Fund” (in this*
17 *section referred to as the “Fund”) to provide funds for*
18 *the recruitment, training, and retention of acquisition*
19 *personnel of the Department of Defense for the pur-*
20 *pose of this section.*

21 (2) *MANAGEMENT.*—*The Fund shall be managed*
22 *by a senior official of the Department of Defense des-*
23 *ignated by the Secretary for that purpose.*

24 (c) *ELEMENTS.*—

1 (1) *IN GENERAL.*—*The Fund shall consist of*
2 *amounts as follows:*

3 (A) *Amounts credited to the Fund under*
4 *paragraph (2).*

5 (B) *Any other amounts appropriated to,*
6 *credited to, or deposited into the Fund by law.*

7 (2) *CREDITS TO THE FUND.*—(A) *There shall be*
8 *credited to the Fund an amount equal to the applica-*
9 *ble percentage for a fiscal year of all amounts ex-*
10 *pended by the Department of Defense in such fiscal*
11 *year for contract services, other than services relating*
12 *to research and development and services relating to*
13 *military construction.*

14 (B) *Not later than 30 days after the end of the*
15 *first fiscal year quarter of fiscal year 2008, and 30*
16 *days after the end of each fiscal year quarter there-*
17 *after, the head of each military department and De-*
18 *fense Agency shall remit to the Secretary of Defense*
19 *an amount equal to the applicable percentage for such*
20 *fiscal year of the amount expended by such military*
21 *department or Defense Agency, as the case may be,*
22 *during such fiscal year quarter for services covered by*
23 *subparagraph (A). Any amount so remitted shall be*
24 *credited to the Fund under subparagraph (A).*

1 (C) *For purposes of this paragraph, the applica-*
2 *ble percentage for a fiscal year is a percentage as fol-*
3 *lows:*

4 (i) *For fiscal year 2008, 0.5 percent.*

5 (ii) *For fiscal year 2009, 1 percent.*

6 (iii) *For fiscal year 2010, 1.5 percent.*

7 (iv) *For any fiscal year after fiscal year*
8 *2010, 2 percent.*

9 (d) *AVAILABILITY OF FUNDS.—*

10 (1) *IN GENERAL.—Subject to the provisions of*
11 *this subsection, amounts in the Fund shall be avail-*
12 *able to the Secretary of Defense for expenditure, or for*
13 *transfer to a military department or Defense Agency,*
14 *for the recruitment, training, and retention of acqui-*
15 *sition personnel of the Department of Defense for the*
16 *purpose of this section, including for the provision of*
17 *training and retention incentives to the acquisition*
18 *workforce of the Department as of the date of the en-*
19 *actment of this Act.*

20 (2) *LIMITATION ON PAYMENTS TO OR FOR CON-*
21 *TRACTORS.—Amounts in the Fund shall not be avail-*
22 *able for payments to contractors or contractor em-*
23 *ployees, other than for the purpose of providing train-*
24 *ing to Department of Defense employees.*

1 (3) *PROHIBITION ON PAYMENT OF BASE SALARY*
2 *OF CURRENT EMPLOYEES.*—Amounts in the Fund
3 may not be used to pay the base salary of any person
4 who is an employee of the Department as of the date
5 of the enactment of this Act.

6 (4) *DURATION OF AVAILABILITY.*—Amounts cred-
7 ited to the Fund under subsection (c)(2) shall remain
8 available for expenditure in the fiscal year for which
9 credited and the two succeeding fiscal years.

10 (e) *ANNUAL REPORT.*—Not later than 60 days after
11 the end of each fiscal year beginning with fiscal year 2008,
12 the Secretary of Defense shall submit to the congressional
13 defense committees a report on the operation of the Fund
14 during such fiscal year. Each report shall include, for the
15 fiscal year covered by such report, the following:

16 (1) *A statement of the amounts remitted to the*
17 *Secretary for crediting to the Fund for such fiscal*
18 *year by each military department and Defense Agen-*
19 *cy, and a statement of the amounts credited to the*
20 *Fund for such fiscal year.*

21 (2) *A description of the expenditures made from*
22 *the Fund (including expenditures following a transfer*
23 *of amounts in the Fund to a military department or*
24 *Defense Agency) in such fiscal year, including the*
25 *purpose of such expenditures.*

1 (3) *A description and assessment of improve-*
2 *ments in the Department of Defense acquisition work-*
3 *force resulting from such expenditures.*

4 (4) *A statement of the balance remaining in the*
5 *Fund at the end of such fiscal year.*

6 (f) *DEFENSE AGENCY DEFINED.—In this section, the*
7 *term “Defense Agency” has the meaning given that term*
8 *in section 101(a) of title 10, United States Code.*

9 (g) *EXPEDITED HIRING AUTHORITY.—*

10 (1) *IN GENERAL.—For purposes of sections 3304,*
11 *5333, and 5753 of title 5, United States Code, the*
12 *Secretary of Defense may—*

13 (A) *designate any category of acquisition*
14 *positions within the Department of Defense as*
15 *shortage category positions; and*

16 (B) *utilize the authorities in such sections*
17 *to recruit and appoint highly qualified persons*
18 *directly to positions so designated.*

19 (2) *SUNSET.—The Secretary may not appoint a*
20 *person to a position of employment under this sub-*
21 *section after September 30, 2012.*

22 (h) *ACQUISITION WORKFORCE ASSESSMENT AND*
23 *PLAN.—*

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

1 *Defense shall develop an assessment and plan for ad-*
2 *dresssing gaps in the acquisition workforce of the De-*
3 *partment of Defense.*

4 (2) *CONTENT OF ASSESSMENT.—The assessment*
5 *developed under paragraph (1) shall identify—*

6 (A) *the skills and competencies needed in*
7 *the military and civilian workforce of the De-*
8 *partment of Defense to effectively manage the ac-*
9 *quisition programs and activities of the Depart-*
10 *ment over the next decade;*

11 (B) *the skills and competencies of the exist-*
12 *ing military and civilian acquisition workforce*
13 *of the Department and projected trends in that*
14 *workforce based on expected losses due to retire-*
15 *ment and other attrition; and*

16 (C) *gaps in the existing or projected mili-*
17 *tary and civilian acquisition workforce that*
18 *should be addressed to ensure that the Depart-*
19 *ment has access to the skills and competencies*
20 *identified pursuant to subparagraph (A).*

21 (3) *CONTENT OF PLAN.—The plan developed*
22 *under paragraph (1) shall establish specific objectives*
23 *for developing and reshaping the military and civil-*
24 *ian acquisition workforce of the Department of De-*
25 *fense to address the gaps in skills and competencies*

1 *identified under paragraph (2). The plan shall*
2 *include—*

3 *(A) specific recruiting and retention goals;*

4 *and*

5 *(B) specific strategies for developing, train-*
6 *ing, deploying, compensating, and motivating*
7 *the military and civilian acquisition workforce*
8 *of the Department to achieve such goals.*

9 *(4) ANNUAL UPDATES.—Not later than March 1*
10 *of each year from 2009 through 2012, the Secretary*
11 *of Defense shall update the assessment and plan re-*
12 *quired by paragraph (1). Each update shall include*
13 *the assessment of the Secretary of the progress the De-*
14 *partment has made to date in implementing the plan.*

15 *(5) SPENDING OF AMOUNTS IN FUND IN ACCORD-*
16 *ANCE WITH PLAN.—Beginning on October 1, 2008,*
17 *amounts in the Fund shall be expended in accordance*
18 *with the plan required under paragraph (1) and the*
19 *annual updates required under paragraph (4).*

20 *(6) REPORTS.—Not later than 30 days after de-*
21 *veloping the assessment and plan required under*
22 *paragraph (1) or preparing an annual update re-*
23 *quired under paragraph (4), the Secretary of Defense*
24 *shall submit to the congressional defense committees a*

1 *report on the assessment and plan or annual update,*
2 *as the case may be.*

3 **SEC. 845. INVENTORIES AND REVIEWS OF CONTRACTS FOR**
4 **SERVICES BASED ON COST OR TIME OF PER-**
5 **FORMANCE.**

6 *(a) PREPARATION OF LISTS OF ACTIVITIES UNDER*
7 *CONTRACTS FOR SERVICES.—*

8 *(1) PREPARATION OF LISTS.—Not later than the*
9 *end of the third quarter of each fiscal year beginning*
10 *with fiscal year 2008, the Secretary of each military*
11 *department and the head of each Defense Agency shall*
12 *submit to the Secretary of Defense a list of the activi-*
13 *ties performed during the preceding fiscal year pursu-*
14 *ant to contracts for services for or on behalf of such*
15 *military department or Defense Agency, as the case*
16 *may be, under which the contractor is paid on the*
17 *basis of the cost or time of performance, rather than*
18 *specific tasks performed or results achieved.*

19 *(2) LIST ELEMENTS.—The entry for an activity*
20 *on a list under paragraph (1) shall include, for the*
21 *fiscal year covered by such entry, the following:*

22 *(A) The fiscal year for which the activity*
23 *first appeared on a list under this section.*

1 (B) *The number of full-time contractor em-*
2 *ployees (or its equivalent) paid for the perform-*
3 *ance of the activity.*

4 (C) *A determination whether the contract*
5 *pursuant to which the activity is performed is a*
6 *personal services contract.*

7 (D) *The name of the Federal official respon-*
8 *sible for the management of the contract pursu-*
9 *ant to which the activity is performed.*

10 (E) *With respect to a list for a fiscal year*
11 *after fiscal year 2008, information on plans and*
12 *written determinations made pursuant to sub-*
13 *section (c)(2).*

14 (b) *PUBLIC AVAILABILITY OF LISTS.—Not later than*
15 *30 days after the date on which lists are required to be sub-*
16 *mitted to the Secretary of Defense under subsection (a), the*
17 *Secretary shall—*

18 (1) *transmit to the congressional defense commit-*
19 *tees a copy of the lists so submitted to the Secretary;*

20 (2) *make such lists available to the public; and*

21 (3) *publish in the Federal Register a notice that*
22 *such lists are available to the public.*

23 (c) *REVIEW AND PLANNING REQUIREMENTS.—*

24 (1) *REVIEW OF LISTS.—Within a reasonable*
25 *time after the date on which a notice of the public*

1 *availability of a list is published under subsection*
2 *(b)(3), the Secretary of the military department or*
3 *head of the Defense Agency concerned shall—*

4 *(A) review the contracts and activities in-*
5 *cluded on the list;*

6 *(B) ensure that—*

7 *(i) each contract on the list that is a*
8 *personal services contract has been entered*
9 *into, and is being performed, in accordance*
10 *with applicable statutory and regulatory re-*
11 *quirements;*

12 *(ii) the activities on the list do not in-*
13 *clude any inherently governmental func-*
14 *tions; and*

15 *(iii) to the maximum extent prac-*
16 *ticable, the activities on the list do not in-*
17 *clude any functions closely associated with*
18 *inherently governmental functions; and*

19 *(C) for each activity on the list, either—*

20 *(i) develop a plan to convert the activ-*
21 *ity to performance by Federal employees,*
22 *convert the contract to a performance-based*
23 *contract, or terminate the activity; or*

24 *(ii) make a written determination that*
25 *it is not practicable for the military depart-*

1 *ment or Defense Agency, as the case may be,*
2 *to take any of the actions otherwise required*
3 *under clause (i).*

4 (2) *ELEMENTS OF DETERMINATION.—A written*
5 *determination pursuant to subparagraph (B)(ii) shall*
6 *be accompanied by—*

7 (A) *a statement of the basis for the deter-*
8 *mination; and*

9 (B) *a description of the resources that will*
10 *be made available to ensure adequate planning,*
11 *management, and oversight for each contract*
12 *covered by the determination.*

13 (d) *CHALLENGES TO LISTS.—*

14 (1) *IN GENERAL.—An interested party may sub-*
15 *mit to the Secretary of the military department or*
16 *head of the Defense Agency concerned a challenge to*
17 *the omission of a particular activity from, or the in-*
18 *clusion of a particular activity on, a list made avail-*
19 *able to the public under subsection (b).*

20 (2) *INTERESTED PARTY DEFINED.—In this sub-*
21 *section, the term “interested party”, with respect to*
22 *an activity referred to in subsection (a), means—*

23 (A) *the contractor performing the activity;*

24 (B) *an officer or employee of an organiza-*
25 *tion within the military department or Defense*

1 *Agency concerned that is responsible for the per-*
2 *formance of the activity; or*

3 *(C) the head of any labor organization re-*
4 *ferred to in section 7103(a)(4) of title 5, United*
5 *States Code, that includes within its membership*
6 *officers or employees or an organization de-*
7 *scribed in subparagraph (B).*

8 *(3) DEADLINE FOR CHALLENGE.—A challenge to*
9 *a list shall be submitted under paragraph (1) not*
10 *later than 30 days after the date of the publication*
11 *of the notice of public availability of the list under*
12 *subsection (b)(3).*

13 *(4) RESOLUTION OF CHALLENGE.—Not later*
14 *than 30 days of the receipt by the Secretary of a mili-*
15 *tary department or head of a Defense Agency of a*
16 *challenge to a list under this subsection, an official*
17 *designated by the Secretary of the military depart-*
18 *ment or the head of the Defense Agency, as the case*
19 *may be, shall—*

20 *(A) determine whether or not the challenge*
21 *is valid; and*

22 *(B) submit to the interested party concerned*
23 *a written notification of the determination, to-*
24 *gether with a discussion of the rationale for the*
25 *determination.*

1 (5) *ACTION FOLLOWING DETERMINATION OF*
2 *VALID CHALLENGE.*—*If the Secretary of a military*
3 *department or head of a Defense Agency determines*
4 *under paragraph (4)(A) that a challenge under this*
5 *subsection to a list under this section is valid, such*
6 *official shall—*

7 (A) *notify the Secretary of Defense of the*
8 *determination; and*

9 (B) *adjust the next list submitted by such*
10 *official under subsection (a) after the date of the*
11 *determination to reflect the resolution of the*
12 *challenge.*

13 (e) *RULES OF CONSTRUCTION.*—

14 (1) *NO AUTHORIZATION OF PERFORMANCE OF*
15 *PERSONAL SERVICES.*—*Nothing in this section shall*
16 *be construed to authorize the performance of personal*
17 *services by a contractor except where expressly au-*
18 *thorized by a provision of statute other than this sec-*
19 *tion.*

20 (2) *NO PUBLIC-PRIVATE COMPETITION FOR CON-*
21 *VERSION OF PERFORMANCE OF CERTAIN FUNC-*
22 *TIONS.*—*No public-private competition may be re-*
23 *quired under this section, Office of Management and*
24 *Budget Circular A-76, or any other provision of law*
25 *or regulation before a function closely associated with*

1 *inherently governmental functions is converted to per-*
2 *formance by Federal employees.*

3 *(f) DEFINITIONS.—In this section:*

4 *(1) The term “Defense Agency” has the meaning*
5 *given that term in section 101(a) of title 10, United*
6 *States Code.*

7 *(2) The term “function closely associated with*
8 *inherently governmental functions” has the meaning*
9 *given that term in section 2383(b)(3) of title 10,*
10 *United States Code.*

11 *(3) The term “inherently governmental func-*
12 *tions” has the meaning given that term in section*
13 *2383(b)(2) of title 10, United States Code.*

14 *(4) The term “personal services contract” means*
15 *a contract under which, as a result of its terms or*
16 *conditions or the manner of its administration dur-*
17 *ing performance, contractor personnel are subject to*
18 *the relatively continuous supervision and control of*
19 *one or more Government officers or employees, except*
20 *that the giving of an order for a specific article or*
21 *service, with the right to reject the finished product or*
22 *result, is not the type of supervision or control that*
23 *makes a contract a personal services contract.*

1 **SEC. 846. INTERNAL CONTROLS FOR PROCUREMENTS ON**
2 **BEHALF OF THE DEPARTMENT OF DEFENSE**
3 **BY CERTAIN NON-DEFENSE AGENCIES.**

4 (a) *LIMITATION ON PROCUREMENTS ON BEHALF OF*
5 *DEPARTMENT OF DEFENSE.—Except as provided in sub-*
6 *section (b), no official of the Department of Defense may*
7 *place an order, make a purchase, or otherwise procure prop-*
8 *erty or services for the Department of Defense in an amount*
9 *in excess of \$100,000 through a non-defense agency in any*
10 *fiscal year if—*

11 (1) *the head of the non-defense agency has not*
12 *certified that the non-defense agency will comply with*
13 *defense procurement requirements during that fiscal*
14 *year;*

15 (2) *in the case of a covered non-defense agency*
16 *that has been determined under this section to be not*
17 *compliant with defense procurement requirements,*
18 *such determination has not been terminated in ac-*
19 *cordance with subsection (c); or*

20 (3) *in the case of a covered non-defense agency*
21 *for which a memorandum of understanding is re-*
22 *quired by subsection (e)(4), the Inspector General of*
23 *the Department of Defense and the Inspector General*
24 *of the non-defense agency have not yet entered into*
25 *such a memorandum of understanding.*

1 (b) *EXCEPTION FOR PROCUREMENTS OF NECESSARY*
2 *PROPERTY AND SERVICES.—*

3 (1) *IN GENERAL.—The limitation in subsection*
4 *(a) shall not apply to the procurement of property*
5 *and services on behalf of the Department of Defense*
6 *by a non-defense agency during any fiscal year for*
7 *which there is in effect a written determination of the*
8 *Under Secretary of Defense for Acquisition, Tech-*
9 *nology, and Logistics that it is necessary in the inter-*
10 *est of the Department of Defense to procure property*
11 *and services through the non-defense agency during*
12 *such fiscal year.*

13 (2) *SCOPE OF PARTICULAR EXCEPTION.—A writ-*
14 *ten determination with respect to a non-defense agen-*
15 *cy under paragraph (1) shall apply to any category*
16 *of procurements through the non-defense agency that*
17 *is specified in the determination.*

18 (c) *TERMINATION OF APPLICABILITY OF CERTAIN LIM-*
19 *ITATION.—In the event the limitation under subsection*
20 *(a)(2) applies to a covered non-defense agency, the limita-*
21 *tion shall cease to apply to the non-defense agency on the*
22 *date on which the Inspector General of the Department of*
23 *Defense and the Inspector General of the non-defense agency*
24 *jointly—*

1 (1) *determine that the non-defense agency is*
2 *compliant with defense procurement requirements;*
3 *and*

4 (2) *notify the Secretary of Defense of that deter-*
5 *mination.*

6 (d) *COMPLIANCE WITH DEFENSE PROCUREMENT RE-*
7 *QUIREMENTS.—For the purposes of this section, a non-de-*
8 *fense agency is compliant with defense procurement require-*
9 *ments if the procurement policies, procedures, and internal*
10 *controls of the non-defense agency applicable to the procure-*
11 *ment of products and services on behalf of the Department*
12 *of Defense, and the manner in which they are administered,*
13 *are adequate to ensure the compliance of the non-defense*
14 *agency with the requirements of laws and regulations (in-*
15 *cluding applicable Department of Defense financial man-*
16 *agement regulations) that apply to procurements of prop-*
17 *erty and services made directly by the Department of De-*
18 *fense.*

19 (e) *INSPECTORS GENERAL REVIEWS AND DETERMINA-*
20 *TIONS.—*

21 (1) *IN GENERAL.—For each covered non-defense*
22 *agency, the Inspector General of the Department of*
23 *Defense and the Inspector General of such non-defense*
24 *agency shall, not later than the date specified in*
25 *paragraph (2), jointly—*

1 (A) review—

2 (i) the procurement policies, proce-
3 dures, and internal controls of such non-de-
4 fense agency that are applicable to the pro-
5 curement of property and services on behalf
6 of the Department by such non-defense
7 agency; and

8 (ii) the administration of such policies,
9 procedures, and internal controls; and

10 (B) determine in writing whether such non-
11 defense agency is or is not compliant with de-
12 fense procurement requirements.

13 (2) *DEADLINE FOR REVIEWS AND DETERMINA-*
14 *TIONS.—The reviews and determinations required by*
15 *paragraph (1) shall take place as follows:*

16 (A) *In the case of the General Services Ad-*
17 *ministration, by not later than March 15, 2010.*

18 (B) *In the case of each of the Department*
19 *of the Treasury, the Department of the Interior,*
20 *and the National Aeronautics and Space Admin-*
21 *istration, by not later than March 15, 2011.*

22 (C) *In the case of each of the Department*
23 *of Veterans Affairs and the National Institutes of*
24 *Health, by not later than March 15, 2012.*

1 (3) *SEPARATE REVIEWS AND DETERMINA-*
2 *TIONS.—The Inspector General of the Department of*
3 *Defense and the Inspector General of a covered non-*
4 *defense agency may by joint agreement conduct sepa-*
5 *rate reviews of the procurement of property and serv-*
6 *ices on behalf of the Department of Defense that are*
7 *conducted by separate business units, or under sepa-*
8 *rate governmentwide acquisition contracts, of the non-*
9 *defense agency. If such separate reviews are con-*
10 *ducted, the Inspectors General shall make a separate*
11 *determination under paragraph (1)(B) with respect*
12 *to each such separate review.*

13 (4) *MEMORANDA OF UNDERSTANDING FOR RE-*
14 *VIEWS AND DETERMINATIONS.—Not later than one*
15 *year before a review and determination is required*
16 *under this subsection with respect to a covered non-*
17 *defense agency, the Inspector General of the Depart-*
18 *ment of Defense and the Inspector General of the cov-*
19 *ered non-defense agency shall enter into a memo-*
20 *randum of understanding with each other to carry*
21 *out such review and determination.*

22 (f) *TREATMENT OF PROCUREMENTS FOR FISCAL YEAR*
23 *PURPOSES.—For the purposes of this section, a procure-*
24 *ment shall be treated as being made during a particular*

1 *fiscal year to the extent that funds are obligated by the De-*
2 *partment of Defense for the procurement in that fiscal year.*

3 (g) *RESOLUTION OF DISAGREEMENTS.—If the Inspec-*
4 *tor General of the Department of Defense and the Inspector*
5 *General of a covered non-defense agency are unable to agree*
6 *on a joint determination under subsection (c) or (e), a de-*
7 *termination by the Inspector General of the Department of*
8 *Defense under such subsection shall be conclusive for the*
9 *purposes of this section.*

10 (h) *DEFINITIONS.—In this section:*

11 (1) *The term “covered non-defense agency”*
12 *means each of the following:*

13 (A) *The General Services Administration.*

14 (B) *The Department of the Treasury.*

15 (C) *The Department of the Interior.*

16 (D) *The National Aeronautics and Space*
17 *Administration.*

18 (E) *The Department of Veterans Affairs.*

19 (F) *The National Institutes of Health.*

20 (2) *The term “governmentwide acquisition con-*
21 *tract”, with respect to a covered non-defense agency,*
22 *means a task or delivery order contract that—*

23 (A) *is entered into by the non-defense agen-*
24 *cy; and*

1 (B) may be used as the contract under
2 which property or services are procured for one
3 or more other departments or agencies of the
4 Federal Government.

5 **SEC. 847. INDEPENDENT MANAGEMENT REVIEWS OF CON-**
6 **TRACTS FOR SERVICES.**

7 (a) *GUIDANCE AND INSTRUCTIONS.*—Not later than
8 120 days after the date of the enactment of this Act, the
9 Secretary of Defense shall issue guidance, with detailed im-
10 plementation instructions, for the Department of Defense to
11 provide for periodic independent management reviews of
12 contracts for services. The independent management review
13 procedures issued pursuant to this section shall be designed
14 to evaluate, at a minimum—

15 (1) contract performance in terms of cost, sched-
16 ule, and requirements;

17 (2) the use of contracting mechanisms, including
18 the use of competition, the contract structure and
19 type, the definition of contract requirements, cost or
20 pricing methods, the award and negotiation of task
21 orders, and management and oversight mechanisms;

22 (3) the contractor's use, management, and over-
23 sight of subcontractors; and

24 (4) the staffing of contract management and
25 oversight functions.

1 (b) *ELEMENTS.*—*The guidance and instructions issued*
2 *pursuant to subsection (a) shall address, at a minimum—*

3 (1) *the contracts subject to independent manage-*
4 *ment reviews, including any applicable thresholds*
5 *and exceptions;*

6 (2) *the frequency with which independent man-*
7 *agement reviews shall be conducted;*

8 (3) *the composition of teams designated to per-*
9 *form independent management reviews;*

10 (4) *any phase-in requirements needed to ensure*
11 *that qualified staff are available to perform inde-*
12 *pendent management reviews;*

13 (5) *procedures for tracking the implementation*
14 *of recommendations made by independent manage-*
15 *ment review teams; and*

16 (6) *procedures for developing and disseminating*
17 *lessons learned from independent management re-*
18 *views.*

19 (c) *REPORTS.*—

20 (1) *REPORT ON GUIDANCE AND INSTRUCTION.*—
21 *Not later than 150 days after the date of the enact-*
22 *ment of this Act, the Secretary of Defense shall submit*
23 *to the congressional defense committees a report set-*
24 *ting forth the guidance and instructions issued pursu-*
25 *ant to subsection (a).*

1 (2) *GAO REPORT ON IMPLEMENTATION.*—Not
2 *later than two years after the date of the enactment*
3 *of this Act, the Comptroller General of the United*
4 *States shall submit to the congressional defense com-*
5 *mittees a report on the implementation of the guid-*
6 *ance and instructions issued pursuant to subsection*
7 *(a).*

8 **SEC. 848. IMPLEMENTATION AND ENFORCEMENT OF RE-**
9 **QUIREMENTS APPLICABLE TO**
10 **UNDEFINITIZED CONTRACTUAL ACTIONS.**

11 (a) *GUIDANCE AND INSTRUCTIONS.*—Not later than
12 *120 days after the date of the enactment of this Act, the*
13 *Secretary of Defense shall issue guidance, with detailed im-*
14 *plementation instructions, for the Department of Defense to*
15 *ensure the implementation and enforcement of requirements*
16 *applicable to undefinitized contractual actions.*

17 (b) *ELEMENTS.*—The guidance and instructions issued
18 *pursuant to subsection (a) shall address, at a minimum—*

19 (1) *the circumstances in which it is, and is not,*
20 *appropriate for Department of Defense officials to use*
21 *undefinitized contractual actions;*

22 (2) *approval requirements (including thresholds)*
23 *for the use of undefinitized contractual actions;*

1 (3) procedures for ensuring that schedules for the
2 definitization of undefinitized contractual actions are
3 not exceeded;

4 (4) procedures for ensuring compliance with lim-
5 itations on the obligation of funds pursuant to
6 undefinitized contractual actions (including, where
7 feasible, the obligation of less than the maximum al-
8 lowed at time of award);

9 (5) procedures (including appropriate docu-
10 mentation requirements) for ensuring that reduced
11 risk is taken into account in negotiating profit or fee
12 with respect to costs incurred before the definitization
13 of an undefinitized contractual action; and

14 (6) reporting requirements for undefinitized con-
15 tractual actions that fail to meet required schedules or
16 limitations on the obligation of funds.

17 (c) *REPORTS.*—

18 (1) *REPORT ON GUIDANCE AND INSTRUCTIONS.*—
19 Not later than 150 days after the date of the enact-
20 ment of this Act, the Secretary of Defense shall submit
21 to the congressional defense committees a report set-
22 ting forth the guidance and instructions issued pursu-
23 ant to subsection (a).

24 (2) *GAO REPORT.*—Not later than two years
25 after the date of the enactment of this Act, the Comp-

1 *troller General of the United States shall submit to*
2 *the congressional defense committees a report on the*
3 *extent to which the guidance and instructions issued*
4 *pursuant to subsection (a) have resulted in improve-*
5 *ments to—*

6 *(A) the level of insight that senior Depart-*
7 *ment of Defense officials have into the use of*
8 *undefinitized contractual actions;*

9 *(B) the appropriate use of undefinitized*
10 *contractual actions;*

11 *(C) the timely definitization of*
12 *undefinitized contractual actions; and*

13 *(D) the negotiation of appropriate profits*
14 *and fees for undefinitized contractual actions.*

15 ***Subtitle D—Department of Defense***
16 ***Contractor Matters***

17 ***SEC. 861. PROTECTION FOR CONTRACTOR EMPLOYEES***
18 ***FROM REPRISAL FOR DISCLOSURE OF CER-***
19 ***TAIN INFORMATION.***

20 *(a) INCREASED PROTECTION FROM REPRISAL.—Sub-*
21 *section (a) of section 2409 of title 10, United States Code,*
22 *is amended—*

23 *(1) by striking “disclosing to a Member of Con-*
24 *gress or an authorized official of an agency or the De-*
25 *partment of Justice” and inserting “disclosing to a*

1 *Member of Congress, a representative of a committee*
2 *of Congress, an Inspector General, the Government*
3 *Accountability Office, a Department of Defense em-*
4 *ployee responsible for contract oversight or manage-*
5 *ment, or an authorized official of an agency or the*
6 *Department of Justice, including in the case of a dis-*
7 *closure made in the ordinary course of an employee's*
8 *duties,"; and*

9 *(2) by striking "information relating to a sub-*
10 *stantial violation of law related to a contract (includ-*
11 *ing the competition for or negotiation of a contract)"*
12 *and inserting "information that the employee reason-*
13 *ably believes is evidence of gross mismanagement of a*
14 *Department of Defense contract, grant, or direct pay-*
15 *ment if the United States Government provides any*
16 *portion of the money or property which is requested*
17 *or demanded, a gross waste of Department of Defense*
18 *funds, a substantial and specific danger to public*
19 *health or safety, or a violation of law related to a De-*
20 *partment of Defense contract (including the competi-*
21 *tion for or negotiation of a contract), grant, or direct*
22 *payment if the United States Government provides*
23 *any portion of the money or property which is re-*
24 *quested or demanded".*

1 **(b) ACCELERATION OF SCHEDULE FOR DENYING RE-**
2 **LIEF OR PROVIDING REMEDY.**—*Subsection (c) of such sec-*
3 *tion is amended—*

4 *(1) in paragraph (1)—*

5 *(A) by inserting after “(1)” the following:*

6 *“Not later than 90 days after receiving an In-*
7 *spector General report pursuant to subsection*
8 *(b), the head of the agency concerned shall deter-*
9 *mine whether the contractor concerned has sub-*
10 *jected the complainant to a reprisal prohibited*
11 *under subsection (a).”;* and

12 *(B) by adding at the end the following new*
13 *subparagraphs:*

14 *“(D) In the event the disclosure relates to a cost-*
15 *plus contract, prohibit the contractor from receiving*
16 *one or more award fee payments to which the con-*
17 *tractor would otherwise be eligible until such time as*
18 *the contractor takes the actions ordered by the head*
19 *of the agency pursuant to subparagraphs (A) through*
20 *(C).*

21 *“(E) Take the reprisal into consideration in any*
22 *past performance evaluation of the contractor for the*
23 *purpose of a contract award.”;*

24 *(2) by redesignating paragraph (3) as para-*
25 *graph (4); and*

1 (3) by inserting after paragraph (2) the fol-
2 lowing new paragraph:

3 “(3)(A) In the case of a contract covered by subsection
4 (f), an employee of a contractor who has been discharged,
5 demoted, or otherwise discriminated against as a reprisal
6 for a disclosure covered by subsection (a) or who is ag-
7 grieved by the determination made pursuant to paragraph
8 (1) or by an action that the agency head has taken or failed
9 to take pursuant to such determination may, after exhaust-
10 ing his or her administrative remedies, bring a de novo ac-
11 tion at law or equity against the contractor to seek compen-
12 satory damages and other relief available under this section
13 in the appropriate district court of the United States, which
14 shall have jurisdiction over such an action without regard
15 to the amount in controversy. Such an action shall, at the
16 request of either party to the action, be tried by the court
17 with a jury.

18 “(B) An employee shall be deemed to have exhausted
19 his or her administrative remedies for the purpose of this
20 paragraph—

21 “(i) 90 days after the receipt of a written deter-
22 mination under paragraph (1); or

23 “(ii) 15 months after a complaint is submitted
24 under subsection (b), if a determination by an agency
25 head has not been made by that time and such delay

1 *is not shown to be due to the bad faith of the com-*
2 *plainant.”.*

3 *(c) LEGAL BURDEN OF PROOF.—Such section is fur-*
4 *ther amended—*

5 *(1) by redesignating subsection (e) as subsection*
6 *(g); and*

7 *(2) by inserting after subsection (d) the following*
8 *new subsection:*

9 *“(e) LEGAL BURDEN OF PROOF.—The legal burdens*
10 *of proof specified in section 1221(e) of title 5 shall be con-*
11 *trolling for the purposes of any investigation conducted by*
12 *an inspector general, decision by the head of an agency,*
13 *or hearing to determine whether discrimination prohibited*
14 *under this section has occurred.”.*

15 *(d) REQUIREMENT TO NOTIFY EMPLOYEES OF RIGHTS*
16 *RELATED TO PROTECTION FROM REPRISAL.—Such section,*
17 *as amended by subsection (c), is further amended by insert-*
18 *ing after subsection (e) the following new subsection:*

19 *“(f) NOTICE OF RIGHTS RELATED TO PROTECTION*
20 *FROM REPRISAL.—*

21 *“(1) IN GENERAL.—Each Department of Defense*
22 *contract in excess of \$5,000,000, other than a contract*
23 *for the purchase of commercial items, shall include a*
24 *clause requiring the contractor to ensure that all em-*

1 *ployees of the contractor who are working on Depart-*
2 *ment of Defense contracts are notified of—*

3 *“(A) their rights under this section;*

4 *“(B) the fact that the restrictions imposed*
5 *by any employee contract, employee agreement,*
6 *or non-disclosure agreement may not supersede,*
7 *conflict with, or otherwise alter the employee*
8 *rights provided for under this section; and*

9 *“(C) the telephone number for the whistle-*
10 *blower hotline of the Inspector General of the De-*
11 *partment of Defense.*

12 *“(2) FORM OF NOTICE.—The notice required by*
13 *paragraph (1) shall be made by posting the required*
14 *information at a prominent place in each workplace*
15 *where employees working on the contract regularly*
16 *work.”.*

17 *(e) DEFINITIONS.—Subsection (g) of such section, as*
18 *redesignated by subsection (c)(1), is amended—*

19 *(1) in paragraph (4), by inserting after “an*
20 *agency” the following: “and includes any person re-*
21 *ceiving funds covered by the prohibition against re-*
22 *prisals in subsection (a)”;*

23 *(2) in paragraph (5), by inserting after “1978”*
24 *the following: “and any Inspector General that re-*

1 *ceives funding from or is under the jurisdiction of the*
2 *Secretary of Defense”;* and

3 *(3) by adding at the end the following new para-*
4 *graphs:*

5 *“(6) The term ‘employee’ means an individual*
6 *(as defined by section 2105 of title 5) or any indi-*
7 *vidual or organization performing services for a con-*
8 *tractor, grantee, or other recipient if the United*
9 *States Government provides any portion of the money*
10 *or property which is requested or demanded (includ-*
11 *ing as an employee of an organization).*

12 *“(7) The term ‘Department of Defense funds’ in-*
13 *cludes funds controlled by the Department of Defense*
14 *and funds for which the Department of Defense may*
15 *be reasonably regarded as responsible to a third*
16 *party.”.*

17 **SEC. 862. REQUIREMENTS FOR DEFENSE CONTRACTORS RE-**
18 **LATING TO CERTAIN FORMER DEPARTMENT**
19 **OF DEFENSE OFFICIALS.**

20 *(a) REQUIREMENTS.—*

21 *(1) IN GENERAL.—Chapter 141 of title 10,*
22 *United States Code, as amended by section 826 of this*
23 *Act, is further amended by adding at the end the fol-*
24 *lowing new section:*

1 **“§2410r. Defense contractors: requirements con-**
2 **cerning former Department of Defense of-**
3 **ficials**

4 “(a) *IN GENERAL.*—Each contract for the procurement
5 of goods or services in excess of \$10,000,000, other than a
6 contract for the procurement of commercial items, that is
7 entered into by the Department of Defense shall include a
8 provision under which the contractor agrees to submit to
9 the Secretary of Defense, not later than April 1 of each year
10 such contract is in effect, a written report setting forth the
11 information required by subsection (b).

12 “(b) *REPORT INFORMATION.*—Except as provided in
13 subsection (c), a report by a contractor under subsection
14 (a) shall—

15 “(1) list the name of each person who—

16 “(A) is a former officer or employee of the
17 Department of Defense or a former or retired
18 member of the armed forces who served—

19 “(i) in an Executive Schedule position
20 under subchapter II of chapter 53 of title 5;

21 “(ii) in a position in the Senior Exec-
22 utive Service under subchapter VIII of
23 chapter 53 of title 5;

24 “(iii) in a general or flag officer posi-
25 tion compensated at a rate of pay for grade

1 0–7 or above under section 201 of title 37;
2 or

3 “(iv) as a program manager, deputy
4 program manager, procuring contracting
5 officer, administrative contracting officer,
6 source selection authority, member of the
7 source selection evaluation board, or chief of
8 a financial or technical evaluation team for
9 a contract with a value in excess of
10 \$10,000,000; and

11 “(B) during the preceding calendar year
12 was provided compensation by the contractor, if
13 such compensation was first provided by the con-
14 tractor not more than two years after such offi-
15 cer, employee, or member left service in the De-
16 partment of Defense; and

17 “(2) in the case of each person listed under para-
18 graph (1)—

19 “(A) identify the agency in which such per-
20 son was employed or served on active duty dur-
21 ing the last two years of such person’s service
22 with the Department of Defense;

23 “(B) state such person’s job title and iden-
24 tify each major defense system, if any, on which
25 such person performed any work with the De-

1 *partment of Defense during the last two years of*
2 *such person's service with the Department; and*

3 *“(C) state such person's current job title*
4 *with the contractor and identify each major de-*
5 *fense system on which such person has performed*
6 *any work on behalf of the contractor.*

7 *“(c) DUPLICATE INFORMATION NOT REQUIRED.—An*
8 *annual report submitted by a contractor pursuant to sub-*
9 *section (b) need not provide information with respect to any*
10 *former officer or employee of the Department of Defense or*
11 *former or retired member of the armed forces if such infor-*
12 *mation has already been provided in a previous annual re-*
13 *port filed by such contractor under this section.”.*

14 *(2) CLERICAL AMENDMENT.—The table of sec-*
15 *tions at the beginning of chapter 141 of such title, as*
16 *so amended, is further amended by adding at the end*
17 *the following new item:*

“2410r. Defense contractors: requirements concerning former Department of De-
fense officials.”.

18 *(b) EFFECTIVE DATE.—The amendments made by sub-*
19 *section (a) shall take effect on the date of the enactment*
20 *of this Act, and shall apply with respect to contracts entered*
21 *into on or after that date.*

1 **SEC. 863. REPORT ON CONTRACTOR ETHICS PROGRAMS OF**
2 **MAJOR DEFENSE CONTRACTORS.**

3 (a) *REPORT REQUIRED.*—Not later than one year
4 after the date of the enactment of this Act, the Comptroller
5 General of the United States shall submit to the Committees
6 on Armed Services of the Senate and the House of Rep-
7 resentatives a report on the internal ethics programs of
8 major defense contractors.

9 (b) *ELEMENTS.*—The report required by subsection (a)
10 shall address, at a minimum—

11 (1) the extent to which major defense contractors
12 have internal ethics programs in place;

13 (2) the extent to which the ethics programs de-
14 scribed in paragraph (1) include—

15 (A) the availability of internal mechanisms,
16 such as hotlines, for contractor employees to re-
17 port conduct that may violate applicable require-
18 ments of law or regulation;

19 (B) notification to contractor employees of
20 the availability of external mechanisms, such as
21 the hotline of the Inspector General of the De-
22 partment of Defense, for the reporting of conduct
23 that may violate applicable requirements of law
24 or regulation;

25 (C) notification to contractor employees of
26 their right to be free from reprisal for disclosing

1 *a substantial violation of law related to a con-*
2 *tract, in accordance with section 2409 of title 10,*
3 *United States Code;*

4 *(D) ethics training programs for contractor*
5 *officers and employees;*

6 *(E) internal audit or review programs to*
7 *identify and address conduct that may violate*
8 *applicable requirements of law or regulation;*

9 *(F) self-reporting requirements, under*
10 *which contractors report conduct that may vio-*
11 *late applicable requirements of law or regulation*
12 *to appropriate government officials;*

13 *(G) disciplinary action for contractor em-*
14 *ployees whose conduct is determined to have vio-*
15 *lated applicable requirements of law or regula-*
16 *tion; and*

17 *(H) appropriate management oversight to*
18 *ensure the successful implementation of such eth-*
19 *ics programs;*

20 *(3) the extent to which the Department of De-*
21 *fense monitors or approves the ethics programs of*
22 *major defense contractors; and*

23 *(4) the advantages and disadvantages of legisla-*
24 *tion requiring that defense contractors develop inter-*

1 *nal ethics programs and requiring that specific ele-*
 2 *ments be included in such ethics programs.*

3 (c) *ACCESS TO INFORMATION.*—*In accordance with the*
 4 *contract clause required pursuant to section 2313(c) of title*
 5 *10, United States Code, each major defense contractor shall*
 6 *provide the Comptroller General access to information re-*
 7 *quested by the Comptroller General that is within the scope*
 8 *of the report required by this section.*

9 (d) *MAJOR DEFENSE CONTRACTOR DEFINED.*—*In this*
 10 *section, the term “major defense contractor” means any*
 11 *company that received more than \$500,000,000 in contract*
 12 *awards from the Department of Defense during fiscal year*
 13 *2006.*

14 **SEC. 864. REPORT ON DEPARTMENT OF DEFENSE CON-**
 15 **TRACTING WITH CONTRACTORS OR SUB-**
 16 **CONTRACTORS EMPLOYING MEMBERS OF**
 17 **THE SELECTED RESERVE.**

18 (a) *STUDY REQUIRED.*—*The Secretary of Defense shall*
 19 *conduct a study on contracting with the Department of De-*
 20 *fense by actual and potential contractors and subcontrac-*
 21 *tors of the Department who employ members of the Selected*
 22 *Reserve of the reserve components of the Armed Forces.*

23 (b) *ELEMENTS.*—*The study required by subsection (a)*
 24 *shall address the following:*

1 (1) *The extent to which actual and potential con-*
2 *tractors and subcontractors of the Department, in-*
3 *cluding small businesses, employ members of the Se-*
4 *lected Reserve.*

5 (2) *The extent to which actual and potential con-*
6 *tractors and subcontractors of the Department have*
7 *been or are likely to be disadvantaged in the perform-*
8 *ance of contracts with the Department, or in competi-*
9 *tion for new contracts with the Department, when*
10 *employees who are such members are mobilized as*
11 *part of a United States military operation overseas.*

12 (3) *Any actions that, in the view of the Sec-*
13 *retary, should be taken to address any such disadvan-*
14 *tage, including—*

15 (A) *the extension of additional time for the*
16 *performance of contracts to contractors and sub-*
17 *contractors of the Department who employ mem-*
18 *bers of the Selected Reserve who are mobilized as*
19 *part of a United States military operation over-*
20 *seas; and*

21 (B) *the provision of assistance in forming*
22 *contracting relationships with other entities to*
23 *ameliorate the temporary loss of qualified per-*
24 *sonnel.*

1 (4) *For any action addressed under paragraph*

2 (3)—

3 (A) *the impact of that action on small busi-*
4 *ness concerns (as that term is defined in section*
5 *3 of the Small Business Act (15 U.S.C. 632));*
6 *and*

7 (B) *how contractors and subcontractors that*
8 *are small business concerns may assist in ad-*
9 *ressing any such disadvantage.*

10 (c) *REPORT.—Not later than one year after the date*
11 *of the enactment of this Act, the Secretary shall submit to*
12 *Congress a report on the study required by this section. The*
13 *report shall set forth the findings and recommendations of*
14 *the Secretary as a result of the study.*

15 (d) *REPEAL OF SUPERSEDED AUTHORITY.—Section*
16 *819 of the National Defense Authorization Act for Fiscal*
17 *Year 2006 (Public Law 109–163; 119 Stat. 3385; 10 U.S.C.*
18 *2305 note) is repealed.*

19 **SEC. 865. CONTINGENCY CONTRACTING TRAINING FOR**
20 **PERSONNEL OUTSIDE THE ACQUISITION**
21 **WORKFORCE.**

22 (a) *TRAINING REQUIREMENT.—Section 2333 of title*
23 *10, United States Code is amended—*

24 (1) *by redesignating subsection (e) as subsection*
25 *(f); and*

1 (2) by inserting after subsection (d) the following
2 new subsection (e):

3 “(e) *TRAINING FOR PERSONNEL OUTSIDE ACQUISITION*
4 *WORKFORCE.—(1) The joint policy for requirements*
5 *definition, contingency program management, and contin-*
6 *gency contracting required by subsection (a) shall provide*
7 *for training of military personnel outside the acquisition*
8 *workforce (including operational field commanders and of-*
9 *ficers performing key staff functions for operational field*
10 *commanders) who are expected to have acquisition responsi-*
11 *bility, including oversight duties associated with contracts*
12 *or contractors, during combat operations, post-conflict oper-*
13 *ations, and contingency operations.*

14 “(2) *Training under paragraph (1) shall be sufficient*
15 *to ensure that the military personnel referred to in that*
16 *paragraph understand the scope and scale of contractor*
17 *support they will experience in contingency operations and*
18 *are prepared for their roles and responsibilities with regard*
19 *to requirements definition, program management (includ-*
20 *ing contractor oversight), and contingency contracting.*

21 “(3) *The joint policy shall also provide for the incorpo-*
22 *ration of contractors and contract operations in mission*
23 *readiness exercises for operations that will include con-*
24 *tracting and contractor support.”.*

1 (b) *COMPTROLLER GENERAL REPORT.*—Section
 2 854(c) of the John Warner National Defense Authorization
 3 Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
 4 2346) is amended by adding at the end the following new
 5 paragraph:

6 “(3) *COMPTROLLER GENERAL REPORT.*—Not
 7 later than 180 days after the date on which the Sec-
 8 retary of Defense submits the final report required by
 9 paragraph (2), the Comptroller General of the United
 10 States shall—

11 “(A) review the joint policies developed by
 12 the Secretary, including the implementation of
 13 such policies; and

14 “(B) submit to the Committees on Armed
 15 Services of the Senate and the House of Rep-
 16 resentatives a report on the extent to which such
 17 policies, and the implementation of such policies,
 18 comply with the requirements of section 2333 of
 19 title 10, United States Code (as so added).”.

20 ***Subtitle E—Other Matters***

21 ***SEC. 871. CONTRACTORS PERFORMING PRIVATE SECURITY***
 22 ***FUNCTIONS IN AREAS OF COMBAT OPER-***
 23 ***ATIONS.***

24 (a) *REGULATIONS ON CONTRACTORS PERFORMING*
 25 *PRIVATE SECURITY FUNCTIONS.*—

1 (1) *IN GENERAL.*—Not later than 120 days after
2 the date of the enactment of this Act, the Secretary of
3 Defense shall prescribe regulations on the selection,
4 training, equipping, and conduct of personnel per-
5 forming private security functions under a covered
6 contract or covered subcontract in an area of combat
7 operations.

8 (2) *ELEMENTS.*—The regulations prescribed
9 under subsection (a) shall, at a minimum, establish—

10 (A) a process for registering, processing, ac-
11 counting for, and keeping appropriate records of
12 personnel performing private security functions
13 in an area of combat operations;

14 (B) a process for authorizing and account-
15 ing for weapons to be carried by, or available to
16 be used by, personnel performing private security
17 functions in an area of combat operations;

18 (C) a process for the registration and iden-
19 tification of armored vehicles, helicopters, and
20 other military vehicles operated by contractors
21 and subcontractors performing private security
22 functions in an area of combat operations;

23 (D) a process under which contractors are
24 required to report all incidents, and persons

1 *other than contractors are permitted to report*
2 *incidents, in which—*

3 *(i) a weapon is discharged by per-*
4 *sonnel performing private security functions*
5 *in an area of combat operations;*

6 *(ii) personnel performing private secu-*
7 *rity functions in an area of combat oper-*
8 *ations are killed or injured; or*

9 *(iii) persons are killed or injured, or*
10 *property is destroyed, as a result of conduct*
11 *by contractor personnel;*

12 *(E) a process for the independent review*
13 *and, where appropriate, investigation of—*

14 *(i) incidents reported pursuant to sub-*
15 *paragraph (D); and*

16 *(ii) incidents of alleged misconduct by*
17 *personnel performing private security func-*
18 *tions in an area of combat operations;*

19 *(F) qualification, training, screening, and*
20 *security requirements for personnel performing*
21 *private security functions in an area of combat*
22 *operations;*

23 *(G) guidance to the commanders of the com-*
24 *batant commands on the issuance of—*

1 (i) orders, directives, and instructions
2 to contractors and subcontractors per-
3 forming private security functions relating
4 to force protection, security, health, safety,
5 or relations and interaction with locals;

6 (ii) predeployment training require-
7 ments for personnel performing private se-
8 curity functions in an area of combat oper-
9 ations, addressing the requirements of this
10 section, resources and assistance available to
11 contractor personnel, country information
12 and cultural training, and guidance on
13 working with host country nationals and
14 military; and

15 (iii) rules on the use of force for per-
16 sonnel performing private security functions
17 in an area of combat operations;

18 (H) a process by which a commander of a
19 combatant command may request an action de-
20 scribed in subsection (b)(3); and

21 (I) a process by which the Department of
22 Defense shall implement the training require-
23 ments referred to in subparagraph (G)(ii).

24 (3) AVAILABILITY OF ORDERS, DIRECTIVES, AND
25 INSTRUCTIONS.—The regulations prescribed under

1 subsection (a) shall include mechanisms to ensure the
2 provision and availability of the orders, directives,
3 and instructions referred to in paragraph (2)(G)(i) to
4 contractors and subcontractors referred to in that
5 paragraph, including through the maintenance of a
6 single location (including an Internet website) at or
7 through which such contractors and subcontractors
8 may access such orders, directives, and instructions.

9 (b) *CONTRACT CLAUSE ON CONTRACTORS PER-*
10 *FORMING PRIVATE SECURITY FUNCTIONS.—*

11 (1) *REQUIREMENT UNDER FAR.—*Not later than
12 180 days after the date of the enactment of this Act,
13 the Federal Acquisition Regulation issued in accord-
14 ance with section 25 of the Office of Federal Procure-
15 ment Policy Act (41 U.S.C. 421) shall be revised to
16 require the insertion into each covered contract and
17 covered subcontract of a contract clause addressing
18 the selection, training, equipping, and conduct of per-
19 sonnel performing private security functions under
20 such contract or subcontract.

21 (2) *CLAUSE REQUIREMENT.—*The contract clause
22 required by paragraph (1) shall require, at a min-
23 imum, that the contractor or subcontractor concerned
24 shall—

1 (A) *comply with Department of Defense*
2 *procedures for—*

3 (i) *registering, processing, accounting*
4 *for, and keeping appropriate records of per-*
5 *sonnel performing private security functions*
6 *in an area of combat operations;*

7 (ii) *authorizing and accounting of*
8 *weapons to be carried by, or available to be*
9 *used by, personnel performing private secu-*
10 *rity functions in an area of combat oper-*
11 *ations;*

12 (iii) *registration and identification of*
13 *armored vehicles, helicopters, and other*
14 *military vehicles operated by contractors*
15 *and subcontractors performing private secu-*
16 *rity functions in an area of combat oper-*
17 *ations; and*

18 (iv) *the reporting of incidents in*
19 *which—*

20 (I) *a weapon is discharged by*
21 *personnel performing private security*
22 *functions in an area of combat oper-*
23 *ations;*

1 (II) personnel performing private
2 security functions in an area of combat
3 operations are killed or injured; or

4 (III) persons are killed or injured,
5 or property is destroyed, as a result of
6 conduct by contractor personnel;

7 (B) ensure that all personnel performing
8 private security functions under such contract or
9 subcontract are briefed on and understand their
10 obligation to comply with—

11 (i) qualification, training, screening,
12 and security requirements established by the
13 Secretary of Defense for personnel per-
14 forming private security functions in an
15 area of combat operations;

16 (ii) applicable laws and regulations of
17 the United States and the host country, and
18 applicable treaties and international agree-
19 ments, regarding the performance of the
20 functions of the contractor or subcontractor;

21 (iii) orders, directives, and instructions
22 issued by the applicable commander of a
23 combatant command relating to force pro-
24 tection, security, health, safety, or relations
25 and interaction with locals; and

1 (iv) rules on the use of force issued by
2 the applicable commander of a combatant
3 command for personnel performing private
4 security functions in an area of combat op-
5 erations; and

6 (C) cooperate with any investigation con-
7 ducted by the Department of Defense pursuant to
8 subsection (a)(2)(D) by providing access to em-
9 ployees of the contractor or subcontractor, as the
10 case may be, and relevant information in the
11 possession of the contractor or subcontractor, as
12 the case may be, regarding the incident con-
13 cerned.

14 (3) *NONCOMPLIANCE OF PERSONNEL WITH*
15 *CLAUSE.*—The contracting officer for a covered con-
16 tract or subcontract may direct the contractor or sub-
17 contractor, at its own expense, to remove or replace
18 any personnel performing private security functions
19 in an area of combat operations who violate or fail
20 to comply with applicable requirements of the clause
21 required by this subsection. If the violation or failure
22 to comply is significant or repeated, the contract or
23 subcontract may be terminated for default.

24 (4) *APPLICABILITY.*—The contract clause re-
25 quired by this subsection shall be included in all cov-

1 *ered contracts and covered subcontracts awarded on*
2 *or after the date that is 180 days after the date of the*
3 *enactment of this Act. Federal agencies shall make*
4 *best efforts to provide for the inclusion of the contract*
5 *clause required by this subsection in covered contracts*
6 *and covered subcontracts awarded before such date.*

7 (5) *INSPECTOR GENERAL REPORT ON PILOT PRO-*
8 *GRAM ON IMPOSITION OF FINES FOR NONCOMPLIANCE*
9 *OF PERSONNEL WITH CLAUSE.—Not later than Janu-*
10 *ary 30, 2008, the Inspector General of the Depart-*
11 *ment of Defense shall submit to Congress a report as-*
12 *sessing the feasibility and advisability of carrying out*
13 *a pilot program for the imposition of fines on con-*
14 *tractors or subcontractors for personnel who violate or*
15 *fail to comply with applicable requirements of the*
16 *clause required by this section as a mechanism for en-*
17 *hancing the compliance of such personnel with the*
18 *clause. The report shall include—*

19 (A) *an assessment of the feasibility and ad-*
20 *visability of carrying out the pilot program; and*

21 (B) *if the Inspector General determines that*
22 *carrying out the pilot program is feasible and*
23 *advisable—*

1 (i) recommendations on the range of
2 contracts and subcontracts to which the
3 pilot program should apply; and

4 (ii) a schedule of fines to be imposed
5 under the pilot program for various types of
6 personnel actions or failures.

7 (c) *AREAS OF COMBAT OPERATIONS.*—

8 (1) *DESIGNATION.*—*The Secretary of Defense*
9 *shall designate the areas constituting an area of com-*
10 *bat operations for purposes of this section by not later*
11 *than 120 days after the date of the enactment of this*
12 *Act.*

13 (2) *PARTICULAR AREAS.*—*Iraq and Afghanistan*
14 *shall be included in the areas designated as an area*
15 *of combat operations under paragraph (1).*

16 (3) *ADDITIONAL AREAS.*—*The Secretary may*
17 *designate any additional area as an area constituting*
18 *an area of combat operations for purposes of this sec-*
19 *tion if the Secretary determines that the presence or*
20 *potential of combat operations in such area warrants*
21 *designation of such area as an area of combat oper-*
22 *ations for purposes of this section.*

23 (4) *MODIFICATION OR ELIMINATION OF DESIGNA-*
24 *TION.*—*The Secretary may modify or cease the des-*
25 *ignation of an area under this subsection as an area*

1 of combat operations if the Secretary determines that
2 combat operations are no longer ongoing in such
3 area.

4 (d) *DEFINITIONS.*—*In this section:*

5 (1) *The term “covered contract” means a con-*
6 *tract of a Federal agency for the performance of serv-*
7 *ices in an area of combat operations, as designated by*
8 *the Secretary of Defense under subsection (c).*

9 (2) *The term “covered subcontract” means a sub-*
10 *contract for the performance of private security func-*
11 *tions at any tier under a covered contract.*

12 (3) *The term “private security functions” means*
13 *activities engaged in by a contractor or subcontractor*
14 *under a covered contract or subcontract as follows:*

15 (A) *Guarding of personnel, facilities, or*
16 *property of a Federal agency, the contractor or*
17 *subcontractor, or a third party.*

18 (B) *Any other activity for which personnel*
19 *are required to carry weapons in the perform-*
20 *ance of their duties.*

21 **SEC. 872. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS**
22 **AND SERVICES PRODUCED IN IRAQ AND AF-**
23 **GHANISTAN.**

24 (a) *IN GENERAL.*—*In the case of a product or service*
25 *to be acquired in support of military operations or stability*

1 *operations in Iraq or Afghanistan (including security,*
2 *transition, reconstruction, and humanitarian relief activi-*
3 *ties) for which the Secretary of Defense makes a determina-*
4 *tion described in subsection (b), the Secretary may conduct*
5 *a procurement in which—*

6 (1) *competition is limited to products or services*
7 *that are from Iraq or Afghanistan;*

8 (2) *procedures other than competitive procedures*
9 *are used to award a contract to a particular source*
10 *or sources from Iraq or Afghanistan; or*

11 (3) *a preference is provided for products or serv-*
12 *ices that are from Iraq or Afghanistan.*

13 (b) *DETERMINATION.—A determination described in*
14 *this subsection is a determination by the Secretary that—*

15 (1) *the product or service concerned is to be used*
16 *only by the military forces, police, or other security*
17 *personnel of Iraq or Afghanistan; or*

18 (2) *it is in the national security interest of the*
19 *United States to limit competition, use procedures*
20 *other than competitive procedures, or provide a pref-*
21 *erence as described in subsection (a) because—*

22 (A) *such limitation, procedure, or preference*
23 *is necessary to provide a stable source of jobs in*
24 *Iraq or Afghanistan; and*

1 (B) such limitation, procedure, or pref-
2 erence will not adversely affect—

3 (i) military operations or stability op-
4 erations in Iraq or Afghanistan; or

5 (ii) the United States industrial base.

6 (c) *PRODUCTS, SERVICES, AND SOURCES FROM IRAQ*
7 *OR AFGHANISTAN.*—For the purposes of this section:

8 (1) A product is from Iraq or Afghanistan if it
9 is mined, produced, or manufactured in Iraq or Af-
10 ghanistan.

11 (2) A service is from Iraq or Afghanistan if it
12 is performed in Iraq or Afghanistan by citizens or
13 permanent resident aliens of Iraq or Afghanistan.

14 (3) A source is from Iraq or Afghanistan if it—
15 (A) is located in Iraq or Afghanistan; and
16 (B) offers products or services that are from
17 Iraq or Afghanistan.

18 **SEC. 873. DEFENSE SCIENCE BOARD REVIEW OF DEPART-**
19 **MENT OF DEFENSE POLICIES AND PROCE-**
20 **DURES FOR THE ACQUISITION OF INFORMA-**
21 **TION TECHNOLOGY.**

22 (a) *REVIEW REQUIRED.*—Not later than 90 days after
23 the date of the enactment of this Act, the Secretary of De-
24 fense shall direct the Defense Science Board to carry out

1 *a review of Department of Defense policies and procedures*
2 *for the acquisition of information technology.*

3 (b) *MATTERS TO BE ADDRESSED.*—*The matters ad-*
4 *dressed by the review required by subsection (a) shall in-*
5 *clude the following:*

6 (1) *Department of Defense policies and proce-*
7 *dures for acquiring national security systems, busi-*
8 *ness information systems, and other information tech-*
9 *nology.*

10 (2) *The roles and responsibilities in imple-*
11 *menting such policies and procedures of—*

12 (A) *the Under Secretary of Defense for Ac-*
13 *quisition, Technology, and Logistics;*

14 (B) *the Chief Information Officer of the De-*
15 *partment of Defense;*

16 (C) *the Director of the Business Trans-*
17 *formation Agency;*

18 (D) *the service acquisition executives;*

19 (E) *the chief information officers of the*
20 *military departments;*

21 (F) *Defense Agency acquisition officials;*

22 (G) *the information officers of the Defense*
23 *Agencies; and*

24 (H) *the Director of Operational Test and*
25 *Evaluation and the heads of the operational test*

1 *organizations of the military departments and*
2 *the Defense Agencies.*

3 *(3) The application of such policies and proce-*
4 *dures to information technologies that are an integral*
5 *part of weapons or weapon systems.*

6 *(4) The requirements of the Clinger-Cohen Act*
7 *(division E of Public Law 104–106) and the Paper-*
8 *work Reduction Act of 1995 regarding performance-*
9 *based and results-based management, capital plan-*
10 *ning, and investment control in the acquisition of in-*
11 *formation technology.*

12 *(5) Department of Defense policies and proce-*
13 *dures for maximizing the usage of commercial infor-*
14 *mation technology while ensuring the security of the*
15 *microelectronics, software, and networks of the De-*
16 *partment.*

17 *(6) The suitability of Department of Defense ac-*
18 *quisition regulations, including Department of De-*
19 *fense Directive 5000.1 and the accompanying mile-*
20 *stones, to the acquisition of information technology*
21 *systems.*

22 *(7) The adequacy and transparency of perform-*
23 *ance metrics currently used by the Department of De-*
24 *fense for the acquisition of information technology*
25 *systems.*

1 (8) *The effectiveness of existing statutory and*
2 *regulatory reporting requirements for the acquisition*
3 *of information technology systems.*

4 (9) *The adequacy of operational and develop-*
5 *ment test resources (including infrastructure and per-*
6 *sonnel), policies, and procedures to ensure appro-*
7 *prate testing of information technology systems both*
8 *during development and before operational use.*

9 (10) *The appropriate policies and procedures for*
10 *technology assessment, development, and operational*
11 *testing for purposes of the adoption of commercial*
12 *technologies into information technology systems.*

13 (c) *REPORT REQUIRED.*—*Not later than one year after*
14 *the date of enactment of this Act, the Secretary shall submit*
15 *to the congressional defense committees a report on the re-*
16 *sults of the review required by subsection (a). The report*
17 *shall include the findings and recommendations of the De-*
18 *fense Science Board pursuant to the review, including such*
19 *recommendations for legislative or administrative action as*
20 *the Board considers appropriate, together with any com-*
21 *ments the Secretary considers appropriate.*

1 **SEC. 874. ENHANCEMENT AND EXTENSION OF ACQUISITION**
2 **AUTHORITY FOR THE UNIFIED COMBATANT**
3 **COMMAND FOR JOINT WARFIGHTING EXPERI-**
4 **MENTATION.**

5 (a) *SUSTAINMENT OF EQUIPMENT.*—

6 (1) *IN GENERAL.*—*Subsection (a) of section 167a*
7 *of title 10, United States Code, is amended by strik-*
8 *ing “and acquire” and inserting “, acquire, and sus-*
9 *tain”.*

10 (2) *CONFORMING AMENDMENT.*—*Subsection (d)*
11 *of such section is amended in the matter preceding*
12 *paragraph (1) by striking “or acquisition” and in-*
13 *serting “, acquisition, or sustainment”.*

14 (b) *TWO-YEAR EXTENSION.*—*Subsection (f) of such*
15 *section is amended—*

16 (1) *by striking “through 2008” and inserting*
17 *“through 2010”; and*

18 (2) *by striking “September 30, 2008” and insert-*
19 *ing “September 30, 2010”.*

20 **SEC. 875. REPEAL OF REQUIREMENT FOR IDENTIFICATION**
21 **OF ESSENTIAL MILITARY ITEMS AND MILI-**
22 **TARY SYSTEM ESSENTIAL ITEM BREAKOUT**
23 **LIST.**

24 *Section 813 of the National Defense Authorization Act*
25 *for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543)*
26 *is repealed.*

1 **SEC. 876. GREEN PROCUREMENT POLICY.**

2 (a) *FINDINGS.*—*The Senate makes the following find-*
3 *ings:*

4 (1) *On September 1, 2004, the Department of*
5 *Defense issued its green procurement policy. The pol-*
6 *icy affirms a goal of 100 percent compliance with*
7 *Federal laws and executive orders requiring purchase*
8 *of environmentally friendly, or green, products and*
9 *services. The policy also outlines a strategy for meet-*
10 *ing those requirements along with metrics for meas-*
11 *uring progress.*

12 (2) *On September 13, 2006, the Department of*
13 *Defense hosted a biobased product showcase and edu-*
14 *cational event which underscores the importance and*
15 *seriousness with which the Department is imple-*
16 *menting its green procurement program.*

17 (3) *On January 24, 2007, President Bush signed*
18 *Executive Order 13423: Strengthening Federal Envi-*
19 *ronmental, Energy, and Transportation Management,*
20 *which contains the requirement that Federal agencies*
21 *procure biobased and environmentally preferable*
22 *products and services.*

23 (4) *Although the Department of Defense con-*
24 *tinues to work to become a leading advocate of green*
25 *procurement, there is concern that there is not a pro-*

1 *curement application or process in place at the De-*
2 *partment that supports compliance analysis.*

3 (b) *SENSE OF THE SENATE.*—*It is the sense of the Sen-*
4 *ate that the Department of Defense should establish a sys-*
5 *tem to document and track the use of environmentally pref-*
6 *erable products and services.*

7 (c) *REPORT.*—*Not later than 90 days after the date*
8 *of the enactment of this Act, the Secretary of Defense shall*
9 *submit to Congress a report on its plan to increase the usage*
10 *of environmentally friendly products that minimize poten-*
11 *tial impacts to human health and the environment at all*
12 *Department of Defense facilities inside and outside the*
13 *United States, including through the direct purchase of*
14 *products and the purchase of products by facility mainte-*
15 *nance contractors.*

16 **SEC. 877. GAO REVIEW OF USE OF AUTHORITY UNDER THE**
17 **DEFENSE PRODUCTION ACT OF 1950.**

18 (a) *THOROUGH REVIEW REQUIRED.*—*The Comptroller*
19 *General of the United States (in this section referred to as*
20 *the “Comptroller”) shall conduct a thorough review of the*
21 *application of the Defense Production Act of 1950, since*
22 *the date of enactment of the Defense Production Act Reau-*
23 *thorization of 2003 (Public Law 108–195), in light of*
24 *amendments made by that Act.*

1 (b) *CONSIDERATIONS.*—*In conducting the review re-*
2 *quired by this section, the Comptroller shall examine—*

3 (1) *existing authorities under the Defense Pro-*
4 *duction Act of 1950;*

5 (2) *whether and how such authorities should be*
6 *statutorily modified to ensure preparedness of the*
7 *United States and United States industry—*

8 (A) *to meet security challenges;*

9 (B) *to meet current and future defense re-*
10 *quirements;*

11 (C) *to meet current and future energy re-*
12 *quirements;*

13 (D) *to meet current and future domestic*
14 *emergency and disaster response and recovery re-*
15 *quirements;*

16 (E) *to reduce the interruption of critical in-*
17 *frastructure operations during a terrorist attack,*
18 *natural catastrophe, or other similar national*
19 *emergency; and*

20 (F) *to safeguard critical components of the*
21 *United States industrial base, including Amer-*
22 *ican aerospace and shipbuilding industries;*

23 (3) *the effectiveness of amendments made by the*
24 *Defense Production Act Reauthorization of 2003, and*
25 *the implementation of such amendments;*

1 (4) *advantages and limitations of Defense Pro-*
2 *duction Act of 1950-related capabilities, to ensure ad-*
3 *aptation of the law to meet the security challenges of*
4 *the 21st Century;*

5 (5) *the economic impact of foreign offset con-*
6 *tracts and the efficacy of existing authority in miti-*
7 *gating such impact;*

8 (6) *the relative merit of developing rapid and*
9 *standardized systems for use of the authority provided*
10 *under the Defense Production Act of 1950, by any*
11 *Federal agency; and*

12 (7) *such other issues as the Comptroller deter-*
13 *mines relevant.*

14 (c) *REPORT TO CONGRESS.*—*Not later than 120 days*
15 *after the date of enactment of this Act, the Comptroller shall*
16 *submit a report to the Committee on Banking, Housing,*
17 *and Urban Affairs of the Senate on the results of the review*
18 *conducted under this section, together with any legislative*
19 *recommendations.*

20 (d) *RULES OF CONSTRUCTION ON PROTECTION OF IN-*
21 *FORMATION.*—*Notwithstanding any other provision of*
22 *law—*

23 (1) *the provisions of section 705(d) of the Defense*
24 *Production Act of 1950 (50 U.S.C. App. 2155(d))*
25 *shall not apply to information sought or obtained by*

1 *the Comptroller for purposes of the review required by*
2 *this section; and*

3 *(2) provisions of law pertaining to the protection*
4 *of classified information or proprietary information*
5 *otherwise applicable to information sought or ob-*
6 *tained by the Comptroller in carrying out this section*
7 *shall not be affected by any provision of this section.*

8 **SEC. 878. TRANSPARENCY AND ACCOUNTABILITY IN MILI-**
9 **TARY AND SECURITY CONTRACTING.**

10 *(a) REPORTS ON IRAQ AND AFGHANISTAN CON-*
11 *TRACTS.—Not later than 90 days after the date of the enact-*
12 *ment of this Act, the Secretary of Defense, the Secretary*
13 *of State, the Secretary of the Interior, the Administrator*
14 *of the United States Agency for International Development,*
15 *and the Director of National Intelligence shall each submit*
16 *to Congress a report that contains the information, current*
17 *as of the date of the enactment of this Act, as follows:*

18 *(1) The number of persons performing work in*
19 *Iraq and Afghanistan under contracts (and sub-*
20 *contracts at any tier) entered into by departments*
21 *and agencies of the United States Government, in-*
22 *cluding the Department of Defense, the Department of*
23 *State, the Department of the Interior, and the United*
24 *States Agency for International Development, respec-*

1 *tively, and a brief description of the functions per-*
2 *formed by these persons.*

3 (2) *The companies awarded such contracts and*
4 *subcontracts.*

5 (3) *The total cost of such contracts.*

6 (4) *A method for tracking the number of persons*
7 *who have been killed or wounded in performing work*
8 *under such contracts.*

9 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
10 *ate that the Secretary of Defense, the Secretary of State,*
11 *the Secretary of the Interior, the Administrator of the*
12 *United States Agency for International Development, and*
13 *the Director of National Intelligence should make their best*
14 *efforts to compile the most accurate accounting of the num-*
15 *ber of civilian contractors killed or wounded in Iraq and*
16 *Afghanistan since October 1, 2001.*

17 (c) *DEPARTMENT OF DEFENSE REPORT ON STRATEGY*
18 *FOR AND APPROPRIATENESS OF ACTIVITIES OF CONTRAC-*
19 *TORS UNDER DEPARTMENT OF DEFENSE CONTRACTS IN*
20 *IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TER-*
21 *ROR.—Not later than 180 days after the date of the enact-*
22 *ment of this Act, the Secretary of Defense shall submit to*
23 *Congress a report setting forth the strategy of the Depart-*
24 *ment of Defense for the use of, and a description of the ac-*
25 *tivities being carried out by, contractors and subcontractors*

1 *working in Iraq and Afghanistan in support of Department*
2 *missions in Iraq, Afghanistan, and the Global War on Ter-*
3 *ror, including its strategy for ensuring that such contracts*
4 *do not—*

5 *(1) have private companies and their employees*
6 *performing inherently governmental functions; or*

7 *(2) place contractors in supervisory roles over*
8 *United States Government personnel.*

9 **SEC. 879. MOAB SITE AND CRESCENT JUNCTION SITE,**
10 **UTAH.**

11 *(a) The Secretary of Energy shall develop a strategy*
12 *to complete the remediation at the Moab site, and the re-*
13 *moval of the tailings to the Crescent Junction site, in the*
14 *State of Utah by not later than January 1, 2019.*

15 *(b) Not later than 90 days after the date of enactment*
16 *of this Act, the Secretary shall submit to the Committee on*
17 *Energy and Natural Resources of the Senate, the Committee*
18 *on Energy and Commerce of the House of Representatives,*
19 *and the Committee on Appropriations of each of the Senate*
20 *and the House of Representatives a report describing the*
21 *strategy developed under subsection (a) and changes to the*
22 *existing cost, scope and schedule of the remediation and re-*
23 *moval activities that will be necessary to implement the*
24 *strategy.*

1 **TITLE IX—DEPARTMENT OF DE-**
2 **FENSE ORGANIZATION AND**
3 **MANAGEMENT**

4 **Subtitle A—Department of Defense**
5 **Management**

6 **SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT**
7 **OF DEFENSE HEADQUARTERS ACTIVITIES**
8 **PERSONNEL.**

9 (a) *REPEAL.*—Section 130a of title 10, United States
10 Code, is repealed.

11 (b) *CLERICAL AMENDMENT.*—The table of sections at
12 the beginning of chapter 3 of such title is amended by strik-
13 ing the item relating to section 130a.

14 **SEC. 902. CHIEF MANAGEMENT OFFICERS OF THE DEPART-**
15 **MENT OF DEFENSE.**

16 (a) *SERVICE OF DEPUTY SECRETARY OF DEFENSE AS*
17 *CHIEF MANAGEMENT OFFICER OF DEPARTMENT OF DE-*
18 *FENSE.*—Section 132 of title 10, United States Code, is
19 amended—

20 (1) by redesignating subsection (c) as subsection
21 (d); and

22 (2) by inserting after subsection (b) the following
23 new subsection (c):

24 “(c)(1) *The Deputy Secretary—*

1 “(A) serves as the Chief Management Officer of
2 the Department of Defense; and

3 “(B) is the principal adviser to the Secretary of
4 Defense on matters relating to the management of the
5 Department of Defense, including the development,
6 approval, implementation, integration, and oversight
7 of policies, procedures, processes, and systems for the
8 management of the Department of Defense that relate
9 to the performance of the following functions:

10 “(i) Planning and budgeting, including
11 performance measurement.

12 “(ii) Acquisition.

13 “(iii) Logistics.

14 “(iv) Facilities, installations, and environ-
15 ment.

16 “(v) Financial management.

17 “(vi) Human resources and personnel.

18 “(vii) Management of information re-
19 sources, including information technology, net-
20 works, and telecommunications functions.

21 “(2) In carrying out the duties of Chief Management
22 Officer of the Department of Defense, the Deputy Secretary
23 shall—

24 “(A) develop and maintain a departmentwide
25 strategic plan for business reform identifying key ini-

1 *tiatives to be undertaken by the Department of De-*
2 *fense and its components, together with related re-*
3 *source needs;*

4 *“(B) establish performance goals and measures*
5 *for improving and evaluating the overall economy, ef-*
6 *iciency, and effectiveness of the business operations of*
7 *the Department of Defense;*

8 *“(C) monitor the progress of the Department of*
9 *Defense and its components in meeting performance*
10 *goals and measures established pursuant to subpara-*
11 *graph (B);*

12 *“(D) review and approve plans and budgets for*
13 *business reform, including any proposed changes to*
14 *policies, procedures, processes, and systems, to ensure*
15 *the compatibility of such plans and budgets with the*
16 *strategic plan for business reform established pursu-*
17 *ant to subparagraph (A);*

18 *“(E) oversee the development of, and review and*
19 *approve, all budget requests for defense business sys-*
20 *tems, including the information to be submitted to*
21 *Congress under section 2222(h) of this title; and*

22 *“(F) subject to the authority, direction, and con-*
23 *trol of the Secretary of Defense, perform the respon-*
24 *sibilities of the Secretary under section 2222 of this*
25 *title.*

1 “(3) *The Deputy Secretary exercises the authority of*
2 *the Secretary of Defense in the performance of the duties*
3 *of Chief Management Officer of the Department of Defense*
4 *under this subsection subject to the authority, direction, and*
5 *control of the Secretary. The exercise of that authority is*
6 *binding on the Secretaries of the military departments and*
7 *the heads of the other elements and components of the De-*
8 *partment of Defense.”.*

9 **(b) DEPUTY CHIEF MANAGEMENT OFFICER.—**

10 **(1) IN GENERAL.—***Chapter 4 of such title is*
11 *amended by inserting after section 133b the following*
12 *new section:*

13 **“§ 133c. Under Secretary of Defense for Management**
14 **(Deputy Chief Management Officer)**

15 “(a) *There is an Under Secretary of Defense for Man-*
16 *agement (Deputy Chief Management Officer), appointed*
17 *from civilian life by the President, by and with the advice*
18 *and consent of the Senate, from among persons who have—*

19 “(1) *extensive executive level leadership and*
20 *management experience in the public or private sec-*
21 *tor;*

22 “(2) *strong leadership skills;*

23 “(3) *a demonstrated ability to manage large and*
24 *complex organizations; and*

1 “(4) a record of achieving positive operational
2 results.

3 “(b) *The Under Secretary of Defense for Management*
4 *(Deputy Chief Management Officer) shall assist the Deputy*
5 *Secretary of Defense in the performance of his duties as*
6 *Chief Management Officer. The Under Secretary of Defense*
7 *for Management (Deputy Chief Management Officer) shall*
8 *act for, and exercise the powers of, the Chief Management*
9 *Officer when the Deputy Secretary is absent or disabled or*
10 *there is no Deputy Secretary.*

11 “(c)(1) *With respect to all matters for which he has*
12 *responsibility by law or by direction of the Secretary of De-*
13 *fense, the Under Secretary of Defense for Management (Dep-*
14 *uty Chief Management Officer) takes precedence in the De-*
15 *partment of Defense after the Secretary of Defense and the*
16 *Deputy Secretary of Defense.*

17 “(2) *With respect to all matters other than matters for*
18 *which he has responsibility by law or by direction of the*
19 *Secretary of Defense, the Under Secretary takes precedence*
20 *in the Department of Defense after the Secretaries of the*
21 *military departments and the Under Secretary of Defense*
22 *for Acquisition, Technology, and Logistics.”.*

23 (2) *CLERICAL AMENDMENT.—The table of sec-*
24 *tions at the beginning of such chapter is amended by*

1 *inserting after the item relating to section 133b the*
2 *following new item:*

 “133c. *Under Secretary of Defense for Management (Deputy Chief Management Officer).*”.

3 (3) *EXECUTIVE SCHEDULE LEVEL III.—Section*
4 *5314 of title 5, United States Code, is amended by in-*
5 *serting after the item relating to the Under Secretary*
6 *of Defense for Intelligence the following new item:*

7 “*Under Secretary of Defense for Management*
8 *(Deputy Chief Management Officer).*”.

9 (4) *PLACEMENT IN OSD.—Section 131(b)(2) of*
10 *title 10, United States Code, is amended—*

11 (A) *by redesignating subparagraphs (B)*
12 *through (E) as subparagraphs (C) through (F),*
13 *respectively; and*

14 (B) *by inserting after subparagraph (A) the*
15 *following new subparagraph (B):*

16 “(B) *The Under Secretary of Defense for*
17 *Management (Deputy Chief Management Offi-*
18 *cer).*”.

19 (5) *CONFORMING AMENDMENT.—Section 134(c)*
20 *of such title is amended by striking “the Secretary of*
21 *Defense” and all that follows and inserting “the*
22 *Under Secretary of Defense for Management (Deputy*
23 *Chief Management Officer).*”.

1 (c) *CHIEF MANAGEMENT OFFICERS OF THE MILITARY*
2 *DEPARTMENTS.*—

3 (1) *DEPARTMENT OF THE ARMY.*—Section 3015
4 *of title 10, United States Code, is amended by adding*
5 *at the end the following new subsection:*

6 “(c)(1) *The Under Secretary serves as the Chief Man-*
7 *agement Officer of the Department of the Army.*

8 “(2) *The Under Secretary is the principal adviser to*
9 *the Secretary of the Army on matters relating to the man-*
10 *agement of the Department of the Army, including the de-*
11 *velopment, approval, implementation, integration, and*
12 *oversight of policies, procedures, processes, and systems for*
13 *the management of the Department of the Army that relate*
14 *to the performance of the following functions:*

15 “(A) *Planning and budgeting, including per-*
16 *formance measurement.*

17 “(B) *Acquisition.*

18 “(C) *Logistics.*

19 “(D) *Facilities, installations, and environment.*

20 “(E) *Financial management.*

21 “(F) *Human resources and personnel.*

22 “(G) *Management of information resources, in-*
23 *cluding information technology, networks, and tele-*
24 *communications functions.*

1 “(3) *Subject to the direction and oversight of the Chief*
2 *Management Officer and Deputy Chief Management Officer*
3 *of the Department of Defense, the Under Secretary shall be*
4 *responsible for—*

5 “(A) *developing and maintaining a strategic*
6 *plan for business reform that identifies key initiatives*
7 *to be undertaken by the Department of the Army for*
8 *business reform, together with related resource needs;*

9 “(B) *establishing performance goals and meas-*
10 *ures for improving and evaluating the overall econ-*
11 *omy, efficiency, and effectiveness of the business oper-*
12 *ations of the Department of the Army;*

13 “(C) *monitoring the progress of the Department*
14 *of the Army and its components in meeting the per-*
15 *formance goals and measures established pursuant to*
16 *subparagraph (B);*

17 “(D) *reviewing and approving the plans and*
18 *budgets of the Department of the Army for business*
19 *reform, including any proposed changes to policies,*
20 *procedures, processes, and systems, to ensure the com-*
21 *patibility of such plans and budgets with the strategic*
22 *plan for business reform established pursuant to sub-*
23 *paragraph (A); and*

24 “(E) *overseeing the development of, and review-*
25 *ing and approving, all budget requests for defense*

1 *business systems by the Department of the Army, in-*
2 *cluding the information to be submitted to Congress*
3 *under section 2222(h) of this title.”.*

4 (2) *DEPARTMENT OF THE NAVY.—Section 5015*
5 *of such title is amended by adding at the end the fol-*
6 *lowing new subsection:*

7 “(c)(1) *The Under Secretary serves as the Chief Man-*
8 *agement Officer of the Department of the Navy.*

9 “(2) *The Under Secretary is the principal adviser to*
10 *the Secretary of the Navy on matters relating to the man-*
11 *agement of the Department of the Navy, including the devel-*
12 *opment, approval, implementation, integration, and over-*
13 *sight of policies, procedures, processes, and systems for the*
14 *management of the Department of the Navy that relate to*
15 *the performance of the following functions:*

16 “(A) *Planning and budgeting, including per-*
17 *formance measurement.*

18 “(B) *Acquisition.*

19 “(C) *Logistics.*

20 “(D) *Facilities, installations, and environment.*

21 “(E) *Financial management.*

22 “(F) *Human resources and personnel.*

23 “(G) *Management of information resources, in-*
24 *cluding information technology, networks, and tele-*
25 *communications functions.*

1 “(3) *Subject to the direction and oversight of the Chief*
2 *Management Officer and Deputy Chief Management Officer*
3 *of the Department of Defense, the Under Secretary shall be*
4 *responsible for—*

5 “(A) *developing and maintaining a strategic*
6 *plan for business reform that identifies key initiatives*
7 *to be undertaken by the Department of the Navy for*
8 *business reform, together with related resource needs;*

9 “(B) *establishing performance goals and meas-*
10 *ures for improving and evaluating the overall econ-*
11 *omy, efficiency, and effectiveness of the business oper-*
12 *ations of the Department of the Navy;*

13 “(C) *monitoring the progress of the Department*
14 *of the Navy and its components in meeting the per-*
15 *formance goals and measures established pursuant to*
16 *subparagraph (B);*

17 “(D) *reviewing and approving the plans and*
18 *budgets of the Department of the Navy for business re-*
19 *form, including any proposed changes to policies, pro-*
20 *cedures, processes, and systems, to ensure the compat-*
21 *ibility of such plans and budgets with the strategic*
22 *plan for business reform established pursuant to sub-*
23 *paragraph (A); and*

24 “(E) *overseeing the development of, and review-*
25 *ing and approving, all budget requests for defense*

1 *business systems by the Department of the Navy, in-*
2 *cluding the information to be submitted to Congress*
3 *under section 2222(h) of this title.”.*

4 (3) *DEPARTMENT OF THE AIR FORCE.—Section*
5 *8015 of such title is amended by adding at the end*
6 *the following new subsection:*

7 “(c)(1) *The Under Secretary serves as the Chief Man-*
8 *agement Officer of the Department of the Air Force.*

9 “(2) *The Under Secretary is the principal adviser to*
10 *the Secretary of the Air Force on matters relating to the*
11 *management of the Department of the Air Force, including*
12 *the development, approval, implementation, integration,*
13 *and oversight of policies, procedures, processes, and systems*
14 *for the management of the Department of the Air Force that*
15 *relate to the performance of the following functions:*

16 “(A) *Planning and budgeting, including per-*
17 *formance measurement.*

18 “(B) *Acquisition.*

19 “(C) *Logistics.*

20 “(D) *Facilities, installations, and environment.*

21 “(E) *Financial management.*

22 “(F) *Human resources and personnel.*

23 “(G) *Management of information resources, in-*
24 *cluding information technology, networks, and tele-*
25 *communications functions.*

1 “(3) *Subject to the direction and oversight of the Chief*
2 *Management Officer and Deputy Chief Management Officer*
3 *of the Department of Defense, the Under Secretary shall be*
4 *responsible for—*

5 “(A) *developing and maintaining a strategic*
6 *plan for business reform that identifies key initiatives*
7 *to be undertaken by the Department of the Air Force*
8 *for business reform, together with related resource*
9 *needs;*

10 “(B) *establishing performance goals and meas-*
11 *ures for improving and evaluating the overall econ-*
12 *omy, efficiency, and effectiveness of the business oper-*
13 *ations of the Department of the Air Force;*

14 “(C) *monitoring the progress of the Department*
15 *of the Air Force and its components in meeting the*
16 *performance goals and measures established pursuant*
17 *to subparagraph (B);*

18 “(D) *reviewing and approving the plans and*
19 *budgets of the Department of the Air Force for busi-*
20 *ness reform, including any proposed changes to poli-*
21 *cies, procedures, processes, and systems, to ensure the*
22 *compatibility of such plans and budgets with the stra-*
23 *tegic plan for business reform established pursuant to*
24 *subparagraph (A); and*

1 “(E) overseeing the development of, and review-
2 ing and approving, all budget requests for defense
3 business systems by the Department of the Air Force,
4 including the information to be submitted to Congress
5 under section 2222(h) of this title.”.

6 (d) *MATTERS RELATING TO FINANCIAL MANAGEMENT*
7 *MODERNIZATION EXECUTIVE COMMITTEE.*—Section 185(a)
8 of title 10, United States Code, is amended—

9 (1) in paragraph (2)—

10 (A) by redesignating subparagraphs (A)
11 through (E) as subparagraphs (C) through (G),
12 respectively; and

13 (B) by inserting before subparagraph (C),
14 as redesignated by subparagraph (A) of this
15 paragraph, the following new subparagraphs:

16 “(A) *The Deputy Secretary of Defense, who shall*
17 *be the chairman of the committee.*

18 “(B) *The Under Secretary of Defense for Man-*
19 *agement (Deputy Chief Management Officer), who*
20 *shall act as the chairman of the committee in the ab-*
21 *sence of the Deputy Secretary of Defense.”; and*

22 (C) in subparagraph (C), as so redesign-
23 ated, by striking “, who shall be the chairman
24 of the committee”; and

1 (2) in paragraph (3), by inserting “the Under
2 Secretary of Defense for Management (Deputy Chief
3 Management Officer),” after “the Deputy Secretary of
4 Defense.”

5 (e) *MATTERS RELATING TO DEFENSE BUSINESS SYS-*
6 *TEM MANAGEMENT COMMITTEE.*—Section 186 of such title
7 *is amended—*

8 (1) in subsection (a)—

9 (A) by redesignating paragraphs (2)
10 through (7) as paragraphs (3) through (8), re-
11 spectively; and

12 (B) by inserting after paragraph (1) the fol-
13 lowing new paragraph (2):

14 “(2) *The Under Secretary of Defense for Manage-*
15 *ment (Deputy Chief Management Officer).*.”; and

16 (2) in subsection (b), by striking the second sen-
17 tence and inserting the following new sentence: “*The*
18 *Under Secretary of Defense for Management (Deputy*
19 *Chief Management Officer) shall serve as the vice*
20 *chairman of the committee, and shall act as the chair-*
21 *man of the committee in the absence of the Deputy*
22 *Secretary of Defense.*.”

23 (f) *MANAGEMENT OF DEFENSE BUSINESS TRANS-*
24 *FORMATION AGENCY.*—Section 192(e)(2) of such title is
25 *amended by striking “that the Agency” and all that follows*

1 and inserting “that the Director of the Agency shall report
2 directly to the Under Secretary of Defense for Management
3 (Deputy Chief Management Officer).”.

4 **SEC. 903. 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. 904. DEPARTMENT OF DEFENSE BOARD OF ACTU-**
11 **ARIES.**

12 (a) *ESTABLISHMENT.*—

13 (1) *IN GENERAL.*—Chapter 7 of title 10, United
14 States Code, is amended by inserting after section 182
15 the following new section:

16 **“§ 183. Department of Defense Board of Actuaries**

17 “(a) *IN GENERAL.*—There shall be in the Department
18 of Defense a Department of Defense Board of Actuaries
19 (hereinafter in this section referred to as the ‘Board’).

20 “(b) *MEMBERS.*—(1) The Board shall consist of three
21 members who shall be appointed by the Secretary of Defense
22 from among qualified professional actuaries who are mem-
23 bers of the Society of Actuaries.

24 “(2) The members of the Board shall serve for a term
25 of 15 years, except that a member of the Board appointed

1 *to fill a vacancy occurring before the end of the term for*
2 *which the member's predecessor was appointed shall only*
3 *serve until the end of such term. A member may serve after*
4 *the end of the member's term until the member's successor*
5 *takes office.*

6 “(3) *A member of the Board may be removed by the*
7 *Secretary of Defense only for misconduct or failure to per-*
8 *form functions vested in the Board.*

9 “(4) *A member of the Board who is not an employee*
10 *of the United States is entitled to receive pay at the daily*
11 *equivalent of the annual rate of basic pay of the highest*
12 *rate of basic pay then currently being paid under the Gen-*
13 *eral Schedule of subchapter III of chapter 53 of title 5 for*
14 *each day the member is engaged in the performance of the*
15 *duties of the Board and is entitled to travel expenses, in-*
16 *cluding a per diem allowance, in accordance with section*
17 *5703 of that title in connection with such duties.*

18 “(c) *DUTIES.—The Board shall have the following du-*
19 *ties:*

20 “(1) *To review valuations of the Department of*
21 *Defense Military Retirement Fund in accordance*
22 *with section 1465(c) of this title and submit to the*
23 *President and Congress, not less often than once every*
24 *four years, a report on the status of that Fund, in-*
25 *cluding such recommendations for modifications to*

1 *the funding or amortization of that Fund as the*
2 *Board considers appropriate and necessary to main-*
3 *tain that Fund on a sound actuarial basis.*

4 *“(2) To review valuations of the Department of*
5 *Defense Education Benefits Fund in accordance with*
6 *section 2006(e) of this title and make recommenda-*
7 *tions to the President and Congress on such modifica-*
8 *tions to the funding or amortization of that Fund as*
9 *the Board considers appropriate to maintain that*
10 *Fund on a sound actuarial basis.*

11 *“(3) To review valuations of such other funds as*
12 *the Secretary of Defense shall specify for purposes of*
13 *this section and make recommendations to the Presi-*
14 *dent and Congress on such modifications to the fund-*
15 *ing or amortization of such funds as the Board con-*
16 *siders appropriate to maintain such funds on a sound*
17 *actuarial basis.*

18 *“(d) RECORDS.—The Secretary of Defense shall ensure*
19 *that the Board has access to such records regarding the*
20 *funds referred to in subsection (c) as the Board shall require*
21 *to determine the actuarial status of such funds.*

22 *“(e) REPORTS.—(1) The Board shall submit to the*
23 *Secretary of Defense on an annual basis a report on the*
24 *actuarial status of each of the following:*

1 “(A) *The Department of Defense Military Retirement*
2 *Fund.*

3 “(B) *The Department of Defense Education Benefits*
4 *Fund.*

5 “(C) *Each other fund specified by Secretary*
6 *under subsection (c)(3).*

7 “(2) *The Board shall also furnish its advice and opin-*
8 *ion on matters referred to it by the Secretary.”.*

9 (2) *CLERICAL AMENDMENT.—The table of sec-*
10 *tions at the beginning of chapter 7 of such title is*
11 *amended by inserting after the item relating to sec-*
12 *tion 182 the following new item:*

 “183. *Department of Defense Board of Actuaries.”.*

13 (3) *INITIAL SERVICE AS BOARD MEMBERS.—*
14 *Each member of the Department of Defense Retirement*
15 *Board of Actuaries or the Department of Defense Education*
16 *Benefits Board of Actuaries as of the*
17 *date of the enactment of this Act shall serve as an ini-*
18 *tial member of the Department of Defense Board of*
19 *Actuaries under section 183 of title 10, United States*
20 *Code (as added by paragraph (1)), from that date*
21 *until the date otherwise provided for the completion*
22 *of such individual’s term as a member of the Depart-*
23 *ment of Defense Retirement Board of Actuaries or the*
24 *Department of Defense Education Benefits Board of*

1 *Actuaries, as the case may be, unless earlier removed*
2 *by the Secretary of Defense.*

3 *(b) TERMINATION OF EXISTING BOARDS OF ACTU-*
4 *ARIES.—*

5 *(1) DEPARTMENT OF DEFENSE RETIREMENT*
6 *BOARD OF ACTUARIES.—(A) Section 1464 of title 10,*
7 *United States Code, is repealed.*

8 *(B) The table of sections at the beginning of*
9 *chapter 74 of such title is amended by striking the*
10 *item relating to section 1464.*

11 *(2) DEPARTMENT OF DEFENSE EDUCATION BEN-*
12 *EFITS BOARD OF ACTUARIES.—Section 2006 of such*
13 *title is amended—*

14 *(A) in subsection (c)(1), by striking “sub-*
15 *section (g)” and inserting “subsection (f)”;*

16 *(B) by striking subsection (e);*

17 *(C) by redesignating subsections (f), (g),*
18 *and (h) as subsections (e), (f), and (g), respec-*
19 *tively;*

20 *(D) in subsection (e), as redesignated by*
21 *subparagraph (C), by striking “subsection (g)”*
22 *in paragraph (5) and inserting “subsection (f)”;*
23 *and*

24 *(E) in subsection (f), as so redesignated—*

1 (i) in paragraph (2)(A), by striking
2 “subsection (f)(3)” and inserting “sub-
3 section (e)(3)”; and

4 (ii) in paragraph (2)(B), by striking
5 “subsection (f)(4)” and inserting “sub-
6 section (e)(4)”.

7 (c) *CONFORMING AMENDMENTS.*—

8 (1) Section 1175(h)(4) of title 10, United States
9 Code, is amended by striking “Retirement” the first
10 place it appears.

11 (2) Section 1460(b) of such title is amended by
12 striking “Retirement”.

13 (3) Section 1466(c)(3) of such title is amended
14 by striking “Retirement”.

15 (4) Section 12521(6) of such title is amended by
16 striking “Department of Defense Education Benefits
17 Board of Actuaries referred to in section 2006(e)(1) of
18 this title” and inserting “Department of Defense
19 Board of Actuaries under section 183 of this title”.

20 **SEC. 905. ASSISTANT SECRETARIES OF THE MILITARY DE-**
21 **PARTMENTS FOR ACQUISITION MATTERS;**
22 **PRINCIPAL MILITARY DEPUTIES.**

23 (a) *DEPARTMENT OF THE ARMY.*—Section 3016(b) of
24 title 10, United States Code, is amended by adding at the
25 end the following new paragraph:

1 “(5)(A) *One of the Assistant Secretaries shall be the*
2 *Assistant Secretary of the Army for Acquisition, Tech-*
3 *nology, and Logistics. The principal duty of the Assistant*
4 *Secretary shall be the overall supervision of acquisition,*
5 *technology, and logistics matters of the Department of the*
6 *Army.*

7 “(B) *The Assistant Secretary shall have a Principal*
8 *Deputy, who shall be a lieutenant general of the Army on*
9 *active duty. The Principal Deputy shall be appointed from*
10 *among officers who have significant experience in the areas*
11 *of acquisition and program management. The position of*
12 *Principal Deputy shall be designated as a critical acquisi-*
13 *tion position under section 1733 of this title.”.*

14 (b) *DEPARTMENT OF THE NAVY.—Section 5016(b) of*
15 *such title is amended by adding at the end the following*
16 *new paragraph:*

17 “(4)(A) *One of the Assistant Secretaries shall be the*
18 *Assistant Secretary of the Navy for Research, Development,*
19 *and Acquisition. The principal duty of the Assistant Sec-*
20 *retary shall be the overall supervision of research, develop-*
21 *ment, and acquisition matters of the Department of the*
22 *Navy.*

23 “(B) *The Assistant Secretary shall have a Principal*
24 *Deputy, who shall be a vice admiral of the Navy or a lieu-*
25 *tenant general of the Marine Corps on active duty. The*

1 *Principal Deputy shall be appointed from among officers*
2 *who have significant experience in the areas of acquisition*
3 *and program management. The position of Principal Dep-*
4 *uty shall be designated as a critical acquisition position*
5 *under section 1733 of this title.”.*

6 (c) *DEPARTMENT OF THE AIR FORCE.—Section*
7 *8016(b) of such title is amended by adding at the end the*
8 *following new paragraph:*

9 “(4)(A) *One of the Assistant Secretaries shall be the*
10 *Assistant Secretary of the Air Force for Acquisition. The*
11 *principal duty of the Assistant Secretary shall be the overall*
12 *supervision of acquisition matters of the Department of the*
13 *Air Force.*

14 “(B) *The Assistant Secretary shall have a Principal*
15 *Deputy, who shall be a lieutenant general of the Air Force*
16 *on active duty. The Principal Deputy shall be appointed*
17 *from among officers who have significant experience in the*
18 *areas of acquisition and program management. The posi-*
19 *tion of Principal Deputy shall be designated as a critical*
20 *acquisition position under section 1733 of this title.”.*

21 (d) *DUTY OF PRINCIPAL MILITARY DEPUTIES TO IN-*
22 *FORM SERVICE CHIEFS ON MAJOR DEFENSE ACQUISITION*
23 *PROGRAMS.—Each Principal Deputy to a service acquisi-*
24 *tion executive shall be responsible for keeping the Chief of*

1 *Staff of the Armed Force concerned informed of the progress*
2 *of major defense acquisition programs.*

3 (e) *EXCLUSION OF PRINCIPAL MILITARY DEPUTIES*
4 *FROM DISTRIBUTION AND STRENGTH IN GRADE LIMITA-*
5 *TIONS.—*

6 (1) *DISTRIBUTION.—Section 525(b) of such title*
7 *is amended by adding at the end the following new*
8 *paragraph:*

9 “(9)(A) *An officer while serving in a position specified*
10 *in subparagraph (B) is in addition to the number that*
11 *would otherwise be permitted for that officer’s armed force*
12 *for the grade of lieutenant general or vice admiral, as appli-*
13 *cable.*

14 “(B) *A position specified in this subparagraph is each*
15 *position as follows:*

16 “(i) *Principal Deputy to the Assistant Secretary*
17 *of the Army for Acquisition, Logistics, and Tech-*
18 *nology.*

19 “(ii) *Principal Deputy to the Assistant Sec-*
20 *retary of the Navy for Research, Development, and*
21 *Acquisition.*

22 “(iii) *Principal Deputy to the Assistant Sec-*
23 *retary of the Air Force for Acquisition.”.*

1 (2) *AUTHORIZED STRENGTH.*—Section 526 of
2 such title is amended by adding at the end the fol-
3 lowing new subsection:

4 “(g) *EXCLUSION OF PRINCIPAL DEPUTIES TO ASSIST-*
5 *ANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR*
6 *ACQUISITION MATTERS.*—The limitations of this section do
7 not apply to a general or flag officer who is covered by the
8 exclusion under section 525(b)(9) of this title.”.

9 **SEC. 906. FLEXIBLE AUTHORITY FOR NUMBER OF ARMY**
10 **DEPUTY CHIEFS OF STAFF AND ASSISTANT**
11 **CHIEFS OF STAFF.**

12 Subsection (b) of section 3035 of title 10, United States
13 Code, is amended to read as follows:

14 “(b) The Secretary of the Army shall prescribe the
15 number of Deputy Chiefs of Staff and Assistant Chiefs of
16 Staff. The aggregate number of such positions may not ex-
17 ceed eight positions.”.

18 **SEC. 907. SENSE OF CONGRESS ON TERM OF OFFICE OF**
19 **THE DIRECTOR OF OPERATIONAL TEST AND**
20 **EVALUATION.**

21 It is the sense of Congress that the term of office of
22 the Director of Operational Test and Evaluation of the De-
23 partment of Defense should be not less than five years.

1 ***Subtitle B—Space Matters***

2 ***SEC. 921. SPACE POSTURE REVIEW.***

3 ***(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—***

4 *In order to clarify the national security space policy and*
5 *strategy of the United States for the near term, the Sec-*
6 *retary of Defense and the Director of National Intelligence*
7 *shall jointly conduct a comprehensive review of the space*
8 *posture of the United States over the posture review period.*

9 ***(b) ELEMENTS OF REVIEW.—****The review conducted*
10 *under subsection (a) shall include, for the posture review*
11 *period, the following:*

12 ***(1) The definition, policy, requirements, and ob-***
13 ***jectives for each of the following:***

14 ***(A) Space situational awareness.***

15 ***(B) Space control.***

16 ***(C) Space superiority, including defensive***
17 ***and offensive counterspace.***

18 ***(D) Force enhancement and force applica-***
19 ***tion.***

20 ***(E) Space-based intelligence and surveil-***
21 ***lance and reconnaissance from space.***

22 ***(F) Any other matter the Secretary con-***
23 ***siders relevant to understanding the space pos-***
24 ***ture of the United States.***

1 (2) *A description of current and planned space*
2 *acquisition programs that are in acquisition cat-*
3 *egories 1 and 2, including how each such program*
4 *will address the policy, requirements, and objectives*
5 *described under each of subparagraphs (A) through*
6 *(F) of paragraph (1).*

7 (3) *A description of future space systems and*
8 *technology development (other than such systems and*
9 *technology in development as of the date of the enact-*
10 *ment of this Act) necessary to address the policy, re-*
11 *quirements, and objectives described under each of*
12 *subparagraphs (A) through (F) of paragraph (1).*

13 (4) *An assessment of the relationship among the*
14 *following:*

15 (A) *United States military space policy.*

16 (B) *National security space policy.*

17 (C) *National security space objectives.*

18 (D) *Arms control policy.*

19 (5) *An assessment of the effect of the military*
20 *and national security space policy of the United*
21 *States on the proliferation of weapons capable of tar-*
22 *geting objects in space or objects on Earth from space.*

23 (c) *REPORT.—*

24 (1) *IN GENERAL.—Not later than December 1,*
25 *2009, the Secretary of Defense and the Director of Na-*

1 *tional Intelligence shall jointly submit to the congress-*
2 *sional committees specified in paragraph (3) a report*
3 *on the review conducted under subsection (a).*

4 (2) *FORM OF REPORT.*—*The report under this*
5 *subsection shall be submitted in unclassified form, but*
6 *may include a classified annex.*

7 (3) *COMMITTEES.*—*The congressional committees*
8 *specified in this paragraph are—*

9 (A) *the Committee on Armed Services and*
10 *the Select Committee on Intelligence of the Sen-*
11 *ate; and*

12 (B) *the Committee on Armed Services and*
13 *the Permanent Select Committee on Intelligence*
14 *of the House of Representatives.*

15 (d) *POSTURE REVIEW PERIOD DEFINED.*—*In this sec-*
16 *tion, the term “posture review period” means the 10-year*
17 *period beginning on February 1, 2009.*

18 **SEC. 922. ADDITIONAL REPORT ON OVERSIGHT OF ACQUISI-**
19 **TION FOR DEFENSE SPACE PROGRAMS.**

20 *Section 911(b)(1) of the Bob Stump National Defense*
21 *Authorization Act for Fiscal Year 2003 (Public Law 107–*
22 *314; 116 Stat. 2621) is amended by inserting “, and March*
23 *15, 2008,” after “March 15, 2003,”.*

Subtitle C—Other Matters

1 ***Subtitle C—Other Matters***
2 ***SEC. 931. DEPARTMENT OF DEFENSE CONSIDERATION OF***
3 ***EFFECT OF CLIMATE CHANGE ON DEPART-***
4 ***MENT FACILITIES, CAPABILITIES, AND MIS-***
5 ***SIONS.***

6 *Section 118 of title 10, United States Code, is amended*
7 *by adding at the end the following new subsection:*

8 “(g) *CONSIDERATION OF EFFECT OF CLIMATE*
9 *CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND*
10 *MISSIONS.—(1) The first national security strategy and na-*
11 *tional defense strategy prepared after the date of the enact-*
12 *ment of this subsection shall include guidance for military*
13 *planners—*

14 “(A) *to assess the risks of projected climate*
15 *change to current and future missions of the armed*
16 *forces;*

17 “(B) *to update defense plans based on these as-*
18 *sessments, including working with allies and partners*
19 *to incorporate climate mitigation strategies, capacity*
20 *building, and relevant research and development; and*

21 “(C) *to develop the capabilities needed to reduce*
22 *future impacts.*

23 “(2) *The first quadrennial defense review prepared*
24 *after the date of the enactment of this subsection shall also*
25 *examine the capabilities of the armed forces to respond to*

1 *the consequences of climate change, in particular, prepared-*
2 *ness for natural disasters from extreme weather events and*
3 *other missions the armed forces may be asked to support*
4 *inside the United States and overseas.*

5 “(3) *For planning purposes to comply with the re-*
6 *quirements of this subsection, the Secretary of Defense shall*
7 *use—*

8 “(A) *the mid-range projections of the fourth as-*
9 *essment report of the Intergovernmental Panel on*
10 *Climate Change;*

11 “(B) *subsequent mid-range consensus climate*
12 *projections if more recent information is available*
13 *when the next national security strategy, national de-*
14 *fense strategy, or quadrennial defense review, as the*
15 *case may be, is conducted; and*

16 “(C) *findings of appropriate and available esti-*
17 *mations or studies of the anticipated strategic, social,*
18 *political, and economic effects of global climate*
19 *change and the implications of such effects on the na-*
20 *tional security of the United States.*

21 “(4) *The Secretary shall ensure that this subsection is*
22 *implemented in a manner that does not have a negative*
23 *impact on national security.*

24 “(5) *In this subsection, the term ‘national security*
25 *strategy’ means the annual national security strategy re-*

1 *port of the President under section 108 of the National Se-*
 2 *curity Act of 1947 (50 U.S.C. 404a).”.*

3 **SEC. 932. BOARD OF REGENTS FOR THE UNIFORMED SERV-**
 4 **ICES UNIVERSITY OF THE HEALTH SCIENCES.**

5 *(a) APPOINTMENTS.—*

6 *(1) IN GENERAL.—Section 2113 of title 10,*
 7 *United States Code, is amended—*

8 *(A) in subsection (a)(1), by striking “by the*
 9 *President, by and with the advice and consent of*
 10 *the Senate” and inserting “by the Secretary of*
 11 *Defense”; and*

12 *(B) in subsection (b)—*

13 *(i) in paragraph (1), by adding “and”*
 14 *at the end;*

15 *(ii) by striking paragraph (2); and*

16 *(iii) by redesignating paragraph (3) as*
 17 *paragraph (2).*

18 *(2) CHAIRMAN.—Subsection (c) of such section is*
 19 *amended by striking “the President” and inserting*
 20 *“the Secretary”.*

21 *(b) STATUTORY REDESIGNATION OF DEAN AS PRESI-*
 22 *DENT.—*

23 *(1) Section 2113 of such title is further amended*
 24 *by striking “Dean” each place it appears in sub-*
 25 *sections (d) and (f)(1) and inserting “President”.*

1 (2) *Section 2114(e) of such title is amended by*
2 *striking “Dean” each place it appears in paragraphs*
3 *(3) and (5).*

4 (c) *COMPENSATION OF MEMBERS FOR PERFORMANCE*
5 *OF DUTIES.—Subsection (e) of section 2113 of such title*
6 *is further amended by striking “but not exceeding \$100 per*
7 *diem”.*

8 **SEC. 933. UNITED STATES MILITARY CANCER INSTITUTE.**

9 (a) *ESTABLISHMENT.—Chapter 104 of title 10, United*
10 *States Code, is amended by adding at the end the following*
11 *new section:*

12 **“§2117. United States Military Cancer Institute**

13 *“(a) ESTABLISHMENT.—The Secretary of Defense shall*
14 *establish in the University the United States Military Can-*
15 *cer Institute. The Institute shall be established pursuant to*
16 *regulations prescribed by the Secretary.*

17 *“(b) PURPOSES.—The purposes of the Institute are as*
18 *follows:*

19 *“(1) To establish and maintain a clearinghouse*
20 *of data on the incidence and prevalence of cancer*
21 *among members and former members of the armed*
22 *forces.*

23 *“(2) To conduct research that contributes to the*
24 *detection or treatment of cancer among the members*
25 *and former members of the armed forces.*

1 “(c) *HEAD OF INSTITUTE.*—*The Director of the United*
2 *States Military Cancer Institute is the head of the Institute.*
3 *The Director shall report to the President of the University*
4 *regarding matters relating to the Institute.*

5 “(d) *ELEMENTS.*—(1) *The Institute is composed of*
6 *clinical and basic scientists in the Department of Defense*
7 *who have an expertise in research, patient care, and edu-*
8 *cation relating to oncology and who meet applicable criteria*
9 *for affiliation with the Institute.*

10 “(2) *The components of the Institute include military*
11 *treatment and research facilities that meet applicable cri-*
12 *teria and are designated as affiliates of the Institute.*

13 “(e) *RESEARCH.*—(1) *The Director of the United*
14 *States Military Cancer Institute shall carry out research*
15 *studies on the following:*

16 “(A) *The epidemiological features of cancer, in-*
17 *cluding assessments of the carcinogenic effect of ge-*
18 *netic and environmental factors, and of disparities in*
19 *health, inherent or common among populations of*
20 *various ethnic origins within the members of the*
21 *armed forces.*

22 “(B) *The prevention and early detection of can-*
23 *cer among members and former members of the armed*
24 *forces.*

1 “(C) *Basic, translational, and clinical investiga-*
2 *tion matters relating to the matters described in sub-*
3 *paragraphs (A) and (B).*

4 “(2) *The research studies under paragraph (1) shall*
5 *include complementary research on oncologic nursing.*

6 “(f) *COLLABORATIVE RESEARCH.—The Director of the*
7 *United States Military Cancer Institute shall carry out the*
8 *research studies under subsection (e) in collaboration with*
9 *other cancer research organizations and entities selected by*
10 *the Institute for purposes of the research studies.*

11 “(g) *ANNUAL REPORT.—(1) Not later than November*
12 *1 each year, the Director of the United States Military Can-*
13 *cer Institute shall submit to the President of the University*
14 *a report on the current status of the research studies being*
15 *carried out by the Institute under subsection (e).*

16 “(2) *Not later than 60 days after receiving a report*
17 *under paragraph (1), the President of the University shall*
18 *transmit such report to the Secretary of Defense and to Con-*
19 *gress.”.*

20 “(b) *CLERICAL AMENDMENT.—The table of sections at*
21 *the beginning of chapter 104 of such title is amended by*
22 *adding at the end the following new item:*

 “2117. *United States Military Cancer Institute.”.*

1 **SEC. 934. WESTERN HEMISPHERE CENTER FOR EXCEL-**
2 **LENCE IN HUMAN RIGHTS.**

3 (a) *CENTER AUTHORIZED.*—*The Secretary of Defense*
4 *may establish and operate a center to be known as the West-*
5 *ern Hemisphere Center for Excellence in Human Rights.*

6 (b) *MISSIONS.*—*The missions of the Center shall be as*
7 *follows:*

8 (1) *To provide and facilitate education, training,*
9 *research, strategic planning, and reform on the inte-*
10 *gration of respect for human rights into all aspects of*
11 *military operations, doctrine, education, judicial sys-*
12 *tems, and other internal control mechanisms, and*
13 *into the relations of the military with civil society,*
14 *including the development of programs to combat the*
15 *growing phenomenon of trafficking in persons.*

16 (2) *To sponsor conferences, symposia, seminars,*
17 *academic exchanges, and courses, as well as special*
18 *projects such as studies, reviews, design of curricula,*
19 *and evaluations, on the matters covered by paragraph*
20 *(1).*

21 (3) *In carrying out its other mission, to place*
22 *special emphasis on the implementation of reforms*
23 *that result in measurable improvements in respect for*
24 *human rights in the provision of effective security.*

25 (c) *FORMULATION AND EXECUTION OF PROGRAMS.*—

1 (1) *CONCURRENCE OF SECRETARY OF STATE.*—

2 *The Secretary of Defense may carry out this section*
3 *only with the concurrence of the Secretary of State.*

4 (2) *FORMULATION AND EXECUTION OF PRO-*
5 *GRAMS.*—*The Secretary of Defense and the Secretary*
6 *of State shall—*

7 (A) *jointly formulate any program or other*
8 *activities undertaken under this section; and*

9 (B) *shall coordinate with one another,*
10 *under procedures that they jointly establish, to*
11 *ensure appropriate implementation of such pro-*
12 *grams and activities, including in a manner*
13 *that—*

14 (i) *incorporates appropriate vetting*
15 *procedures, irrespective of the source of*
16 *funding for the activity; and*

17 (ii) *avoids duplication with existing*
18 *programs.*

19 (d) *JOINT OPERATION WITH EDUCATIONAL INSTITU-*
20 *TIONS AND NONGOVERNMENTAL ORGANIZATIONS AUTHOR-*
21 *IZED.*—*The Secretary of Defense may enter into agreements*
22 *with appropriate officials of institutions of higher edu-*
23 *cation and nongovernmental organizations to provide for*
24 *the joint operation of the Center by the Secretary and such*
25 *entities. Any such agreement may provide for the institu-*

1 *tion or organization concerned to furnish necessary admin-*
2 *istrative services for the Center, including administration*
3 *and allocation of funds.*

4 *(e) ACCEPTANCE OF GIFTS AND DONATIONS.—*

5 *(1) ACCEPTANCE AUTHORIZED.—Except as pro-*
6 *vided in paragraph (2), the Secretary of Defense may*
7 *accept, on behalf of the Center, gifts and donations to*
8 *be used to defray the costs of the Center or to enhance*
9 *the operation of the Center. Any such gift or donation*
10 *may be accepted from any State or local government,*
11 *any foreign government, any foundation or other*
12 *charitable organization (including any that is orga-*
13 *nized or operates under the laws of a foreign coun-*
14 *try), or any other private source in the United States*
15 *or a foreign country.*

16 *(2) LIMITATION.—The Secretary may not accept*
17 *a gift or donation under paragraph (1) if acceptance*
18 *of the gift or donation would compromise or appear*
19 *to compromise—*

20 *(A) the ability of the Department of De-*
21 *fense, any employee of the Department, or mem-*
22 *bers of the Armed Forces to carry out any re-*
23 *sponsibility or duty of the Department in a fair*
24 *and objective manner; or*

1 (B) the integrity of any program of the De-
2 partment or of any person involved in such a
3 program.

4 (3) *CREDITING.*—Amounts accepted as a gift or
5 donation under paragraph (1) shall be credited to the
6 appropriation available to the Department of Defense
7 for the Western Hemisphere Center for Excellence in
8 Human Rights. Amounts so credited shall be merged
9 with the appropriation to which credited, and shall be
10 available to the Center for the same purposes, and
11 subject to the same conditions and limitations, as
12 amounts in the appropriation with which merged.

13 (4) *ANNUAL REPORT.*—Not later than January
14 31 each year, the Secretary shall submit to the con-
15 gressional defense committees a report on the gifts or
16 donations accepted under paragraph (1) during the
17 preceding year. Each report shall include, for the year
18 covered by such report, a description of each gift of
19 donation so accepted, including—

20 (A) the source of the gift or donation;
21 (B) the amount of the gift or donation; and
22 (C) the use of the gift or donation.

1 **SEC. 935. INCLUSION OF COMMANDERS OF WESTERN HEMI-**
2 **SPHERE COMBATANT COMMANDS IN BOARD**
3 **OF VISITORS OF WESTERN HEMISPHERE IN-**
4 **STITUTE FOR SECURITY COOPERATION.**

5 *Subparagraph (F) of section 2166(e)(1) of title 10,*
6 *United States Code, is amended to read as follows:*

7 *“(F) The commanders of the combatant com-*
8 *mands having geographic responsibility for the West-*
9 *ern Hemisphere, or the designees of those officers.”.*

10 **SEC. 936. COMPTROLLER GENERAL ASSESSMENT OF PRO-**
11 **POSED REORGANIZATION OF THE OFFICE OF**
12 **THE UNDER SECRETARY OF DEFENSE FOR**
13 **POLICY.**

14 *(a) ASSESSMENT REQUIRED.—Not later than March*
15 *1, 2008, the Comptroller General of the United States shall*
16 *submit to the congressional defense committees a report con-*
17 *taining an assessment of the proposed reorganization of the*
18 *office of the Under Secretary of Defense for Policy, includ-*
19 *ing an assessment with respect to the matters set forth in*
20 *subsection (b).*

21 *(b) MATTERS TO BE ASSESSED.—The matters to be*
22 *included in the assessment required by subsection are as*
23 *follows:*

24 *(1) Whether the proposed reorganization of the*
25 *office will further the stated purposes of the proposed*
26 *reorganization in the short-and long-term, namely*

1 *whether the proposed reorganization will enhance the*
2 *ability of the Department of Defense—*

3 *(A) to address current security priorities,*
4 *including the war in Iraq and the global war on*
5 *terrorism in Afghanistan and elsewhere;*

6 *(B) to manage geopolitical defense relation-*
7 *ships; and*

8 *(C) to anticipate future strategic shifts.*

9 *(2) Whether, and to what extent, the proposed re-*
10 *organization adheres to generally accepted principles*
11 *of effective organization such as establishing clear*
12 *goals, identifying clear lines of authority and ac-*
13 *countability, and developing an effective human cap-*
14 *ital strategy.*

15 *(3) The extent to which the Department has de-*
16 *veloped detailed implementation plans for the pro-*
17 *posed reorganization, and the current status of the*
18 *implementation of all aspects of the reorganization.*

19 *(4) The extent to which the Department has*
20 *worked to mitigate congressional concerns and ad-*
21 *dress other challenges that have arisen since the pro-*
22 *posed reorganization was announced.*

23 *(5) Whether the Department plans to evaluate*
24 *progress in achieving the stated goals of the proposed*
25 *reorganization and what metrics, if any, the Depart-*

1 *ment has established to assess the results of the reor-*
2 *ganization.*

3 (6) *The impact of the large span of responsibil-*
4 *ities for the Assistant Secretary of Defense for Special*
5 *Operations and Low Intensity Conflict under the pro-*
6 *posed reorganization on the ability of the Assistant*
7 *Secretary to carry out the principal duties of the As-*
8 *stant Secretary under law.*

9 (7) *The impact of the large span of responsibility*
10 *for the Assistant Secretary of Defense for Special Op-*
11 *erations and Low Intensity Conflict under the pro-*
12 *posed reorganization, including responsibility under*
13 *the proposed reorganization for each of the following:*

14 (A) *Strategic capabilities.*

15 (B) *Forces transformation.*

16 (C) *Major budget programs.*

17 (8) *The relationship between any global war on*
18 *terrorism task force that reports directly to the Under*
19 *Secretary of Defense for Policy, the Assistant Sec-*
20 *retary of Defense for Special Operations and Low In-*
21 *tensity Conflict, and the Principal Deputy Under*
22 *Secretary of Defense for Policy in managing policy*
23 *on combating terrorism.*

24 (9) *The impact of the large span of responsibil-*
25 *ities for the proposed Deputy Assistant Secretary of*

1 *Defense for Counternarcotics, Counterproliferation,*
2 *and Global Threats under the proposed reorganiza-*
3 *tion.*

4 (10) *The impact of the proposed reorganization*
5 *on counternarcotics program execution.*

6 (11) *The unique placement under the proposed*
7 *reorganization of both functional and regional issue*
8 *responsibilities under the single proposed Assistant*
9 *Secretary of Defense for Homeland Defense and*
10 *Americas' Security Affairs.*

11 (12) *The differentiation between the responsibil-*
12 *ities of the proposed Deputy Assistant Secretary of*
13 *Defense for Building Partnership Capacity Strategy*
14 *and the proposed Deputy Assistant Secretary of De-*
15 *fense for Security Cooperation Options under the pro-*
16 *posed reorganization, and the relationship between*
17 *such officials.*

18 **SEC. 937. PHYSICIANS AND HEALTH CARE PROFESSIONALS**

19 **COMPARABILITY ALLOWANCES.**

20 (a) *AUTHORITY TO PROVIDE ALLOWANCES.—*

21 (1) *AUTHORITY.—In order to recruit and retain*
22 *highly qualified Department of Defense physicians*
23 *and Department of Defense health care professionals,*
24 *the Secretary of Defense may, subject to the provisions*
25 *of this section, enter into a service agreement with a*

1 *current or new Department of Defense physician or a*
2 *Department of Defense health care professional which*
3 *provides for such physician or health care profes-*
4 *sional to complete a specified period of service in the*
5 *Department of Defense in return for an allowance for*
6 *the duration of such agreement in an amount to be*
7 *determined by the Secretary and specified in the*
8 *agreement, but not to exceed—*

9 *(A) in the case of a Department of Defense*
10 *physician—*

11 *(i) \$25,000 per annum if, at the time*
12 *the agreement is entered into, the Depart-*
13 *ment of Defense physician has served as a*
14 *Department of Defense physician for 24*
15 *months or less; or*

16 *(ii) \$40,000 per annum if the Depart-*
17 *ment of Defense physician has served as a*
18 *Department of Defense physician for more*
19 *than 24 months; and*

20 *(B) in the case of a Department of Defense*
21 *health care professional—*

22 *(i) an amount up to \$5,000 per*
23 *annum if, at the time the agreement is en-*
24 *tered into, the Department of Defense health*
25 *care professional has served as a Depart-*

1 *ment of Defense health care professional for*
2 *less than 10 years;*

3 (ii) *an amount up to \$10,000 per*
4 *annum if, at the time the agreement is en-*
5 *tered into, the Department of Defense health*
6 *care professional has served as a Depart-*
7 *ment of Defense health care professional for*
8 *at least 10 years but less than 18 years; or*

9 (iii) *an amount up to \$15,000 per*
10 *annum if, at the time the agreement is en-*
11 *tered into, the Department of Defense health*
12 *care professional has served as a Depart-*
13 *ment of Defense health care professional for*
14 *18 years or more.*

15 (2) *TREATMENT OF CERTAIN SERVICE.—(A) For*
16 *the purpose of determining length of service as a De-*
17 *partment of Defense physician, service as a physician*
18 *under section 4104 or 4114 of title 38, United States*
19 *Code, or active service as a medical officer in the*
20 *commissioned corps of the Public Health Service*
21 *under title II of the Public Health Service Act (42*
22 *U.S.C. 202 et seq.) shall be deemed service as a De-*
23 *partment of Defense physician.*

24 (B) *For the purpose of determining length of*
25 *service as a Department of Defense health care profes-*

1 sional, service as a nonphysician health care pro-
2 vider, psychologist, or social worker while serving as
3 an officer described under section 302c(d)(1) of title
4 37, United States Code, shall be deemed service as a
5 Department of Defense health care professional.

6 (b) *CERTAIN PHYSICIANS AND PROFESSIONALS INELI-*
7 *GIBLE.*—An allowance may not be paid under this section
8 to any physician or health care professional who—

9 (1) is employed on less than a half-time or inter-
10 mittent basis;

11 (2) occupies an internship or residency training
12 position; or

13 (3) is fulfilling a scholarship obligation.

14 (c) *COVERED CATEGORIES OF POSITIONS.*—The Sec-
15 retary of Defense shall determine categories of positions ap-
16 plicable to physicians and health care professionals within
17 the Department of Defense with respect to which there is
18 a significant recruitment and retention problem for pur-
19 poses of this section. Only physicians and health care pro-
20 fessionals serving in such positions shall be eligible for an
21 allowance under this section. The amounts of each such al-
22 lowance shall be determined by the Secretary, and shall be
23 the minimum amount necessary to deal with the recruit-
24 ment and retention problem for each such category of physi-
25 cians and health care professionals.

1 (d) *PERIOD OF SERVICE.*—Any agreement entered into
2 by a physician or health care professional under this section
3 shall be for a period of service in the Department of Defense
4 specified in such agreement, which period may not be less
5 than one year of service or exceed four years of service.

6 (e) *REPAYMENT.*—Unless otherwise provided for in the
7 agreement under subsection (f), an agreement under this
8 section shall provide that the physician or health care pro-
9 fessional, in the event that such physician or health care
10 professional voluntarily, or because of misconduct, fails to
11 complete at least one year of service under such agreement,
12 shall be required to refund the total amount received under
13 this section unless the Secretary of Defense determines that
14 such failure is necessitated by circumstances beyond the
15 control of the physician or health care professional.

16 (f) *TERMINATION OF AGREEMENT.*—Any agreement
17 under this section shall specify the terms under which the
18 Secretary of Defense and the physician or health care pro-
19 fessional may elect to terminate such agreement, and the
20 amounts, if any, required to be refunded by the physician
21 or health care professional for each reason for termination.

22 (g) *CONSTRUCTION WITH OTHER AUTHORITIES.*—

23 (1) *ALLOWANCE NOT TREATABLE AS BASIC*
24 *PAY.*—An allowance paid under this section shall not
25 be considered as basic pay for the purposes of sub-

1 *chapter VI and section 5595 of chapter 55 of title 5,*
2 *United States Code, chapter 81 or 87 of such title, or*
3 *other benefits related to basic pay.*

4 (2) *PAYMENT.*—*Any allowance under this section*
5 *for a Department of Defense physician or Department*
6 *of Defense health care professional shall be paid in the*
7 *same manner and at the same time as the basic pay*
8 *of the physician or health care professional is paid.*

9 (3) *CONSTRUCTION WITH CERTAIN AUTHORITY.*—
10 *The authority to pay allowances under this section*
11 *may not be exercised together with the authority in*
12 *section 5948 of title 5, United States Code.*

13 (h) *ANNUAL REPORT.*—

14 (1) *ANNUAL REPORT.*—*Not later than June 30*
15 *each year, the Secretary of Defense shall submit to the*
16 *appropriate committees of Congress a written report*
17 *on the operation of this section during the preceding*
18 *year. Each report shall include—*

19 (A) *with respect to the year covered by such*
20 *report, information as to—*

21 (i) *the nature and extent of the recruit-*
22 *ment or retention problems justifying the*
23 *use by the Department of Defense of the au-*
24 *thority under this section;*

1 (ii) the number of physicians and
2 health care professionals with whom agree-
3 ments were entered into by the Department
4 of Defense;

5 (iii) the size of the allowances and the
6 duration of the agreements entered into; and

7 (iv) the degree to which the recruitment
8 or retention problems referred to in clause
9 (i) were alleviated under this section; and

10 (B) such recommendations as the Secretary
11 considers appropriate for actions (including leg-
12 islative actions) to improve or enhance the au-
13 thorities in this section to achieve the purpose
14 specified in subsection (a)(1).

15 (2) *APPROPRIATE COMMITTEES OF CONGRESS*
16 *DEFINED.*—In this subsection, the term “appropriate
17 committees of Congress” means—

18 (A) the Committees on Armed Services and
19 Homeland Security and Governmental Affairs of
20 the Senate; and

21 (B) the Committees on Armed Services and
22 Homeland Security of the House of Representa-
23 tives.

24 (i) *DEFINITIONS.*—In this section:

1 (1) *The term “Department of Defense health care*
2 *professional” means any individual employed by the*
3 *Department of Defense who is a qualified health care*
4 *professional employed as a health care professional*
5 *and paid under any provision of law specified in sub-*
6 *paragraphs (A) through (G) of paragraph (2).*

7 (2) *The term “Department of Defense physician”*
8 *means any individual employed by the Department of*
9 *Defense as a physician or dentist who is paid under*
10 *a provision or provisions of law as follows:*

11 (A) *Section 5332 of title 5, United States*
12 *Code, relating to the General Schedule.*

13 (B) *Subchapter VIII of chapter 53 of title*
14 *5, United States Code, relating to the Senior Ex-*
15 *ecutive Service.*

16 (C) *Section 5371 of title 5, United States*
17 *Code, relating to certain health care positions.*

18 (D) *Section 5376 of title 5, United States*
19 *Code, relating to certain senior-level positions.*

20 (E) *Section 5377 of title 5, United States*
21 *Code, relating to critical positions.*

22 (F) *Subchapter IX of chapter 53 of title 5,*
23 *United States Code, relating to special occupa-*
24 *tional pay systems.*

1 (G) *Section 9902 of title 5, United States*
2 *Code, relating to the National Security Personnel*
3 *System.*

4 (3) *The term “qualified health care professional”*
5 *means any individual who is—*

6 (A) *a psychologist who meets the Office of*
7 *Personnel Management Qualification Standards*
8 *for the Occupational Series of Psychologist as re-*
9 *quired by the position to be filled;*

10 (B) *a nurse who meets the applicable Office*
11 *of Personnel Management Qualification Stand-*
12 *ards for the Occupational Series of Nurse as re-*
13 *quired by the position to be filled;*

14 (C) *a nurse anesthetist who meets the appli-*
15 *cable Office of Personnel Management Qualifica-*
16 *tion Standards for the Occupational Series of*
17 *Nurse as required by the position to be filled;*

18 (D) *a physician assistant who meets the ap-*
19 *plicable Office of Personnel Management Quali-*
20 *fication Standards for the Occupational Series of*
21 *Physician Assistant as required by the position*
22 *to be filled;*

23 (E) *a social worker who meets the applica-*
24 *ble Office of Personnel Management Qualifica-*
25 *tion Standards for the Occupational Series of*

1 *Social Worker as required by the position to be*
2 *filled; or*

3 *(F) any other health care professional des-*
4 *ignated by the Secretary of Defense for purposes*
5 *of this section.*

6 *(j) TERMINATION.—No agreement may be entered into*
7 *under this section after September 30, 2012.*

8 ***TITLE X—GENERAL PROVISIONS***

9 ***Subtitle A—Financial Matters***

10 ***SEC. 1001. GENERAL TRANSFER AUTHORITY.***

11 *(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—*

12 *(1) AUTHORITY.—Upon determination by the*
13 *Secretary of Defense that such action is necessary in*
14 *the national interest, the Secretary may transfer*
15 *amounts of authorizations made available to the De-*
16 *partment of Defense in this division for fiscal year*
17 *2008 between any such authorizations for that fiscal*
18 *year (or any subdivisions thereof). Amounts of au-*
19 *thorizations so transferred shall be merged with and*
20 *be available for the same purposes as the authoriza-*
21 *tion to which transferred.*

22 *(2) LIMITATION.—Except as provided in para-*
23 *graph (3), the total amount of authorizations that the*
24 *Secretary may transfer under the authority of this*
25 *section may not exceed \$5,000,000,000.*

1 (3) *EXCEPTION FOR TRANSFERS BETWEEN MILI-*
2 *TARY PERSONNEL AUTHORIZATIONS.*—*A transfer of*
3 *funds between military personnel authorizations*
4 *under title IV shall not be counted toward the dollar*
5 *limitation in paragraph (2).*

6 (b) *LIMITATIONS.*—*The authority provided by this sec-*
7 *tion to transfer authorizations—*

8 (1) *may only be used to provide authority for*
9 *items that have a higher priority than the items from*
10 *which authority is transferred; and*

11 (2) *may not be used to provide authority for an*
12 *item that has been denied authorization by Congress.*

13 (c) *EFFECT ON AUTHORIZATION AMOUNTS.*—*A trans-*
14 *fer made from one account to another under the authority*
15 *of this section shall be deemed to increase the amount au-*
16 *thorized for the account to which the amount is transferred*
17 *by an amount equal to the amount transferred.*

18 (d) *NOTICE TO CONGRESS.*—*The Secretary shall*
19 *promptly notify Congress of each transfer made under sub-*
20 *section (a).*

21 **SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY**
22 **SUPPLEMENTAL APPROPRIATIONS FOR FIS-**
23 **CAL YEAR 2007.**

24 *Amounts authorized to be appropriated to the Depart-*
25 *ment of Defense for fiscal year 2007 in the John Warner*

1 *National Defense Authorization Act for Fiscal Year 2007*
2 *(Public Law 109–364)* are hereby adjusted, with respect to
3 *any such authorized amount, by the amount by which ap-*
4 *propriations pursuant to such authorization are increased*
5 *by a supplemental appropriation or by a transfer of funds,*
6 *or decreased by a rescission, or any thereof, pursuant to*
7 *the U.S. Troop Readiness, Veterans’ Care, Katrina Recov-*
8 *ery, and Iraq Accountability Appropriations Act, 2007*
9 *(Public Law 110–28).*

10 **SEC. 1003. MODIFICATION OF FISCAL YEAR 2007 GENERAL**
11 **TRANSFER AUTHORITY.**

12 *Section 1001(a) of the John Warner National Defense*
13 *Authorization Act for Fiscal Year 2007 (Public Law 109–*
14 *364; 120 Stat. 2371) is amended by adding at the end the*
15 *following new paragraph:*

16 *“(3) EXCEPTION FOR CERTAIN TRANSFERS.—The*
17 *following transfers of funds shall be not be counted to-*
18 *ward the limitation in paragraph (2) on the amount*
19 *that may be transferred under this section:*

20 *“(A) The transfer of funds to the Iraq Secu-*
21 *rity Forces Fund under reprogramming FY07–*
22 *07–R PA.*

23 *“(B) The transfer of funds to the Joint Im-*
24 *proved Explosive Device Defeat Fund under re-*
25 *programming FY07–11 PA.*

1 “(C) *The transfer of funds back from the ac-*
2 *counts referred to in subparagraphs (A) and (B)*
3 *to restore the sources used in the*
4 *reprogrammings referred to in such subpara-*
5 *graphs.”.*

6 **SEC. 1004. UNITED STATES CONTRIBUTION TO NATO COM-**
7 **MON-FUNDED BUDGETS IN FISCAL YEAR 2008.**

8 (a) *FISCAL YEAR 2008 LIMITATION.—The total*
9 *amount contributed by the Secretary of Defense in fiscal*
10 *year 2008 for the common-funded budgets of NATO may*
11 *be any amount up to, but not in excess of, the amount speci-*
12 *fied in subsection (b) (rather than the maximum amount*
13 *that would otherwise be applicable to those contributions*
14 *under the fiscal year 1998 baseline limitation).*

15 (b) *TOTAL AMOUNT.—The amount of the limitation*
16 *applicable under subsection (a) is the sum of the following:*

17 (1) *The amounts of unexpended balances, as of*
18 *the end of fiscal year 2007, of funds appropriated for*
19 *fiscal years before fiscal year 2008 for payments for*
20 *those budgets.*

21 (2) *The amount specified in subsection (c)(1).*

22 (3) *The amount specified in subsection (c)(2).*

23 (4) *The total amount of the contributions author-*
24 *ized 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 available
3 for contributions for the common-funded budgets of NATO
4 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.*—The
11 term “common-funded budgets of NATO” means the
12 Military Budget, the Security Investment Program,
13 and the Civil Budget of the North Atlantic Treaty Or-
14 ganization (and any successor or additional account
15 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 of
20 NATO that is set forth as the annual limitation in
21 section 3(2)(C)(ii) of the resolution of the Senate giv-
22 ing the advice and consent of the Senate to the ratifi-
23 cation of the Protocols to the North Atlantic Treaty
24 of 1949 on the Accession of Poland, Hungary, and the

1 *Czech Republic (as defined in section 4(7) of that res-*
2 *olution), approved by the Senate on April 30, 1998.*

3 **SEC. 1005. FINANCIAL MANAGEMENT TRANSFORMATION**
4 **INITIATIVE FOR THE DEFENSE AGENCIES.**

5 *(a) FINANCIAL MANAGEMENT TRANSFORMATION INI-*
6 *TIATIVE.—*

7 *(1) IN GENERAL.—The Director of the Business*
8 *Transformation Agency of the Department of Defense*
9 *shall carry out an initiative for financial manage-*
10 *ment transformation in the Defense Agencies. The ini-*
11 *tiative shall be known as the “Defense Agencies Ini-*
12 *tiative” (in this section referred to as the “Initia-*
13 *tive”).*

14 *(2) SCOPE OF AUTHORITY.—In carrying out the*
15 *Initiative, the Director of the Business Trans-*
16 *formation Agency may require the heads of the De-*
17 *fense Agencies to carry out actions that are within the*
18 *purpose and scope of the Initiative.*

19 *(b) PURPOSES.—The purposes of Initiative shall be as*
20 *follows:*

21 *(1) To eliminate or replace financial manage-*
22 *ment systems of the Defense Agencies that are dupli-*
23 *cative, redundant, or fail to comply with the stand-*
24 *ards set forth in subsection (d).*

1 (2) *To transform the budget, finance, and ac-*
2 *counting operations of the Defense Agencies to enable*
3 *the Defense Agencies to achieve accurate and reliable*
4 *financial information needed to support financial ac-*
5 *countability and effective and efficient management*
6 *decisions.*

7 (c) *REQUIRED ELEMENTS.—The Initiative shall in-*
8 *clude, to the maximum extent practicable—*

9 (1) *the utilization of commercial, off-the-shelf*
10 *technologies and web-based solutions;*

11 (2) *a standardized technical environment and an*
12 *open and accessible architecture; and*

13 (3) *the implementation of common business proc-*
14 *esses, shared services, and common data structures.*

15 (d) *STANDARDS.—In carrying out the Initiative, the*
16 *Director of the Business Transformation Agency shall en-*
17 *sure that the Initiative is consistent with—*

18 (1) *the requirements of the Business Enterprise*
19 *Architecture and Transition Plan developed pursuant*
20 *to section 2222 of title 10, United States Code;*

21 (2) *the Standard Financial Information Struc-*
22 *ture of the Department of Defense;*

23 (3) *the Federal Financial Management Improve-*
24 *ment Act of 1996 (and the amendments made by that*
25 *Act); and*

1 (4) *other applicable requirements of law and reg-*
2 *ulation.*

3 (e) *SCOPE.—The Initiative shall be designed to pro-*
4 *vide, at a minimum, capabilities in the major process areas*
5 *for both general fund and working capital fund operations*
6 *of the Defense Agencies as follows:*

7 (1) *Budget formulation.*

8 (2) *Budget to report, including general ledger*
9 *and trial balance.*

10 (3) *Procure to pay, including commitments, obli-*
11 *gations, and accounts payable.*

12 (4) *Order to fulfill, including billing and ac-*
13 *counts receivable.*

14 (5) *Cost accounting.*

15 (6) *Acquire to retire (account management).*

16 (7) *Time and attendance and employee entitle-*
17 *ment.*

18 (8) *Grants financial management.*

19 (f) *PROGRAM CONTROL.—In carrying out the Initia-*
20 *tive, the Director of the Business Transformation Agency*
21 *shall establish—*

22 (1) *a board (to be known as the “Configuration*
23 *Control Board”) to manage scope and cost changes to*
24 *the Initiative; and*

1 (2) *a program management office (to be known*
2 *as the “Program Management Office”)* to control and
3 *enforce assumptions made in the acquisition plan, the*
4 *cost estimate, and the system integration contract for*
5 *the Initiative, as directed by the Configuration Con-*
6 *trol Board.*

7 (g) *PLAN ON DEVELOPMENT AND IMPLEMENTATION OF*
8 *INITIATIVE.*—*Not later than six months after the date of*
9 *the enactment of this Act, the Director of the Business*
10 *Transformation Agency shall submit to the congressional*
11 *defense committees a plan for the development and imple-*
12 *mentation of the Initiative. The plan shall provide for the*
13 *implementation of an initial capability under the Initiative*
14 *as follows:*

15 (1) *In at least one Defense Agency by not later*
16 *than eight months after the date of the enactment of*
17 *this Act.*

18 (2) *In not less than six Defense Agencies by not*
19 *later than 18 months after the date of the enactment*
20 *of this Act.*

1 **SEC. 1006. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDG-**
2 **ET CYCLE FOR THE DEPARTMENT OF DE-**
3 **FENSE.**

4 *Section 1405 of the Department of Defense Authoriza-*
5 *tion Act, 1986 (Public Law 99-145; 99 Stat. 744; 31 U.S.C.*
6 *1105 note) is repealed.*

7 **SEC. 1007. EXTENSION OF PERIOD FOR TRANSFER OF**
8 **FUNDS TO FOREIGN CURRENCY FLUCTUA-**
9 **TIONS, DEFENSE ACCOUNT.**

10 *Section 2779 of title 10, United States Code, is*
11 *amended—*

12 *(1) in subsection (a)(2), by striking “second fis-*
13 *cal year” and inserting “fourth fiscal year”; and*

14 *(2) in subsection (d)(2), by striking “second fis-*
15 *cal year” and inserting “fourth fiscal year”.*

16 **SEC. 1008. REPORT ON FUNDING OF THE DEPARTMENT OF**
17 **DEFENSE FOR HEALTH CARE FOR ANY FISCAL**
18 **YEAR IN WHICH THE ARMED FORCES ARE EN-**
19 **GAGED IN A MAJOR MILITARY CONFLICT.**

20 *If the Armed Forces are involved in a major military*
21 *conflict when the President submits to Congress the budget*
22 *for a fiscal year under section 1105 of title 31, United*
23 *States Code, and the aggregate amount included in that*
24 *budget for the Department of Defense for health care for*
25 *such fiscal year is less than the aggregate amount provided*
26 *by Congress for the Department for health care for such pre-*

1 *ceding fiscal year, and, in the case of the Department, the*
2 *total allocation from the Defense Health Program to any*
3 *military department is less than the total such allocation*
4 *in the preceding fiscal year, the President shall submit to*
5 *Congress a report on—*

6 (1) *the reasons for the determination that inclu-*
7 *sion of a lesser aggregate amount or allocation to any*
8 *military department is in the national interest; and*

9 (2) *the anticipated effects of the inclusion of such*
10 *lesser aggregate amount or allocation to any military*
11 *department on the access to and delivery of medical*
12 *and support services to members of the Armed Forces*
13 *and their family members.*

14 ***Subtitle B—Counter-Drug Activities***

15 ***SEC. 1011. EXPANSION OF DEPARTMENT OF DEFENSE AU-*** 16 ***THORITY TO PROVIDE SUPPORT FOR*** 17 ***COUNTER-DRUG ACTIVITIES TO CERTAIN AD-*** 18 ***DITIONAL FOREIGN GOVERNMENTS.***

19 *Section 1033(b) of the National Defense Authorization*
20 *Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.*
21 *1881), as amended by section 1021(b) of the National De-*
22 *fense Authorization Act for Fiscal Year 2004 (Public Law*
23 *108–136; 117 Stat. 1593) and section 1022(b) of the John*
24 *Warner National Defense Authorization Act for Fiscal Year*
25 *2007 (Public Law 109–364; 120 Stat. 2382), is further*

1 *amended by adding at the end the following new para-*
2 *graphs:*

3 “(17) *The Government of the Dominican Repub-*
4 *lic.*

5 “(18) *The Government of Mexico.*”.

6 **SEC. 1012. REPORT ON COUNTERNARCOTICS ASSISTANCE**
7 **FOR THE GOVERNMENT OF HAITI.**

8 (a) *REPORT REQUIRED.*—*Not later than 120 days*
9 *after the date of the enactment of this Act, the President*
10 *shall submit to Congress a report on counternarcotics assist-*
11 *ance for the Government of Haiti.*

12 (b) *MATTERS TO BE INCLUDED.*—*The report required*
13 *by subsection (a) shall include the following:*

14 (1) *A description and assessment of the counter-*
15 *narcotics assistance provided to the Government of*
16 *Haiti by each of the Department of Defense, the De-*
17 *partment of State, the Department of Homeland Se-*
18 *curity, and the Department of Justice.*

19 (2) *A description and assessment of any impedi-*
20 *ments to increasing counternarcotics assistance to the*
21 *Government of Haiti, including corruption and lack*
22 *of entities available to partner with in Haiti.*

23 (3) *An assessment of the feasibility and advis-*
24 *ability of providing additional counternarcotics as-*
25 *sistance to the Government of Haiti, including an ex-*

1 *tension and expansion to the Government of Haiti of*
2 *Department of Defense authority to provide support*
3 *for counter-drug activities of certain foreign govern-*
4 *ments.*

5 (4) *An assessment of the potential for counter-*
6 *narcotics assistance for the Government of Haiti*
7 *through the United Nations Stabilization Mission in*
8 *Haiti.*

9 (c) *FORM.—The report required by subsection (a) shall*
10 *be submitted in unclassified form, but may include a classi-*
11 *fied annex.*

12 ***Subtitle C—Miscellaneous***
13 ***Authorities and Limitations***

14 ***SEC. 1021. ENHANCEMENT OF AUTHORITY TO PAY RE-***
15 ***WARDS FOR ASSISTANCE IN COMBATING TER-***
16 ***RORISM.***

17 (a) *INCREASE IN AMOUNT OF REWARD.—Subsection*
18 *(b) of section 127b of title 10, United States Code, is amend-*
19 *ed by inserting “, or \$5,000,000 during fiscal year 2008”*
20 *after “\$200,000”.*

21 (b) *DELEGATION OF AUTHORITY TO COMMANDERS OF*
22 *COMBATANT COMMANDS.—Subsection (c)(1)(B) of such title*
23 *is amended by inserting “, or \$1,000,000 during fiscal year*
24 *2008” after “\$50,000”.*

1 (c) *CONSULTATION WITH SECRETARY OF STATE IN*
2 *AWARD.*—*Subsection (d)(2) of such section is amended by*
3 *inserting “, or \$2,000,000 during fiscal year 2008” after*
4 *“\$100,000”.*

5 **SEC. 1022. REPEAL OF MODIFICATION OF AUTHORITIES RE-**
6 **LATING TO THE USE OF THE ARMED FORCES**
7 **IN MAJOR PUBLIC EMERGENCIES.**

8 (a) *REPEAL.*—

9 (1) *IN GENERAL.*—*Section 333 of title 10,*
10 *United States Code, as amended by section 1076 of*
11 *the John Warner National Defense Authorization Act*
12 *for Fiscal Year 2007 (Public Law 109–364; 120 Stat.*
13 *2404), is amended to read as such section read on Oc-*
14 *tober 16, 2006, which is the day before the date of the*
15 *enactment of the John Warner National Defense Au-*
16 *thorization Act for Fiscal Year 2007.*

17 (2) *CONFORMING CLERICAL AMENDMENTS.*—(A)
18 *The heading of such section 333, as so amended, is*
19 *amended to read as such heading read on October 16,*
20 *2006.*

21 (B) *The item relating to such section 333 in the*
22 *table of sections at the beginning of chapter 15 of such*
23 *title, as so amended, is amended to read as such item*
24 *read on October 16, 2006.*

1 (C) *The heading of chapter 15 of such title, as*
2 *so amended, is amended to read as such heading read*
3 *on October 16, 2006.*

4 (D) *The item relating to chapter 15 of such title*
5 *in the tables of chapters at the beginning of subtitle*
6 *A of such title, and at the beginning of part I of such*
7 *subtitle, as so amended, is amended to read as such*
8 *item read on October 16, 2006.*

9 (b) *OTHER CONFORMING AMENDMENTS.—*

10 (1) *CONFORMING REPEAL.—(A) Section 2567 of*
11 *title 10, United States Code, is repealed.*

12 (B) *The table of sections at the beginning of*
13 *chapter 152 of such title is amended by striking the*
14 *item relating to section 2567.*

15 (2) *ADDITIONAL AMENDMENT.—Section*
16 *12304(c)(1) of such title, as amended by section 1076*
17 *of the John Warner National Defense Authorization*
18 *Act for Fiscal Year 2007, is amended to read as such*
19 *section read on October 16, 2006.*

20 **SEC. 1023. HATE CRIMES.**

21 (a) *SHORT TITLE.—This section may be cited as the*
22 *“Matthew Shepard Local Law Enforcement Hate Crimes*
23 *Prevention Act of 2007”.*

24 (b) *FINDINGS.—Congress makes the following findings:*

1 (1) *The incidence of violence motivated by the*
2 *actual or perceived race, color, religion, national ori-*
3 *gin, gender, sexual orientation, gender identity, or*
4 *disability of the victim poses a serious national prob-*
5 *lem.*

6 (2) *Such violence disrupts the tranquility and*
7 *safety of communities and is deeply divisive.*

8 (3) *State and local authorities are now and will*
9 *continue to be responsible for prosecuting the over-*
10 *whelming majority of violent crimes in the United*
11 *States, including violent crimes motivated by bias.*
12 *These authorities can carry out their responsibilities*
13 *more effectively with greater Federal assistance.*

14 (4) *Existing Federal law is inadequate to ad-*
15 *dress this problem.*

16 (5) *A prominent characteristic of a violent crime*
17 *motivated by bias is that it devastates not just the ac-*
18 *tual victim and the family and friends of the victim,*
19 *but frequently savages the community sharing the*
20 *traits that caused the victim to be selected.*

21 (6) *Such violence substantially affects interstate*
22 *commerce in many ways, including the following:*

23 (A) *The movement of members of targeted*
24 *groups is impeded, and members of such groups*

1 are forced to move across State lines to escape
2 the incidence or risk of such violence.

3 (B) Members of targeted groups are pre-
4 vented from purchasing goods and services, ob-
5 taining or sustaining employment, or partici-
6 pating in other commercial activity.

7 (C) Perpetrators cross State lines to commit
8 such violence.

9 (D) Channels, facilities, and instrumental-
10 ities of interstate commerce are used to facilitate
11 the commission of such violence.

12 (E) Such violence is committed using arti-
13 cles that have traveled in interstate commerce.

14 (7) For generations, the institutions of slavery
15 and involuntary servitude were defined by the race,
16 color, and ancestry of those held in bondage. Slavery
17 and involuntary servitude were enforced, both prior to
18 and after the adoption of the 13th amendment to the
19 Constitution of the United States, through widespread
20 public and private violence directed at persons be-
21 cause of their race, color, or ancestry, or perceived
22 race, color, or ancestry. Accordingly, eliminating ra-
23 cially motivated violence is an important means of
24 eliminating, to the extent possible, the badges, inci-
25 dents, and relics of slavery and involuntary servitude.

1 (8) *Both at the time when the 13th, 14th, and*
2 *15th amendments to the Constitution of the United*
3 *States were adopted, and continuing to date, members*
4 *of certain religious and national origin groups were*
5 *and are perceived to be distinct “races”. Thus, in*
6 *order to eliminate, to the extent possible, the badges,*
7 *incidents, and relics of slavery, it is necessary to pro-*
8 *hibit assaults on the basis of real or perceived reli-*
9 *gions or national origins, at least to the extent such*
10 *religions or national origins were regarded as races*
11 *at the time of the adoption of the 13th, 14th, and 15th*
12 *amendments to the Constitution of the United States.*

13 (9) *Federal jurisdiction over certain violent*
14 *crimes motivated by bias enables Federal, State, and*
15 *local authorities to work together as partners in the*
16 *investigation and prosecution of such crimes.*

17 (10) *The problem of crimes motivated by bias is*
18 *sufficiently serious, widespread, and interstate in na-*
19 *ture as to warrant Federal assistance to States, local*
20 *jurisdictions, and Indian tribes.*

21 (c) *DEFINITION OF HATE CRIME.—In this section—*

22 (1) *the term “crime of violence” has the meaning*
23 *given that term in section 16, title 18, United States*
24 *Code;*

1 (2) *the term “hate crime” has the meaning given*
2 *such term in section 280003(a) of the Violent Crime*
3 *Control and Law Enforcement Act of 1994 (28 U.S.C.*
4 *994 note); and*

5 (3) *the term “local” means a county, city, town,*
6 *township, parish, village, or other general purpose po-*
7 *litical subdivision of a State.*

8 (d) *SUPPORT FOR CRIMINAL INVESTIGATIONS AND*
9 *PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW EN-*
10 *FORCEMENT OFFICIALS.—*

11 (1) *ASSISTANCE OTHER THAN FINANCIAL ASSIST-*
12 *ANCE.—*

13 (A) *IN GENERAL.—At the request of State,*
14 *local, or Tribal law enforcement agency, the At-*
15 *torney General may provide technical, forensic,*
16 *prosecutorial, or any other form of assistance in*
17 *the criminal investigation or prosecution of any*
18 *crime that—*

19 (i) *constitutes a crime of violence;*

20 (ii) *constitutes a felony under the*
21 *State, local, or Tribal laws; and*

22 (iii) *is motivated by prejudice based on*
23 *the actual or perceived race, color, religion,*
24 *national origin, gender, sexual orientation,*
25 *gender identity, or disability of the victim,*

1 or is a violation of the State, local, or Trib-
2 al hate crime laws.

3 (B) *PRIORITY.*—*In providing assistance*
4 *under subparagraph (A), the Attorney General*
5 *shall give priority to crimes committed by of-*
6 *fenders who have committed crimes in more than*
7 *one State and to rural jurisdictions that have*
8 *difficulty covering the extraordinary expenses re-*
9 *lating to the investigation or prosecution of the*
10 *crime.*

11 (2) *GRANTS.*—

12 (A) *IN GENERAL.*—*The Attorney General*
13 *may award grants to State, local, and Indian*
14 *law enforcement agencies for extraordinary ex-*
15 *penditures associated with the investigation and*
16 *prosecution of hate crimes.*

17 (B) *OFFICE OF JUSTICE PROGRAMS.*—*In*
18 *implementing the grant program under this*
19 *paragraph, the Office of Justice Programs shall*
20 *work closely with grantees to ensure that the con-*
21 *cerns and needs of all affected parties, including*
22 *community groups and schools, colleges, and uni-*
23 *versities, are addressed through the local infra-*
24 *structure developed under the grants.*

25 (C) *APPLICATION.*—

1 (i) *IN GENERAL.*—Each State, local,
2 and Indian law enforcement agency that de-
3 sires a grant under this paragraph shall
4 submit an application to the Attorney Gen-
5 eral at such time, in such manner, and ac-
6 companied by or containing such informa-
7 tion as the Attorney General shall reason-
8 ably require.

9 (ii) *DATE FOR SUBMISSION.*—Applica-
10 tions submitted pursuant to clause (i) shall
11 be submitted during the 60-day period be-
12 ginning on a date that the Attorney General
13 shall prescribe.

14 (iii) *REQUIREMENTS.*—A State, local,
15 and Indian law enforcement agency apply-
16 ing for a grant under this paragraph
17 shall—

18 (I) describe the extraordinary
19 purposes for which the grant is needed;

20 (II) certify that the State, local
21 government, or Indian tribe lacks the
22 resources necessary to investigate or
23 prosecute the hate crime;

24 (III) demonstrate that, in devel-
25 oping a plan to implement the grant,

1 *the State, local, and Indian law en-*
2 *forcement agency has consulted and co-*
3 *ordinated with nonprofit, nongovern-*
4 *mental victim services programs that*
5 *have experience in providing services*
6 *to victims of hate crimes; and*

7 *(IV) certify that any Federal*
8 *funds received under this paragraph*
9 *will be used to supplement, not sup-*
10 *plant, non-Federal funds that would*
11 *otherwise be available for activities*
12 *funded under this paragraph.*

13 *(D) DEADLINE.—An application for a*
14 *grant under this paragraph shall be approved or*
15 *denied by the Attorney General not later than 30*
16 *business days after the date on which the Attor-*
17 *ney General receives the application.*

18 *(E) GRANT AMOUNT.—A grant under this*
19 *paragraph shall not exceed \$100,000 for any sin-*
20 *gle jurisdiction in any 1-year period.*

21 *(F) REPORT.—Not later than December 31,*
22 *2008, the Attorney General shall submit to Con-*
23 *gress a report describing the applications sub-*
24 *mitted for grants under this paragraph, the*

1 *award of such grants, and the purposes for which*
2 *the grant amounts were expended.*

3 (G) *AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated*
4 *to carry out this paragraph \$5,000,000 for each*
5 *of fiscal years 2008 and 2009.*

7 (e) *GRANT PROGRAM.—*

8 (1) *AUTHORITY TO AWARD GRANTS.—The Office*
9 *of Justice Programs of the Department of Justice may*
10 *award grants, in accordance with such regulations as*
11 *the Attorney General may prescribe, to State, local, or*
12 *Tribal programs designed to combat hate crimes com-*
13 *mitted by juveniles, including programs to train local*
14 *law enforcement officers in identifying, investigating,*
15 *prosecuting, and preventing hate crimes.*

16 (2) *AUTHORIZATION OF APPROPRIATIONS.—*
17 *There are authorized to be appropriated such sums as*
18 *may be necessary to carry out this subsection.*

19 (f) *AUTHORIZATION FOR ADDITIONAL PERSONNEL TO*
20 *ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.—*
21 *There are authorized to be appropriated to the Department*
22 *of the Treasury and the Department of Justice, including*
23 *the Community Relations Service, for fiscal years 2008,*
24 *2009, and 2010 such sums as are necessary to increase the*
25 *number of personnel to prevent and respond to alleged vio-*

1 *lations of section 249 of title 18, United States Code, as*
2 *added by this section.*

3 *(g) PROHIBITION OF CERTAIN HATE CRIME ACTS.—*

4 *(1) IN GENERAL.—Chapter 13 of title 18, United*
5 *States Code, is amended by adding at the end the fol-*
6 *lowing:*

7 **“§ 249. Hate crime acts**

8 *“(a) IN GENERAL.—*

9 *“(1) OFFENSES INVOLVING ACTUAL OR PER-*
10 *CEIVED RACE, COLOR, RELIGION, OR NATIONAL ORI-*
11 *GIN.—Whoever, whether or not acting under color of*
12 *law, willfully causes bodily injury to any person or,*
13 *through the use of fire, a firearm, or an explosive or*
14 *incendiary device, attempts to cause bodily injury to*
15 *any person, because of the actual or perceived race,*
16 *color, religion, or national origin of any person—*

17 *“(A) shall be imprisoned not more than 10*
18 *years, fined in accordance with this title, or*
19 *both; and*

20 *“(B) shall be imprisoned for any term of*
21 *years or for life, fined in accordance with this*
22 *title, or both, if—*

23 *“(i) death results from the offense; or*

24 *“(ii) the offense includes kidnaping or*
25 *an attempt to kidnap, aggravated sexual*

1 *abuse or an attempt to commit aggravated*
2 *sexual abuse, or an attempt to kill.*

3 “(2) *OFFENSES INVOLVING ACTUAL OR PER-*
4 *CEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEX-*
5 *UAL ORIENTATION, GENDER IDENTITY, OR DIS-*
6 *ABILITY.—*

7 “(A) *IN GENERAL.—Whoever, whether or*
8 *not acting under color of law, in any cir-*
9 *cumstance described in subparagraph (B), will-*
10 *fully causes bodily injury to any person or,*
11 *through the use of fire, a firearm, or an explosive*
12 *or incendiary device, attempts to cause bodily*
13 *injury to any person, because of the actual or*
14 *perceived religion, national origin, gender, sex-*
15 *ual orientation, gender identity or disability of*
16 *any person—*

17 “(i) *shall be imprisoned not more than*
18 *10 years, fined in accordance with this title,*
19 *or both; and*

20 “(ii) *shall be imprisoned for any term*
21 *of years or for life, fined in accordance with*
22 *this title, or both, if—*

23 “(I) *death results from the offense;*
24 *or*

1 “(II) the offense includes kid-
2 naping or an attempt to kidnap, ag-
3 gravated sexual abuse or an attempt to
4 commit aggravated sexual abuse, or an
5 attempt to kill.

6 “(B) CIRCUMSTANCES DESCRIBED.—For
7 purposes of subparagraph (A), the circumstances
8 described in this subparagraph are that—

9 “(i) the conduct described in subpara-
10 graph (A) occurs during the course of, or as
11 the result of, the travel of the defendant or
12 the victim—

13 “(I) across a State line or na-
14 tional border; or

15 “(II) using a channel, facility, or
16 instrumentality of interstate or foreign
17 commerce;

18 “(ii) the defendant uses a channel, fa-
19 cility, or instrumentality of interstate or
20 foreign commerce in connection with the
21 conduct described in subparagraph (A);

22 “(iii) in connection with the conduct
23 described in subparagraph (A), the defend-
24 ant employs a firearm, explosive or incen-

1 *diary device, or other weapon that has trav-*
2 *eled in interstate or foreign commerce; or*

3 “*(iv) the conduct described in subpara-*
4 *graph (A)—*

5 “*(I) interferes with commercial or*
6 *other economic activity in which the*
7 *victim is engaged at the time of the*
8 *conduct; or*

9 “*(II) otherwise affects interstate*
10 *or foreign commerce.*

11 “*(b) CERTIFICATION REQUIREMENT.—No prosecution*
12 *of any offense described in this subsection may be under-*
13 *taken by the United States, except under the certification*
14 *in writing of the Attorney General, the Deputy Attorney*
15 *General, the Associate Attorney General, or any Assistant*
16 *Attorney General specially designated by the Attorney Gen-*
17 *eral that—*

18 “*(1) such certifying individual has reasonable*
19 *cause to believe that the actual or perceived race,*
20 *color, religion, national origin, gender, sexual ori-*
21 *entation, gender identity, or disability of any person*
22 *was a motivating factor underlying the alleged con-*
23 *duct of the defendant; and*

1 “(2) *such certifying individual has consulted*
2 *with State or local law enforcement officials regard-*
3 *ing the prosecution and determined that—*

4 “(A) *the State does not have jurisdiction or*
5 *does not intend to exercise jurisdiction;*

6 “(B) *the State has requested that the Fed-*
7 *eral Government assume jurisdiction;*

8 “(C) *the State does not object to the Federal*
9 *Government assuming jurisdiction; or*

10 “(D) *the verdict or sentence obtained pursu-*
11 *ant to State charges left demonstratively*
12 *unvindicated the Federal interest in eradicating*
13 *bias-motivated violence.*

14 “(c) *DEFINITIONS.—In this section—*

15 “(1) *the term ‘explosive or incendiary device’ has*
16 *the meaning given such term in section 232 of this*
17 *title;*

18 “(2) *the term ‘firearm’ has the meaning given*
19 *such term in section 921(a) of this title; and*

20 “(3) *the term ‘gender identity’ for the purposes*
21 *of this chapter means actual or perceived gender-re-*
22 *lated characteristics.*

23 “(d) *RULE OF EVIDENCE.—In a prosecution for an of-*
24 *fense under this section, evidence of expression or associa-*
25 *tions of the defendant may not be introduced as substantive*

1 *evidence at trial, unless the evidence specifically relates to*
2 *that offense. However, nothing in this section affects the*
3 *rules of evidence governing impeachment of a witness.”.*

4 (2) *TECHNICAL AND CONFORMING AMEND-*
5 *MENT.—The analysis for chapter 13 of title 18,*
6 *United States Code, is amended by adding at the end*
7 *the following:*

“249. Hate crime acts.”.

8 (h) *STATISTICS.—*

9 (1) *IN GENERAL.—Subsection (b)(1) of the first*
10 *section of the Hate Crime Statistics Act (28 U.S.C.*
11 *534 note) is amended by inserting “gender and gen-*
12 *der identity,” after “race,”.*

13 (2) *DATA.—Subsection (b)(5) of the first section*
14 *of the Hate Crime Statistics Act (28 U.S.C. 534 note)*
15 *is amended by inserting “, including data about*
16 *crimes committed by, and crimes directed against, ju-*
17 *veniles” after “data acquired under this section”.*

18 (i) *SEVERABILITY.—If any provision of this section,*
19 *an amendment made by this section, or the application of*
20 *such provision or amendment to any person or cir-*
21 *cumstance is held to be unconstitutional, the remainder of*
22 *this section, the amendments made by this section, and the*
23 *application of the provisions of such to any person or cir-*
24 *cumstance shall not be affected thereby.*

1 **SEC. 1024. COMPREHENSIVE STUDY AND SUPPORT FOR**
2 **CRIMINAL INVESTIGATIONS AND PROSECU-**
3 **TIONS BY STATE AND LOCAL LAW ENFORCE-**
4 **MENT OFFICIALS.**

5 (a) *STUDIES.*—

6 (1) *COLLECTION OF DATA.*—

7 (A) *DEFINITION OF RELEVANT OFFENSE.*—

8 *In this paragraph, the term “relevant offense”*
9 *means a crime described in subsection (b)(1) of*
10 *the first section of Public Law 101–275 (28*
11 *U.S.C. 534 note) and a crime that manifests evi-*
12 *dence of prejudice based on gender or age.*

13 (B) *COLLECTION FROM CROSS-SECTION OF*
14 *STATES.*—*Not later than 120 days after the date*
15 *of enactment of this Act, the Comptroller General*
16 *of the United States, in consultation with the*
17 *National Governors’ Association, shall, if pos-*
18 *sible, select 10 jurisdictions with laws classifying*
19 *certain types of offenses as relevant offenses and*
20 *10 jurisdictions without such laws from which to*
21 *collect the data described in subparagraph (C)*
22 *over a 12-month period.*

23 (C) *DATA TO BE COLLECTED.*—*The data de-*
24 *scribed in this paragraph are—*

1 (i) the number of relevant offenses that
2 are reported and investigated in the juris-
3 diction;

4 (ii) the percentage of relevant offenses
5 that are prosecuted and the percentage that
6 result in conviction;

7 (iii) the duration of the sentences im-
8 posed for crimes classified as relevant of-
9 fenses in the jurisdiction, compared with the
10 length of sentences imposed for similar
11 crimes committed in jurisdictions with no
12 laws relating to relevant offenses; and

13 (iv) references to and descriptions of
14 the laws under which the offenders were
15 punished.

16 (D) COSTS.—Participating jurisdictions
17 shall be reimbursed for the reasonable and nec-
18 essary costs of compiling data collected under
19 this paragraph.

20 (2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

21 (A) IN GENERAL.—Not later than 18
22 months after the date of enactment of this Act,
23 the Comptroller General of the United States
24 shall complete a study and submit to Congress a
25 report that analyzes the data collected under

1 *paragraph (1) and under section 534 of title 28,*
2 *United States Code, to determine the extent of*
3 *relevant offense activity throughout the United*
4 *States and the success of State and local officials*
5 *in combating that activity.*

6 *(B) IDENTIFICATION OF TRENDS.—In the*
7 *study conducted under subparagraph (A), the*
8 *Comptroller General of the United States shall*
9 *identify any trends in the commission of rel-*
10 *evant offenses specifically by—*

11 *(i) geographic region;*

12 *(ii) type of crime committed; and*

13 *(iii) the number and percentage of rel-*
14 *evant offenses that are prosecuted and the*
15 *number for which convictions are obtained.*

16 *(b) ASSISTANCE OTHER THAN FINANCIAL ASSIST-*
17 *ANCE.—At the request of a law enforcement official of a*
18 *State or a political subdivision of a State, the Attorney*
19 *General, acting through the Director of the Federal Bureau*
20 *of Investigation and in cases where the Attorney General*
21 *determines special circumstances exist, may provide tech-*
22 *nical, forensic, prosecutorial, or any other assistance in the*
23 *criminal investigation or prosecution of any crime that—*

24 *(1) constitutes a crime of violence (as defined in*
25 *section 16 of title 18, United States Code);*

1 (2) *constitutes a felony under the laws of the*
2 *State; and*

3 (3) *is motivated by animus against the victim*
4 *by reason of the membership of the victim in a par-*
5 *ticular class or group.*

6 (c) *GRANTS.—*

7 (1) *IN GENERAL.—The Attorney General may, in*
8 *cases where the Attorney General determines special*
9 *circumstances exist, make grants to States and local*
10 *subdivisions of States to assist those entities in the in-*
11 *vestigation and prosecution of crimes motivated by*
12 *animus against the victim by reason of the member-*
13 *ship of the victim in a particular class or group.*

14 (2) *ELIGIBILITY.—A State or political subdivi-*
15 *sion of a State applying for assistance under this sub-*
16 *section shall—*

17 (A) *describe the purposes for which the*
18 *grant is needed; and*

19 (B) *certify that the State or political sub-*
20 *division lacks the resources necessary to inves-*
21 *tigate or prosecute a crime motivated by animus*
22 *against the victim by reason of the membership*
23 *of the victim in a particular class or group.*

24 (3) *DEADLINE.—An application for a grant*
25 *under this subsection shall be approved or dis-*

1 *approved by the Attorney General not later than 10*
2 *days after the application is submitted.*

3 (4) *GRANT AMOUNT.*—*A grant under this sub-*
4 *section shall not exceed \$100,000 for any single case.*

5 (5) *REPORT AND AUDIT.*—*Not later than Decem-*
6 *ber 31, 2008, the Attorney General, in consultation*
7 *with the National Governors' Association, shall—*

8 (A) *submit to Congress a report describing*
9 *the applications made for grants under this sub-*
10 *section, the award of such grants, and the effec-*
11 *tiveness of the grant funds awarded; and*

12 (B) *conduct an audit of the grants awarded*
13 *under this subsection to ensure that such grants*
14 *are used for the purposes provided in this sub-*
15 *section.*

16 (6) *AUTHORIZATION OF APPROPRIATIONS.*—
17 *There is authorized to be appropriated \$5,000,000 for*
18 *each of the fiscal years 2008 and 2009 to carry out*
19 *this section.*

20 **SEC. 1025. GIFT ACCEPTANCE AUTHORITY.**

21 (a) *PERMANENT AUTHORITY TO ACCEPT GIFTS ON*
22 *BEHALF OF THE WOUNDED.*—*Section 2601(b) of title 10,*
23 *United States Code, is amended by striking paragraph (4).*

24 (b) *LIMITATION ON SOLICITATION OF GIFTS.*—*The*
25 *Secretary of Defense shall prescribe regulations imple-*

1 *menting sections 2601 and 2608 of title 10, United States*
 2 *Code, that prohibit the solicitation of any gift under such*
 3 *sections by any employee of the Department of Defense if*
 4 *the nature or circumstances of such solicitation would com-*
 5 *promise the integrity or the appearance of integrity of any*
 6 *program of the Department of Defense or of any individual*
 7 *involved in such program.*

8 **SEC. 1026. EXPANSION OF COOPERATIVE AGREEMENT AU-**
 9 **THORITY FOR MANAGEMENT OF CULTURAL**
 10 **RESOURCES.**

11 *(a) IN GENERAL.—Subsection (a) of section 2684 of*
 12 *title 10, United States Code, is amended to read as follows:*

13 *“(a) AUTHORITY.—(1) The Secretary of Defense or the*
 14 *Secretary of a military department may enter into a coop-*
 15 *erative agreement with a State or local government, tribal*
 16 *government, or other entity for any purpose as follows:*

17 *“(A) For the preservation, management, mainte-*
 18 *nance, and improvement of cultural resources.*

19 *“(B) For the conduct of research regarding cul-*
 20 *tural resources.*

21 *“(2) To be covered under a cooperative agreement*
 22 *under this subsection, cultural resources shall be located—*

23 *“(A) on a military installation; or*

24 *“(B) off a military installation, but only if the*
 25 *cooperative agreement directly relieves or eliminates*

1 *current or anticipated restrictions that would or*
2 *might restrict, impede, or otherwise interfere (whether*
3 *directly or indirectly) with current or anticipated*
4 *military training, testing, or operations on the instal-*
5 *lation.*

6 “(3) *Activities under a cooperative agreement under*
7 *this subsection shall be subject to the availability of funds*
8 *to carry out the cooperative agreement.*”.

9 (b) *INCLUSION OF INDIAN SACRED SITES IN CUL-*
10 *TURAL RESOURCES.*—*Subsection (c) of such section is*
11 *amended by adding at the end the following new paragraph:*

12 “(5) *An Indian sacred site, as the that term is*
13 *defined in section 1(b)(iii) of Executive Order*
14 *13007.*”.

15 **SEC. 1027. MINIMUM ANNUAL PURCHASE AMOUNTS FOR**
16 **AIRLIFT FROM CARRIERS PARTICIPATING IN**
17 **THE CIVIL RESERVE AIR FLEET.**

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

21 **“§9515. Airlift services: minimum annual purchase**
22 **amount for carriers participating in Civil**
23 **Reserve Air Fleet**

24 “(a) *IN GENERAL.*—*The Secretary of Defense may*
25 *award to air carriers participating in the Civil Reserve Air*

1 *Fleet on a fiscal year basis a one-year contract for airlift*
2 *services with a minimum purchase amount determined in*
3 *accordance with this section.*

4 “(b) *MINIMUM PURCHASE AMOUNT.—(1) The aggre-*
5 *gate amount of the minimum purchase amount for all con-*
6 *tracts awarded under subsection (a) for a fiscal year shall*
7 *be based on forecast needs, but may not exceed the amount*
8 *equal to 80 percent of the annual average expenditure of*
9 *the Department of Defense for airlift during the five-fiscal*
10 *year period ending in the fiscal year before the fiscal year*
11 *for which such contracts are awarded.*

12 “(2) *In calculating the annual average expenditure of*
13 *the Department of Defense for airlift for purposes of para-*
14 *graph (1), the Secretary of Defense shall omit from the cal-*
15 *culatation any fiscal year exhibiting unusually high demand*
16 *for airlift if the Secretary determines that the omission of*
17 *such fiscal year from the calculation will result in a more*
18 *accurate forecast of anticipated airlift for purposes of that*
19 *paragraph.*

20 “(3) *The aggregate amount of the minimum purchase*
21 *amount for all contracts awarded under subsection (a) for*
22 *a fiscal year, as determined under paragraph (1), shall be*
23 *allocated among all carriers awarded contracts under that*
24 *subsection for such fiscal year in proportion to the commit-*

1 *ments of such carriers to the Civil Reserve Air Fleet for*
2 *such fiscal year.*

3 “(c) *ADJUSTMENT TO MINIMUM PURCHASE AMOUNT*
4 *FOR PERIODS OF UNAVAILABILITY OF AIRLIFT.*—*In deter-*
5 *mining the minimum purchase amount payable under a*
6 *contract under subsection (a) for airlift provided by a car-*
7 *rier during the fiscal year covered by such contract, the Sec-*
8 *retary of Defense may adjust the amount allocated to the*
9 *carrier under subsection (b)(3) to take into account periods*
10 *during such fiscal year when services of the carrier are un-*
11 *available for usage by the Department of Defense, including*
12 *during periods of refused business or suspended operations*
13 *or when the carrier is placed in nonuse status pursuant*
14 *to section 2640 of this title for safety issues.*

15 “(d) *DISTRIBUTION OF AMOUNTS.*—*If any amount*
16 *available under this section for the minimum purchase of*
17 *airlift from a carrier for a fiscal year under a contract*
18 *under subsection (a) is not utilized to purchase airlift from*
19 *the carrier in such fiscal year, such amount shall be pro-*
20 *vided to the carrier before the first day of the following fiscal*
21 *year.*

22 “(e) *TRANSFER OF FUNDS.*—*At the beginning of each*
23 *fiscal year, the Secretary of each military department shall*
24 *transfer to the transportation working capital fund a per-*
25 *centage of the total amount anticipated to be required in*

1 *such fiscal year for payment of minimum purchase*
2 *amounts under all contracts awarded under subsection (a)*
3 *for such fiscal year equivalent to the percentage of the an-*
4 *ticipated use of airlift by such military department during*
5 *such fiscal year from all carriers under contracts awarded*
6 *under subsection (a) for such fiscal year.*

7 “(f) *AVAILABILITY OF AIRLIFT.—(1) From the total*
8 *amount of airlift available for a fiscal year under all con-*
9 *tracts awarded under subsection (a) for such fiscal year,*
10 *a military department shall be entitled to obtain a percent-*
11 *age of such airlift equivalent to the percentage of the con-*
12 *tribution of the military department to the transportation*
13 *working capital fund for such fiscal year under subsection*
14 *(e).*

15 “(2) *A military department may transfer any entitle-*
16 *ment to airlift under paragraph (1) to any other military*
17 *department or to any other agency, element, or component*
18 *of the Department of Defense.*

19 “(g) *SUNSET.—The authorities in this section shall ex-*
20 *pire on December 31, 2015.*”.

21 “(b) *CLERICAL AMENDMENT.—The table of sections at*
22 *the beginning of chapter 931 of such title is amended by*
23 *adding at the end the following new item:*

“9515. *Airlift services: minimum annual purchase amount for carriers partici-*
parting in Civil Reserve Air Fleet.”.

1 **SEC. 1028. PROVISION OF AIR FORCE SUPPORT AND SERV-**
2 **ICES TO FOREIGN MILITARY AND STATE AIR-**
3 **CRAFT.**

4 *(a) PROVISION OF SUPPORT AND SERVICES.—*

5 *(1) IN GENERAL.—Section 9626 of title 10,*
6 *United States Code, is amended to read as follows:*

7 **“§9626. Aircraft supplies and services: foreign mili-**
8 **tary or other state aircraft**

9 *“(a) PROVISION OF SUPPLIES AND SERVICES ON RE-*
10 *IMBURSABLE BASIS.—(1) The Secretary of the Air Force*
11 *may, under such regulations as the Secretary may prescribe*
12 *and when in the best interests of the United States, provide*
13 *any of the supplies or services described in paragraph (2)*
14 *to military and other state aircraft of a foreign country,*
15 *on a reimbursable basis without an advance of funds, if*
16 *similar supplies and services are furnished on a like basis*
17 *to military aircraft and other state aircraft of the United*
18 *States by the foreign country.*

19 *“(2) The supplies and services described in this para-*
20 *graph are supplies and services as follows:*

21 *“(A) Routine airport services, including landing*
22 *and takeoff assistance, servicing aircraft with fuel,*
23 *use of runways, parking and servicing, and loading*
24 *and unloading of baggage and cargo.*

1 “(B) *Miscellaneous supplies, including Air*
2 *Force-owned fuel, provisions, spare parts, and general*
3 *stores, but not including ammunition.*

4 “(b) *PROVISION OF ROUTINE AIRPORT SERVICES ON*
5 *NON-REIMBURSABLE BASIS.—(1) Routine airport services*
6 *may be provided under this section at no cost to a foreign*
7 *country under circumstances as follows:*

8 “(A) *If such services are provided by Air Force*
9 *personnel and equipment without direct cost to the*
10 *Air Force.*

11 “(B) *If such services are provided under an*
12 *agreement with the foreign country that provides for*
13 *the reciprocal furnishing by the foreign country of*
14 *routine airport services to military and other state*
15 *aircraft of the United States without reimbursement.*

16 “(2) *If routine airport services are provided under this*
17 *section by a working-capital fund activity of the Air Force*
18 *under section 2208 of this title and such activity is not re-*
19 *imbursed directly for the costs incurred by the activity in*
20 *providing such services by reason of paragraph (1)(B), the*
21 *working-capital fund activity shall be reimbursed for such*
22 *costs out of funds currently available to the Air Force for*
23 *operation and maintenance.”.*

24 “(2) *CLERICAL AMENDMENT.—The table of sec-*
25 *tions at the beginning of chapter 939 of such title is*

1 *amended by striking the item relating to section 9626*
2 *and inserting the following new item:*

 “9626. *Aircraft supplies and services: foreign military or other state aircraft.*”.

3 (b) *CONFORMING AMENDMENT.*—Section 9629(3) of
4 *such title is amended by striking “for aircraft of a foreign*
5 *military or air attaché”.*

6 **SEC. 1029. PARTICIPATION IN STRATEGIC AIRLIFT CAPA-**
7 **BILITY PARTNERSHIP.**

8 (a) *AUTHORITY TO PARTICIPATE IN PARTNERSHIP.*—
9 *The Secretary of Defense may—*

10 (1) *enter into a multilateral memorandum of*
11 *understanding authorizing the Strategic Airlift Capa-*
12 *bility Partnership to conduct activities necessary to*
13 *accomplish its purpose, including—*

14 (A) *the acquisition, equipping, ownership,*
15 *and operation of strategic airlift aircraft; and*

16 (B) *the acquisition or transfer of airlift and*
17 *airlift-related services and supplies among mem-*
18 *bers of the Strategic Airlift Capability Partner-*
19 *ship, or between the Partnership and non-mem-*
20 *ber countries or international organizations, on*
21 *a reimbursable basis or by replacement-in-kind*
22 *or exchange of airlift or airlift-related services of*
23 *an equal value; and*

24 (2) *pay from funds available to the Department*
25 *of Defense for such purpose the United States equi-*

1 *table share of the recurring and non-recurring costs of*
2 *the activities and operations of the Strategic Airlift*
3 *Capability Partnership, including costs associated*
4 *with procurement of aircraft components and spare*
5 *parts, maintenance, facilities, and training, and the*
6 *costs of claims.*

7 *(b) AUTHORITIES UNDER PARTNERSHIP.—In car-*
8 *rying out the memorandum of understanding entered into*
9 *under subsection (a), the Secretary of Defense may do the*
10 *following:*

11 *(1) Waive reimbursement of the United States*
12 *for the cost of the functions performed by Department*
13 *of Defense personnel with respect to the Strategic Air-*
14 *lift Capability Partnership as follows:*

15 *(A) Auditing.*

16 *(B) Quality assurance.*

17 *(C) Inspection.*

18 *(D) Contract administration.*

19 *(E) Acceptance testing.*

20 *(F) Certification services.*

21 *(G) Planning, programming, and manage-*
22 *ment services.*

23 *(2) Waive the imposition of any surcharge for*
24 *administrative services provided by the United States*

1 *that would otherwise be chargeable against the Stra-*
2 *tegic Airlift Capability Partnership.*

3 (3) *Pay the salaries, travel, lodging, and subsist-*
4 *ence expenses of Department of Defense personnel as-*
5 *signed for duty to the Strategic Airlift Capability*
6 *Partnership without seeking reimbursement or cost-*
7 *sharing for such expenses.*

8 (c) *CREDITING OF RECEIPTS.*—*Any amount received*
9 *by the United States in carrying out the memorandum of*
10 *understanding entered into under subsection (a) shall be*
11 *credited, as elected by the Secretary of Defense, to the fol-*
12 *lowing:*

13 (1) *The appropriation, fund, or account used in*
14 *incurring the obligation for which such amount is re-*
15 *ceived.*

16 (2) *An appropriation, fund, or account currently*
17 *providing funds for the purposes for which such obli-*
18 *gation was made.*

19 (d) *AUTHORITY TO TRANSFER AIRCRAFT.*—

20 (1) *IN GENERAL.*—*The Secretary of Defense is*
21 *authorized to transfer one strategic airlift aircraft to*
22 *the Strategic Airlift Capability Partnership in ac-*
23 *cordance with the terms and conditions of the memo-*
24 *randum of understanding entered into under sub-*
25 *section (a).*

1 (2) *REPORT*.—Not later than 30 days before the
2 date on which the Secretary transfers a strategic air-
3 lift aircraft under paragraph (1), the Secretary shall
4 submit to the congressional defense committees a re-
5 port on the strategic airlift aircraft to be transferred,
6 including the type of strategic airlift aircraft to be
7 transferred and the tail registration or serial number
8 of such aircraft.

9 (e) *STRATEGIC AIRLIFT CAPABILITY PARTNERSHIP*
10 *DEFINED*.—In this section the term “Strategic Airlift Ca-
11 pability Partnership” means the strategic airlift capability
12 consortium established by the United States and other par-
13 ticipating countries.

14 **SEC. 1030. RESPONSIBILITY OF THE AIR FORCE FOR FIXED-**
15 **WING SUPPORT OF ARMY INTRA-THEATER LO-**
16 **GISTICS.**

17 The Secretary of Defense shall, acting through the
18 Chairman of the Joint Chiefs of Staff, prescribe directives
19 or instructions to provide that the Air Force shall have re-
20 sponsibility for the missions and functions of fixed-wing
21 support for Army intra-theater logistics.

22 **SEC. 1031. PROHIBITION ON SALE OF PARTS FOR F-14**
23 **FIGHTER AIRCRAFT.**

24 (a) *PROHIBITION ON SALE BY DEPARTMENT OF DE-*
25 *FENSE*.—

1 (1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), the Department of Defense may not sell*
3 *(whether directly or indirectly) any parts for F-14*
4 *fighter aircraft, whether through the Defense Reutili-*
5 *zation and Marketing Service or through another*
6 *agency or element of the Department.*

7 (2) *EXCEPTION.*—*Paragraph (1) shall not apply*
8 *with respect to the sale of parts for F-14 fighter air-*
9 *craft to a museum or similar organization located in*
10 *the United States that is involved in the preservation*
11 *of F-14 fighter aircraft for historical purposes.*

12 (b) *PROHIBITION ON EXPORT LICENSE.*—*No license*
13 *for the export of parts for F-14 fighter aircraft to a non-*
14 *United States person or entity may be issued by the United*
15 *States Government.*

16 **SEC. 1032. PROVISION OF CONTACT INFORMATION ON SEP-**
17 **ARATING MEMBERS OF THE ARMED FORCES**
18 **TO STATE VETERANS AGENCIES.**

19 *For each member of the Armed Forces pending separa-*
20 *tion from the Armed Forces or who detaches from the mem-*
21 *ber's regular unit while awaiting medical separation or re-*
22 *tirement, not later than the date of such separation or de-*
23 *tachment, as the case may be, the Secretary of Defense shall,*
24 *upon the request of the member, provide the address and*
25 *other appropriate contact information of the member to the*

1 *State veterans agency in the State in which the member*
2 *will first reside after separation or in the State in which*
3 *the member resides while so awaiting medical separation*
4 *or retirement, as the case may be.*

5 **SEC. 1033. PROVISIONS RELATING TO THE REMOVAL OF**
6 **MISSILES FROM THE 564TH MISSILE SQUAD-**
7 **RON.**

8 *(a) The Secretary of Defense shall submit to the Con-*
9 *gressional Defense Committees a report on the feasibility*
10 *of establishing an association between the 120th Fighter*
11 *Wing of the Montana Air National Guard and active duty*
12 *personnel stationed at Malmstrom Air Force Base, Mon-*
13 *tana. In making such assessment, the Secretary shall con-*
14 *sider:*

15 *(1) An evaluation of the Air Force's requirement*
16 *for additional F-15 aircraft active or reserve compo-*
17 *nent force structure.*

18 *(2) An evaluation of the airspace training op-*
19 *portunities in the immediate airspace around Great*
20 *Falls International Airport Air Guard Station.*

21 *(3) An evaluation of the impact of civilian oper-*
22 *ations on military operations at the Great Falls*
23 *International Airport.*

1 (4) *An evaluation of the level of civilian en-*
2 *croachment on the facilities and airspace of the 120th*
3 *Fighter Wing.*

4 (5) *An evaluation of the support structure avail-*
5 *able, including active military bases nearby.*

6 (6) *Opportunities for additional association be-*
7 *tween the Montana National Guard and the 341st*
8 *Space Wing.*

9 (b) *Not more than 40 missiles may be removed from*
10 *the 564th Missile Squadron until 15 days after the report*
11 *required in subsection (a) has been submitted.*

12 **Subtitle D—Reports**

13 **SEC. 1041. RENEWAL OF SUBMITTAL OF PLANS FOR** 14 **PROMPT GLOBAL STRIKE CAPABILITY.**

15 Section 1032(b)(1) of the National Defense Authoriza-
16 *tion Act for Fiscal Year 2004 (Public Law 108–136; 117*
17 *Stat. 1605; 10 U.S.C. 113 note) is amended by inserting*
18 *“and each of 2007, 2008, and 2009,” after “2004, 2005,*
19 *and 2006.”*

20 **SEC. 1042. REPORT ON THREATS TO THE UNITED STATES** 21 **FROM UNGOVERNED AREAS.**

22 (a) **REPORT REQUIRED.**—*Not later than 120 days*
23 *after the date of the enactment of this Act, the Secretary*
24 *of Defense and the Secretary of State shall jointly, in co-*
25 *ordination with the Director of National Intelligence, sub-*

1 *mit to Congress a report on the threats posed to the United*
2 *States from ungoverned areas, including the threats to the*
3 *United States from terrorist groups and individuals located*
4 *in such areas who direct their activities against the United*
5 *States and its allies.*

6 *(b) ELEMENTS.—The report required by subsection (a)*
7 *shall include the following:*

8 *(1) A description of the intelligence capabilities*
9 *and skills required by the United States Government*
10 *to support United States policy aimed at managing*
11 *the threats described in subsection (a), including, spe-*
12 *cifically, the technical, linguistic, and analytical ca-*
13 *pabilities and the skills required by the Department*
14 *of Defense and the Department of State.*

15 *(2) An assessment of the extent to which the De-*
16 *partment of Defense and the Department of State pos-*
17 *sess the capabilities described in paragraph (1) as*
18 *well as the necessary resources and organization to*
19 *support United States policy aimed at managing the*
20 *threats described in subsection (a).*

21 *(3) A description of the extent to which the im-*
22 *plementation of Department of Defense Directive*
23 *3000.05, entitled “Military Support for Stability, Se-*
24 *curity, Transition, and Reconstruction Operations”,*

1 *will support United States policy for managing such*
2 *threats.*

3 (4) *A description of the actions, if any, to be*
4 *taken to improve the capabilities and skills of the De-*
5 *partment of Defense and the Department of State de-*
6 *scribed in paragraph (1), and the schedule for imple-*
7 *menting any actions so described.*

8 **SEC. 1043. STUDY ON NATIONAL SECURITY INTERAGENCY**
9 **SYSTEM.**

10 (a) *STUDY REQUIRED.*—*The Secretary of Defense shall*
11 *enter into an agreement with an independent, non-profit,*
12 *non-partisan organization to conduct a study on the na-*
13 *tional security interagency system.*

14 (b) *REPORT.*—*The agreement entered into under sub-*
15 *section (a) shall require the organization to submit to Con-*
16 *gress and the President a report containing the results of*
17 *the study conducted pursuant to such agreement and any*
18 *recommendations for changes to the national security inter-*
19 *agency system (including legislative or regulatory changes)*
20 *identified by the organization as a result of the study.*

21 (c) *SUBMITTAL DATE.*—*The agreement entered into*
22 *under subsection (a) shall require the organization to sub-*
23 *mit the report required under subsection (a) not later than*
24 *180 days after the date on which the Secretary makes funds*

1 *available to the organization under subsection (e) for pur-*
2 *poses of the study.*

3 (d) *NATIONAL SECURITY INTERAGENCY SYSTEM DE-*
4 *FINED.*—*In this section, the term “national security inter-*
5 *agency system” means the structures, mechanisms, and*
6 *processes by which the departments, agencies, and elements*
7 *of the Federal Government that have national security mis-*
8 *sions coordinate and integrate their policies, capabilities,*
9 *expertise, and activities to accomplish such missions.*

10 (e) *FUNDING.*—

11 (1) *IN GENERAL.*—*Of the amount authorized to*
12 *be appropriated by section 301(5) for operation and*
13 *maintenance for Defense-wide activities, not more*
14 *than \$3,000,000 may be available to carry out this*
15 *section.*

16 (2) *MATCHING FUNDING REQUIREMENT.*—*The*
17 *amount provided by the Secretary for the agreement*
18 *entered into under subsection (a) may not exceed the*
19 *value of contributions (whether money or in-kind con-*
20 *tributions) obtained and provided by the organization*
21 *for the study from non-government sources.*

22 (f) *FOCUS ON IMPROVING INTERAGENCY COOPERATION*
23 *IN POST-CONFLICT CONTINGENCY RELIEF AND RECON-*
24 *STRUCTION OPERATIONS.*—

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

3 (A) *The interagency coordination and inte-*
4 *gration of the United States Government for the*
5 *planning and execution of overseas post-conflict*
6 *contingency relief and reconstruction operations*
7 *requires reform.*

8 (B) *Recent operations, most notably in*
9 *Iraq, lacked the necessary consistent and effective*
10 *interagency coordination and integration in*
11 *planning and execution.*

12 (C) *Although the unique circumstances asso-*
13 *ciated with the Iraq reconstruction effort are*
14 *partly responsible for this weak coordination, ex-*
15 *isting structural weaknesses within the planning*
16 *and execution processes for such operations indi-*
17 *cate that the problems encountered in the Iraq*
18 *program could recur in future operations unless*
19 *action is taken to reform and improve inter-*
20 *departmental integration in planning and execu-*
21 *tion.*

22 (D) *The agencies involved in the Iraq pro-*
23 *gram have attempted to adapt to the relentless*
24 *demands of the reconstruction effort, but more*
25 *substantive and permanent reforms are required*

1 *for the United States Government to be opti-*
2 *mally prepared for future operations.*

3 *(E) The fresh body of evidence developed*
4 *from the Iraq relief and reconstruction experi-*
5 *ence provides a good basis and timely oppor-*
6 *tunity to pursue meaningful improvements with-*
7 *in and among the departments charged with*
8 *managing the planning and execution of such*
9 *operations.*

10 *(F) The success achieved in departmental*
11 *integration of overseas conflict management*
12 *through the Goldwater-Nichols Department of*
13 *Defense Reorganization Act of 1986 (Public Law*
14 *99-433; 100 Stat. 992) provides precedent for*
15 *Congress to consider legislation designed to pro-*
16 *mote increased cooperation and integration*
17 *among the primary Federal departments and*
18 *agencies charged with managing post-conflict*
19 *contingency reconstruction and relief operations.*

20 *(2) INCLUSION IN STUDY.—The study conducted*
21 *under subsection (a) shall include the following ele-*
22 *ments:*

23 *(A) A synthesis of past studies evaluating*
24 *the successes and failures of previous interagency*
25 *efforts at planning and executing post-conflict*

1 *contingency relief and reconstruction operations,*
2 *including relief and reconstruction operations in*
3 *Iraq.*

4 *(B) An analysis of the division of duties, re-*
5 *sponsibilities, and functions among executive*
6 *branch agencies for such operations and rec-*
7 *ommendations for administrative and regulatory*
8 *changes to enhance integration.*

9 *(C) Recommendations for legislation that*
10 *would improve interagency cooperation and inte-*
11 *gration and the efficiency of the United States*
12 *Government in the planning and execution of*
13 *such operations.*

14 *(D) Recommendations for improvements in*
15 *congressional, executive, and other oversight*
16 *structures and procedures that would enhance*
17 *accountability within such operations.*

18 **SEC. 1044. ANNUAL REPORT ON CASES REVIEWED BY NA-**
19 **TIONAL COMMITTEE FOR EMPLOYER SUP-**
20 **PORT OF THE GUARD AND RESERVE.**

21 *Section 4332 of title 38, United States Code, is*
22 *amended—*

23 *(1) by redesignating paragraphs (2), (3), (4),*
24 *(5), and (6) as paragraphs (3), (4), (5), (6), and (7)*
25 *respectively;*

1 (2) by inserting after paragraph (1) the fol-
2 lowing new paragraph (2):

3 “(2) *The number of cases reviewed by the Sec-*
4 *retary of Defense under the National Committee for*
5 *Employer Support of the Guard and Reserve of the*
6 *Department of Defense during the fiscal year for*
7 *which the report is made.”; and*

8 (3) in paragraph (5), as so redesignated, by
9 striking “(2), or (3)” and inserting “(2), (3), or (4)”.

10 **SEC. 1045. REPORT ON WORKFORCE REQUIRED TO SUP-**
11 **PORT THE NUCLEAR MISSIONS OF THE NAVY**
12 **AND THE DEPARTMENT OF ENERGY.**

13 (a) *IN GENERAL.*—Not later than one year after the
14 date of the enactment of this Act, the Secretary of Defense
15 and the Secretary of Energy shall each submit to Congress
16 a report on the requirements for a workforce to support the
17 nuclear missions of the Navy and the Department of Energy
18 during the 10-year period beginning on the date of the re-
19 port.

20 (b) *ELEMENTS.*—The report shall address anticipated
21 changes to the nuclear missions of the Navy and the Depart-
22 ment of Energy during the 10-year period beginning on the
23 date of the report, anticipated workforce attrition, and re-
24 tirement, and recruiting trends during that period and
25 knowledge retention programs within the Department of

1 *Defense, the Department of Energy, the national labora-*
2 *tories, and federally funded research facilities.*

3 **SEC. 1046. 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 the
11 Comptroller General of the response of the Defense Finance
12 and Accounting Service to the decision in *Butterbaugh v.*
13 *Department of Justice* (336 F.3d 1332 (2003)).

14 (b) *ELEMENTS.*—The report required by subsection (a)
15 shall include the following:

16 (1) *An estimate of the number of members of the*
17 *reserve components of the Armed Forces, both past*
18 *and present, who are entitled to compensation under*
19 *the decision in *Butterbaugh v. Department of Justice.**

20 (2) *An assessment of the current policies, proce-*
21 *dures, and timeliness of the Defense Finance and Ac-*
22 *counting Service in implementing and resolving*
23 *claims under the decision in *Butterbaugh v. Depart-**
24 *ment of Justice.*

1 (3) *An assessment whether or not the decisions*
2 *made by the Defense Finance and Accounting Service*
3 *in implementing the decision in Butterbaugh v. De-*
4 *partment of Justice follow a consistent pattern of res-*
5 *olution.*

6 (4) *An assessment of whether or not the decisions*
7 *made by the Defense Finance and Accounting Service*
8 *in implementing the decision in Butterbaugh v. De-*
9 *partment of Justice are resolving claims by providing*
10 *more compensation than an individual has been able*
11 *to prove, under the rule of construction that laws pro-*
12 *viding benefits to veterans are liberally construed in*
13 *favor of the veteran.*

14 (5) *An estimate of the total amount of compensa-*
15 *tion payable to members of the reserve components of*
16 *the Armed Forces, both past and present, as a result*
17 *of the recent decision in Hernandez v. Department of*
18 *the Air Force (No. 2006–3375, slip op.) that leave can*
19 *be reimbursed for Reserve service before 1994, when*
20 *Congress enacted chapter 43 of title 38, United States*
21 *Code (commonly referred to as the “Uniformed Serv-*
22 *ices Employment and Reemployment Rights Act”).*

23 (6) *A comparative assessment of the handling of*
24 *claims by the Defense Finance and Accounting Serv-*
25 *ice under the decision in Butterbaugh v. Department*

1 *of Justice with the handling of claims by other Fed-*
2 *eral agencies (selected by the Comptroller General for*
3 *purposes of the comparative assessment) under that*
4 *decision.*

5 (7) *A statement of the number of claims by mem-*
6 *bers of the reserve components of the Armed Forces*
7 *under the decision in Butterbaugh v. Department of*
8 *Justice that have been adjudicated by the Defense Fi-*
9 *nance and Accounting Service.*

10 (8) *A statement of the number of claims by mem-*
11 *bers of the reserve components of the Armed Forces*
12 *under the decision in Butterbaugh v. Department of*
13 *Justice that have been denied by the Defense Finance*
14 *and Accounting Service.*

15 (9) *A comparative assessment of the average*
16 *amount of time required for the Defense Finance and*
17 *Accounting Service to resolve a claim under the deci-*
18 *sion in Butterbaugh v. Department of Justice with*
19 *the average amount of time required by other Federal*
20 *agencies (as so selected) to resolve a claim under that*
21 *decision.*

22 (10) *A comparative statement of the backlog of*
23 *claims with the Defense Finance and Accounting*
24 *Service under the decision in Butterbaugh v. Depart-*

1 *ment of Justice with the backlog of claims of other*
2 *Federal agencies (as so selected) under that decision.*

3 (11) *An estimate of the amount of time required*
4 *for the Defense Finance and Accounting Service to re-*
5 *solve all outstanding claims under the decision in*
6 *Butterbaugh v. Department of Justice.*

7 (12) *An assessment of the reasonableness of the*
8 *requirement of the Defense Finance and Accounting*
9 *Service for the submittal by members of the reserve*
10 *components of the Armed Forces of supporting docu-*
11 *mentation for claims under the decision in*
12 *Butterbaugh v. Department of Justice.*

13 (13) *A comparative assessment of the require-*
14 *ment of the Defense Finance and Accounting Service*
15 *for the submittal by members of the reserve compo-*
16 *nents of the Armed Forces of supporting documenta-*
17 *tion for claims under the decision in Butterbaugh v.*
18 *Department of Justice with the requirement of other*
19 *Federal agencies (as so selected) for the submittal by*
20 *such members of supporting documentation for such*
21 *claims.*

22 (14) *Such recommendations for legislative action*
23 *as the Comptroller General considers appropriate in*
24 *light of the decision in Butterbaugh v. Department of*

1 *Justice and the decision in Hernandez v. Department*
2 *of the Air Force.*

3 **SEC. 1047. REPORT ON FACILITIES AND OPERATIONS OF**
4 **DARNALL ARMY MEDICAL CENTER, FORT**
5 **HOOD MILITARY RESERVATION, TEXAS.**

6 (a) *IN GENERAL.*—Not later than 120 days after the
7 date of the enactment of this Act, the Secretary of Defense
8 shall submit to the congressional defense committees a re-
9 port assessing the facilities and operations of the Darnall
10 Army Medical Center at Fort Hood Military Reservation,
11 Texas.

12 (b) *CONTENT.*—The report required under subsection
13 (a) shall include the following:

14 (1) *A specific determination of whether the fa-*
15 *cilities currently housing Darnall Army Medical Cen-*
16 *ter meet Department of Defense standards for Army*
17 *medical centers.*

18 (2) *A specific determination of whether the exist-*
19 *ing facilities adequately support the operations of*
20 *Darnall Army Medical Center, including the missions*
21 *of medical treatment, medical hold, medical holdover,*
22 *and Warriors in Transition.*

23 (3) *A specific determination of whether the exist-*
24 *ing facilities provide adequate physical space for the*
25 *number of personnel that would be required for*

1 *Darnall Army Medical Center to function as a full-*
2 *sized Army medical center.*

3 (4) *A specific determination of whether the cur-*
4 *rent levels of medical and medical-related personnel*
5 *at Darnall Army Medical Center are adequate to sup-*
6 *port the operations of a full-sized Army medical cen-*
7 *ter.*

8 (5) *A specific determination of whether the cur-*
9 *rent levels of graduate medical education and medical*
10 *residency programs currently in place at Darnall*
11 *Army Medical Center are adequate to support the op-*
12 *erations of a full-sized Army medical center.*

13 (6) *A description of any and all deficiencies*
14 *identified by the Secretary.*

15 (7) *A proposed investment plan and timeline to*
16 *correct such deficiencies.*

17 **SEC. 1048. REPORT ON PLANS TO REPLACE THE MONUMENT**

18 **AT THE TOMB OF THE UNKNOWNNS AT AR-**

19 **LINGTON NATIONAL CEMETERY, VIRGINIA.**

20 (a) *REPORT REQUIRED.*—*Not later than 180 days*
21 *after the date of the enactment of this Act, the Secretary*
22 *of the Army and the Secretary of Veterans Affairs shall*
23 *jointly submit to Congress a report setting forth the fol-*
24 *lowing:*

1 (1) *The current plans of the Secretaries with re-*
2 *spect to—*

3 (A) *replacing the monument at the Tomb of*
4 *the Unknowns at Arlington National Cemetery,*
5 *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 the*
11 *Unknowns rather than replacing it.*

12 (3) *A description of the current efforts of the Sec-*
13 *retaries to maintain and preserve the monument at*
14 *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 Tomb*
17 *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 Secretary*
6 *of Veterans Affairs from repairing the current monument*
7 *at the Tomb of the Unknowns or from acquiring any blocks*
8 *of marble for uses related to such monument, subject to the*
9 *availability of appropriations for that purposes.*

10 **SEC. 1049. REPORT ON SIZE AND MIX OF AIR FORCE INTER-**
11 **THEATER AIRLIFT FORCE.**

12 (a) *STUDY REQUIRED.—*

13 (1) *IN GENERAL.—The Secretary of Defense shall*
14 *conduct a study on various alternatives for the size*
15 *and mix of assets for the Air Force intertheater airlift*
16 *force, with a particular focus on current and planned*
17 *capabilities and costs of the C-5 aircraft and C-17*
18 *aircraft fleets.*

19 (2) *CONDUCT OF STUDY.—*

20 (A) *USE OF FFRDC.—The Secretary shall*
21 *select to conduct the study required by subsection*
22 *(a) a federally funded research and development*
23 *center (FFRDC) that has experience and exper-*
24 *tise in conducting studies similar to the study*
25 *required by subsection (a).*

1 (B) *DEVELOPMENT OF STUDY METHODOLOGY.*—Not later than 90 days after the date of
2 enactment of this Act, the federally funded re-
3 search and development center selected for the
4 conduct of the study shall—

5 (i) *develop the methodology for the*
6 *study; and*

7 (ii) *submit the methodology to the*
8 *Comptroller General of the United States*
9 *for review.*

10 (C) *COMPTROLLER GENERAL REVIEW.*—Not
11 later than 30 days after receipt of the method-
12 ology under subparagraph (B), the Comptroller
13 General shall—

14 (i) *review the methodology for purposes*
15 *of identifying any flaws or weaknesses in*
16 *the methodology; and*

17 (ii) *submit to the federally funded re-*
18 *search and development center a report*
19 *that—*

20 (I) *sets forth any flaws or weak-*
21 *nesses in the methodology identified by*
22 *the Comptroller General in the review;*
23 *and*
24

1 *(II) makes any recommendations*
2 *the Comptroller General considers ad-*
3 *visable for improvements to the meth-*
4 *odology.*

5 *(D) MODIFICATION OF METHODOLOGY.—Not*
6 *later than 30 days after receipt of the report*
7 *under subparagraph (C), the federally funded re-*
8 *search and development center shall—*

9 *(i) modify the methodology in order to*
10 *address flaws or weaknesses identified by*
11 *the Comptroller General in the report and*
12 *to improve the methodology in accordance*
13 *with the recommendations, if any, made by*
14 *the Comptroller General; and*

15 *(ii) submit to the congressional defense*
16 *committees a report that—*

17 *(I) describes the modifications of*
18 *the methodology made by the federally*
19 *funded research and development cen-*
20 *ter; and*

21 *(II) if the federally funded re-*
22 *search and development center does not*
23 *improve the methodology in accordance*
24 *with any particular recommendation*
25 *of the Comptroller General, sets forth a*

1 description and explanation of the rea-
2 sons for such action.

3 (3) *UTILIZATION OF OTHER STUDIES.*—The
4 study shall build upon the results of the recent Mobil-
5 ity Capabilities Studies of the Department of Defense,
6 the on-going Intratheater Airlift Fleet Mix Analysis,
7 and other appropriate studies and analyses. The
8 study should also include any results reached on the
9 modified C-5A aircraft configured as part of the Reli-
10 ability Enhancement and Re-engining Program
11 (RERP) configuration, as specified in section 132 of
12 the National Defense Authorization Act for Fiscal
13 Year 2004 (Public Law 108-136; 117 Stat. 1411).

14 (b) *ELEMENTS.*—The study under subsection (a) shall
15 address the following:

16 (1) *The state of the current intertheater airlift*
17 *fleet of the Air Force, including the extent to which*
18 *the increased use of heavy airlift aircraft in Oper-*
19 *ation Iraqi Freedom, Operation Enduring Freedom,*
20 *and other ongoing operations is affecting the aging of*
21 *the aircraft of that fleet.*

22 (2) *The adequacy of the current intertheater air-*
23 *lift force, including whether or not the current target*
24 *number of 301 airframes for the Air Force heavy lift*
25 *aircraft fleet will be sufficient to support future expe-*

1 *ditionary combat and non-combat missions as well as*
2 *domestic and training mission demands consistent*
3 *with the requirements of the National Military Strat-*
4 *egy.*

5 *(3) The optimal mix of C-5 aircraft and C-17*
6 *aircraft for the intertheater airlift fleet of the Air*
7 *Force, and any appropriate mix of C-5 aircraft and*
8 *C-17 aircraft for intratheater airlift missions, includ-*
9 *ing an assessment of the following:*

10 *(A) The cost advantages and disadvantages*
11 *of modernizing the C-5 aircraft fleet when com-*
12 *pared with procuring new C-17 aircraft, which*
13 *assessment shall be performed in concert with the*
14 *Cost Analysis Improvement Group and be based*
15 *on program life cycle cost estimates for the re-*
16 *spective aircraft.*

17 *(B) The military capability of the C-5 air-*
18 *craft and the C-17 aircraft, including number of*
19 *lifetime flight hours, cargo and passenger car-*
20 *rying capabilities, and mission capable rates for*
21 *such airframes. In the case of assumptions for*
22 *the C-5 aircraft, and any assumptions made for*
23 *the mission capable rates of the C-17 aircraft,*
24 *sensitivity analyses shall also be conducted to*
25 *test assumptions. The military capability study*

1 *for the C-5 aircraft shall also include an assess-*
2 *ment of the mission capable rates after each of*
3 *the following:*

4 *(i) Successful completion of the Avi-*
5 *onics Modernization Program (AMP) and*
6 *the Reliability Enhancement and Re-*
7 *engining Program (RERP).*

8 *(ii) Partially successful completion of*
9 *the Avionics Modernization Program and*
10 *the Reliability Enhancement and Re-*
11 *engining Program, with partially successful*
12 *completion of either such program being*
13 *considered the point at which the continued*
14 *execution of such program is no longer sup-*
15 *ported by cost-benefit analysis.*

16 *(C) The tactical capabilities of strategic air-*
17 *lift aircraft, the potential increase in use of stra-*
18 *tegic airlift aircraft for tactical missions, and*
19 *the value of such capabilities to tactical oper-*
20 *ations.*

21 *(D) The value of having more than one type*
22 *of aircraft in the strategic airlift fleet, and the*
23 *potential need to pursue a replacement aircraft*
24 *for the C-5 aircraft that is larger than the C-*
25 *17 aircraft.*

1 (4) *The means by which the Air Force was able*
2 *to restart the production line for the C-5 aircraft*
3 *after having closed the line for several years, and the*
4 *actions to be taken to ensure the production line for*
5 *the C-17 aircraft could be restarted if necessary,*
6 *including—*

7 (A) *an analysis of the costs of closing and*
8 *re-opening the production line for the C-5 air-*
9 *craft; and*

10 (B) *an assessment of the costs of closing and*
11 *re-opening the production line for the C-17 air-*
12 *craft on a similar basis.*

13 (5) *The financial effects of retiring, upgrading*
14 *and maintaining, or continuing current operations of*
15 *the C-5A aircraft fleet on procurement decisions re-*
16 *lating to the C-17 aircraft.*

17 (6) *The impact that increasing the role and use*
18 *of strategic airlift aircraft in intratheater operations*
19 *will have on the current target number for strategic*
20 *airlift aircraft of 301 airframes, including an anal-*
21 *ysis of the following:*

22 (A) *The appropriateness of using C-5 air-*
23 *craft and C-17 aircraft for intratheater mis-*
24 *sions, as well as the efficacy of these aircraft to*

1 *perform current and projected future*
2 *intratheater missions.*

3 *(B) The interplay of existing doctrinal*
4 *intratheater airlift aircraft (such as the C-130*
5 *aircraft and the future Joint Cargo Aircraft*
6 *(JCA)) with an increasing role for C-5 aircraft*
7 *and C-17 aircraft in intratheater missions.*

8 *(C) The most appropriate and likely mis-*
9 *sions for C-5 aircraft and C-17 aircraft in*
10 *intratheater operations and the potential for in-*
11 *creased requirements in these mission areas.*

12 *(D) Any intratheater mission sets best per-*
13 *formed by strategic airlift aircraft as opposed to*
14 *traditional intratheater airlift aircraft.*

15 *(E) Any requirements for increased produc-*
16 *tion or longevity of C-5 aircraft and C-17 air-*
17 *craft, or for a new strategic airlift aircraft, in*
18 *light of the matters analyzed under this para-*
19 *graph.*

20 *(7) Taking into consideration all applicable fac-*
21 *tors, whether or not the replacement of C-5 aircraft*
22 *with C-17 aircraft on a one-for-one basis will result*
23 *in the retention of a comparable strategic airlift ca-*
24 *pability.*

1 (c) *CONSTRUCTION.*—Nothing in this section shall be
2 construed to exclude from the study under subsection (a)
3 consideration of airlift assets other than the C–5 aircraft
4 or C–17 aircraft that do or may provide intratheater and
5 intertheater airlift, including the potential that such cur-
6 rent or future assets may reduce requirements for C–5 air-
7 craft or C–17 aircraft.

8 (d) *COLLABORATION WITH TRANSCOM.*—The federally
9 funded research and development center selected under sub-
10 section (a) shall conduct the study required by that sub-
11 section and make the report required by subsection (e) in
12 concert with the United States Transportation Command.

13 (e) *REPORT BY FFRDC.*—

14 (1) *IN GENERAL.*—Not later than January 10,
15 2009, the federally funded research and development
16 center selected under subsection (a) shall submit to the
17 Secretary of Defense, the congressional defense com-
18 mittees, and the Comptroller General of the United
19 States a report on the study required by subsection
20 (a).

21 (2) *REVIEW BY GAO.*—Not later than 90 days
22 after receipt of the report under paragraph (1), the
23 Comptroller General shall submit to the congressional
24 defense committee a report on the study conducted
25 under subsection (a) and the report under paragraph

1 (1). *The report under this subsection shall include an*
2 *analysis of the study under subsection (a) and the re-*
3 *port under paragraph (1), including an assessment*
4 *by the Comptroller General of the strengths and weak-*
5 *nesses of the study and report.*

6 (f) *REPORT BY SECRETARY OF DEFENSE.—*

7 (1) *IN GENERAL.—Not later than 90 days after*
8 *receipt of the report under paragraph (1), the Sec-*
9 *retary of Defense shall submit to the Committee on*
10 *Armed Services of the Senate and the Committee on*
11 *Armed Services of the House of Representatives a re-*
12 *port on the study required by subsection (a).*

13 (2) *ELEMENTS.—The report shall include a com-*
14 *prehensive discussion of the findings of the study, in-*
15 *cluding a particular focus on the following:*

16 (A) *A description of lift requirements and*
17 *operating profiles for intertheater airlift aircraft*
18 *required to meet the National Military Strategy,*
19 *including assumptions regarding:*

20 (i) *Current and future military combat*
21 *and support missions.*

22 (ii) *The planned force structure growth*
23 *of the Army and the Marine Corps.*

1 (iii) *Potential changes in lift require-*
2 *ments, including the deployment of the Fu-*
3 *ture Combat Systems by the Army.*

4 (iv) *New capability in strategic airlift*
5 *to be provided by the KC(X) aircraft and*
6 *the expected utilization of such capability,*
7 *including its use in intratheater lift.*

8 (v) *The utilization of the heavy lift*
9 *aircraft in intratheater combat missions.*

10 (vi) *The availability and application*
11 *of Civil Reserve Air Fleet assets in future*
12 *military scenarios.*

13 (vii) *Air mobility requirements associ-*
14 *ated with the Global Rebasing Initiative of*
15 *the Department of Defense.*

16 (viii) *Air mobility requirements in*
17 *support of peacekeeping and humanitarian*
18 *missions around the globe.*

19 (ix) *Potential changes in lift require-*
20 *ments based on equipment procured for Iraq*
21 *and Afghanistan.*

22 (B) *A description of the assumptions uti-*
23 *lized in the study regarding aircraft perform-*
24 *ances and loading factors.*

1 (C) *A comprehensive statement of the data*
2 *and assumptions utilized in making program*
3 *life cycle cost estimates.*

4 (D) *A comparison of cost and risk associ-*
5 *ated with optimal mix airlift fleet versus pro-*
6 *gram of record airlift fleet.*

7 (3) *FORM.—The report shall be submitted in un-*
8 *classified form, but may include a classified annex.*

9 **SEC. 1050. REPORT AND MASTER INFRASTRUCTURE RE-**
10 **CAPITALIZATION PLAN REGARDING CHEY-**
11 **ENNE MOUNTAIN AIR STATION, COLORADO.**

12 (a) *REPORT ON RELOCATION OF NORTH AMERICAN*
13 *AEROSPACE DEFENSE COMMAND CENTER.—*

14 (1) *IN GENERAL.—Not later than 90 days after*
15 *the date of the enactment of this Act, the Secretary of*
16 *Defense shall submit to Congress a report on the relo-*
17 *cation of the North American Aerospace Defense com-*
18 *mand center and related functions from Cheyenne*
19 *Mountain Air Station, Colorado, to Peterson Air*
20 *Force Base, Colorado.*

21 (2) *CONTENT.—The report required under para-*
22 *graph (1) shall include—*

23 (A) *an analysis comparing the total costs*
24 *associated with the relocation, including costs de-*
25 *termined as part of ongoing security-related*

1 *studies of the relocation, to anticipated oper-*
2 *ational benefits from the relocation; and*

3 *(B) a detailed explanation of those backup*
4 *functions that will remain located at Cheyenne*
5 *Mountain Air Station, and how those functions*
6 *planned to be transferred out of Cheyenne Moun-*
7 *tain Air Station, including the Space Oper-*
8 *ations Center, will maintain operational*
9 *connectivity with their related commands and*
10 *relevant communications centers.*

11 ***(b) MASTER INFRASTRUCTURE RECAPITALIZATION***
12 ***PLAN.—***

13 ***(1) IN GENERAL.—****Not later than March 16,*
14 *2008, the Secretary of the Air Force shall submit to*
15 *Congress a master infrastructure recapitalization*
16 *plan for Cheyenne Mountain Air Station.*

17 ***(2) CONTENT.—****The plan required under para-*
18 *graph (1) shall include—*

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

23 ***(B)*** *a funding plan explaining the expected*
24 *timetable for the Air Force to support such*
25 *projects.*

1 **Subtitle E—Other Matters**

2 **SEC. 1061. REVISED NUCLEAR POSTURE REVIEW.**

3 (a) *REQUIREMENT FOR COMPREHENSIVE REVIEW.*—

4 *In order to clarify United States nuclear deterrence policy*
5 *and strategy for the near term, the Secretary of Defense*
6 *shall conduct a comprehensive review of the nuclear posture*
7 *of the United States for the next 5 to 10 years. The Sec-*
8 *retary shall conduct the review in consultation with the Sec-*
9 *retary of Energy and the Secretary of State.*

10 (b) *ELEMENTS OF REVIEW.*—*The nuclear posture re-*
11 *view shall include the following elements:*

12 (1) *The role of nuclear forces in United States*
13 *military strategy, planning, and programming.*

14 (2) *The policy requirements and objectives for*
15 *the United States to maintain a safe, reliable, and*
16 *credible nuclear deterrence posture.*

17 (3) *The relationship among United States nu-*
18 *clear deterrence policy, targeting strategy, and arms*
19 *control objectives.*

20 (4) *The role that missile defense capabilities and*
21 *conventional strike forces play in determining the role*
22 *and size of nuclear forces.*

23 (5) *The levels and composition of the nuclear de-*
24 *livery systems that will be required for implementing*
25 *the United States national and military strategy, in-*

1 *cluding any plans for replacing or modifying existing*
2 *systems.*

3 *(6) The nuclear weapons complex that will be re-*
4 *quired for implementing the United States national*
5 *and military strategy, including any plans to mod-*
6 *ernize or modify the complex.*

7 *(7) The active and inactive nuclear weapons*
8 *stockpile that will be required for implementing the*
9 *United States national and military strategy, includ-*
10 *ing any plans for replacing or modifying warheads.*

11 *(c) REPORT TO CONGRESS.—The Secretary of Defense*
12 *shall submit to Congress, in unclassified and classified*
13 *forms as necessary, a report on the results of the nuclear*
14 *posture review conducted under this section. The report*
15 *shall be submitted concurrently with the quadrennial de-*
16 *fense review required to be submitted under section 118 of*
17 *title 10, United States Code, in 2009.*

18 *(d) SENSE OF CONGRESS.—It is the sense of Congress*
19 *that the nuclear posture review conducted under this section*
20 *should be used as a basis for establishing future United*
21 *States arms control objectives and negotiating positions.*

1 **SEC. 1062. TERMINATION OF COMMISSION ON THE IMPLE-**
2 **MENTATION OF THE NEW STRATEGIC POS-**
3 **TURE OF THE UNITED STATES.**

4 *Section 1051 of the National Defense Authorization*
5 *Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.*
6 *3431) is repealed.*

7 **SEC. 1063. COMMUNICATIONS WITH THE COMMITTEES ON**
8 **ARMED SERVICES OF THE SENATE AND THE**
9 **HOUSE OF REPRESENTATIVES.**

10 (a) *REQUESTS OF COMMITTEES.*—*The Director of the*
11 *National Counterterrorism Center, the Director of a na-*
12 *tional intelligence center, or the head of any department,*
13 *agency, or element of the intelligence community shall, not*
14 *later than 15 days after receiving a request from the Com-*
15 *mittee on Armed Services of the Senate or the Committee*
16 *on Armed Services of the House of Representatives for any*
17 *intelligence assessment, report, estimate, legal opinion, or*
18 *other intelligence information relating to matters within the*
19 *jurisdiction of such Committee, make available to such com-*
20 *mittee such assessment, report, estimate, legal opinion, or*
21 *other information, as the case may be.*

22 (b) *ASSERTION OF PRIVILEGE.*—*In response to a re-*
23 *quest covered by subsection (a), the Director of the National*
24 *Counterterrorism Center, the Director of a national intel-*
25 *ligence center, or the head of any department, agency, or*
26 *element of the intelligence community shall provide the doc-*

1 *ument or information covered by such request unless the*
2 *President certifies that such document or information is not*
3 *being provided because the President is asserting a privilege*
4 *pursuant to the Constitution of the United States.*

5 *(c) INDEPENDENT TESTIMONY OF INTELLIGENCE OF-*
6 *FICIALS.—No officer, department, agency, or element with-*
7 *in the Executive branch shall have any authority to require*
8 *the head of any department, agency, or element of the intel-*
9 *ligence community, or any designate of such a head—*

10 *(1) to receive permission to testify before the*
11 *Committee on Armed Services of the Senate or the*
12 *Committee on Armed Services of the House of Rep-*
13 *resentatives; or*

14 *(2) to submit testimony, legislative recommenda-*
15 *tions, or comments to any officer or agency of the Ex-*
16 *ecutive branch for approval, comments, or review*
17 *prior to the submission of such recommendations, tes-*
18 *timony, or comments to the Committee on Armed*
19 *Services of the Senate or the Committee on Armed*
20 *Services of the House of Representatives if such testi-*
21 *mony, legislative recommendations, or comments in-*
22 *clude a statement indicating that the views expressed*
23 *therein are those of the head of the department, agen-*
24 *cy, or element of the intelligence community that is*

1 *making the submission and do not necessarily rep-*
2 *resent the views of the Administration.*

3 **SEC. 1064. SECURITY CLEARANCES; LIMITATIONS.**

4 *(a) IN GENERAL.—Title III of the Intelligence Reform*
5 *and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is*
6 *amended by adding at the end the following new section:*

7 **“SEC. 3002. SECURITY CLEARANCES; LIMITATIONS.**

8 *“(a) DEFINITIONS.—In this section:*

9 *“(1) CONTROLLED SUBSTANCE.—The term ‘con-*
10 *trolled substance’ has the meaning given that term in*
11 *section 102 of the Controlled Substances Act (21*
12 *U.S.C. 802).*

13 *“(2) COVERED PERSON.—The term ‘covered per-*
14 *son’ means—*

15 *“(A) an officer or employee of a Federal*
16 *agency;*

17 *“(B) a member of the Army, Navy, Air*
18 *Force, or Marine Corps who is on active duty or*
19 *is in an active status; and*

20 *“(C) an officer or employee of a contractor*
21 *of a Federal agency.*

22 *“(3) RESTRICTED DATA.—The term ‘Restricted*
23 *Data’ has the meaning given that term in section 11*
24 *of the Atomic Energy Act of 1954 (42 U.S.C. 2014).*

1 “(4) *SPECIAL ACCESS PROGRAM.*—*The term ‘spe-*
2 *cial access program’ has the meaning given that term*
3 *in section 4.1 of Executive Order 12958 (60 Fed. Reg.*
4 *19825).*

5 “(b) *PROHIBITION.*—*After January 1, 2008, the head*
6 *of a Federal agency may not grant or renew a security*
7 *clearance for a covered person who is—*

8 “(1) *an unlawful user of, or is addicted to, a*
9 *controlled substance; or*

10 “(2) *mentally incompetent, as determined by an*
11 *adjudicating authority, based on an evaluation by a*
12 *duly qualified mental health professional employed*
13 *by, or acceptable to and approved by, the United*
14 *States government and in accordance with the adju-*
15 *dicative guidelines required by subsection (d).*

16 “(c) *DISQUALIFICATION.*—

17 “(1) *IN GENERAL.*—*After January 1, 2008, ab-*
18 *sent an express written waiver granted in accordance*
19 *with paragraph (2), the head of a Federal agency*
20 *may not grant or renew a security clearance described*
21 *in paragraph (3) for a covered person who has been—*

22 “(A) *convicted in any court of the United*
23 *States of a crime, was sentenced to imprison-*
24 *ment for a term exceeding 1 year, and was in-*

1 *carcerated as a result of that sentence for not less*
2 *than 1 year; or*

3 “(B) *discharged or dismissed from the*
4 *Armed Forces under dishonorable conditions.*

5 “(2) *WAIVER AUTHORITY.—In a meritorious*
6 *case, an exception to the disqualification in this sub-*
7 *section may be authorized if there are mitigating fac-*
8 *tors. Any such waiver may be authorized only in ac-*
9 *cordance with standards and procedures prescribed*
10 *by, or under the authority of, an Executive Order or*
11 *other guidance issued by the President.*

12 “(3) *COVERED SECURITY CLEARANCES.—This*
13 *subsection applies to security clearances that provide*
14 *for access to—*

15 “(A) *special access programs;*

16 “(B) *Restricted Data; or*

17 “(C) *any other information commonly re-*
18 *ferred to as ‘sensitive compartmented informa-*
19 *tion’.*

20 “(4) *ANNUAL REPORT.—*

21 “(A) *REQUIREMENT FOR REPORT.—Not*
22 *later than February 1 of each year, the head of*
23 *a Federal agency shall submit a report to the ap-*
24 *propriate committees of Congress if such agency*
25 *employs or employed a person for whom a wai-*

1 *er was granted in accordance with paragraph*
2 *(2) during the preceding year. Such annual re-*
3 *port shall not reveal the identity of such person,*
4 *but shall include for each waiver issued the dis-*
5 *qualifying factor under paragraph (1) and the*
6 *reasons for the waiver of the disqualifying factor.*

7 *“(B) DEFINITIONS.—In this paragraph:*

8 *“(i) APPROPRIATE COMMITTEES OF*
9 *CONGRESS.—The term ‘appropriate com-*
10 *mittees of Congress’ means, with respect to*
11 *a report submitted under subparagraph (A)*
12 *by the head of a Federal agency—*

13 *“(I) the congressional intelligence*
14 *committees;*

15 *“(II) the Committee on Homeland*
16 *Security and Governmental Affairs of*
17 *the Senate;*

18 *“(III) the Committee on Oversight*
19 *and Government Reform of the House*
20 *of Representatives; and*

21 *“(IV) each Committee of the Sen-*
22 *ate or the House of Representatives*
23 *with oversight authority over such Fed-*
24 *eral agency.*

1 “(ii) CONGRESSIONAL INTELLIGENCE
2 COMMITTEES.—The term ‘congressional in-
3 telligence committees’ has the meaning
4 given that term in section 3 of the National
5 Security Act of 1947 (50 U.S.C. 401a).

6 “(d) ADJUDICATIVE GUIDELINES.—

7 “(1) REQUIREMENT TO ESTABLISH.—The Presi-
8 dent shall establish adjudicative guidelines for deter-
9 mining eligibility for access to classified information.

10 “(2) REQUIREMENTS RELATED TO MENTAL
11 HEALTH.—The guidelines required by paragraph (1)
12 shall—

13 “(A) include procedures and standards
14 under which a covered person is determined to be
15 mentally incompetent and provide a means to
16 appeal such a determination; and

17 “(B) require that no negative inference con-
18 cerning the standards in the guidelines may be
19 raised solely on the basis of seeking mental
20 health counseling.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) REPEAL.—Section 986 of title 10, United
23 States Code, is repealed.

1 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
2 *tions at the beginning of chapter 49 of such title is*
3 *amended by striking the item relating to section 986.*

4 (3) *EFFECTIVE DATE.*—*The amendments made*
5 *by this subsection shall take effect on January 1,*
6 *2008.*

7 **SEC. 1065. IMPROVEMENTS IN THE PROCESS FOR THE**
8 **ISSUANCE OF SECURITY CLEARANCES.**

9 (a) *DEMONSTRATION PROJECT.*—*Not later than 6*
10 *months after the date of the enactment of this Act, the Sec-*
11 *retary of Defense and the Director of National Intelligence*
12 *shall implement a demonstration project that applies new*
13 *and innovative approaches to improve the processing of re-*
14 *quests for security clearances.*

15 (b) *EVALUATION.*—*Not later than 1 year after the date*
16 *of the enactment of this Act, the Secretary of Defense and*
17 *the Director of National Intelligence shall carry out an eval-*
18 *uation of the process for issuing security clearances and de-*
19 *velop a specific plan and schedule for replacing such process*
20 *with an improved process.*

21 (c) *REPORT.*—*Not later than 30 days after the date*
22 *of the completion of the evaluation required by subsection*
23 *(b), the Secretary of Defense and the Director of National*
24 *Intelligence shall submit to Congress a report on—*

1 (1) *the results of the demonstration project car-*
2 *ried out pursuant to subsection (a);*

3 (2) *the results of the evaluation carried out*
4 *under subsection (b); and*

5 (3) *the specific plan and schedule for replacing*
6 *the existing process for issuing security clearances*
7 *with an improved process.*

8 **SEC. 1066. ADVISORY PANEL ON DEPARTMENT OF DEFENSE**
9 **CAPABILITIES FOR SUPPORT OF CIVIL AU-**
10 **THORITIES AFTER CERTAIN INCIDENTS.**

11 (a) *IN GENERAL.*—*The Secretary of Defense shall es-*
12 *tablish an advisory panel to carry out an assessment of the*
13 *capabilities of the Department of Defense to provide support*
14 *to United States civil authorities in the event of a chemical,*
15 *biological, radiological, nuclear, or high-yield explosive*
16 *(CBRNE) incident.*

17 (b) *PANEL MATTERS.*—

18 (1) *IN GENERAL.*—*The advisory panel required*
19 *by subsection (a) shall consist of individuals ap-*
20 *pointed by the Secretary of Defense (in consultation*
21 *with the Chairmen and Ranking Members of the*
22 *Committees on Armed Services of the Senate and the*
23 *House of Representatives) from among private citi-*
24 *zens of the United States with expertise in the legal,*
25 *operational, and organizational aspects of the man-*

1 *agement of the consequences of a chemical, biological,*
2 *radiological, nuclear, or high-yield explosive incident.*

3 (2) *DEADLINE FOR APPOINTMENT.*—*All members*
4 *of the advisory panel shall be appointed under this*
5 *subsection not later than 30 days after the date on*
6 *which the Secretary enters into the contract required*
7 *by subsection (c).*

8 (3) *INITIAL MEETING.*—*The advisory panel shall*
9 *conduct its first meeting not later than 30 days after*
10 *the date that all appointments to the panel have been*
11 *made under this subsection.*

12 (4) *PROCEDURES.*—*The advisory panel shall*
13 *carry out its duties under this section under proce-*
14 *dures established under subsection (c) by the federally*
15 *funded research and development center with which*
16 *the Secretary contracts under that subsection. Such*
17 *procedures shall include procedures for the selection of*
18 *a chairman of the advisory panel from among its*
19 *members.*

20 (c) *SUPPORT OF FEDERALLY FUNDED RESEARCH AND*
21 *DEVELOPMENT CENTER.*—

22 (1) *IN GENERAL.*—*The Secretary of Defense shall*
23 *enter into a contract with a federally funded research*
24 *and development center for the provision of support*
25 *and assistance to the advisory panel required by sub-*

1 *section (a) in carrying out its duties under this sec-*
2 *tion. Such support and assistance shall include the es-*
3 *tablishment of the procedures of the advisory panel*
4 *under subsection (b)(4).*

5 (2) *DEADLINE FOR CONTRACT.—The Secretary*
6 *shall enter into the contract required by this sub-*
7 *section not later than 60 days after the date of the en-*
8 *actment of this Act.*

9 (d) *DUTIES OF PANEL.—The advisory panel required*
10 *by subsection (a) shall—*

11 (1) *evaluate the authorities and capabilities of*
12 *the Department of Defense to conduct operations in*
13 *support to United States civil authorities in the event*
14 *of a chemical, biological, radiological, nuclear, or*
15 *high-yield explosive incident, including the authori-*
16 *ties and capabilities of the military departments, the*
17 *Defense Agencies, the combatant commands, any sup-*
18 *porting commands, and the reserve components of the*
19 *Armed Forces (including the National Guard in a*
20 *Federal and non-Federal status);*

21 (2) *assess the adequacy of existing plans and*
22 *programs of the Department of Defense for training*
23 *and equipping dedicated, special, and general pur-*
24 *poses forces for conducting operations described in*
25 *paragraph (1) across a broad spectrum of scenarios,*

1 *including current National Planning Scenarios as*
2 *applicable;*

3 *(3) assess policies, directives, and plans of the*
4 *Department of Defense in support of civilian authori-*
5 *ties in managing the consequences of a chemical, bio-*
6 *logical, radiological, nuclear, or high-yield explosive*
7 *incident.*

8 *(4) assess the adequacy of policies and structures*
9 *of the Department of Defense for coordination with*
10 *other department and agencies of the Federal Govern-*
11 *ment, especially the Department of Homeland Secu-*
12 *rity, the Department of Energy, the Department of*
13 *Justice, and the Department of Health and Human*
14 *Services, in the provision of support described in*
15 *paragraph (1);*

16 *(5) assess the adequacy and currency of informa-*
17 *tion available to the Department of Defense, whether*
18 *directly or through other departments and agencies of*
19 *the Federal Government, from State and local govern-*
20 *ments in circumstances where the Department pro-*
21 *vides support described in paragraph (1) because*
22 *State and local response capabilities are not fully*
23 *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); and*

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 (e) *COOPERATION OF OTHER AGENCIES.—*

10 (1) *IN GENERAL.—The advisory panel required*
11 *by subsection (a) may secure directly from the De-*
12 *partment of Defense, the Department of Homeland*
13 *Security, the Department of Energy, the Department*
14 *of Justice, the Department of Health and Human*
15 *Services, and any other department or agency of the*
16 *Federal Government information that the panel con-*
17 *siders necessary for the panel to carry out its duties.*

18 (2) *COOPERATION.—The Secretary of Defense,*
19 *the Secretary of Homeland Secretary, the Secretary of*
20 *Energy, the Attorney General, the Secretary of Health*
21 *and Human Services, and any other official of the*
22 *United States shall provide the advisory panel with*
23 *full and timely cooperation in carrying out its duties*
24 *under this section.*

1 (f) *REPORT.*—Not later than 12 months after the date
2 of the initial meeting of the advisory panel required by sub-
3 section (a), the advisory panel shall submit to the Secretary
4 of Defense, and to the Committees on Armed Services of the
5 Senate and the House of Representatives, a report on activi-
6 ties under this section. The report shall set forth—

7 (1) the findings, conclusions, and recommenda-
8 tions of the advisory panel for improving the capa-
9 bilities of the Department of Defense to provide sup-
10 port to United States civil authorities in the event of
11 a chemical, biological, radiological, nuclear, or high-
12 yield explosive incident; and

13 (2) such other findings, conclusions, and rec-
14 ommendations for improving the capabilities of the
15 Department for homeland defense as the advisory
16 panel considers appropriate.

17 **SEC. 1067. SENSE OF CONGRESS ON THE WESTERN HEMI-**
18 **SPHERE INSTITUTE FOR SECURITY COOPERA-**
19 **TION.**

20 *It is the sense of Congress that—*

21 (1) the education and training facility of the De-
22 partment of Defense known as the Western Hemi-
23 sphere Institute for Security Cooperation has the mis-
24 sion of providing professional education and training
25 to eligible military personnel, law enforcement offi-

1 *cials, and civilians of nations of the Western Hemi-*
2 *sphere that support the democratic principles set forth*
3 *in the Charter of the Organization of American*
4 *States, while fostering mutual knowledge, trans-*
5 *parency, confidence, and cooperation among the par-*
6 *ticipating nations and promoting democratic values*
7 *and respect for human rights; and*

8 *(2) therefore, the Institute is an invaluable edu-*
9 *cation and training facility which continues to foster*
10 *a spirit of partnership and interoperability among*
11 *the United States military and the militaries of par-*
12 *ticipating nations.*

13 **SEC. 1068. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**
14 **STATES CODE, ARISING FROM ENACTMENT**
15 **OF THE INTELLIGENCE REFORM AND TER-**
16 **RORISM PREVENTION ACT OF 2004.**

17 *(a) REFERENCES TO HEAD OF INTELLIGENCE COMMU-*
18 *NITY.—*

19 *(1) REFERENCES.—Title 10, United States Code,*
20 *is amended by striking “Director of Central Intel-*
21 *ligence” each place it appears in the following provi-*
22 *sions and inserting “Director of National Intel-*
23 *ligence”:*

24 *(A) Section 192(c)(2).*

25 *(B) Section 193.*

1 (C) *Section 201(a).*

2 (D) *Section 201(c)(1).*

3 (E) *Section 425(a).*

4 (F) *Section 426.*

5 (G) *Section 441.*

6 (H) *Section 443(d).*

7 (I) *Section 2273(b)(1).*

8 (J) *Section 2723(a).*

9 (2) *CAPTION AMENDMENTS.—Title 10, United*
10 *States Code, is further amended by striking “DIREC-*
11 *TOR OF CENTRAL INTELLIGENCE” each place it ap-*
12 *pears in the heading of the following provisions and*
13 *inserting “DIRECTOR OF NATIONAL INTELLIGENCE”:*

14 (A) *Section 441(c).*

15 (B) *Section 443(d).*

16 (b) *REFERENCES TO HEAD OF CENTRAL INTEL-*
17 *LIGENCE AGENCY.—Title 10, United States Code, is further*
18 *amended by striking “Director of Central Intelligence” each*
19 *place it appears in the following provisions and inserting*
20 *“Director of the Central Intelligence Agency”:*

21 (1) *Section 431(b)(1).*

22 (2) *Section 444.*

23 (3) *Section 1089(g)(1).*

24 (c) *OTHER AMENDMENTS.—Section 201 of title 10,*
25 *United States Code, is further amended—*

1 (1) *in paragraph (1) of subsection (b), by strik-*
2 *ing “Before submitting” and all that follows and in-*
3 *serting “In the event of a vacancy in a position re-*
4 *ferred to in paragraph (2), the making by the Sec-*
5 *retary of Defense of a recommendation to the Presi-*
6 *dent regarding the appointment of an individual to*
7 *such position shall be governed by the provisions of*
8 *section 106(b) of the National Security Act of 1947*
9 *(50 U.S.C. 403–6(b)), relating to the concurrence of*
10 *the Director of National Intelligence in appointments*
11 *to positions in the intelligence community.”; and*

12 (2) *in subsection (c), by striking “National For-*
13 *eign Intelligence Program” and inserting “National*
14 *Intelligence Program”.*

15 **SEC. 1069. ESTABLISHMENT OF NATIONAL FOREIGN LAN-**
16 **GUAGE COORDINATION COUNCIL.**

17 (a) *ESTABLISHMENT.*—*There is established in the Ex-*
18 *ecutive Office of the President a National Foreign Language*
19 *Coordination Council (in this section referred to as the*
20 *“Council”).*

21 (b) *MEMBERSHIP.*—*The Council shall consist of the*
22 *following members or their designees:*

23 (1) *The National Language Director, who shall*
24 *serve as the chairperson of the Council.*

25 (2) *The Secretary of Education.*

1 (3) *The Secretary of Defense.*

2 (4) *The Secretary of State.*

3 (5) *The Secretary of Homeland Security.*

4 (6) *The Attorney General.*

5 (7) *The Director of National Intelligence.*

6 (8) *The Secretary of Labor.*

7 (9) *The Director of the Office of Personnel Man-*
8 *agement.*

9 (10) *The Director of the Office of Management*
10 *and Budget.*

11 (11) *The Secretary of Commerce.*

12 (12) *The Secretary of Health and Human Serv-*
13 *ices.*

14 (13) *The Secretary of the Treasury.*

15 (14) *The Secretary of Housing and Urban Devel-*
16 *opment.*

17 (15) *The Secretary of Agriculture.*

18 (16) *The Chairman and President of the Export-*
19 *Import Bank of the United States.*

20 (17) *The heads of such other Federal agencies as*
21 *the Council considers appropriate.*

22 (c) *RESPONSIBILITIES.—*

23 (1) *IN GENERAL.—The Council shall be charged*
24 *with—*

1 (A) overseeing, coordinating, and imple-
2 menting the National Security Language Initia-
3 tive;

4 (B) developing a national foreign language
5 strategy, building upon the efforts of the Na-
6 tional Security Language Initiative, within 18
7 months after the date of the enactment of this
8 Act, in consultation with—

9 (i) State and local government agen-
10 cies;

11 (ii) academic sector institutions;

12 (iii) foreign language related interest
13 groups;

14 (iv) business associations;

15 (v) industry;

16 (vi) heritage associations; and

17 (vii) other relevant stakeholders;

18 (C) conducting a survey of the status of
19 Federal agency foreign language and area exper-
20 tise and agency needs for such expertise; and

21 (D) monitoring the implementation of such
22 strategy through—

23 (i) application of current and recently
24 enacted laws; and

1 (ii) the promulgation and enforcement
2 of rules and regulations.

3 (2) *STRATEGY CONTENT.*—The strategy developed
4 under paragraph (1) shall include—

5 (A) recommendations for amendments to
6 title 5, United States Code, in order to improve
7 the ability of the Federal Government to recruit
8 and retain individuals with foreign language
9 proficiency and provide foreign language train-
10 ing for Federal employees;

11 (B) the long term goals, anticipated effect,
12 and needs of the National Security Language
13 Initiative;

14 (C) identification of crucial priorities
15 across all sectors;

16 (D) identification and evaluation of Federal
17 foreign language programs and activities,
18 including—

19 (i) any duplicative or overlapping pro-
20 grams that may impede efficiency;

21 (ii) recommendations on coordination;

22 (iii) program enhancements; and

23 (iv) allocation of resources so as to
24 maximize use of resources;

1 (E) needed national policies and cor-
2 responding legislative and regulatory actions in
3 support of, and allocation of designated resources
4 to, promising programs and initiatives at all
5 levels (Federal, State, and local), especially in
6 the less commonly taught languages that are seen
7 as critical for national security and global com-
8 petitiveness during the next 20 to 50 years;

9 (F) effective ways to increase public aware-
10 ness of the need for foreign language skills and
11 career paths in all sectors that can employ those
12 skills, with the objective of increasing support for
13 foreign language study among—

14 (i) Federal, State, and local leaders;

15 (ii) students;

16 (iii) parents;

17 (iv) elementary, secondary, and post-
18 secondary educational institutions; and

19 (v) employers;

20 (G) recommendations for incentives for re-
21 lated educational programs, including foreign
22 language teacher training;

23 (H) coordination of cross-sector efforts, in-
24 cluding public-private partnerships;

1 (I) *coordination initiatives to develop a*
2 *strategic posture for language research and rec-*
3 *ommendations for funding for applied foreign*
4 *language research into issues of national con-*
5 *cern;*

6 (J) *recommendations for assistance for—*

7 (i) *the development of foreign language*
8 *achievement standards; and*

9 (ii) *corresponding assessments for the*
10 *elementary, secondary, and postsecondary*
11 *education levels, including the National As-*
12 *essment of Educational Progress in foreign*
13 *languages;*

14 (K) *recommendations for development of—*

15 (i) *language skill-level certification*
16 *standards;*

17 (ii) *frameworks for pre-service and*
18 *professional development study for those*
19 *who teach foreign language;*

20 (iii) *suggested graduation criteria for*
21 *foreign language studies and appropriate*
22 *non-language studies, such as—*

23 (I) *international business;*

24 (II) *national security;*

25 (III) *public administration;*

1 (IV) health care;

2 (V) engineering;

3 (VI) law;

4 (VII) journalism; and

5 (VIII) sciences;

6 (L) identification of and means for repli-
7 cating best practices at all levels and in all sec-
8 tors, including best practices from the inter-
9 national community; and

10 (M) recommendations for overcoming bar-
11 riers in foreign language proficiency.

12 (3) NATIONAL SECURITY LANGUAGE INITIA-
13 TIVE.—The term “National Security Language Ini-
14 tiative” means the comprehensive national plan of the
15 President announced on January 5, 2006, and under
16 the direction of the Secretaries of State, Education,
17 and Defense and the Director of National Intelligence
18 to expand foreign language education for national se-
19 curity purposes in the United States.

20 (d) SUBMISSION OF STRATEGY TO PRESIDENT AND
21 CONGRESS.—Not later than 18 months after the date of en-
22 actment of this section, the Council shall prepare and trans-
23 mit to the President and the relevant committees of Con-
24 gress the strategy required under subsection (c).

1 (e) *MEETINGS.*—*The Council may hold such meetings,*
2 *and sit and act at such times and places, as the Council*
3 *considers appropriate, but shall meet in formal session at*
4 *least 2 times a year. State and local government agencies*
5 *and other organizations (such as academic sector institu-*
6 *tions, foreign language-related interest groups, business as-*
7 *sociations, industry, and heritage community organiza-*
8 *tions) shall be invited, as appropriate, to public meetings*
9 *of the Council at least once a year.*

10 (f) *STAFF.*—

11 (1) *IN GENERAL.*—*The Director may—*

12 (A) *appoint, without regard to the provi-*
13 *sions of title 5, United States Code, governing*
14 *the competitive service, such personnel as the Di-*
15 *rector considers necessary; and*

16 (B) *compensate such personnel without re-*
17 *gard to the provisions of chapter 51 and sub-*
18 *chapter III of chapter 53 of that title.*

19 (2) *DETAIL OF GOVERNMENT EMPLOYEES.*—

20 *Upon request of the Council, any Federal Government*
21 *employee may be detailed to the Council without re-*
22 *imbursement, and such detail shall be without inter-*
23 *ruption or loss of civil service status or privilege.*

24 (3) *EXPERTS AND CONSULTANTS.*—*With the ap-*
25 *proval of the Council, the Director may procure tem-*

1 *porary and intermittent services under section*
2 *3109(b) of title 5, United States Code.*

3 (4) *TRAVEL EXPENSES.*—*Council members and*
4 *staff shall be allowed travel expenses, including per*
5 *diem in lieu of subsistence, at rates authorized for*
6 *employees of agencies under subchapter I of chapter*
7 *57 of title 5, United States Code, while away from*
8 *their homes or regular places of business in the per-*
9 *formance of services for the Council.*

10 (5) *SECURITY CLEARANCE.*—

11 (A) *IN GENERAL.*—*Subject to subparagraph*
12 *(B), the appropriate Federal agencies or depart-*
13 *ments shall cooperate with the Council in expedi-*
14 *tiously providing to the Council members and*
15 *staff appropriate security clearances to the extent*
16 *possible pursuant to existing procedures and re-*
17 *quirements.*

18 (B) *EXCEPTION.*—*No person shall be pro-*
19 *vided with access to classified information under*
20 *this section without the appropriate required se-*
21 *curity clearance access.*

22 (6) *COMPENSATION.*—*The rate of pay for any*
23 *employee of the Council (including the Director) may*
24 *not exceed the rate payable for level V of the Executive*

1 *Schedule under section 5316 of title 5, United States*
2 *Code.*

3 *(g) POWERS.—*

4 *(1) DELEGATION.—Any member or employee of*
5 *the Council may, if authorized by the Council, take*
6 *any action that the Council is authorized to take in*
7 *this section.*

8 *(2) INFORMATION.—*

9 *(A) COUNCIL AUTHORITY TO SECURE.—The*
10 *Council may secure directly from any Federal*
11 *agency such information, consistent with Federal*
12 *privacy laws, including The Family Educational*
13 *Rights and Privacy Act (20 U.S.C. 1232g) and*
14 *Department of Education's General Education*
15 *Provisions Act (20 U.S.C. 1232(h)), the Council*
16 *considers necessary to carry out its responsibil-*
17 *ities.*

18 *(B) REQUIREMENT TO FURNISH RE-*
19 *QUESTED INFORMATION.—Upon request of the*
20 *Director, the head of such agency shall furnish*
21 *such information to the Council.*

22 *(3) DONATIONS.—The Council may accept, use,*
23 *and dispose of gifts or donations of services or prop-*
24 *erty.*

1 (4) *MAIL.*—*The Council may use the United*
2 *States mail in the same manner and under the same*
3 *conditions as other Federal agencies.*

4 (h) *CONFERENCES, NEWSLETTER, AND WEBSITE.*—*In*
5 *carrying out this section, the Council—*

6 (1) *may arrange Federal, regional, State, and*
7 *local conferences for the purpose of developing and co-*
8 *ordinating effective programs and activities to im-*
9 *prove foreign language education;*

10 (2) *may publish a newsletter concerning Federal,*
11 *State, and local programs that are effectively meeting*
12 *the foreign language needs of the nation; and*

13 (3) *shall create and maintain a website con-*
14 *taining information on the Council and its activities,*
15 *best practices on language education, and other rel-*
16 *evant information.*

17 (i) *ANNUAL REPORT.*—

18 (1) *REQUIREMENT.*—*Not later than 90 days*
19 *after the date of the enactment of this Act, and annu-*
20 *ally thereafter, the Council shall prepare and trans-*
21 *mit to the President and the relevant committees of*
22 *Congress a report that describes—*

23 (A) *the activities of the Council;*

24 (B) *the efforts of the Council to improve for-*
25 *ign language education and training; and*

1 (C) *impediments to the use of a National*
2 *Foreign Language program, including any stat-*
3 *utory and regulatory restrictions.*

4 (2) *RELEVANT COMMITTEES.—For purposes of*
5 *paragraph (1), the relevant committees of Congress*
6 *include—*

7 (A) *in the House of Representatives—*

8 (i) *the Committee on Appropriations;*

9 (ii) *the Committee on Armed Services;*

10 (iii) *the Committee on Education and*
11 *Labor;*

12 (iv) *the Committee on Oversight and*
13 *Government Reform;*

14 (v) *the Committee on Small Business;*

15 (vi) *the Committee on Foreign Affairs;*

16 *and*

17 (vii) *the Permanent Select Committee*
18 *on Intelligence;*

19 (B) *in the Senate—*

20 (i) *the Committee on Appropriations;*

21 (ii) *the Committee on Armed Services;*

22 (iii) *the Committee on Health, Edu-*
23 *cation, Labor, and Pensions;*

24 (iv) *the Committee on Homeland Secu-*
25 *rity and Governmental Affairs;*

1 (v) *the Committee on Foreign Rela-*
2 *tions;*

3 (vi) *the Committee on Small Business*
4 *and Entrepreneurship; and*

5 (vii) *the Select Committee on Intel-*
6 *ligence.*

7 (j) *ESTABLISHMENT OF A NATIONAL LANGUAGE DI-*
8 *RECTOR.—*

9 (1) *IN GENERAL.—There is established a Na-*
10 *tional Language Director who shall be appointed by*
11 *the President. The National Language Director shall*
12 *be a nationally recognized individual with credentials*
13 *and abilities across the sectors to be involved with cre-*
14 *ating and implementing long-term solutions to*
15 *achieving national foreign language and cultural*
16 *competency.*

17 (2) *RESPONSIBILITIES.—The National Language*
18 *Director shall—*

19 (A) *develop and monitor the implementa-*
20 *tion of a national foreign language strategy,*
21 *built upon the efforts of the National Security*
22 *Language Initiative, across all sectors;*

23 (B) *establish formal relationships among*
24 *the major stakeholders in meeting the needs of*
25 *the Nation for improved capabilities in foreign*

1 *languages and cultural understanding, including*
2 *Federal, State, and local government agencies,*
3 *academia, industry, labor, and heritage commu-*
4 *nities; and*

5 *(C) coordinate and lead a public informa-*
6 *tion campaign that raises awareness of public*
7 *and private sector careers requiring foreign lan-*
8 *guage skills and cultural understanding, with the*
9 *objective of increasing interest in and support*
10 *for the study of foreign languages among na-*
11 *tional leaders, the business community, local offi-*
12 *cials, parents, and individuals.*

13 *(k) ENCOURAGEMENT OF STATE INVOLVEMENT.—*

14 *(1) STATE CONTACT PERSONS.—The Council*
15 *shall consult with each State to provide for the des-*
16 *ignation by each State of an individual to serve as*
17 *a State contact person for the purpose of receiving*
18 *and disseminating information and communications*
19 *received from the Council.*

20 *(2) STATE INTERAGENCY COUNCILS AND LEAD*
21 *AGENCIES.—Each State is encouraged to establish a*
22 *State interagency council on foreign language coordi-*
23 *nation or designate a lead agency for the State for the*
24 *purpose of assuming primary responsibility for co-*

1 *ordinating and interacting with the Council and*
2 *State and local government agencies as necessary.*

3 *(l) CONGRESSIONAL NOTIFICATION.—The Council*
4 *shall provide to Congress such information as may be re-*
5 *quested by Congress, through reports, briefings, and other*
6 *appropriate means.*

7 **SEC. 1070. QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS**
8 **OF AIRCRAFT UNDER CONTRACT WITH THE**
9 **ARMED FORCES.**

10 *(a) DEFINITION OF PUBLIC AIRCRAFT.—Section*
11 *40102(a)(41)(E) of title 49, United States Code, is*
12 *amended—*

13 *(1) by inserting “or an operational support serv-*
14 *ice” after “transportation”; and*

15 *(2) by adding at the end the following new sen-*
16 *tence: “The term ‘an operational support service’*
17 *means a mission performed by an aircraft operator*
18 *that uses fixed or rotary winged aircraft to provide*
19 *a service other than transportation.”.*

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

22 *(1) in paragraph (1)(C), by inserting “or an*
23 *operational support service” after “transportation”;*
24 *and*

1 (2) *by adding at the end the following new para-*
 2 *graph:*

3 “(3) *COMPLIANCE WITH FEDERAL AVIATION REG-*
 4 *ULATIONS.—If the Secretary of Defense (or the Sec-*
 5 *retary of the department in which the Coast Guard*
 6 *is operating) does not make a designation under*
 7 *paragraph (1)(C) with regard to a chartered aircraft,*
 8 *the transportation or operational support service pro-*
 9 *vided to the armed forces by such aircraft shall be in*
 10 *compliance with the Federal Aviation Regulations*
 11 *under title 14, Code of Federal Regulations.”.*

12 (c) *TECHNICAL CORRECTIONS.—*

13 (1) *Section 40125(b) of such title is amended by*
 14 *striking “40102(a)(37)” and inserting*
 15 *“40102(a)(41)”.*

16 (2) *Section 40125(c)(1) of such title is amended*
 17 *by striking “40102(a)(37)(E)” appears and inserting*
 18 *“40102(a)(41)(E)”.*

19 **SEC. 1071. TRAUMATIC SERVICEMEMBERS’ GROUP LIFE IN-**
 20 **SURANCE.**

21 (a) *DESIGNATION OF FIDUCIARY FOR MEMBERS WITH*
 22 *LOST MENTAL CAPACITY OR EXTENDED LOSS OF CON-*
 23 *SCIOUSNESS.—The Secretary of Defense shall, in consulta-*
 24 *tion with the Secretary of Veterans Affairs, develop a form*
 25 *for the designation of a recipient for the funds distributed*

1 *under section 1980A of title 38, United States Code, as the*
2 *fiduciary of a member of the Armed Forces in cases where*
3 *the member is medically incapacitated (as determined by*
4 *the Secretary of Defense in consultation with the Secretary*
5 *of Veterans Affairs) or experiencing an extended loss of con-*
6 *sciousness.*

7 (b) *ELEMENTS.*—*The form under subsection (a) shall*
8 *require that a member may elect that—*

9 (1) *an individual designated by the member be*
10 *the recipient as the fiduciary of the member; or*

11 (2) *a court of proper jurisdiction determine the*
12 *recipient as the fiduciary of the member for purposes*
13 *of this subsection.*

14 (c) *COMPLETION AND UPDATE.*—*The form under sub-*
15 *section (a) shall be completed by an individual at the time*
16 *of entry into the Armed Forces and updated periodically*
17 *thereafter.*

18 **SEC. 1072. SENSE OF CONGRESS ON FAMILY CARE PLANS**
19 **AND THE DEPLOYMENT OF MEMBERS OF THE**
20 **ARMED FORCES WHO HAVE MINOR DEPEND-**
21 **ENTS.**

22 (a) *IN GENERAL.*—*It is the sense of Congress that—*

23 (1) *single parents who are members of the Armed*
24 *Forces with minor dependents, and dual-military*

1 couples with minor dependents, should develop and
2 maintain effective family care plans that—

3 (A) address all reasonably foreseeable situa-
4 tions that would result in the absence of the sin-
5 gle parent or dual-military couple in order to
6 provide for the efficient transfer of responsibility
7 for the minor dependents to an alternative care-
8 giver; and

9 (B) are consistent with Department of De-
10 fense Instruction 1342.19, dated July 13, 1992,
11 and any applicable regulations of the military
12 department concerned; and

13 (2) the Secretary of Defense should establish pro-
14 cedures to ensure that if a single parent and both
15 spouses in a dual-military couple are required to de-
16 ploy to a covered area—

17 (A) requests by the single parent or dual-
18 military couple for deferments of deployment due
19 to unforeseen circumstances are evaluated rap-
20 idly; and

21 (B) appropriate steps are taken to ensure
22 adequate care for minor dependents of the single
23 parent or dual-military couple.

24 (b) DEFINITIONS.—In this section:

1 (1) *COVERED AREA.*—*The term “covered area”*
2 *means an area for which special pay for duty subject*
3 *to hostile fire or imminent danger is authorized under*
4 *section 310 of title 37, United States Code.*

5 (2) *DUAL-MILITARY COUPLE.*—*The term “dual-*
6 *military couple” means a married couple in which*
7 *both spouses are members of the Armed Forces.*

8 **SEC. 1073. CONDUCT BY MEMBERS OF THE ARMED FORCES**
9 **AND VETERANS OUT OF UNIFORM DURING**
10 **HOISTING, LOWERING, OR PASSING OF FLAG.**

11 *Section 9 of title 4, United States Code, is amended*
12 *by striking “all persons present” and all that follows*
13 *through the end and inserting “those present in uniform*
14 *should render the military salute. Members of the Armed*
15 *Forces and veterans who are present but not in uniform*
16 *may render the military salute. All other persons present*
17 *should face the flag and stand at attention with their right*
18 *hand over the heart, or if applicable, remove their headdress*
19 *with their right hand and hold it at the left shoulder, the*
20 *hand being over the heart. Citizens of other countries should*
21 *stand at attention. All such conduct toward the flag in a*
22 *moving column should be rendered at the moment the flag*
23 *passes.”.*

1 **SEC. 1074. EXTENSION OF DATE OF APPLICATION OF NA-**
2 **TIONAL SECURITY PERSONNEL SYSTEM TO**
3 **DEFENSE LABORATORIES.**

4 *Section 9902(c)(1) of title 5, United States Code, is*
5 *amended by striking “October 1, 2008” each place such*
6 *term appears and inserting “October 1, 2011” in each such*
7 *place.*

8 **SEC. 1075. PROTECTION OF CERTAIN INDIVIDUALS.**

9 *(a) PROTECTION FOR DEPARTMENT LEADERSHIP.—*
10 *The Secretary of Defense, under regulations prescribed by*
11 *the Secretary and in accordance with guidelines approved*
12 *by the Secretary and the Attorney General, may authorize*
13 *qualified members of the Armed Forces and qualified civil-*
14 *ian employees of the Department of Defense to provide phys-*
15 *ical protection and security within the United States to the*
16 *following persons who, by nature of their positions, require*
17 *continuous security and protection:*

- 18 *(1) Secretary of Defense.*
19 *(2) Deputy Secretary of Defense.*
20 *(3) Chairman of the Joint Chiefs of Staff.*
21 *(4) Vice Chairman of the Joint Chiefs of Staff.*
22 *(5) Secretaries of the military departments.*
23 *(6) Chiefs of the Services.*
24 *(7) Commanders of combatant commands.*

25 *(b) PROTECTION FOR ADDITIONAL PERSONNEL.—*

1 (1) *AUTHORITY TO PROVIDE.*—*The Secretary of*
2 *Defense, under regulations prescribed by the Secretary*
3 *and in accordance with guidelines approved by the*
4 *Secretary and the Attorney General, may authorize*
5 *qualified members of the Armed Forces and qualified*
6 *civilian employees of the Department of Defense to*
7 *provide physical protection and security within the*
8 *United States to individuals other than individuals*
9 *described in paragraphs (1) through (7) of subsection*
10 *(a) if the Secretary determines that such protection is*
11 *necessary because—*

12 (A) *there is an imminent and credible*
13 *threat to the safety of the individual for whom*
14 *protection is to be provided; or*

15 (B) *compelling operational considerations*
16 *make such protection essential to the conduct of*
17 *official Department of Defense business.*

18 (2) *PERSONNEL.*—*Individuals authorized to re-*
19 *ceive physical protection and security under this sub-*
20 *section include the following:*

21 (A) *Any official, military member, or em-*
22 *ployee of the Department of Defense, including*
23 *such a former or retired official who faces serious*
24 *and credible threats arising from duties per-*
25 *formed while employed by the Department.*

1 (B) *Any distinguished foreign visitor to the*
2 *United States who is conducting official business*
3 *with the Department of Defense.*

4 (C) *Any member of the immediate family of*
5 *a person authorized to receive physical protec-*
6 *tion and security under this section.*

7 (3) *LIMITATION ON DELEGATION.—The authority*
8 *of the Secretary of Defense to authorize the provision*
9 *of physical protection and security under this sub-*
10 *section may be delegated only to the Deputy Secretary*
11 *of Defense.*

12 (4) *REQUIREMENT FOR WRITTEN DETERMINA-*
13 *TION.—A determination of the Secretary of Defense to*
14 *provide physical protection and security under this*
15 *subsection shall be in writing, shall be based on a*
16 *threat assessment by an appropriate law enforcement,*
17 *security or intelligence organization, and shall in-*
18 *clude the name and title of the officer, employee, or*
19 *other individual affected, the reason for such deter-*
20 *mination, and the duration of the authorized protec-*
21 *tion and security for such officer, employee, or indi-*
22 *vidual.*

23 (5) *DURATION OF PROTECTION.—*

24 (A) *INITIAL PERIOD OF PROTECTION.—After*
25 *making a written determination under para-*

1 *graph (4), the Secretary of Defense may provide*
2 *protection and security to an individual under*
3 *this subsection for an initial period of not more*
4 *than 90 calendar days.*

5 *(B) SUBSEQUENT PERIOD.—If, at the end of*
6 *the 90-day period that protection and security is*
7 *provided to an individual under subsection (A),*
8 *the Secretary determines that a condition de-*
9 *scribed in subparagraph (A) or (B) of paragraph*
10 *(1) continues to exist with respect to the indi-*
11 *vidual, the Secretary may extend the period that*
12 *such protection and security is provided for ad-*
13 *ditional 60-day periods. The Secretary shall re-*
14 *view such a determination at the end of each 60-*
15 *day period to determine whether to continue to*
16 *provide such protection and security.*

17 *(C) REQUIREMENT FOR COMPLIANCE WITH*
18 *REGULATIONS.—Protection and security pro-*
19 *vided under subparagraph (B) shall be provided*
20 *in accordance with the regulations and guide-*
21 *lines referred to in paragraph (1).*

22 *(6) SUBMISSION TO CONGRESS.—*

23 *(A) IN GENERAL.—The Secretary of Defense*
24 *shall submit to the congressional defense commit-*
25 *tees a report of each determination made under*

1 paragraph (4) to provide protection and security
2 to an individual and of each determination
3 under paragraph (5)(B) to extend such protec-
4 tion and security, together with the justification
5 for such determination, not later than 30 days
6 after the date on which the determination is
7 made.

8 (B) *FORM OF REPORT.*—A report submitted
9 under subparagraph (A) may be made in classi-
10 fied form.

11 (c) *DEFINITIONS.*—In this section:

12 (1) *CONGRESSIONAL DEFENSE COMMITTEES.*—
13 The term “congressional defense committees” means
14 the Committee on Appropriations and the Committee
15 on Armed Services of the Senate and the Committee
16 on Appropriations and the Committee on Armed
17 Services of the House of Representatives.

18 (2) *QUALIFIED MEMBERS OF THE ARMED*
19 *FORCES AND QUALIFIED CIVILIAN EMPLOYEES OF THE*
20 *DEPARTMENT OF DEFENSE.*—The terms “qualified
21 members of the Armed Forces and qualified civilian
22 employees of the Department of Defense” refer collec-
23 tively to members or employees who are assigned to
24 investigative, law enforcement, or security duties of
25 any of the following:

1 (A) *The U.S. Army Criminal Investigation*
2 *Command.*

3 (B) *The Naval Criminal Investigative Serv-*
4 *ice.*

5 (C) *The U.S. Air Force Office of Special In-*
6 *vestigations.*

7 (D) *The Defense Criminal Investigative*
8 *Service.*

9 (E) *The Pentagon Force Protection Agency.*

10 (d) *CONSTRUCTION.—*

11 (1) *NO ADDITIONAL LAW ENFORCEMENT OR AR-*
12 *REST AUTHORITY.—Other than the authority to pro-*
13 *vide security and protection under this section, noth-*
14 *ing in this section may be construed to bestow any*
15 *additional law enforcement or arrest authority upon*
16 *the qualified members of the Armed Forces and quali-*
17 *fied civilian employees of the Department of Defense.*

18 (2) *AUTHORITIES OF OTHER DEPARTMENTS.—*
19 *Nothing in this section may be construed to preclude*
20 *or limit, in any way, the express or implied powers*
21 *of the Secretary of Defense or other Department of*
22 *Defense officials, or the duties and authorities of the*
23 *Secretary of State, the Director of the United States*
24 *Secret Service, the Director of the United States Mar-*

1 *shals Service, or any other Federal law enforcement*
2 *agency.*

3 **SEC. 1076. MODIFICATION OF AUTHORITIES ON COMMIS-**
4 **SION TO ASSESS THE THREAT TO THE**
5 **UNITED STATES FROM ELECTROMAGNETIC**
6 **PULSE ATTACK.**

7 *(a) EXTENSION OF DATE OF SUBMITTAL OF FINAL RE-*
8 *PORT.—Section 1403(a) of the Floyd D. Spence National*
9 *Defense Authorization Act for Fiscal Year 2001 (as enacted*
10 *into law by Public Law 106–398; 50 U.S.C. 2301 note) is*
11 *amended by striking “June 30, 2007” and inserting “No-*
12 *vember 30, 2008”.*

13 *(b) COORDINATION OF WORK WITH DEPARTMENT OF*
14 *HOMELAND SECURITY.—Section 1404 of such Act is*
15 *amended by adding at the end the following new subsection:*

16 *“(c) COORDINATION WITH DEPARTMENT OF HOME-*
17 *LAND SECURITY.—The Commission and the Secretary of*
18 *Homeland Security shall jointly ensure that the work of the*
19 *Commission with respect to electromagnetic pulse attack on*
20 *electricity infrastructure, and protection against such at-*
21 *tack, is coordinated with Department of Homeland Security*
22 *efforts on such matters.”.*

23 *(c) LIMITATION ON DEPARTMENT OF DEFENSE FUND-*
24 *ING.—The aggregate amount of funds provided by the De-*
25 *partment of Defense to the Commission to Assess the Threat*

1 *to the United States from Electromagnetic Pulse Attack for*
2 *purposes of the preparation and submittal of the final re-*
3 *port required by section 1403(a) of the Floyd D. Spence*
4 *National Defense Authorization Act for Fiscal Year 2001*
5 *(as amended by subsection (a)), whether by transfer or oth-*
6 *erwise and including funds provided the Commission before*
7 *the date of the enactment of this Act, shall not exceed*
8 *\$5,600,000.*

9 **SEC. 1077. SENSE OF SENATE ON PROJECT COMPASSION.**

10 (a) *FINDINGS.—The Senate makes the following find-*
11 *ings:*

12 (1) *It is the responsibility of every citizen of the*
13 *United States to honor the service and sacrifice of the*
14 *veterans of the United States, especially those who*
15 *have made the ultimate sacrifice.*

16 (2) *In the finest tradition of this sacred responsi-*
17 *bility, Kaziah M. Hancock, an artist from central*
18 *Utah, founded a nonprofit organization called Project*
19 *Compassion, which endeavors to provide, without*
20 *charge, to the family of a member of the Armed*
21 *Forces who has fallen in active duty since the events*
22 *of September 11, 2001, a museum-quality original oil*
23 *portrait of that member.*

24 (3) *To date, Kaziah M. Hancock, four volunteer*
25 *professional portrait artists, and those who have do-*

1 *nated their time to support Project Compassion have*
2 *presented over 700 paintings to the families of the*
3 *fallen heroes of the United States.*

4 *(4) Kaziah M. Hancock and Project Compassion*
5 *have been honored by the Veterans of Foreign Wars,*
6 *the American Legion, the Disabled American Vet-*
7 *erans, and other organizations with the highest public*
8 *service awards on behalf of fallen members of the*
9 *Armed Forces and their families.*

10 *(b) SENSE OF SENATE.—It is the sense of the Senate*
11 *that—*

12 *(1) Kaziah M. Hancock and the members of*
13 *Project Compassion have demonstrated, and continue*
14 *to demonstrate, extraordinary patriotism and support*
15 *for the Soldiers, Sailors, Airmen and Marines who*
16 *have given their lives for the United States in Iraq*
17 *and Afghanistan and have done so without any expect-*
18 *ation of financial gain or recognition for these ef-*
19 *forts;*

20 *(2) the people of the United States owe the deep-*
21 *est gratitude to Kaziah M. Hancock and the members*
22 *of Project Compassion; and*

23 *(3) the Senate, on the behalf of the people of the*
24 *United States, commends Kaziah M. Hancock, the*
25 *four other Project Compassion volunteer professional*

1 *portrait artists, and the entire Project Compassion*
 2 *organization for their tireless work in paying tribute*
 3 *to those members of the Armed Forces who have fallen*
 4 *in the service of the United States.*

5 **SEC. 1078. GRANT OF FEDERAL CHARTER TO KOREAN WAR**
 6 **VETERANS ASSOCIATION, INCORPORATED.**

7 *(a) GRANT OF CHARTER.—Part B of subtitle II of title*
 8 *36, United States Code, is amended—*

9 *(1) by striking the following:*

10 **“CHAPTER 1201—[RESERVED]”;**

11 *and*

12 *(2) by inserting after chapter 1103 the following*
 13 *new chapter:*

14 **“CHAPTER 1201—KOREAN WAR VETERANS**
 15 **ASSOCIATION, INCORPORATED**

“Sec.

“120101. Organization.

“120102. Purposes.

“120103. Membership.

“120104. Governing body.

“120105. Powers.

“120106. Restrictions.

“120107. Tax-exempt status required as condition of charter.

“120108. Records and inspection.

“120109. Service of process.

“120110. Liability for acts of officers and agents.

“120111. Annual report.

“120112. Definition.

16 **“§ 120101. Organization**

17 *“(a) FEDERAL CHARTER.—Korean War Veterans As-*
 18 *sociation, Incorporated (in this chapter, the ‘corporation’),*
 19 *a nonprofit organization that meets the requirements for*

1 *a veterans service organization under section 501(c)(19) of*
2 *the Internal Revenue Code of 1986 and that is organized*
3 *under the laws of the State of New York, is a federally char-*
4 *tered corporation.*

5 “(b) *EXPIRATION OF CHARTER.—If the corporation*
6 *does not comply with the provisions of this chapter, the*
7 *charter granted by subsection (a) shall expire.*

8 **“§ 120102. Purposes**

9 “*The purposes of the corporation are those provided*
10 *in the articles of incorporation of the corporation and shall*
11 *include the following:*

12 “(1) *To organize as a veterans service organiza-*
13 *tion in order to maintain a continuing interest in the*
14 *welfare of veterans of the Korean War, and rehabilita-*
15 *tion of the disabled veterans of the Korean War to in-*
16 *clude all that served during active hostilities and sub-*
17 *sequently in defense of the Republic of Korea, and*
18 *their families.*

19 “(2) *To establish facilities for the assistance of*
20 *all veterans and to represent them in their claims be-*
21 *fore the Department of Veterans Affairs and other or-*
22 *ganizations without charge.*

23 “(3) *To perpetuate and preserve the comradeship*
24 *and friendships born on the field of battle and nur-*

1 *tured by the common experience of service to the*
2 *United States during the time of war and peace.*

3 *“(4) To honor the memory of the men and*
4 *women who gave their lives so that the United States*
5 *and the world might be free and live by the creation*
6 *of living memorial, monuments, and other forms of*
7 *additional educational, cultural, and recreational fa-*
8 *cilities.*

9 *“(5) To preserve for the people of the United*
10 *States and posterity of such people the great and*
11 *basic truths and enduring principles upon which the*
12 *United States was founded.*

13 **“§ 120103. Membership**

14 *“Eligibility for membership in the corporation, and*
15 *the rights and privileges of members of the corporation, are*
16 *as provided in the bylaws of the corporation.*

17 **“§ 120104. Governing body**

18 *“(a) BOARD OF DIRECTORS.—The composition of the*
19 *board of directors of the corporation, and the responsibil-*
20 *ities of the board, are as provided in the articles of incorpo-*
21 *ration of the corporation.*

22 *“(b) OFFICERS.—The positions of officers of the cor-*
23 *poration, and the election of the officers, are as provided*
24 *in the articles of incorporation.*

1 **“§ 120105. Powers**

2 *“The corporation has only those powers provided in*
3 *its bylaws and articles of incorporation filed in each State*
4 *in which it is incorporated.*

5 **“§ 120106. Restrictions**

6 *“(a) STOCK AND DIVIDENDS.—The corporation may*
7 *not issue stock or declare or pay a dividend.*

8 *“(b) POLITICAL ACTIVITIES.—The corporation, or a*
9 *director or officer of the corporation as such, may not con-*
10 *tribute to, support, or participate in any political activity*
11 *or in any manner attempt to influence legislation.*

12 *“(c) LOAN.—The corporation may not make a loan to*
13 *a director, officer, or employee of the corporation.*

14 *“(d) CLAIM OF GOVERNMENTAL APPROVAL OR AU-*
15 *THORITY.—The corporation may not claim congressional*
16 *approval, or the authority of the United States, for any ac-*
17 *tivity of the corporation.*

18 *“(e) CORPORATE STATUS.—The corporation shall*
19 *maintain its status as a corporation incorporated under*
20 *the laws of the State of New York.*

21 **“§ 120107. Tax-exempt status required as condition of**
22 **charter**

23 *“If the corporation fails to maintain its status as an*
24 *organization exempt from taxation under the Internal Rev-*
25 *enue Code of 1986, the charter granted under this chapter*
26 *shall terminate.*

1 **“§ 120108. Records and inspection**

2 “(a) *RECORDS.*—*The corporation shall keep—*

3 “(1) *correct and complete records of account;*

4 “(2) *minutes of the proceedings of the members,*
5 *board of directors, and committees of the corporation*
6 *having any of the authority of the board of directors*
7 *of the corporation; and*

8 “(3) *at the principal office of the corporation, a*
9 *record of the names and addresses of the members of*
10 *the corporation entitled to vote on matters relating to*
11 *the corporation.*

12 “(b) *INSPECTION.*—*A member entitled to vote on any*
13 *matter relating to the corporation, or an agent or attorney*
14 *of the member, may inspect the records of the corporation*
15 *for any proper purpose, at any reasonable time.*

16 **“§ 120109. Service of process**

17 “*The corporation shall have a designated agent in the*
18 *District of Columbia to receive service of process for the cor-*
19 *poration. Notice to or service on the agent is notice to or*
20 *service on the corporation.*

21 **“§ 120110. Liability for acts of officers and agents**

22 “*The corporation is liable for any act of any officer*
23 *or agent of the corporation acting within the scope of the*
24 *authority of the corporation.*

1 **“§ 120111. Annual report**

2 *“The corporation shall submit to Congress an annual*
3 *report on the activities of the corporation during the pre-*
4 *ceding fiscal year. The report shall be submitted at the same*
5 *time as the report of the audit required by section 10101(b)*
6 *of this title. The report may not be printed as a public docu-*
7 *ment.*

8 **“§ 120112. Definition**

9 *“For purposes of this chapter, the term ‘State’ includes*
10 *the District of Columbia and the territories and possessions*
11 *of the United States.”.*

12 (b) *CLERICAL AMENDMENT.—The item relating to*
13 *chapter 1201 in the table of chapters at the beginning of*
14 *subtitle II of title 36, United States Code, is amended to*
15 *read as follows:*

“1201. Korean War Veterans Association, Incorporated ...120101”.

16 ***SEC. 1079. SENSE OF SENATE ON GENERAL DAVID***
17 ***PETRAEUS.***

18 (a) *FINDINGS.—The Senate makes the following find-*
19 *ings:*

20 (1) *The Senate unanimously confirmed General*
21 *David H. Petraeus as Commanding General, Multi-*
22 *National Force-Iraq, by a vote of 81–0 on January*
23 *26, 2007.*

1 (2) *General Petraeus graduated first in his class*
2 *at the United States Army Command and General*
3 *Staff College.*

4 (3) *General Petraeus earned Masters of Public*
5 *Administration and Doctoral degrees in international*
6 *relations from Princeton University.*

7 (4) *General Petraeus has served multiple combat*
8 *tours in Iraq, including command of the 101st Air-*
9 *borne Division (Air Assault) during combat oper-*
10 *ations throughout the first year of Operation Iraqi*
11 *Freedom, which tours included both major combat op-*
12 *erations and subsequent stability and support oper-*
13 *ations.*

14 (5) *General Petraeus supervised the development*
15 *and crafting of the United States Army and Marine*
16 *Corps counterinsurgency manual based in large meas-*
17 *ure on his combat experience in Iraq, scholarly study,*
18 *and other professional experiences.*

19 (6) *General Petraeus has taken a solemn oath to*
20 *protect and defend the Constitution of the United*
21 *States of America.*

22 (7) *During his 35-year career, General Petraeus*
23 *has amassed a distinguished and unvarnished record*
24 *of military service to the United States as recognized*
25 *by his receipt of a Defense Distinguished Service*

1 *Medal, two Distinguished Service Medals, two Defense*
2 *Superior Service Medals, four Legions of Merit, the*
3 *Bronze Star Medal for valor, the State Department*
4 *Superior Honor Award, the NATO Meritorious Serv-*
5 *ice Medal, and other awards and medals.*

6 (8) *A recent attack through a full-page advertise-*
7 *ment in the New York Times by the liberal activist*
8 *group, Moveon.org, impugns the honor and integrity*
9 *of General Petraeus and all the members of the*
10 *United States Armed Forces.*

11 (b) *SENSE OF SENATE.—It is the sense of the Senate—*

12 (1) *to reaffirm its support for all the men and*
13 *women of the United States Armed Forces, including*
14 *General David H. Petraeus, Commanding General,*
15 *Multi-National Force-Iraq;*

16 (2) *to strongly condemn any effort to attack the*
17 *honor and integrity of General Petraeus and all the*
18 *members of the United States Armed Forces; and*

19 (3) *to specifically repudiate the unwarranted*
20 *personal attack on General Petraeus by the liberal ac-*
21 *tivist group Moveon.org.*

1 **SEC. 1080. REPORT ON FEASIBILITY OF HOUSING A NA-**
2 **TIONAL DISASTER RESPONSE CENTER AT**
3 **KELLY AIR FIELD, SAN ANTONIO, TEXAS.**

4 (a) *IN GENERAL.*—Not later than March 31, 2008, the
5 Secretary of Defense shall submit to the congressional de-
6 fense committees a report on the feasibility of utilizing ex-
7 isting infrastructure or installing new infrastructure at
8 Kelly Air Field, San Antonio, Texas, to house a National
9 Disaster Response Center for responding to man-made and
10 natural disasters in the United States .

11 (b) *CONTENT.*—The report required under subsection
12 (a) shall include the following:

13 (1) *A determination of how the National Dis-*
14 *aster Response Center would organize and leverage*
15 *capabilities of the following currently co-located orga-*
16 *nizations, facilities, and forces located in San Anto-*
17 *nio, Texas:*

18 (A) *Lackland Air Force Base.*

19 (B) *Fort Sam Houston.*

20 (C) *Brooke Army Medical Center.*

21 (D) *Wilford Hall Medical Center.*

22 (E) *Audie Murphy Veterans Administration*
23 *Medical Center.*

24 (F) *433rd Airlift Wing C-5 Heavy Lift*
25 *Aircraft.*

1 (G) 149 Fighter Wing and Texas Air Na-
2 tional Guard F-16 fighter aircraft.

3 (H) Army Northern Command.

4 (I) The National Trauma Institute's three
5 level 1 trauma centers.

6 (J) Texas Medical Rangers.

7 (K) San Antonio Metro Health Department.

8 (L) The University of Texas Health Science
9 Center at San Antonio.

10 (M) The Air Intelligence Surveillance and
11 Reconnaissance Agency at Lackland Air Force
12 Base.

13 (N) The United States Air Force Security
14 Police Training Department at Lackland Air
15 Force Base.

16 (O) The large manpower pools and blood
17 donor pools from the more than 6,000 trainees at
18 Lackland Air Force Base.

19 (2) Determine the number of military and civil-
20 ian personnel required to be mobilized to run the lo-
21 gistics, planning, and maintenance of the National
22 Disaster Response Center during a time of disaster
23 recovery.

24 (3) Determine the number of military and civil-
25 ian personnel required to run the logistics, planning,

1 *and maintenance of the National Disaster Response*
2 *Center during a time when no disaster is occurring.*

3 (4) *Determine the cost of improving the current*
4 *infrastructure at Kelly Air Field to meet the needs of*
5 *displaced victims of a disaster equivalent to that of*
6 *Hurricanes Katrina and Rita or a natural or man-*
7 *made disaster of similar scope, including adequate*
8 *beds, food stores, and decontamination stations to*
9 *triage radiation or other chemical or biological agent*
10 *contamination victims.*

11 (5) *An evaluation of the current capability of the*
12 *Department of Defense to respond to these mission re-*
13 *quirements and an assessment of any additional ca-*
14 *pabilities that are required.*

15 (6) *An assessment of the costs and benefits of*
16 *adding such capabilities at Kelly Air Field to the*
17 *costs and benefits of other locations.*

18 **SEC. 1081. SENSE OF CONGRESS ON EQUIPMENT FOR THE**
19 **NATIONAL GUARD TO DEFEND THE HOME-**
20 **LAND.**

21 (a) *FINDINGS.*—*Congress makes the following findings:*

22 (1) *The Army National Guard and Air National*
23 *Guard have played an increasing role in homeland*
24 *security and a critical role in Operation Iraqi Free-*
25 *dom and Operation Enduring Freedom.*

1 (2) *As a result of persistent underfunding of pro-*
2 *curement, lower prioritization, and more recently the*
3 *wars in Afghanistan and Iraq, the Army National*
4 *Guard and Air National Guard face significant*
5 *equipment shortfalls.*

6 (3) *The National Guard Bureau, in its February*
7 *26, 2007, report entitled “National Guard Equipment*
8 *Requirements”, outlines the “Essential 10” equipment*
9 *needs to support the Army National Guard and Air*
10 *National Guard in the performance of their domestic*
11 *missions.*

12 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
13 *that the Army National Guard and Air National Guard*
14 *should have sufficient equipment available to accomplish*
15 *their missions inside the United States and to protect the*
16 *homeland.*

17 **SEC. 1082. NOTIFICATION OF CERTAIN RESIDENTS AND CI-**
18 **VILIAN EMPLOYEES AT CAMP LEJEUNE,**
19 **NORTH CAROLINA, OF EXPOSURE TO DRINK-**
20 **ING WATER CONTAMINATION.**

21 (a) *NOTIFICATION OF INDIVIDUALS SERVED BY*
22 *TARAWA TERRACE WATER DISTRIBUTION SYSTEM, IN-*
23 *CLUDING KNOX TRAILER PARK.—Not later than one year*
24 *after the date of the enactment of this Act, the Secretary*
25 *of the Navy shall make reasonable efforts to identify and*

1 *notify directly individuals who were served by the Tarawa*
2 *Terrace Water Distribution System, including Knox Trail-*
3 *er Park, at Camp Lejeune, North Carolina, during the*
4 *years 1958 through 1987 that they may have been exposed*
5 *to drinking water contaminated with tetrachloroethylene*
6 *(PCE).*

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

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

25 **(d) CIRCULATION OF HEALTH SURVEY.**—

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

3 (A) *Notification and survey efforts related*
4 *to the drinking water contamination described in*
5 *this section are necessary due to the potential*
6 *negative health impacts of these contaminants.*

7 (B) *The Secretary of the Navy will not be*
8 *able to identify or contact all former residents*
9 *due to the condition, non-existence, or accessi-*
10 *bility of records.*

11 (C) *It is the intent of Congress is that the*
12 *Secretary of the Navy contact as many former*
13 *residents as quickly as possible.*

14 (2) *ATSDR HEALTH SURVEY.*—

15 (A) *DEVELOPMENT.*—*Not later than 120*
16 *days after the date of the enactment of this Act,*
17 *the ATSDR, in consultation with the National*
18 *Opinion Research Center, shall develop a health*
19 *survey that would voluntarily request of individ-*
20 *uals described in subsections (a), (b), and (c)*
21 *personal health information that may lead to*
22 *scientifically useful health information associated*
23 *with exposure to TCE, PCE, vinyl chloride, and*
24 *the other contaminants identified in the ATSDR*
25 *studies that may provide a basis for further reli-*

1 *able scientific studies of potentially adverse*
2 *health impacts of exposure to contaminated*
3 *water at Camp Lejeune.*

4 *(B) INCLUSION WITH NOTIFICATION.—The*
5 *survey developed under subparagraph (A) shall*
6 *be distributed by the Secretary of the Navy con-*
7 *currently with the direct notification required*
8 *under subsections (a), (b), and (c).*

9 *(e) USE OF MEDIA TO SUPPLEMENT NOTIFICATION.—*
10 *The Secretary of the Navy may use media notification as*
11 *a supplement to direct notification of individuals described*
12 *under subsections (a), (b), and (c). Media notification may*
13 *reach those individuals not identifiable via remaining*
14 *records; once individuals respond to media notifications, the*
15 *Secretary will add them to the contact list to be included*
16 *in future information updates.*

17 **SEC. 1083. SENSE OF SENATE ON AIR FORCE USE OF**
18 **TOWBARLESS AIRCRAFT GROUND EQUIP-**
19 **MENT.**

20 *It is the sense of the Senate to encourage the Air Force*
21 *to give full consideration to the potential operational util-*
22 *ity, cost savings, and increased safety afforded by the utili-*
23 *zation of towbarless aircraft ground equipment.*

1 **SEC. 1084. DESIGNATION OF CHARLIE NORWOOD DEPART-**
2 **MENT OF VETERANS AFFAIRS MEDICAL CEN-**
3 **TER.**

4 *(a) FINDINGS.—Congress makes the following findings:*

5 *(1) Charlie Norwood volunteered for service in*
6 *the United States Army Dental Corps in a time of*
7 *war, providing dental and medical services in the Re-*
8 *public of Vietnam in 1968, earning the Combat Med-*
9 *ical Badge and two awards of the Bronze Star.*

10 *(2) Captain Norwood, under combat conditions,*
11 *helped develop the Dental Corps operating procedures,*
12 *that are now standard, of delivering dentists to for-*
13 *ward-fire bases, and providing dental treatment for*
14 *military service dogs.*

15 *(3) Captain Norwood provided dental, emergency*
16 *medical, and surgical care for United States per-*
17 *sonnel, Vietnamese civilians, and prisoners-of-war.*

18 *(4) Dr. Norwood provided military dental care*
19 *at Fort Gordon, Georgia, following his service in Viet-*
20 *nam, then provided private-practice dental care for*
21 *the next 25 years for patients in the greater Augusta,*
22 *Georgia, area, including care for military personnel,*
23 *retirees, and dependents under Department of Defense*
24 *programs and for low-income patients under Georgia*
25 *Medicaid.*

1 (5) *Congressman Norwood, upon being sworn*
2 *into the United States House of Representatives in*
3 *1995, pursued the advancement of health and dental*
4 *care for active duty and retired military personnel*
5 *and dependents, and for veterans, through his public*
6 *advocacy for strengthened Federal support for mili-*
7 *tary and veterans' health care programs and facili-*
8 *ties.*

9 (6) *Congressman Norwood co-authored and*
10 *helped pass into law the Keep our Promises to Amer-*
11 *ica's Military Retirees Act, which restored lifetime*
12 *healthcare benefits to veterans who are military retir-*
13 *ees through the creation of the Department of Defense*
14 *TRICARE for Life Program.*

15 (7) *Congressman Norwood supported and helped*
16 *pass into law the Retired Pay Restoration Act pro-*
17 *viding relief from the concurrent receipt rule penal-*
18 *izing disabled veterans who were also military retir-*
19 *ees.*

20 (8) *Throughout his congressional service from*
21 *1995 to 2007, Congressman Norwood repeatedly de-*
22 *feated attempts to reduce Federal support for the De-*
23 *partment of Veterans Affairs Medical Center in Au-*
24 *gusta, Georgia, and succeeded in maintaining and in-*
25 *creasing Federal funding for the center.*

1 (9) *Congressman Norwood maintained a life*
2 *membership in the American Legion, the Veterans of*
3 *Foreign Wars, and the Military Order of the World*
4 *Wars.*

5 (10) *Congressman Norwood’s role in protecting*
6 *and improving military and veteran’s health care*
7 *was recognized by the Association of the United States*
8 *Army through the presentation of the Cocklin Award*
9 *in 1998, and through his induction into the Associa-*
10 *tion’s Audie Murphy Society in 1999.*

11 (b) *DESIGNATION.*—

12 (1) *IN GENERAL.*—*The Department of Veterans*
13 *Affairs Medical Center located at 1 Freedom Way in*
14 *Augusta, Georgia, shall after the date of the enact-*
15 *ment of this Act be known and designated as the*
16 *“Charlie Norwood Department of Veterans Affairs*
17 *Medical Center”.*

18 (2) *REFERENCES.*—*Any reference in any law,*
19 *regulation, map, document, record, or other paper of*
20 *the United States to the medical center referred to in*
21 *paragraph (1) shall be considered to be a reference to*
22 *the Charlie Norwood Department of Veterans Affairs*
23 *Medical Center.*

1 **SEC. 1085. COMMERCIALIZATION PILOT PROGRAM.**

2 *Section 9(y) of the Small Business Act (15 U.S.C.*
3 *638(y)) is amended—*

4 *(1) in paragraph (1), by adding at the end the*
5 *following: “The authority to create and administer a*
6 *Commercialization Pilot Program under this sub-*
7 *section may not be construed to eliminate or replace*
8 *any other SBIR program that enhances the insertion*
9 *or transition of SBIR technologies, including any*
10 *such program in effect on the date of enactment of the*
11 *National Defense Authorization Act for Fiscal Year*
12 *2006 (Public Law 109–163; 119 Stat. 3136).”;*

13 *(2) by redesignating paragraphs (5) and (6) as*
14 *paragraphs (7) and (8), respectively;*

15 *(3) by inserting after paragraph (4) the fol-*
16 *lowing:*

17 *“(5) INSERTION INCENTIVES.—For any contract*
18 *with a value of not less than \$100,000,000, the Sec-*
19 *retary of Defense is authorized to—*

20 *“(A) establish goals for transitioning Phase*
21 *III technologies in subcontracting plans; and*

22 *“(B) require a prime contractor on such a*
23 *contract to report the number and dollar amount*
24 *of contracts entered into by that prime con-*
25 *tractor for Phase III SBIR projects.*

1 “(6) *GOAL FOR SBIR TECHNOLOGY INSERTION.*—

2 *The Secretary of Defense shall—*

3 “(A) *set a goal to increase the number of*
4 *Phase II contracts awarded by that Secretary*
5 *that lead to technology transition into programs*
6 *of record or fielded systems;*

7 “(B) *use incentives in effect on the date of*
8 *enactment of the National Defense Authorization*
9 *Act for Fiscal Year 2008, or create new incen-*
10 *tives, to encourage prime contractors to meet the*
11 *goal under subparagraph (A); and*

12 “(C) *submit to the Committee on Armed*
13 *Services and the Committee on Small Business*
14 *and Entrepreneurship of the Senate and the*
15 *Committee on Armed Services and the Com-*
16 *mittee on Small Business of the House of Rep-*
17 *resentatives an annual report regarding the per-*
18 *centage of contracts described in subparagraph*
19 *(A) awarded by that Secretary.”; and*

20 (4) *in paragraph (8), as so redesignated, by*
21 *striking “fiscal year 2009” and inserting “fiscal year*
22 *2012”.*

1 **SEC. 1086. REPORT ON SOLID ROCKET MOTOR INDUSTRIAL**
2 **BASE.**

3 (a) *REPORT.*—Not later than 190 days after the date
4 of the enactment of this Act, the Secretary of Defense shall
5 submit to the congressional defense committees a report on
6 the status, capability, viability, and capacity of the solid
7 rocket motor industrial base in the United States.

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

10 (1) *An assessment of the ability to maintain the*
11 *Minuteman III intercontinental ballistic missile*
12 *through its planned operational life.*

13 (2) *An assessment of the ability to maintain the*
14 *Trident II D-5 submarine launched ballistic missile*
15 *through its planned operational life.*

16 (3) *An assessment of the ability to maintain all*
17 *other space launch, missile defense, and other vehicles*
18 *with solid rocket motors, through their planned oper-*
19 *ational lifetimes.*

20 (4) *An assessment of the ability to support any*
21 *future requirements for vehicles with solid rocket mo-*
22 *tors to support space launch, missile defense, or any*
23 *range of ballistic missiles determined to be necessary*
24 *to meet defense needs or other requirements of the*
25 *United States Government.*

1 (5) *An assessment of the required materials, the*
2 *supplier base, the production facilities, and the pro-*
3 *duction workforce needed to ensure that current and*
4 *future requirements could be met.*

5 (6) *An assessment of the adequacy of the current*
6 *and anticipated programs to support an industrial*
7 *base that would be needed to support the range of fu-*
8 *ture requirements.*

9 (c) **COMPTROLLER GENERAL REVIEW.**—*Not later than*
10 *60 days after submittal under subsection (a) of the report*
11 *required by that subsection, the Comptroller General of the*
12 *United States shall submit to the congressional defense com-*
13 *mittees a report setting forth the Comptroller General’s as-*
14 *essment of the matters contained in the report under sub-*
15 *section (a), including an assessment of the consistency of*
16 *the budget of the President for fiscal year 2009, as sub-*
17 *mitted to Congress pursuant to section 1105 of title 31,*
18 *United States Code, with the matters contained in the re-*
19 *port under subsection (a).*

20 **SEC. 1087. JUSTICE FOR MARINES AND OTHER VICTIMS OF**
21 **STATE-SPONSORED TERRORISM ACT.**

22 (a) **SHORT TITLE.**—*This section may be cited as the*
23 *“Justice for Marines and Other Victims of State-Sponsored*
24 *Terrorism Act”.*

25 (b) **TERRORISM EXCEPTION TO IMMUNITY.**—

1 (1) *IN GENERAL.*—Chapter 97 of title 28, United
 2 States Code, is amended by inserting after section
 3 1605 the following:

4 **“§ 1605A. Terrorism exception to the jurisdictional im-**
 5 **munity of a foreign state**

6 “(a) *IN GENERAL.*—

7 “(1) *NO IMMUNITY.*—A foreign state shall not be
 8 immune from the jurisdiction of courts of the United
 9 States or of the States in any case not otherwise cov-
 10 ered by this chapter in which money damages are
 11 sought against a foreign state for personal injury or
 12 death that was caused by an act of torture,
 13 extrajudicial killing, aircraft sabotage, hostage taking,
 14 or the provision of material support or resources (as
 15 defined in section 2339A of title 18) for such an act
 16 if such act or provision of material support is en-
 17 gaged in by an official, employee, or agent of such
 18 foreign state while acting within the scope of his or
 19 her office, employment, or agency.

20 “(2) *CLAIM HEARD.*—The court shall hear a
 21 claim under this section if—

22 “(A) the foreign state was designated as a
 23 state sponsor of terrorism under section 6(j) of
 24 the Export Administration Act of 1979 (50
 25 U.S.C. App. 2405 (j)) or section 620A of the For-

1 *eign Assistance Act of 1961 (22 U.S.C. 2371) at*
2 *the time the act occurred, unless later designated*
3 *as a result of such act;*

4 “(B) *the claimant or the victim was—*

5 “(i) *a national of the United States (as*
6 *that term is defined in section 101(a)(22) of*
7 *the Immigration and Nationality Act (8*
8 *U.S.C. 1101(a)(22));*

9 “(ii) *a member of the Armed Forces of*
10 *the United States (as that term is defined*
11 *in section 976 of title 10); or*

12 “(iii) *otherwise an employee of the gov-*
13 *ernment of the United States or one of its*
14 *contractors acting within the scope of their*
15 *employment when the act upon which the*
16 *claim is based occurred; or*

17 “(C) *where the act occurred in the foreign*
18 *state against which the claim has been brought,*
19 *the claimant has afforded the foreign state a rea-*
20 *sonable opportunity to arbitrate the claim in ac-*
21 *cordance with the accepted international rules of*
22 *arbitration.*

23 “(b) *DEFINITION.—For purposes of this section—*

24 “(1) *the terms ‘torture’ and ‘extrajudicial killing’*
25 *have the meaning given those terms in section 3 of the*

1 *Torture Victim Protection Act of 1991 (28 U.S.C.*
2 *1350 note);*

3 “(2) the term ‘hostage taking’ has the meaning
4 *given that term in Article 1 of the International Con-*
5 *vention Against the Taking of Hostages; and*

6 “(3) the term ‘aircraft sabotage’ has the meaning
7 *given that term in Article 1 of the Convention for the*
8 *Suppression of Unlawful Acts Against the Safety of*
9 *Civil Aviation.*

10 “(c) *TIME LIMIT.*—*An action may be brought under*
11 *this section if the action is commenced not later than the*
12 *latter of—*

13 “(1) *10 years after April 24, 1996; or*

14 “(2) *10 years from the date on which the cause*
15 *of action arose.*

16 “(d) *PRIVATE RIGHT OF ACTION.*—*A private cause of*
17 *action may be brought against a foreign state designated*
18 *under section 6(j) of the Export Administration Act of 1979*
19 *(50 U.S.C. 2405(j)), and any official, employee, or agent*
20 *of said foreign state while acting within the scope of his*
21 *or her office, employment, or agency which shall be liable*
22 *to a national of the United States (as that term is defined*
23 *in section 101(a)(22) of the Immigration and Nationality*
24 *Act (8 U.S.C. 1101(a)(22)), a member of the Armed Forces*
25 *of the United States (as that term is defined in section 976*

1 of title 10), or an employee of the government of the United
2 States or one of its contractors acting within the scope of
3 their employment or the legal representative of such a per-
4 son for personal injury or death caused by acts of that for-
5 eign state or its official, employee, or agent for which the
6 courts of the United States may maintain jurisdiction
7 under this section for money damages which may include
8 economic damages, solatium, pain, and suffering, and pu-
9 nitive damages if the acts were among those described in
10 this section. A foreign state shall be vicariously liable for
11 the actions of its officials, employees, or agents.

12 “(e) *ADDITIONAL DAMAGES.*—After an action has been
13 brought under subsection (d), actions may also be brought
14 for reasonably foreseeable property loss, whether insured or
15 uninsured, third party liability, and life and property in-
16 surance policy loss claims.

17 “(f) *SPECIAL MASTERS.*—

18 “(1) *IN GENERAL.*—The Courts of the United
19 States may from time to time appoint special masters
20 to hear damage claims brought under this section.

21 “(2) *TRANSFER OF FUNDS.*—The Attorney Gen-
22 eral shall transfer, from funds available for the pro-
23 gram under sections 1404C of the Victims Crime Act
24 of 1984 (42 U.S.C. 10603c) to the Administrator of
25 the United States District Court in which any case

1 *is pending which has been brought pursuant to sec-*
2 *tion 1605(a)(7) such funds as may be required to*
3 *carry out the Orders of that United States District*
4 *Court appointing Special Masters in any case under*
5 *this section. Any amount paid in compensation to*
6 *any such Special Master shall constitute an item of*
7 *court costs.*

8 *“(g) APPEAL.—In an action brought under this sec-*
9 *tion, appeals from orders not conclusively ending the litiga-*
10 *tion may only be taken pursuant to section 1292(b) of this*
11 *title.*

12 *“(h) PROPERTY DISPOSITION.—*

13 *“(1) IN GENERAL.—In every action filed in a*
14 *United States district court in which jurisdiction is*
15 *alleged under this section, the filing of a notice of*
16 *pending action pursuant to this section, to which is*
17 *attached a copy of the complaint filed in the action,*
18 *shall have the effect of establishing a lien of lis*
19 *pendens upon any real property or tangible personal*
20 *property located within that judicial district that is*
21 *titled in the name of any defendant, or titled in the*
22 *name of any entity controlled by any such defendant*
23 *if such notice contains a statement listing those con-*
24 *trolled entities.*

1 “(2) *NOTICE.*—A notice of pending action pursu-
 2 *ant to this section shall be filed by the clerk of the dis-*
 3 *trict court in the same manner as any pending action*
 4 *and shall be indexed by listing as defendants all*
 5 *named defendants and all entities listed as controlled*
 6 *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 (2) *AMENDMENT TO CHAPTER ANALYSIS.*—The
 11 *chapter analysis for chapter 97 of title 28, United*
 12 *States Code, is amended by inserting after the item*
 13 *for section 1605 the following:*

“1605A. *Terrorism exception to the jurisdictional immunity of a foreign state.*”.

14 (c) *CONFORMING AMENDMENTS.*—

15 (1) *PROPERTY.*—Section 1610 of title 28, *United*
 16 *States Code, is amended by adding at the end the fol-*
 17 *lowing:*

18 “(g) *PROPERTY IN CERTAIN ACTIONS.*—

19 “(1) *IN GENERAL.*—The property of a foreign
 20 *state, or agency or instrumentality of a foreign state,*
 21 *against which a judgment is entered under this sec-*
 22 *tion, including property that is a separate juridical*
 23 *entity, is subject to execution upon that judgment as*
 24 *provided in this section, regardless of—*

1 “(A) *the level of economic control over the*
2 *property by the government of the foreign state;*

3 “(B) *whether the profits of the property go*
4 *to that government;*

5 “(C) *the degree to which officials of that*
6 *government manage the property or otherwise*
7 *control its daily affairs;*

8 “(D) *whether that government is the sole*
9 *beneficiary in interest of the property; or*

10 “(E) *whether establishing the property as a*
11 *separate entity would entitle the foreign state to*
12 *benefits in United States courts while avoiding*
13 *its obligations.*

14 “(2) *UNITED STATES SOVEREIGN IMMUNITY IN-*
15 *APPLICABLE.—Any property of a foreign state, or*
16 *agency or instrumentality of a foreign state, to which*
17 *paragraph (1) applies shall not be immune from exe-*
18 *cution upon a judgment entered under this section be-*
19 *cause the property is regulated by the United States*
20 *Government by reason of action taken against that*
21 *foreign state under the Trading With the Enemy Act*
22 *or the International Emergency Economic Powers*
23 *Act.”.*

24 (2) *VICTIMS OF CRIME ACT.—Section*
25 *1404C(a)(3) of the Victims of Crime Act of 1984 (42*

1 *U.S.C. 10603c(a)(3)* is amended by striking “Decem-
2 ber 21, 1988, with respect to which an investigation
3 or” and inserting “October 23, 1983, with respect to
4 which an investigation or civil or criminal”.

5 (3) *GENERAL EXCEPTION.*—Section 1605 of title
6 28, *United States Code*, is amended—

7 (A) in subsection (a)—

8 (i) in paragraph (5)(B), by inserting
9 “or” after the semicolon;

10 (ii) in paragraph (6)(D), by striking
11 “; or” and inserting a period; and

12 (iii) by striking paragraph (7); and

13 (B) by striking subsections (e) and (f).

14 (d) *APPLICATION TO PENDING CASES.*—

15 (1) *IN GENERAL.*—The amendments made by
16 this section shall apply to any claim arising under
17 section 1605A or 1605(g) of title 28, *United States*
18 *Code*, as added by this section.

19 (2) *PRIOR ACTIONS.*—Any judgment or action
20 brought under section 1605(a)(7) of title 28, *United*
21 *States Code*, or section 101(c) of Public Law 104–208
22 after the effective date of such provisions relying on
23 either of these provisions as creating a cause of ac-
24 tion, which has been adversely affected on the grounds
25 that either or both of these provisions fail to create a

1 *cause of action opposable against the state, and which*
2 *is still before the courts in any form, including ap-*
3 *peal or motion under Federal Rule of Civil Procedure*
4 *60(b), shall, on motion made to the Federal District*
5 *Court where the judgment or action was initially en-*
6 *tered, be given effect as if it had originally been filed*
7 *pursuant to section 1605A(d) of title 28, United*
8 *States Code. The defenses of res judicata, collateral es-*
9 *toppel and limitation period are waived in any re-*
10 *filed action described in this paragraph and based on*
11 *the such claim. Any such motion or re-filing must be*
12 *made not later than 60 days after enactment of this*
13 *Act.*

14 **SEC. 1088. SMALL HIGH-TECH FIRMS.**

15 *Section 9(m) of the Small Business Act (15 U.S.C.*
16 *638(m)) is amended by striking “2008” and inserting*
17 *“2010”.*

18 **SEC. 1089. INCREASED AUTHORITY FOR REPAIR, RESTORA-**
19 **TION, AND PRESERVATION OF LAFAYETTE ES-**
20 **CADRILLE MEMORIAL, MARNES-LA-CO-**
21 **QUETTE, FRANCE.**

22 *Section 1065 of the National Defense Authorization*
23 *Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat.*
24 *1233) is amended—*

1 (1) in subsection (a)(2), by striking
2 “\$2,000,000” and inserting “\$2,500,000”; and
3 (2) in subsection (e), by striking “under section
4 301(a)(4)”.

5 **SEC. 1090. RETENTION OF REIMBURSEMENT FOR PROVI-**
6 **SION OF RECIPROCAL FIRE PROTECTION**
7 **SERVICES.**

8 Section 5 of the Act of May 27, 1955 (chapter 105;
9 69 Stat. 67; 42 U.S.C. 1856d) is amended—

10 (1) by striking “Funds” and inserting “(a)
11 Funds”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(b) Notwithstanding the provisions of subsection (a),
15 all sums received for any Department of Defense activity
16 for fire protection rendered pursuant to this Act shall be
17 credited to the appropriation fund or account from which
18 the expenses were paid. Amounts so credited shall be merged
19 with funds in such appropriation fund or account and shall
20 be available for the same purposes and subject to the same
21 limitations as the funds with which the funds are merged.”.

22 **SEC. 1091. NATIONAL CENTER FOR HUMAN PERFORMANCE.**

23 The scientific institute to perform research and edu-
24 cation in medicine and related sciences to enhance human
25 performance that is located at the Texas Medical Center

1 *shall hereafter be known as the “National Center for*
2 *Human Performance”.* Nothing in this section shall be con-
3 *strued to convey on such institute status as a center of excel-*
4 *lence under the Public Health Service Act or as a center*
5 *of the national institutes of health under title IV of such*
6 *Act.*

7 **SEC. 1092. DEFINITION OF ALTERNATIVE FUELED VEHICLE.**

8 *Section 301(3) of the Energy Policy Act of 1992 (42*
9 *U.S.C. 13211(3)) is amended—*

10 *(1) by striking “(3) the term” and inserting the*
11 *following:*

12 *“(3) ALTERNATIVE FUELED VEHICLE.—*

13 *“(A) IN GENERAL.—The term”;* and

14 *(2) by adding at the end the following:*

15 *“(B) INCLUSIONS.—The term ‘alternative*
16 *fueled vehicle’ includes—*

17 *“(i) a new qualified fuel cell motor ve-*
18 *hicle (as defined in section 30B(b)(3) of the*
19 *Internal Revenue Code of 1986);*

20 *“(ii) a new advanced lean burn tech-*
21 *nology motor vehicle (as defined in section*
22 *30B(c)(3) of that Code);*

23 *“(iii) a new qualified hybrid motor ve-*
24 *hicle (as defined in section 30B(d)(3) of*
25 *that Code); and*

1 “(iv) any other type of vehicle that the
2 agency demonstrates to the Secretary would
3 achieve a significant reduction in petroleum
4 consumption.”.

5 **SEC. 1093. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS**
6 **FOR FAMILY MEMBERS OF INDIVIDUALS PER-**
7 **FORMING CERTAIN MILITARY SERVICE.**

8 (a) *FEDERAL EMPLOYEES PROGRAM.*—

9 (1) *DEFINITIONS.*—*In this subsection:*

10 (A) *CAREGIVER.*—*The term “caregiver”*
11 *means an individual who—*

12 (i) *is an employee;*

13 (ii) *is at least 21 years of age; and*

14 (iii) *is capable of self care and care of*
15 *children or other dependent family members*
16 *of a qualified member of the Armed Forces.*

17 (B) *COVERED PERIOD OF SERVICE.*—*The*
18 *term “covered period of service” means any pe-*
19 *riod of service performed by an employee as a*
20 *caregiver while the individual who designated*
21 *the caregiver under paragraph (3) remains a*
22 *qualified member of the Armed Forces.*

23 (C) *EMPLOYEE.*—*The term “employee” has*
24 *the meaning given under section 6331 of title 5,*
25 *United States Code.*

1 (D) *FAMILY MEMBER.*—*The term “family*
2 *member” includes—*

3 (i) *individuals for whom the qualified*
4 *member of the Armed Forces provides med-*
5 *ical, financial, and logistical support (such*
6 *as housing, food, clothing, or transpor-*
7 *tation); and*

8 (ii) *children under the age of 18 years,*
9 *elderly adults, persons with disabilities, and*
10 *other persons with a mental or physical dis-*
11 *ability, who are unable to care for them-*
12 *selves in the absence of the qualified member*
13 *of the Armed Forces.*

14 (E) *QUALIFIED MEMBER OF THE ARMED*
15 *FORCES.*—*The term “qualified member of the*
16 *Armed Forces” means—*

17 (i) *a member of a reserve component of*
18 *the Armed Forces as described under section*
19 *10101 of title 10, United States Code, who*
20 *has received notice to report to, or is serving*
21 *on, active duty in the Armed Forces in sup-*
22 *port of a contingency operation as defined*
23 *under section 101(a)(13) of title 10, United*
24 *States Code; or*

1 (ii) a member of the Armed Forces on
2 active duty who is eligible for hostile fire or
3 imminent danger special pay under section
4 310 of title 37, United States Code.

5 (2) *ESTABLISHMENT OF PROGRAM.*—The Office
6 of Personnel Management may establish a program to
7 authorize a caregiver to use under paragraph (4)—

8 (A) any sick leave of that caregiver during
9 a covered period of service; and

10 (B) any leave available to that caregiver
11 under subchapter III or IV of chapter 63 of title
12 5, United States Code, during a covered period
13 of service.

14 (3) *DESIGNATION OF CAREGIVER.*—

15 (A) *IN GENERAL.*—A qualified member of
16 the Armed Forces shall submit a written des-
17 ignation of the individual who is the caregiver
18 for any family member of that member of the
19 Armed Forces during a covered period of service
20 to—

21 (i) the employing agency; and

22 (ii) the uniformed service of which the
23 individual is a member.

24 (B) *DESIGNATION OF SPOUSE.*—Notwith-
25 standing paragraph (1)(A)(ii), an individual

1 *less than 21 years of age may be designated as*
2 *a caregiver if that individual is the spouse of the*
3 *qualified member of the Armed Forces making*
4 *the designation.*

5 (4) *USE OF CAREGIVER LEAVE.*—*Leave may only*
6 *be used under this subsection for purposes directly re-*
7 *lating to, or resulting from, the giving of care by the*
8 *employee to a family member under the designation*
9 *of the employee as the caregiver for the family mem-*
10 *ber.*

11 (5) *REGULATIONS.*—*Not later than 120 days*
12 *after the date of enactment of this Act, the Office of*
13 *Personnel Management shall prescribe regulations to*
14 *carry out this subsection, including a definition of ac-*
15 *tivities that qualify as the giving of care.*

16 (6) *TERMINATION.*—*The program under this sub-*
17 *section shall terminate on December 31, 2010.*

18 (b) *VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.*—

19 (1) *DEFINITIONS.*—*In this subsection:*

20 (A) *CAREGIVER.*—*The term “caregiver”*
21 *means an individual who—*

22 (i) *is an employee;*

23 (ii) *is at least 21 years of age; and*

1 (iii) is capable of self care and care of
2 children or other dependent family members
3 of a qualified member of the Armed Forces.

4 (B) *COVERED PERIOD OF SERVICE.*—The
5 term “covered period of service” means any pe-
6 riod of service performed by an employee as a
7 caregiver while the individual who designated
8 the caregiver under paragraph (4) remains a
9 qualified member of the Armed Forces.

10 (C) *EMPLOYEE.*—The term “employee”
11 means an employee of a business entity partici-
12 pating in the program under this subsection.

13 (D) *FAMILY MEMBER.*—The term “family
14 member” includes—

15 (i) individuals for whom the qualified
16 member of the Armed Forces provides med-
17 ical, financial, and logistical support (such
18 as housing, food, clothing, or transpor-
19 tation); and

20 (ii) children under the age of 18 years,
21 elderly adults, persons with disabilities, and
22 other persons with a mental or physical dis-
23 ability, who are unable to care for them-
24 selves in the absence of the qualified member
25 of the Armed Forces.

1 (E) *QUALIFIED MEMBER OF THE ARMED*
2 *FORCES.*—*The term “qualified member of the*
3 *Armed Forces” means—*

4 (i) *a member of a reserve component of*
5 *the Armed Forces as described under section*
6 *10101 of title 10, United States Code, who*
7 *has received notice to report to, or is serving*
8 *on, active duty in the Armed Forces in sup-*
9 *port of a contingency operation as defined*
10 *under section 101(a)(13) of title 10, United*
11 *States Code; or*

12 (ii) *a member of the Armed Forces on*
13 *active duty who is eligible for hostile fire or*
14 *imminent danger special pay under section*
15 *310 of title 37, United States Code.*

16 (2) *ESTABLISHMENT OF PROGRAM.*—

17 (A) *IN GENERAL.*—*The Secretary of Labor*
18 *may establish a program to authorize employees*
19 *of business entities described under paragraph*
20 *(3) to use sick leave, or any other leave available*
21 *to an employee, during a covered period of serv-*
22 *ice for purposes relating to, or resulting from,*
23 *the giving of care by the employee to a family*
24 *member under the designation of the employee as*
25 *the caregiver for the family member.*

1 (B) *EXCEPTION.*—Subparagraph (A) shall
2 not apply to leave made available under the
3 *Family and Medical Leave Act of 1993* (29
4 *U.S.C. 2601 et seq.*).

5 (3) *VOLUNTARY BUSINESS PARTICIPATION.*—The
6 Secretary of Labor shall solicit business entities to
7 voluntarily participate in the program under this
8 subsection.

9 (4) *DESIGNATION OF CAREGIVER.*—

10 (A) *IN GENERAL.*—A qualified member of
11 the Armed Forces shall submit a written des-
12 ignation of the individual who is the caregiver
13 for any family member of that member of the
14 Armed Forces during a covered period of service
15 to—

16 (i) the employing business entity; and
17 (ii) the uniformed service of which the
18 individual is a member.

19 (B) *DESIGNATION OF SPOUSE.*—Notwith-
20 standing paragraph (1)(A)(ii), an individual
21 less than 21 years of age may be designated as
22 a caregiver if that individual is the spouse of the
23 qualified member of the Armed Forces making
24 the designation.

1 (5) *USE OF CAREGIVER LEAVE.*—Leave may only
2 be used under this subsection for purposes directly re-
3 lating to, or resulting from, the giving of care by the
4 employee to a family member under the designation
5 of the employee as the caregiver for the family mem-
6 ber.

7 (6) *REGULATIONS.*—Not later than 120 days
8 after the date of enactment of this Act, the Secretary
9 of Labor shall prescribe regulations to carry out this
10 subsection.

11 (7) *TERMINATION.*—The program under this sub-
12 section shall terminate on December 31, 2010.

13 (c) *GAO REPORT.*—Not later than March 31, 2010,
14 the Government Accountability Office shall submit a report
15 to Congress on the programs under subsections (a) and (b)
16 that includes—

17 (1) *an evaluation of the success of each program;*
18 and

19 (2) *recommendations for the continuance or ter-*
20 *mination of each program.*

21 **SEC. 1094. PILOT PROGRAM ON COMMERCIAL FEE-FOR-**
22 **SERVICE AIR REFUELING SUPPORT FOR THE**
23 **AIR FORCE.**

24 (a) *PILOT PROGRAM REQUIRED.*—The Secretary of
25 *Air Force shall, commencing as soon as practicable after*

1 *the date of the enactment of this Act, conduct a pilot pro-*
2 *gram to assess the feasibility and advisability of utilizing*
3 *commercial fee-for-service air refueling tanker aircraft for*
4 *Air Force operations.*

5 (b) *PURPOSE.*—

6 (1) *IN GENERAL.*—*The purpose of the pilot pro-*
7 *gram required by subsection (a) is to support, aug-*
8 *ment, or enhance the air refueling mission of the Air*
9 *Force by utilizing commercial air refueling providers*
10 *on a fee-for-service basis.*

11 (2) *ELEMENTS.*—*In order to achieve the purpose*
12 *of the pilot program, the pilot program shall—*

13 (A) *demonstrate and validate a comprehen-*
14 *sive strategy for air refueling on a fee-for-service*
15 *basis by utilizing all appropriate aircraft in*
16 *mission areas including testing support, training*
17 *support to receivers, homeland defense support,*
18 *deployment support, air bridge support,*
19 *aeromedical evacuation, and emergency air re-*
20 *fueling; and*

21 (B) *integrate fee-for-service air refueling de-*
22 *scribed in paragraph (1) into Air Mobility Com-*
23 *mand operations.*

24 (c) *COMPETITIVE PROVIDERS.*—*The pilot program*
25 *shall include the services of not more than three commercial*

1 *air refueling providers selected by the Secretary for the pilot*
2 *program utilizing competitive procedures.*

3 (d) *MINIMUM NUMBER OF AIRCRAFT.*—*Each provider*
4 *selected for the pilot program shall utilize no fewer than*
5 *two air refueling aircraft in participating in the pilot pro-*
6 *gram.*

7 (e) *AIRCRAFT UTILIZATION.*—*The pilot program shall*
8 *provide for a minimum of 1,200 flying hours per year per*
9 *air refueling aircraft participating in the pilot program.*

10 (f) *DURATION.*—*The period of the pilot program shall*
11 *be not less than five years after the commencement of the*
12 *pilot program.*

13 (g) *REPORT.*—*The Secretary of the Air Force shall*
14 *provide to the Congressional Defense Committees an annual*
15 *report on the fee-for-service air refueling program to in-*
16 *clude:*

17 (1) *missions flown;*

18 (2) *mission areas supported;*

19 (3) *aircraft number, type, model series sup-*
20 *ported;*

21 (4) *fuel dispensed;*

22 (5) *departure reliability rates; and*

23 (6) *any other data as appropriate for evaluating*
24 *performance of the commercial air refueling pro-*
25 *viders.*

1 **SEC. 1095. ESTABLISHMENT OF JOINT PATHOLOGY CENTER.**

2 (a) *ESTABLISHMENT.*—*The Secretary of Defense may,*
3 *to the extent consistent with the final recommendations of*
4 *the 2005 Defense Base Closure and Realignment Commis-*
5 *sion as approved by the President, establish a Joint Pathol-*
6 *ogy Center located at the National Naval Medical Center*
7 *in Bethesda, Maryland, that shall function as the reference*
8 *center in pathology for the Department of Defense.*

9 (b) *SERVICES.*—*The Joint Pathology Center, if estab-*
10 *lished, shall provide, at a minimum, the following services:*

11 (1) *Diagnostic pathology consultation.*

12 (2) *Pathology education, to include graduate*
13 *medical education, including residency and fellowship*
14 *programs, and continuing medical education.*

15 (3) *Diagnostic pathology research.*

16 (4) *Maintenance and continued modernization of*
17 *the Tissue Repository and, as appropriate, utilization*
18 *of such Repository in conducting the activities de-*
19 *scribed in paragraphs (1) through (3).*

20 **SEC. 1096. REPORT ON FEASIBILITY OF ESTABLISHING A**
21 **DOMESTIC MILITARY AVIATION NATIONAL**
22 **TRAINING CENTER.**

23 (a) *IN GENERAL.*—*Not later than March 31, 2008, the*
24 *Secretary of Defense shall submit to the congressional de-*
25 *fense committees a report to determine the feasibility of es-*
26 *tablishing a Border State Aviation Training Center*

1 *(BSATC) to support the current and future requirements*
2 *of the existing RC-26 training site for counterdrug activi-*
3 *ties, located at the Fixed Wing Army National Guard Avia-*
4 *tion Training Site (FWAATS), including the domestic re-*
5 *connaisance and surveillance missions of the National*
6 *Guard in support of local, State, and Federal law enforce-*
7 *ment agencies, provided that the activities to be conducted*
8 *at the BSATC shall not duplicate or displace any activity*
9 *or program at the RC-26 training site or the FWAATS.*

10 *(b) CONTENT.—The report required under subsection*
11 *(a) shall—*

12 *(1) examine the current and past requirements of*
13 *RC-26 aircraft in support of local, State, and Fed-*
14 *eral law enforcement and determine the number of*
15 *additional aircraft required to provide such support*
16 *for each State that borders Canada, Mexico, or the*
17 *Gulf of Mexico;*

18 *(2) determine the number of military and civil-*
19 *ian personnel required to run a RC-26 domestic*
20 *training center meeting the requirements identified*
21 *under paragraph (1);*

22 *(3) determine the requirements and cost of locat-*
23 *ing such a training center at a military installation*
24 *for the purpose of preempting and responding to secu-*
25 *rity threats and responding to crises; and*

1 (4) include a comprehensive review of the num-
 2 ber of intelligence, reconnaissance and surveillance
 3 platforms needed for the National Guard to effectively
 4 provide domestic operations and civil support (in-
 5 cluding homeland defense and counterdrug) to local,
 6 State, and Federal law enforcement and first re-
 7 sponder entities.

8 (c) CONSULTATION.—In preparing the report required
 9 under subsection (a), the Secretary of Defense shall consult
 10 with the Adjutant General of each State that borders Can-
 11 ada, Mexico, or the Gulf of Mexico, the Adjutant General
 12 of the State of West Virginia, and the National Guard Bu-
 13 reau.

14 **TITLE XI—CIVILIAN PERSONNEL**
 15 **MATTERS**

16 **SEC. 1101. COMPENSATION OF FEDERAL WAGE SYSTEM EM-**
 17 **PLOYEES FOR CERTAIN TRAVEL HOURS.**

18 Section 5544(a) of title 5, United States Code, is
 19 amended in the third sentence in the matter following para-
 20 graph (3) by inserting “, including travel by the employee
 21 to such event and the return of the employee from such event
 22 to the employee’s official duty station,” after “event”.

1 **SEC. 1102. RETIREMENT SERVICE CREDIT FOR SERVICE AS**
2 **CADET OR MIDSHIPMAN AT A MILITARY SERV-**
3 **ICE ACADEMY.**

4 (a) *CIVIL SERVICE RETIREMENT SYSTEM.*—Section
5 8331(13) of title 5, United States Code, is amended by strik-
6 ing “but” and inserting “and includes service as a cadet
7 at the United States Military Academy, the United States
8 Air Force Academy, or the United States Coast Guard
9 Academy, or as a midshipman at the United States Naval
10 Academy, but”.

11 (b) *FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.*—
12 Section 8401(31) of such title is amended by striking “but”
13 and inserting “and includes service as a cadet at the United
14 States Military Academy, the United States Air Force
15 Academy, or the United States Coast Guard Academy, or
16 as a midshipman at the United States Naval Academy,
17 but”.

18 (c) *APPLICABILITY.*—The amendments made by this
19 section shall apply to—

20 (1) any annuity, eligibility for which is based
21 upon a separation occurring before, on, or after the
22 date of enactment of this Act; and

23 (2) any period of service as a cadet at the
24 United States Military Academy, the United States
25 Air Force Academy, or the United States Coast
26 Guard Academy, or as a midshipman at the United

1 *States Naval Academy, occurring before, on, or after*
2 *the date of enactment of this Act.*

3 **SEC. 1103. CONTINUATION OF LIFE INSURANCE COVERAGE**
4 **FOR FEDERAL EMPLOYEES CALLED TO AC-**
5 **TIVE DUTY.**

6 Section 8706(b) of title 5, United States Code, is
7 amended by adding at the end the following new paragraph:
8 “(5) *In the case of an employee enrolled in life insur-*
9 *ance under this chapter who is a member of a reserve com-*
10 *ponent of the armed forces called or ordered to active duty,*
11 *is placed on leave without pay to perform active duty pur-*
12 *suant to such call or order, and serves on active duty pursu-*
13 *ant to such call or order for a period of more than 30 con-*
14 *secutive days, the life insurance of the employee under this*
15 *chapter may continue for up to 24 months after discontinu-*
16 *ance of pay by reason of the performance of such active*
17 *duty.”.*

18 **SEC. 1104. DEPARTMENT OF DEFENSE NATIONAL SECURITY**
19 **PERSONNEL SYSTEM.**

20 (a) *EXCLUSION OF WAGE-GRADE EMPLOYEES.*—Sub-
21 *section (b) of section 9902 of title 5, United States Code,*
22 *is amended—*

23 (1) *by redesignating paragraphs (4), (5), and (6)*
24 *as paragraphs (5), (6), and (7), respectively; and*

1 (2) by inserting after paragraph (3) the fol-
2 lowing new paragraph (4):

3 “(4) not apply to any prevailing rate employees,
4 as defined in section 5342(a)(2);”.

5 (b) *CLARIFICATION OF REQUIREMENTS REGARDING*
6 *LABOR-MANAGEMENT RELATIONS.*—

7 (1) *IN GENERAL.*—Such section is further
8 amended by striking subsection (m).

9 (2) *CONFORMING AMENDMENTS.*—Such section is
10 further amended—

11 (A) in subsection (f)(1)(D)(i), by inserting
12 “subject to the requirements of chapter 71,” be-
13 fore “develop a method”; and

14 (B) in subsection (g)(2)—

15 (i) in subparagraph (B), by inserting
16 “and” at the end;

17 (ii) in subparagraph (C), by striking
18 “; and” and inserting a period; and

19 (iii) by striking subparagraph (D).

20 (3) *CONSTRUCTION OF PAY ESTABLISHMENT OR*
21 *ADJUSTMENT.*—Subsection (e) of such section is
22 amended by adding at the end the following new
23 paragraph:

1 “(6) Any rate of pay established or adjusted in accord-
2 ance with the requirements of this section shall be a matter
3 covered by section 7103(a)(14)(C) of this title.”.

4 **SEC. 1105. AUTHORITY TO WAIVE LIMITATION ON PREMIUM**
5 **PAY FOR FEDERAL CIVILIAN EMPLOYEES**
6 **WORKING OVERSEAS UNDER AREAS OF**
7 **UNITED STATES CENTRAL COMMAND.**

8 (a) *WAIVER AUTHORITY.*—

9 (1) *IN GENERAL.*—Notwithstanding section 5547
10 of title 5, United States Code, during 2008, the head
11 of an Executive agency (as that term is defined in
12 section 105 of title 5, United States Code) may waive
13 limitations on total compensation, including limita-
14 tions on the aggregate of basic pay and premium pay
15 payable in a calendar year, to an employee who per-
16 forms work while in an overseas location that is in
17 the area of responsibility of the Commander of the
18 United States Central Command in direct support of,
19 or directly related to—

20 (A) a military operation, including a con-
21 tingency operation; or

22 (B) an operation in response to a declared
23 emergency.

24 (2) *LIMITATION.*—The total compensation pay-
25 able to an employee pursuant to a waiver under this

1 subsection in a calendar year may not exceed
2 \$212,100.

3 (b) *ADDITIONAL PAY NOT CONSIDERED BASIC PAY.*—
4 *To the extent that a waiver under subsection (a) results in*
5 *payment of additional premium pay of a type that is nor-*
6 *mally creditable as basic pay for retirement or any other*
7 *purpose, such additional pay shall not be considered to be*
8 *basic pay for any purpose, nor shall such additional pay*
9 *be used in computing a lump-sum payment for accumu-*
10 *lated and accrued annual leave under section 5551 of title*
11 *5, United States Code.*

12 (c) *REGULATIONS.*—*The Director of the Office of Per-*
13 *sonnel Management may prescribe regulations to ensure ap-*
14 *propriate consistency among heads of Executive agencies in*
15 *the exercise of the authority granted by this section.*

16 **SEC. 1106. AUTHORITY FOR INCLUSION OF CERTAIN OFFICE**
17 **OF DEFENSE RESEARCH AND ENGINEERING**
18 **POSITIONS IN EXPERIMENTAL PERSONNEL**
19 **PROGRAM FOR SCIENTIFIC AND TECHNICAL**
20 **PERSONNEL.**

21 *Section 1101(b)(1) of the Strom Thurmond National*
22 *Defense Authorization Act for Fiscal Year 1999 (5 U.S.C.*
23 *3104 note) is amended—*

24 (1) *in subparagraph (B), by striking “and” at*
25 *the end;*

1 (2) *in subparagraph (C), by adding “and” at the*
2 *end; and*

3 (3) *by adding after subparagraph (C) the fol-*
4 *lowing new subparagraph (D):*

5 *“(D) not more than a total of 20 scientific*
6 *and engineering positions in the Office of the Di-*
7 *rector of Defense Research and Engineering;”.*

8 **SEC. 1107. REPEAL OF AUTHORITY FOR PAYMENT OF UNI-**
9 **FORM ALLOWANCE TO CIVILIAN EMPLOYEES**
10 **OF THE DEPARTMENT OF DEFENSE.**

11 (a) *REPEAL.*—*Section 1593 of title 10, United States*
12 *Code, is repealed.*

13 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
14 *the beginning of chapter 81 of such title is amended by*
15 *striking the item relating to section 1593.*

16 **SEC. 1108. AUTHORIZATION FOR INCREASED COMPENSA-**
17 **TION FOR FACULTY AND STAFF OF THE UNI-**
18 **FORMED SERVICES UNIVERSITY OF THE**
19 **HEALTH SCIENCES.**

20 *Section 2113(f) of title 10, United States Code, is*
21 *amended—*

22 (1) *in paragraph (1)—*

23 (A) *by striking “so as” and inserting “after*
24 *consideration of the compensation necessary”;*

25 *and*

1 (B) by striking “within the vicinity of the
2 District of Columbia” and inserting “identified
3 by the Secretary for purposes of this paragraph”;
4 and

5 (2) in paragraph (4)—

6 (A) by striking “section 5373” and insert-
7 ing “sections 5307 and 5373”; and

8 (B) by adding at the end the following new
9 sentence: “In no case may the total amount of
10 compensation paid under paragraph (1) in any
11 year exceed the total amount of annual com-
12 pensation (excluding expenses) specified in sec-
13 tion 102 of title 3.”.

14 **TITLE XII—MATTERS RELATING**
15 **TO FOREIGN NATIONS**
16 **Subtitle A—Assistance and**
17 **Training**

18 **SEC. 1201. AUTHORITY TO EQUIP AND TRAIN FOREIGN PER-**
19 **SONNEL TO ASSIST IN ACCOUNTING FOR**
20 **MISSING UNITED STATES PERSONNEL.**

21 (a) *IN GENERAL.*—Chapter 20 of title 10, United
22 States Code, is amended by adding at the end the following
23 new section:

1 **“§408. *Equipment and training of foreign personnel***
2 ***to assist in Department of Defense ac-***
3 ***counting for missing United States per-***
4 ***sonnel***

5 “(a) *IN GENERAL.*—*The Secretary of Defense may,*
6 *with the concurrence of the Secretary of State, provide as-*
7 *sistance to any foreign nation to assist the Department of*
8 *Defense with recovery of and accounting for missing United*
9 *States personnel.*

10 “(b) *TYPES OF ASSISTANCE.*—*The assistance provided*
11 *under subsection (a) may include the following:*

12 “(1) *Equipment.*

13 “(2) *Supplies.*

14 “(3) *Services.*

15 “(4) *Training of personnel.*

16 “(c) *LIMITATION.*—*The amount of assistance provided*
17 *under this section in any fiscal year may not exceed*
18 *\$1,000,000.*

19 “(d) *CONSTRUCTION WITH OTHER ASSISTANCE.*—*The*
20 *authority to provide assistance under this section is in ad-*
21 *dition to any other authority to provide assistance to for-*
22 *eign nations under law.*

23 “(e) *ANNUAL REPORTS.*—(1) *Not later than December*
24 *31 each year, the Secretary of Defense shall submit to the*
25 *congressional defense committees a report on the assistance*

1 *provided under this section during the fiscal year ending*
 2 *in such year.*

3 “(2) *Each report under paragraph (1) shall include,*
 4 *for the fiscal year covered by such report, the following:*

5 “(A) *A statement of each foreign nation provided*
 6 *assistance under this section.*

7 “(B) *For each nation so provided assistance, a*
 8 *description of the type and amount of such assist-*
 9 *ance.”.*

10 (b) *CLERICAL AMENDMENT.—The table of sections at*
 11 *the beginning of chapter 20 of such title is amended by add-*
 12 *ing at the end the following new item:*

“408. Equipment and training of foreign personnel to assist in Department of De-
fense accounting for missing United States personnel.”.

13 (c) *EFFECTIVE DATE.—The amendments made by this*
 14 *section shall take effect on October 1, 2007.*

15 **SEC. 1202. EXTENSION AND ENHANCEMENT OF AUTHORITY**
 16 **FOR SECURITY AND STABILIZATION ASSIST-**
 17 **ANCE.**

18 (a) *INCREASE IN AMOUNT OF AUTHORIZED ASSIST-*
 19 *ANCE.—Subsection (b) of section 1207 of the National De-*
 20 *fense Authorization Act for Fiscal Year 2006 (Public Law*
 21 *109–163; 119 Stat. 3458) is amended by striking*
 22 *“\$100,000,000” and inserting “\$200,000,000”.*

23 (b) *PROGRAM FOR ASSISTANCE.—Such section is fur-*
 24 *ther amended—*

1 (1) by redesignating subsections (d), (e), and (f)
2 as subsection (e), (f), and (g), respectively; and

3 (2) by inserting after subsection (c) the following
4 new subsection (d):

5 “(d) *FORMULATION AND IMPLEMENTATION OF PRO-*
6 *GRAM FOR ASSISTANCE.*—*The Secretary of State shall co-*
7 *ordinate with the Secretary of Defense in the formulation*
8 *and implementation of a program of reconstruction, secu-*
9 *rity, or stabilization assistance to a foreign country that*
10 *involves the provision of services or transfer of defense arti-*
11 *cles or funds under subsection (a).”.*

12 (c) *ONE-YEAR EXTENSION.*—*Subsection (g) of such*
13 *section, as redesignated by subsection (b) of this section, is*
14 *amended by striking “September 30, 2007” and inserting*
15 *“September 30, 2008”.*

16 (d) *EFFECTIVE DATE.*—*The amendments made by this*
17 *section shall take effect on October 1, 2007.*

18 **SEC. 1203. COMMANDERS’ EMERGENCY RESPONSE PRO-**
19 **GRAM.**

20 (a) *AUTHORITY FOR FISCAL YEAR 2008.*—*During fis-*
21 *cal year 2008, from funds made available to the Depart-*
22 *ment of Defense for operation and maintenance for such*
23 *fiscal year, not to exceed \$977,441,000 may be used by the*
24 *Secretary of Defense in such fiscal year to provide funds—*

1 (1) *for the Commanders' Emergency Response*
2 *Program in Iraq for the purpose of enabling United*
3 *States military commanders in Iraq to respond to ur-*
4 *gent humanitarian relief and reconstruction require-*
5 *ments within their areas of responsibility by carrying*
6 *out programs that will immediately assist the Iraqi*
7 *people; and*

8 (2) *for a similar program to assist the people of*
9 *Afghanistan.*

10 (b) *WAIVER AUTHORITY.—For purposes of exercising*
11 *the authority provided by this section or any other provi-*
12 *sion of law making funds available for the Commanders'*
13 *Emergency Response Program in Iraq or any similar pro-*
14 *gram to assist the people of Afghanistan, the Secretary may*
15 *waive any provision of law not contained in this section*
16 *that would (but for the waiver) prohibit, restrict, limit, or*
17 *otherwise constrain the exercise of that authority.*

18 (c) *QUARTERLY REPORTS.—Not later than 15 days*
19 *after the end of each fiscal-year quarter of fiscal year 2008,*
20 *the Secretary shall submit to the congressional defense com-*
21 *mittees a report regarding the source of funds and the allo-*
22 *cation and use of funds during that quarter that were made*
23 *available pursuant to the authority provided in this section*
24 *or under any other provision of law for the purposes of the*
25 *programs referred to in subsection (a).*

1 (d) *SUBMITTAL OF MODIFICATIONS OF GUIDANCE.*—
2 *In the event any modification is made after the date of the*
3 *enactment of this Act in the guidance issued to the Armed*
4 *Forces by the Under Secretary of Defense (Comptroller) on*
5 *February 18, 2005, concerning the allocation of funds*
6 *through the Commanders' Emergency Response Program in*
7 *Iraq and any similar program to assist the people of Af-*
8 *ghanistan, the Secretary shall submit to the congressional*
9 *defense committees a copy of such modification not later*
10 *than 15 days after the date of such modification.*

11 **SEC. 1204. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**
12 **ON GLOBAL PEACE OPERATIONS INITIATIVE.**

13 (a) *REPORT REQUIRED.*—*Not later than March 1,*
14 *2008, the Comptroller General of the United States shall*
15 *submit to the congressional defense committees, the Com-*
16 *mittee on Foreign Relations of the Senate, and the Com-*
17 *mittee on Foreign Affairs of the House of Representatives*
18 *a report assessing the Global Peace Operations Initiative.*

19 (b) *CONTENT.*—*The report required under subsection*
20 *(a) shall include the following:*

21 (1) *An assessment of whether, and to what ex-*
22 *tent, the Global Peace Operations Initiative has met*
23 *the goals set by the President at the inception of the*
24 *program in 2004.*

25 (2) *Which goals, if any, remain unfulfilled.*

1 (3) *A description of activities conducted by each*
2 *member state of the Group of Eight (G–8), including*
3 *the approximate cost of the activities, and the approx-*
4 *imate percentage of the total monetary value of the*
5 *activities conducted by each G–8 member, including*
6 *the United States, as well as efforts by the President*
7 *to seek contributions or participation by other G–8*
8 *members.*

9 (4) *A description of any activities conducted by*
10 *non-G–8 members, or other organizations and institu-*
11 *tions, as well as any efforts by the President to solicit*
12 *contributions or participation.*

13 (5) *A description of the extent to which the Glob-*
14 *al Peace Operations Initiative has had global partici-*
15 *pation.*

16 (6) *A description of the administration of the*
17 *program by the Department of State and Department*
18 *of Defense, including—*

19 (A) *whether each Department should con-*
20 *centrate administration in one office or bureau,*
21 *and if so, which one;*

22 (B) *the extent to which the two Depart-*
23 *ments coordinate and the quality of their coordi-*
24 *nation; and*

1 (C) the extent to which contractors are used
2 and an assessment of the quality and timeliness
3 of the results achieved by the contractors, and
4 whether the United States Government might
5 have achieved similar or better results without
6 contracting out functions.

7 (7) A description of the metrics, if any, that are
8 used by the President and the G–8 to measure
9 progress in implementation of the Global Peace Oper-
10 ations Initiative, including—

11 (A) assessments of the quality and sustain-
12 ability of the training of individual soldiers and
13 units;

14 (B) the extent to which the G–8 and par-
15 ticipating countries maintain records or data-
16 bases of trained individuals and units and con-
17 duct inspections to measure and monitor the
18 continued readiness of such individuals and
19 units;

20 (C) the extent to which the individuals and
21 units are equipped and remain equipped to de-
22 ploy in peace operations; and

23 (D) the extent to which, the timeline by
24 which, and how individuals and units can be
25 mobilized for peace operations.

1 (8) *The extent to which, the timeline by which,*
2 *and how individuals and units can be and are being*
3 *deployed to peace operations.*

4 (9) *An assessment of whether individuals and*
5 *units trained under the Global Peace Operations Ini-*
6 *tiative have been utilized in peace operations subse-*
7 *quent to receiving training under the Initiative,*
8 *whether they will be deployed to upcoming operations*
9 *in Africa and elsewhere, and the extent to which such*
10 *individuals and units would be prepared to deploy*
11 *and participate in such peace operations.*

12 (10) *Recommendations as to whether participa-*
13 *tion in the Global Peace Operations Initiative should*
14 *require reciprocal participation by countries in peace*
15 *operations.*

16 (11) *Any additional measures that could be*
17 *taken to enhance the effectiveness of the Global Peace*
18 *Operations Initiative in terms of—*

19 (A) *achieving its stated goals; and*

20 (B) *ensuring that individuals and units*
21 *trained as part of the Initiative are regularly*
22 *participating in peace operations.*

1 **SEC. 1205. REPEAL OF LIMITATIONS ON MILITARY ASSIST-**
2 **ANCE UNDER THE AMERICAN**
3 **SERVICEMEMBERS' PROTECTION ACT OF 2002.**

4 (a) *REPEAL OF LIMITATIONS.*—Section 2007 of the
5 *American Servicemembers' Protection Act of 2002* (22
6 *U.S.C. 7426*) is repealed.

7 (b) *CONFORMING AMENDMENTS.*—Such Act is further
8 amended—

9 (1) *in section 2003* (22 *U.S.C. 7422*)—

10 (A) *in subsection (a)*—

11 (i) *in the heading, by striking “SEC-*
12 *TIONS 5 AND 7” and inserting “SECTION*
13 *2005”; and*

14 (ii) *by striking “sections 2005 and*
15 *2007” and inserting “section 2005”;*

16 (B) *in subsection (b)*—

17 (i) *in the heading, by striking “SEC-*
18 *TIONS 5 AND 7” and inserting “SECTION*
19 *2005”; and*

20 (ii) *by striking “sections 2005 and*
21 *2007” and inserting “section 2005”;*

22 (C) *in subsection (c)(2)(A), by striking “sec-*
23 *tions 2005 and 2007” and inserting “section*
24 *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 striking
7 paragraph (13).

8 ***Subtitle B—Other Authorities and***
9 ***Limitations***

10 ***SEC. 1211. COOPERATIVE OPPORTUNITIES DOCUMENTS***
11 ***UNDER COOPERATIVE RESEARCH AND DE-***
12 ***VELOPMENT AGREEMENTS WITH NATO ORGA-***
13 ***NIZATIONS AND OTHER ALLIED AND FRIEND-***
14 ***LY FOREIGN COUNTRIES.***

15 Section 2350a(e) of title 10, United States Code, is
16 amended—

17 (1) in paragraph (1)—

18 (A) by striking “(A)”;

19 (B) by striking “an arms cooperation op-
20 portunities document” and inserting “a coopera-
21 tive opportunities document before the first mile-
22 stone or decision point”; and

23 (C) by striking subparagraph (B); and

1 (2) in paragraph (2), by striking “An arms co-
2 operation opportunities document” and inserting “A
3 cooperative opportunities document”.

4 **SEC. 1212. EXTENSION AND EXPANSION OF TEMPORARY AU-**
5 **THORITY TO USE ACQUISITION AND CROSS-**
6 **SERVICING AGREEMENTS TO LEND MILITARY**
7 **EQUIPMENT FOR PERSONNEL PROTECTION**
8 **AND SURVIVABILITY.**

9 (a) *EXPANSION TO NATIONS ENGAGED IN CERTAIN*
10 *PEACEKEEPING OPERATIONS.*—Subsection (a) of section
11 1202 of the John Warner National Defense Authorization
12 Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
13 2412) is amended—

14 (1) in paragraph (1), by inserting “or partici-
15 pating in combined operations with the United States
16 as part of a peacekeeping operation under the Charter
17 of the United Nations or another international agree-
18 ment” after “Iraq or Afghanistan”; and

19 (2) in paragraph (3) by inserting “, or in a
20 peacekeeping operation described in paragraph (1), as
21 applicable,” after “Iraq or Afghanistan”.

22 (b) *ONE-YEAR EXTENSION.*—Subsection (e) of such
23 section is amended by striking “September 30, 2008” and
24 inserting “September 30, 2009”.

1 (c) *CONFORMING AMENDMENT.*—*The heading of such*
2 *section is amended by striking “FOREIGN FORCES IN*
3 *IRAQ AND AFGHANISTAN” and inserting “CERTAIN*
4 *FOREIGN FORCES”.*

5 **SEC. 1213. ACCEPTANCE OF FUNDS FROM THE GOVERN-**
6 **MENT OF PALAU FOR COSTS OF MILITARY**
7 **CIVIC ACTION TEAMS.**

8 *Section 104(a) of Public Law 99–658 (48 U.S.C.*
9 *1933(a)) is amended—*

10 (1) *by inserting “(1)” before “In recognition”;*

11 *and*

12 (2) *by adding at the end the following new para-*
13 *graph:*

14 “(2) *The Secretary of Defense may accept from the*
15 *Government of Palau the amount available for the use of*
16 *the Government of Palau under paragraph (1). Any*
17 *amount so accepted by the Secretary under this paragraph*
18 *shall be credited to the appropriation or account available*
19 *to the Department of Defense for the Civic Action Team*
20 *with respect to which such amount is so accepted. Amounts*
21 *so credited shall be merged with the appropriation or ac-*
22 *count to which credited, and shall be available to the Civic*
23 *Action Team for the same purposes, and subject to the same*
24 *conditions and limitations, as the appropriation or account*
25 *with which merged.”.*

1 **SEC. 1214. EXTENSION OF PARTICIPATION OF THE DEPART-**
2 **MENT OF DEFENSE IN MULTINATIONAL MILI-**
3 **TARY CENTERS OF EXCELLENCE.**

4 (a) *EXTENSION OF PARTICIPATION.*—Section 1205 of
5 the John Warner National Defense Authorization Act for
6 Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416)
7 is amended—

8 (1) in subsection (a), by striking “fiscal year
9 2007” and inserting “during fiscal years 2007 and
10 2008”; and

11 (2) in subsection (e)(2), by inserting “or 2008”
12 after “in fiscal year 2007”.

13 (b) *REPORTING REQUIREMENTS.*—Subsection (g) of
14 such section is amended—

15 (1) in paragraph (1)—

16 (A) by striking “October 31, 2007,” and in-
17 serting “October 31 of each of 2007 and 2008,”;
18 and

19 (B) by striking “fiscal year 2007” and in-
20 serting “fiscal year 2007 or 2008, as applicable”;
21 and

22 (2) in paragraph (2)—

23 (A) in the matter preceding subparagraph

24 (A)—

25 (i) by striking “The report” and in-
26 serting “Each report”; and

1 (ii) by inserting “, for the fiscal year
2 covered by such report,” after “shall in-
3 clude”; and

4 (B) in subparagraph (A), by striking “fiscal
5 year 2007”.

6 **SEC. 1215. LIMITATION ON ASSISTANCE TO THE GOVERN-**
7 **MENT OF THAILAND.**

8 (a) *FINDINGS.*—Congress makes the following findings:

9 (1) *Thailand is an important strategic ally and*
10 *economic partner of the United States.*

11 (2) *The United States strongly supports the*
12 *prompt restoration of democratic rule in Thailand.*

13 (3) *While it is in the interest of the United*
14 *States to have a robust defense relationship with*
15 *Thailand, it is appropriate that the United States*
16 *has curtailed certain military-to-military cooperation*
17 *and assistance programs until democratic rule has*
18 *been restored in Thailand.*

19 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
20 *that—*

21 (1) *Thailand should continue on the path to re-*
22 *store democratic rule as quickly as possible, and*
23 *should hold free and fair national elections as soon as*
24 *possible and no later than December 2007; and*

1 (2) *once Thailand has fully reestablished demo-*
2 *cratic rule, it will be both possible and desirable for*
3 *the United States to reinstate a full program of mili-*
4 *tary assistance to the Government of Thailand, in-*
5 *cluding programs such as International Military*
6 *Education and Training (IMET) and Foreign Mili-*
7 *tary Financing (FMF) that were appropriately sus-*
8 *pending following the military coup in Thailand in*
9 *September 2006.*

10 (c) *LIMITATION.—No funds authorized to be appro-*
11 *riated by this Act may be obligated or expended to provide*
12 *direct assistance to the Government of Thailand to initiate*
13 *new military assistance activities until 15 days after the*
14 *Secretary of Defense notifies the Committees on Armed*
15 *Services and Foreign Relations of the Senate and the Com-*
16 *mittees on Armed Services and Foreign Affairs of the House*
17 *of Representatives of the intent of the Secretary to carry*
18 *out such new types of military assistance activities with*
19 *Thailand.*

20 (d) *EXCEPTION.—The limitation in subsection (c)*
21 *shall not apply with respect to funds as follows:*

22 (1) *Amounts authorized to be appropriated for*
23 *Overseas Humanitarian, Disaster, and Civic Aid.*

1 (2) *Amounts otherwise authorized to be appro-*
2 *priated by this Act and available for humanitarian*
3 *or emergency assistance for other nations.*

4 (e) *NEW MILITARY ASSISTANCE ACTIVITIES DE-*
5 *FINED.—In this section, the term “new military assistance*
6 *activities” means military assistance activities that have*
7 *not been undertaken between the United States and Thai-*
8 *land during fiscal year 2007.*

9 **SEC. 1216. PRESIDENTIAL REPORT ON POLICY OBJECTIVES**
10 **AND UNITED STATES STRATEGY REGARDING**
11 **IRAN.**

12 *Not more than 75 percent of the amount authorized*
13 *to be appropriated by this Act and available for the Office*
14 *of the Under Secretary of Defense for Policy may be obli-*
15 *gated or expended for that purpose until the President sub-*
16 *mits to Congress the report required by section 1213(b) of*
17 *the John Warner National Defense Authorization Act for*
18 *Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2422).*

19 **SEC. 1217. LIMITATION ON AVAILABILITY OF CERTAIN**
20 **FUNDS PENDING IMPLEMENTATION OF RE-**
21 **QUIREMENTS REGARDING NORTH KOREA.**

22 *Notwithstanding any other provision of law, no funds*
23 *authorized to be appropriated for the Department of Defense*
24 *by this Act or any other Act for the provision of security*
25 *and stabilization assistance as authorized by section 1207*

1 *of the National Defense Authorization Act for Fiscal Year*
2 *2006 (as amended by section 1202 of this Act) may be obli-*
3 *gated or expended for that purpose until the President cer-*
4 *tifies to Congress that all the provisions of section 1211 of*
5 *the John Warner National Defense Authorization Act for*
6 *Fiscal Year 2007 (Public Law 109–163; 120 Stat. 2420)*
7 *have been or are being carried out.*

8 **SEC. 1218. POLICY OF THE UNITED STATES ON PROTECTION**
9 **OF THE UNITED STATES AND ITS ALLIES**
10 **AGAINST IRANIAN BALLISTIC MISSILES.**

11 (a) *FINDING.*—*Congress finds that Iran maintains a*
12 *nuclear program in continued defiance of the international*
13 *community while developing ballistic missiles of increasing*
14 *sophistication and range that pose a threat to both the for-*
15 *ward-deployed forces of the United States and to its North*
16 *Atlantic Treaty Organization (NATO) allies in Europe;*
17 *and which eventually could pose a threat to the United*
18 *States homeland.*

19 (b) *POLICY OF THE UNITED STATES.*—*It is the policy*
20 *of the United States—*

21 (1) *to develop and deploy, as soon as techno-*
22 *logically possible, in conjunction with its allies and*
23 *other nations whenever possible, an effective defense*
24 *against the threat from Iran described in subsection*
25 *(a)(1) that will provide protection for the United*

1 *States, its friends, and its North Atlantic Treaty Or-*
2 *ganization allies; and*

3 *(2) to proceed in the development of such re-*
4 *sponse in a manner such that any missile defenses*
5 *fielded by the United States in Europe are integrated*
6 *with or complementary to missile defense capabilities*
7 *that might be fielded by the North Atlantic Treaty*
8 *Organization in Europe.*

9 **SEC. 1219. JUSTICE FOR OSAMA BIN LADEN AND OTHER**
10 **LEADERS OF AL QAEDA.**

11 *(a) ENHANCED REWARD FOR CAPTURE OF OSAMA BIN*
12 *LADEN.—Section 36(e)(1) of the State Department Basic*
13 *Authorities Act of 1956 (22 U.S.C. 2708e)(1)) is amended*
14 *by adding at the end the following new sentence: “The Sec-*
15 *retary shall authorize a reward of \$50,000,000 for the cap-*
16 *ture or death or information leading to the capture or death*
17 *of Osama bin Laden.”.*

18 *(b) STATUS OF EFFORTS TO BRING OSAMA BIN*
19 *LADEN AND OTHER LEADERS OF AL QAEDA TO JUSTICE.—*

20 *(1) REPORTS REQUIRED.—Not later than 90*
21 *days after the date of the enactment of this Act, and*
22 *every 90 days thereafter, the Secretary of State and*
23 *the Secretary of Defense shall, in coordination with*
24 *the Director of National Intelligence, jointly submit to*
25 *Congress a report on the progress made in bringing*

1 *Osama bin Laden and other leaders of al Qaeda to*
2 *justice.*

3 (2) *ELEMENTS.—Each report under paragraph*
4 (1) *shall include, current as of the date of such report,*
5 *the following:*

6 (A) *An assessment of the likely current loca-*
7 *tion of terrorist leaders, including Osama bin*
8 *Laden, Ayman al-Zawahiri, and other key lead-*
9 *ers of al Qaeda.*

10 (B) *A description of ongoing efforts to bring*
11 *to justice such terrorist leaders, particularly*
12 *those who have been directly implicated in at-*
13 *tacks in the United States and its embassies.*

14 (C) *An assessment of whether the govern-*
15 *ment of each country assessed as a likely location*
16 *of top leaders of al Qaeda has fully cooperated*
17 *in efforts to bring those leaders to justice.*

18 (D) *A description of diplomatic efforts cur-*
19 *rently being made to improve the cooperation of*
20 *the governments described in subparagraph (C).*

21 (E) *A description of the current status of*
22 *the top leadership of al Qaeda and the strategy*
23 *for locating them and bringing them to justice.*

24 (F) *An assessment of whether al Qaeda re-*
25 *mains the terrorist organization that poses the*

1 *greatest threat to United States interests, includ-*
2 *ing the greatest threat to the territorial United*
3 *States.*

4 (3) *FORM OF REPORT.*—*Each report submitted*
5 *to Congress under paragraph (1) shall be submitted*
6 *in a classified form, and shall be accompanied by a*
7 *report in unclassified form that redacts the classified*
8 *information in the report.*

9 ***Subtitle C—Reports***

10 ***SEC. 1231. REPORTS ON UNITED STATES POLICY AND MILI-*** 11 ***TARY OPERATIONS IN AFGHANISTAN.***

12 (a) *REPORTS REQUIRED.*—*Not later than 60 days*
13 *after the date of the enactment of this Act and every 180*
14 *days thereafter through the end of fiscal year 2009, the*
15 *President shall submit to the congressional defense commit-*
16 *tees a report on United States policy and military oper-*
17 *ations in Afghanistan.*

18 (b) *ELEMENTS.*—*Each report required by subsection*
19 (a) *shall include the following:*

20 (1) *A comprehensive strategy, coordinated be-*
21 *tween and among the departments and agencies of the*
22 *United States Government, for achieving the objec-*
23 *tives of United States policy and military operations*
24 *in Afghanistan.*

1 (2) *A description of current and proposed efforts*
2 *to assist the Government of Afghanistan in increasing*
3 *the size and capability of the Afghan Security Forces,*
4 *including key criteria for measuring the capabilities*
5 *and readiness of the Afghan National Army, the Af-*
6 *ghan National Police, and other Afghan security*
7 *forces.*

8 (3) *A description of current and proposed efforts*
9 *of the United States Government to work with coaliti-*
10 *on partners to strengthen the International Security*
11 *Assistance Force (ISAF) led by the North Atlantic*
12 *Treaty Organization (NATO) in Afghanistan, includ-*
13 *ing efforts—*

14 (A) *to encourage North Atlantic Treaty Or-*
15 *ganization members to make or fulfill commit-*
16 *ments to meet North Atlantic Treaty Organiza-*
17 *tion mission requirements with respect to the*
18 *International Security Assistance Force; and*

19 (B) *to remove national restrictions on the*
20 *use of forces of members of the North Atlantic*
21 *Treaty Organization deployed as part of the*
22 *International Security Assistance Force mission.*

23 (4) *A description of current and proposed efforts*
24 *to improve provincial governance and expand eco-*

1 *conomic development in the provinces of Afghanistan,*
2 *including—*

3 *(A) a statement of the mission and objec-*
4 *tives of the Provincial Reconstruction Teams in*
5 *Afghanistan;*

6 *(B) a description of the number, funding*
7 *(including the sources of funding), staffing re-*
8 *quirements, and current staffing levels of the*
9 *Provincial Reconstruction Teams, set forth by*
10 *United States Government agency;*

11 *(C) an evaluation of the effectiveness of each*
12 *Provincial Reconstruction Team, including each*
13 *team under the command of the United States*
14 *and each team under the command of the Inter-*
15 *national Security Assistance Force, in achieving*
16 *its mission and objectives; and*

17 *(D) a description of the collaboration, if*
18 *any, between the United States Agency for Inter-*
19 *national Development and Special Operations*
20 *Forces in such efforts, and an assessment of the*
21 *results of such collaboration.*

22 *(5) With respect to current counternarcotics ef-*
23 *forts in Afghanistan—*

24 *(A) a description of the counternarcotics*
25 *plan of the United States Government in Af-*

1 *ghanistan, including a statement of priorities*
2 *among United States counterdrug activities (in-*
3 *cluding interdiction, eradication, and alternative*
4 *livelihood programs) within that plan, and a de-*
5 *scription of the specific resources allocated for*
6 *each such activity;*

7 *(B) a description of the counternarcotics*
8 *roles and missions assumed by the local and pro-*
9 *vincial governments of Afghanistan, the Govern-*
10 *ment of Afghanistan, particular departments*
11 *and agencies of the United States Government,*
12 *the International Security Assistance Force, and*
13 *other governments;*

14 *(C) a description of the extent, if any, to*
15 *which counternarcotics operations in or with re-*
16 *spect to Afghanistan have been determined to*
17 *constitute a United States military mission, and*
18 *the justification for that determination;*

19 *(D) a description of United States efforts to*
20 *destroy drug manufacturing facilities; and*

21 *(E) a description of United States efforts to*
22 *apprehend or eliminate major drug traffickers in*
23 *Afghanistan, and a description of the extent to*
24 *which such drug traffickers are currently assist-*
25 *ing United States counterterrorist efforts.*

1 (6) *A description of current and proposed efforts*
2 *to help the Government of Afghanistan fight public*
3 *corruption and strengthen the rule of law.*

4 (7) *A description of current and proposed diplo-*
5 *matic and other efforts to encourage and assist the*
6 *Government of Pakistan to eliminate safe havens for*
7 *Taliban, Al Qaeda, and other extremists within the*
8 *territory of Pakistan which threaten the stability of*
9 *Afghanistan, and an evaluation of the cooperation of*
10 *the Government of Pakistan in eliminating such safe*
11 *havens.*

12 (c) *FORM.*—*Each report required by subsection (a)*
13 *shall be submitted in unclassified form to the maximum ex-*
14 *tent practicable, but may include a classified annex.*

15 **SEC. 1232. STRATEGY FOR ENHANCING SECURITY IN AF-**
16 **GHANISTAN BY ELIMINATING SAFE HAVENS**
17 **FOR VIOLENT EXTREMISTS IN PAKISTAN.**

18 (a) *FINDINGS.*—*Congress makes the following findings:*

19 (1) *Since September 11, 2001, the Government of*
20 *Pakistan has been an important partner in helping*
21 *the United States remove the Taliban regime from Af-*
22 *ghanistan.*

23 (2) *In early September 2006, the Government of*
24 *Pakistan signed a peace agreement with pro-Taliban*
25 *militants in Miramshah, North Waziristan, Pakistan.*

1 *Under the agreement, local tribesmen in North*
2 *Waziristan agreed to halt cross-border movement of*
3 *pro-Taliban insurgents from the North Waziristan*
4 *area to Afghanistan and to remove all foreigners who*
5 *do not respect the peace and abide by the agreement.*

6 *(3) In late September 2006, United States mili-*
7 *tary officials in Kabul, Afghanistan, reported two-*
8 *fold, and in cases three-fold, increases in the number*
9 *of cross-border attacks along the Afghanistan border*
10 *with Pakistan in the weeks following the signing of*
11 *the agreement referred to in paragraph (2).*

12 *(4) On February 13, 2007, Lieutenant General*
13 *Karl W. Eikenberry, the former commanding general*
14 *of Combined Forces Command—Afghanistan, stated*
15 *in a written statement to the Committee on Armed*
16 *Services of the House of Representatives that “Al*
17 *Qaeda and Taliban leadership presence inside Paki-*
18 *stan remains a significant problem that must be sat-*
19 *isfactorily addressed if we are to prevail in Afghani-*
20 *stan and if we are to defeat the global threat posed*
21 *by international terrorism”.*

22 *(5) On February 27, 2007, John McConnell, the*
23 *Director of National Intelligence, stated in a written*
24 *statement to the Committee on Armed Services of the*
25 *Senate that “[e]liminating the safehaven that the*

1 *Taliban and other extremists have found in Paki-*
2 *stan's tribal areas is not sufficient to end the insur-*
3 *gency in Afghanistan but it is necessary”.*

4 *(b) STRATEGY RELATING TO PAKISTAN.—*

5 *(1) IN GENERAL.—Not later than 90 days after*
6 *the date of the enactment of this Act, the President*
7 *shall submit to the congressional defense committees a*
8 *report describing the long-term strategy of the United*
9 *States to engage with the Government of Pakistan—*

10 *(A) to prevent the movement of Taliban, Al*
11 *Qaeda, and other violent extremist forces across*
12 *the border of Pakistan into Afghanistan; and*

13 *(B) to eliminate safe havens for such forces*
14 *on the national territory of Pakistan.*

15 *(2) FORM.—The report shall be submitted in un-*
16 *classified form, but may include a classified annex.*

17 *(c) LIMITATION ON AVAILABILITY OF DEPARTMENT OF*
18 *DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—*

19 *(1) LIMITATION.—For fiscal years 2008 and*
20 *2009, the Government of Pakistan may not be reim-*
21 *bursed in any fiscal year quarter for the provision to*
22 *the United States of logistical, military, or other sup-*
23 *port utilizing funds appropriated or otherwise made*
24 *available by an Act making supplemental appropri-*
25 *ations for fiscal year 2007 for operations in Iraq and*

1 *Afghanistan, or any other Act, for the purpose of*
2 *making payments to reimburse key cooperating na-*
3 *tions for the provision to the United States of such*
4 *support unless the President certifies to the congres-*
5 *sional defense committees for such fiscal year quarter*
6 *that the Government of Pakistan is making substan-*
7 *tial and sustained efforts to eliminate safe havens for*
8 *the Taliban, Al Qaeda and other violent extremists in*
9 *areas under its sovereign control, including in the cit-*
10 *ies of Quetta and Chaman and in the Northwest*
11 *Frontier Province and the Federally Administered*
12 *Tribal Areas.*

13 (2) *CONTENT OF CERTIFICATION.*—*Each certifi-*
14 *cation submitted under paragraph (1) shall include a*
15 *detailed description of the efforts made by the Govern-*
16 *ment of Pakistan to eliminate safe havens for the*
17 *Taliban, Al Qaeda, and other violent extremists in*
18 *areas under its sovereign control.*

19 (3) *FORM.*—*Each certification submitted under*
20 *paragraph (1) shall be submitted in unclassified form,*
21 *but may include a classified annex.*

22 (4) *WAIVER.*—*The President may waive the lim-*
23 *itation on reimbursements under paragraph (1) for a*
24 *fiscal year quarter if the President determines and*
25 *certifies to the congressional defense committees that*

1 *it is important to the national security interest of the*
2 *United States to do so.*

3 **SEC. 1233. ONE-YEAR EXTENSION OF UPDATE ON REPORT**
4 **ON CLAIMS RELATING TO THE BOMBING OF**
5 **THE LABELLE DISCOTHEQUE.**

6 *Section 1225(b)(2) of the National Defense Authoriza-*
7 *tion Act for Fiscal Year 2006 (Public Law 109–163; 119*
8 *Stat. 3465) is amended by striking “Not later than one year*
9 *after enactment of this Act,” and inserting “Not later than*
10 *each of January 6, 2007, and January 7, 2008.”.*

11 **SEC. 1234. REPORT ON PLANNING AND IMPLEMENTATION**
12 **OF UNITED STATES ENGAGEMENT AND POL-**
13 **ICY TOWARD DARFUR.**

14 *(a) REQUIREMENT FOR REPORTS.—Not later than 120*
15 *days after the date of the enactment of this Act, the Sec-*
16 *retary of Defense and the Secretary of State shall submit*
17 *to the appropriate congressional committees a report on the*
18 *policy of the United States to address the crisis in Darfur,*
19 *in eastern Chad, and in north-eastern Central African Re-*
20 *public, and on the contributions of the Department of De-*
21 *fense and the Department of State to the North Atlantic*
22 *Treaty Organization (NATO), the United Nations, and the*
23 *African Union in support of the current African Union*
24 *Mission in Sudan (AMIS) or any covered United Nations*
25 *mission.*

1 (b) *ELEMENTS.*—*Each report under subsection (a)*
2 *shall include the following:*

3 (1) *An assessment of the extent to which the Gov-*
4 *ernment of Sudan is in compliance with its obliga-*
5 *tions under international law and as a member of the*
6 *United Nations, including under United Nations Se-*
7 *curity Council Resolutions 1706 (2006) and 1591*
8 *(2005), and a description of any violations of such*
9 *obligations, including violations relating to the denial*
10 *of or delay in facilitating access by AMIS and United*
11 *Nations peacekeepers to conflict areas, failure to im-*
12 *plement responsibilities to demobilize and disarm the*
13 *Janjaweed militias, obstruction of the voluntary safe*
14 *return of internally displaced persons and refugees,*
15 *and degradation of security of and access to humani-*
16 *tarian supply routes.*

17 (2) *A comprehensive explanation of the policy of*
18 *the United States to address the crisis in Darfur, in-*
19 *cluding the activities of the Department of Defense*
20 *and the Department of State.*

21 (3) *A comprehensive assessment of the impact of*
22 *a no-fly zone for Darfur, including an assessment of*
23 *the impact of such a no-fly zone on humanitarian ef-*
24 *forts in Darfur and the region and a plan to mini-*

1 *mize any negative impact on such humanitarian ef-*
2 *forts during the implementation of such a no-fly zone.*

3 (4) *A description of contributions made by the*
4 *Department of Defense and the Department of State*
5 *in support of NATO assistance to AMIS and any cov-*
6 *ered United Nations mission.*

7 (5) *An assessment of the extent to which addi-*
8 *tional resources are necessary to meet the obligations*
9 *of the United States to AMIS and any covered United*
10 *Nations mission.*

11 (c) *FORM AND AVAILABILITY OF REPORTS.—*

12 (1) *FORM.—Each report submitted under this*
13 *section shall be in an unclassified form, but may in-*
14 *clude a classified annex.*

15 (2) *AVAILABILITY.—The unclassified portion of*
16 *any report submitted under this section shall be made*
17 *available to the public.*

18 (d) *REPEAL OF SUPERSEDED REPORT REQUIRE-*
19 *MENT.—Section 1227 of the John Warner National Defense*
20 *Authorization Act for Fiscal Year 2007 (Public Law 109–*
21 *364; 120 Stat. 2426) is repealed.*

22 (e) *DEFINITIONS.—In this section:*

23 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
24 *TEES.—The term “appropriate congressional commit-*
25 *tees” means—*

1 (A) *the Committee on Armed Services and*
2 *the Committee on Foreign Relations of the Sen-*
3 *ate; and*

4 (B) *the Committee on Armed Services and*
5 *the Committee on Foreign Affairs of the House*
6 *of Representatives.*

7 (2) *COVERED UNITED NATIONS MISSION.—The*
8 *term “covered United Nations mission” means any*
9 *United Nations-African Union hybrid peacekeeping*
10 *operation in Darfur, and any United Nations peace-*
11 *keeping operating in Darfur, eastern Chad, or north-*
12 *ern Central African Republic, that is deployed on or*
13 *after the date of the enactment of this Act.*

14 **SEC. 1235. REPORT ON THE AIRFIELD IN ABEICHE, CHAD,**
15 **AND OTHER RESOURCES NEEDED TO PRO-**
16 **VIDE STABILITY IN THE DARFUR REGION.**

17 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
18 *that—*

19 (1) *the airfield located in Abeche, Republic of*
20 *Chad, could play a significant role in potential*
21 *United Nations, African Union, or North Atlantic*
22 *Treaty Organization humanitarian, peacekeeping, or*
23 *other military operations in Darfur, Sudan, or the*
24 *surrounding region; and*

1 (2) *the capacity of that airfield to serve as a sub-*
2 *stantial link in such operations should be assessed,*
3 *along with the projected costs and specific upgrades*
4 *that would be necessary for its expanded use, should*
5 *the Government of Chad agree to its improvement and*
6 *use for such purposes.*

7 (b) *REPORT.*—*Not later than 90 days after the date*
8 *of the enactment of this Act, the Secretary of Defense shall,*
9 *in coordination with the Secretary of State, submit to the*
10 *appropriate committees of Congress a report on the matters*
11 *as follows:*

12 (1) *The current capacity of the existing airfield*
13 *in Abeche, Republic of Chad, including the scope of*
14 *its current use by the international community in re-*
15 *sponse to the crisis in the Darfur region.*

16 (2) *The upgrades, and their associated costs, nec-*
17 *essary to enable the airfield in Abeche, Republic of*
18 *Chad, to be improved to be fully capable of accommo-*
19 *dating a humanitarian, peacekeeping, or other force*
20 *deployment of the size foreseen by the recent United*
21 *Nations resolutions calling for a United Nations de-*
22 *ployment to Chad and a hybrid force of the United*
23 *Nations and African Union operating under Chapter*
24 *VII of the United Nations Charter for Sudan.*

1 (3) *The force size and composition of an inter-*
2 *national effort estimated to be necessary to provide*
3 *protection to those Darfur civilian populations cur-*
4 *rently displaced in the Darfur region.*

5 (4) *The force size and composition of an inter-*
6 *national effort estimated to be necessary to provide*
7 *broader stability within the Darfur region.*

8 **SEC. 1236. INCLUSION OF INFORMATION ON ASYMMETRIC**
9 **CAPABILITIES IN ANNUAL REPORT ON MILI-**
10 **TARY POWER OF THE PEOPLE'S REPUBLIC OF**
11 **CHINA.**

12 *Section 1202(b) of the National Defense Authorization*
13 *Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C.*
14 *113 note) is amended by adding at the end the following*
15 *new paragraph:*

16 “(9) *Developments in asymmetric capabilities,*
17 *including cyberwarfare, including—*

18 “(A) *detailed analyses of the countries tar-*
19 *geted;*

20 “(B) *the specific vulnerabilities targeted in*
21 *these countries;*

22 “(C) *the tactical and strategic effects sought*
23 *by developing threats to such targets; and*

1 “(D) an appendix detailing specific exam-
2 ples of tests and development of these asymmetric
3 capabilities.”.

4 **SEC. 1237. APPLICATION OF THE UNIFORM CODE OF MILI-**
5 **TARY JUSTICE TO MILITARY CONTRACTORS**
6 **DURING A TIME OF WAR.**

7 *The Secretary of Defense shall report within 60 days*
8 *of enactment of this Act to House Armed Service Committee*
9 *and the Senate Armed Services Committee on the status of*
10 *implementing section 552 of the John Warner National De-*
11 *fense Authorization Act for Fiscal Year 2007 (Public Law*
12 *109–364) related to the application of the Uniform Code*
13 *of Military Justice to military contractors during a time*
14 *of war or a contingency operation.*

15 **SEC. 1238. REPORT ON FAMILY REUNIONS BETWEEN**
16 **UNITED STATES CITIZENS AND THEIR REL-**
17 **ATIVES IN NORTH KOREA.**

18 *(a) REPORT REQUIRED.—Not later than 180 days*
19 *after the date of the enactment of this Act, the President*
20 *shall submit to Congress a report on family reunions be-*
21 *tween United States citizens and their relatives in the*
22 *Democratic People’s Republic of Korea.*

23 *(b) ELEMENTS.—The report under subsection (a) shall*
24 *include the following:*

1 (1) *An estimate of the current number of United*
2 *States citizens with relatives in North Korea, and an*
3 *estimate of the current number of such United States*
4 *citizens who are more than 70 years of age.*

5 (2) *An estimate of the number of United States*
6 *citizens who have traveled to North Korea for family*
7 *reunions.*

8 (3) *An estimate of the amounts of money and*
9 *aid that went from the Korean-American community*
10 *to North Korea in 2007.*

11 (4) *A summary of any allegations of fraud by*
12 *third-party brokers in arranging family reunions be-*
13 *tween United States citizens and their relatives in*
14 *North Korea.*

15 (5) *A description of the efforts, if any, of the*
16 *President to facilitate reunions between the United*
17 *States citizens and their relatives in North Korea, in-*
18 *cluding the following:*

19 (A) *Negotiating with the Democratic Peo-*
20 *ple's Republic of Korea to permit family re-*
21 *unions between United States citizens and their*
22 *relatives in North Korea.*

23 (B) *Planning, in the event of a normaliza-*
24 *tion of relations between the United States and*
25 *the Democratic People's Republic of Korea, to*

1 *dedicate personnel and resources at the United*
2 *States embassy in Pyongyang, Democratic Peo-*
3 *ple's Republic of Korea, to facilitate reunions be-*
4 *tween United States citizens and their relatives*
5 *in North Korea.*

6 (C) *Informing Korean-American families of*
7 *fraudulent practices by certain third-party bro-*
8 *kers who arrange reunions between United States*
9 *citizens and their relatives in North Korea, and*
10 *seeking an end to such practices.*

11 (D) *Developing standards for safe and*
12 *transparent family reunions overseas involving*
13 *United States citizens and their relatives in*
14 *North Korea.*

15 (6) *What additional efforts in the areas described*
16 *in paragraph (5), if any, the President would con-*
17 *sider desirable and feasible.*

18 **SEC. 1239. REPORTS ON PREVENTION OF MASS ATROCITIES.**

19 (a) *DEPARTMENT OF STATE REPORT.—*

20 (1) *REPORT REQUIRED.—Not later than 120*
21 *days after the date of the enactment of this Act, the*
22 *Secretary of State shall submit to the congressional*
23 *defense committees, the Committee on Foreign Rela-*
24 *tions of the Senate, and the Committee on Foreign Af-*
25 *airs of the House of Representatives a report assess-*

1 *ing the capability of the Department of State to pro-*
2 *vide training and guidance to the command of an*
3 *international intervention force that seeks to prevent*
4 *mass atrocities.*

5 (2) *CONTENT.*—*The report required under para-*
6 *graph (1) shall include the following:*

7 (A) *An evaluation of any doctrine currently*
8 *used by the Secretary of State to prepare for the*
9 *training and guidance of the command of an*
10 *international intervention force.*

11 (B) *An assessment of the role played by the*
12 *United States in developing the “responsibility*
13 *to protect” doctrine described in paragraphs 138*
14 *through 140 of the outcome document of the*
15 *High-level Plenary Meeting of the General As-*
16 *sembly adopted by the United Nations in Sep-*
17 *tember 2005, and an update on actions taken by*
18 *the United States Mission to the United Nations*
19 *to discuss, promote, and implement such doc-*
20 *trine.*

21 (C) *An assessment of the potential capa-*
22 *bility of the Department of State and other Fed-*
23 *eral departments and agencies to support the de-*
24 *velopment of new doctrines for the training and*
25 *guidance of an international intervention force*

1 *in keeping with the “responsibility to protect”*
2 *doctrine.*

3 *(D) Recommendations as to the steps nec-*
4 *essary to allow the Secretary of State to provide*
5 *more effective training and guidance to an inter-*
6 *national intervention force.*

7 *(b) DEPARTMENT OF DEFENSE REPORT.—*

8 *(1) REPORT REQUIRED.—Not later than 120*
9 *days after the date of the enactment of this Act, the*
10 *Secretary of Defense shall submit to the congressional*
11 *defense committees, the Committee on Foreign Rela-*
12 *tions of the Senate, and the Committee on Foreign Af-*
13 *airs of the House of Representatives a report assess-*
14 *ing the capability of the Department of Defense to*
15 *provide training and guidance to the command of an*
16 *international intervention force that seeks to prevent*
17 *mass atrocities.*

18 *(2) CONTENT.—The report required under para-*
19 *graph (1) shall include the following:*

20 *(A) An evaluation of any doctrine currently*
21 *used by the Secretary of Defense to prepare for*
22 *the training and guidance of the command of an*
23 *international intervention force.*

24 *(B) An assessment of the potential capa-*
25 *bility of the Department of Defense and other*

1 *Federal departments and agencies to support the*
2 *development of new doctrines for the training*
3 *and guidance of an international intervention*
4 *force in keeping with the “responsibility to pro-*
5 *tect” doctrine.*

6 (C) *Recommendations as to the steps nec-*
7 *essary to allow the Secretary of Defense to pro-*
8 *vide more effective training and guidance to an*
9 *international intervention force.*

10 (D) *A summary of any assessments or stud-*
11 *ies of the Department of Defense or other Federal*
12 *departments or agencies relating to “Operation*
13 *Artemis”, the 2004 French military deployment*
14 *and intervention in the eastern region of the*
15 *Democratic Republic of Congo to protect civil-*
16 *ians from local warring factions.*

17 (c) *INTERNATIONAL INTERVENTION FORCE.—For the*
18 *purposes of this section, “international intervention force”*
19 *means a military force that—*

20 (1) *is authorized by the United Nations; and*

21 (2) *has a mission that is narrowly focused on the*
22 *protection of civilian life and the prevention of mass*
23 *atrocities such as genocide.*

1 **TITLE** **XIII—COOPERATIVE**
2 **THREAT REDUCTION WITH**
3 **STATES OF THE FORMER SO-**
4 **VIET UNION**

5 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
6 **DUCTION PROGRAMS AND FUNDS.**

7 (a) *SPECIFICATION OF COOPERATIVE THREAT REDUC-*
8 *TION PROGRAMS.*—For purposes of section 301 and other
9 provisions of this Act, Cooperative Threat Reduction pro-
10 grams are the programs specified in section 1501(b) of the
11 National Defense Authorization Act for Fiscal Year 1997
12 (50 U.S.C. 2362 note), as amended by section 1303 of this
13 Act.

14 (b) *FISCAL YEAR 2008 COOPERATIVE THREAT REDUC-*
15 *TION FUNDS DEFINED.*—As used in this title, the term “fis-
16 cal year 2008 Cooperative Threat Reduction funds” means
17 the funds appropriated pursuant to the authorization of ap-
18 propriations in section 301 for Cooperative Threat Reduc-
19 tion programs.

20 (c) *AVAILABILITY OF FUNDS.*—Funds appropriated
21 pursuant to the authorization of appropriations in section
22 301 for Cooperative Threat Reduction programs shall be
23 available for obligation for three fiscal years.

1 **SEC. 1302. FUNDING ALLOCATIONS.**

2 (a) *FUNDING FOR SPECIFIC PURPOSES.*—Of the
3 \$428,048,000 authorized to be appropriated to the Depart-
4 ment of Defense for fiscal year 2008 in section 301(19) for
5 Cooperative Threat Reduction programs, the following
6 amounts may be obligated for the purposes specified:

7 (1) *For strategic offensive arms elimination in*
8 *Russia, \$102,885,000.*

9 (2) *For nuclear weapons storage security in Rus-*
10 *sia, \$22,988,000.*

11 (3) *For nuclear weapons transportation security*
12 *in Russia, \$37,700,000.*

13 (4) *For weapons of mass destruction prolifera-*
14 *tion prevention in the states of the former Soviet*
15 *Union, \$51,986,000.*

16 (5) *For biological weapons proliferation preven-*
17 *tion in the former Soviet Union, \$194,489,000.*

18 (6) *For chemical weapons destruction in Russia,*
19 *\$1,000,000.*

20 (7) *For threat reduction outside the former So-*
21 *viet Union, \$10,000,000.*

22 (8) *For defense and military contacts,*
23 *\$8,000,000.*

24 (9) *For activities designated as Other Assess-*
25 *ments/Administrative Support, \$19,000,000.*

1 (b) *REPORT ON OBLIGATION OR EXPENDITURE OF*
2 *FUNDS FOR OTHER PURPOSES.*—No fiscal year 2008 Coop-
3 *erative Threat Reduction funds may be obligated or ex-*
4 *pended for a purpose other than a purpose listed in para-*
5 *graphs (1) through (9) of subsection (a) until 30 days after*
6 *the date that the Secretary of Defense submits to Congress*
7 *a report on the purpose for which the funds will be obligated*
8 *or expended and the amount of funds to be obligated or ex-*
9 *pended. Nothing in the preceding sentence shall be construed*
10 *as authorizing the obligation or expenditure of fiscal year*
11 *2008 Cooperative Threat Reduction funds for a purpose for*
12 *which the obligation or expenditure of such funds is specifi-*
13 *cally prohibited under this title or any other provision of*
14 *law.*

15 (c) *LIMITED AUTHORITY TO VARY INDIVIDUAL*
16 *AMOUNTS.*—

17 (1) *IN GENERAL.*—Subject to paragraph (2), in
18 any case in which the Secretary of Defense determines
19 that it is necessary to do so in the national interest,
20 the Secretary may obligate amounts appropriated for
21 fiscal year 2008 for a purpose listed in paragraphs
22 (1) through (9) of subsection (a) in excess of the spe-
23 cific amount authorized for that purpose.

24 (2) *NOTICE-AND-WAIT REQUIRED.*—An obligation
25 of funds for a purpose stated in paragraphs (1)

1 *through (9) of subsection (a) in excess of the specific*
 2 *amount authorized for such purpose may be made*
 3 *using the authority provided in paragraph (1) only*
 4 *after—*

5 *(A) the Secretary submits to Congress noti-*
 6 *fication of the intent to do so together with a*
 7 *complete discussion of the justification for doing*
 8 *so; and*

9 *(B) 15 days have elapsed following the date*
 10 *of the notification.*

11 **SEC. 1303. SPECIFICATION OF COOPERATIVE THREAT RE-**
 12 **DUCTION PROGRAMS IN STATES OUTSIDE**
 13 **THE FORMER SOVIET UNION.**

14 *Section 1501 of the National Defense Authorization*
 15 *Act for Fiscal Year 1997 (50 U.S.C. 2362 note) is*
 16 *amended—*

17 *(1) in subsection (a), by striking “subsection (b)”*
 18 *and inserting “subsections (b) and (c)”; and*

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

21 “(c) **SPECIFIED PROGRAMS WITH RESPECT TO**
 22 **STATES OUTSIDE THE FORMER SOVIET UNION.**—*The pro-*
 23 *grams referred to in subsection (a) are the following pro-*
 24 *grams with respect to states that are not states of the former*
 25 *Soviet Union:*

1 “(1) Programs to facilitate the elimination, and
2 safe and secure transportation and storage, of biological
3 chemical, or chemical weapons, materials, weapons compo-
4 nents, or weapons-related materials.

5 “(2) Programs to prevent the proliferation of nu-
6 clear, chemical, or biological weapons, weapons com-
7 ponents, and weapons-related military technology and
8 expertise.

9 “(3) Programs to facilitate detection and report-
10 ing of highly pathogenic diseases or other diseases
11 that are associated with or that could be utilized as
12 an early warning mechanism for disease outbreaks
13 that could impact the Armed Forces of the United
14 States or allies of the United States.”.

15 **SEC. 1304. MODIFICATION OF AUTHORITY TO USE COOPER-**
16 **ATIVE THREAT REDUCTION FUNDS OUTSIDE**
17 **THE FORMER SOVIET UNION.**

18 Section 1308 of the National Defense Authorization
19 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
20 1662; 22 U.S.C. 5963) is amended—

21 (1) in subsection (a), by striking “the President”
22 the second place it appears and inserting “the Sec-
23 retary of Defense, with the concurrence of the Sec-
24 retary of State,”; and

25 (2) in subsection (d)—

1 (A) in paragraph (1), by striking “the
2 President” the second place it appears and in-
3 serting “the Secretary of Defense, with the con-
4 currence of the Secretary of State,”; and

5 (B) in paragraph (2), by striking “the
6 President” and inserting “the Secretary of De-
7 fense and the Secretary of State”.

8 **SEC. 1305. REPEAL OF RESTRICTIONS ON ASSISTANCE TO**
9 **STATES OF THE FORMER SOVIET UNION FOR**
10 **COOPERATIVE THREAT REDUCTION.**

11 (a) *IN GENERAL.*—

12 (1) *SOVIET NUCLEAR THREAT REDUCTION ACT*
13 *OF 1991.*—*The Soviet Nuclear Threat Reduction Act of*
14 *1991 (title II of Public Law 102–228; 22 U.S.C. 2551*
15 *note) is amended—*

16 (A) *by striking section 211; and*

17 (B) *in section 212, by striking “, consistent*
18 *with the findings stated in section 211,”.*

19 (2) *COOPERATIVE THREAT REDUCTION ACT OF*
20 *1993.*—*Section 1203 of the Cooperative Threat Reduc-*
21 *tion Act of 1993 (22 U.S.C. 5952) is amended by*
22 *striking subsection (d).*

23 (3) *RUSSIAN CHEMICAL WEAPONS DESTRUCTION*
24 *FACILITIES.*—*Section 1305 of the National Defense*

1 *Authorization Act for Fiscal Year 2000 (Public Law*
2 *106–65; 22 U.S.C. 5952 note) is repealed.*

3 (4) *CONFORMING REPEAL.—Section 1303 of the*
4 *Ronald W. Reagan National Defense Authorization*
5 *Act for Fiscal Year 2005 (Public Law 108–375; 22*
6 *U.S.C. 5952 note) is repealed.*

7 (b) *INAPPLICABILITY OF OTHER RESTRICTIONS.—Sec-*
8 *tion 502 of the Freedom for Russia and Emerging Eurasian*
9 *Democracies and Open Markets Support Act of 1992 (22*
10 *U.S.C. 5852) shall not apply to any Cooperative Threat Re-*
11 *duction program.*

12 **SEC. 1306. NATIONAL ACADEMY OF SCIENCES STUDY OF**
13 **PREVENTION OF PROLIFERATION OF BIO-**
14 **LOGICAL WEAPONS.**

15 (a) *STUDY REQUIRED.—Not later than 60 days after*
16 *the date of the enactment of this Act, the Secretary of De-*
17 *fense shall enter into an arrangement with the National*
18 *Academy of Sciences under which the Academy shall carry*
19 *out a study to identify areas for cooperation with states*
20 *other than states of the former Soviet Union under the Co-*
21 *operative Threat Reduction program of the Department of*
22 *Defense in the prevention of proliferation of biological*
23 *weapons.*

1 **(b) MATTERS TO BE INCLUDED IN STUDY.**—*The Sec-*
2 *retary shall provide for the study under subsection (a) to*
3 *include the following:*

4 (1) *An assessment of trends in the biological*
5 *sciences and biotechnology that will affect the capa-*
6 *bilities of governments of developing countries to con-*
7 *trol the containment and use of dual-use technologies*
8 *of potential interest to terrorist organizations or indi-*
9 *viduals with hostile intentions.*

10 (2) *An assessment of the approaches to coopera-*
11 *tive threat reduction used by the states of the former*
12 *Soviet Union that are of special relevance in pre-*
13 *venting the proliferation of biological weapons in*
14 *other areas of the world.*

15 (3) *A review of programs of the United States*
16 *Government and other governments, international or-*
17 *ganizations, foundations, and other private sector en-*
18 *tities used in developing countries that are not states*
19 *of the former Soviet Union that may contribute to the*
20 *prevention of the proliferation of biological weapons.*

21 (4) *Recommendations on steps for integrating*
22 *activities of the Cooperative Threat Reduction pro-*
23 *gram relating to the prevention of the proliferation of*
24 *biological weapons with activities of other depart-*
25 *ments and agencies of the United States addressing*

1 *problems and opportunities in developing countries*
2 *that are not states of the former Soviet Union.*

3 *(c) REPORT.—*

4 *(1) IN GENERAL.—Not later than December 31,*
5 *2008, the Secretary shall submit to the Committee on*
6 *Armed Services of the Senate and the Committee on*
7 *Armed Services of the House of Representatives a re-*
8 *port on the study carried out under subsection (a).*

9 *(2) MATTERS TO BE INCLUDED.—The report*
10 *under paragraph (1) shall include the following:*

11 *(A) The results of the study carried out*
12 *under subsection (a), including any report re-*
13 *ceived by the Secretary from the National Acad-*
14 *emy of Sciences on the study.*

15 *(B) An assessment by the Secretary of the*
16 *study.*

17 *(C) A statement of the actions, if any, to be*
18 *undertaken by the Secretary to implement any*
19 *recommendations in the study.*

20 *(3) FORM.—The report under paragraph (1)*
21 *shall be submitted in unclassified form, but may in-*
22 *clude a classified annex.*

23 *(d) FUNDING.—Of the amount authorized to be appro-*
24 *priated by section 301(18) for Cooperative Threat Reduc-*

1 *tion programs, not more than \$2,500,000 may be obligated*
2 *or expended to carry out this section.*

3 **TITLE XIV—OTHER**
4 **AUTHORIZATIONS**
5 ***Subtitle A—Military Programs***

6 **SEC. 1401. WORKING CAPITAL FUNDS.**

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal year 2008 for the use of the Armed Forces and other*
9 *activities and agencies of the Department of Defense for*
10 *providing capital for working capital and revolving funds*
11 *in amounts as follows:*

12 (1) *For the Defense Working Capital Funds,*
13 *\$102,446,000.*

14 (2) *For the Defense Working Capital Fund, De-*
15 *fense Commissary, \$1,250,300,000.*

16 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

17 *Funds are hereby authorized to be appropriated for fis-*
18 *cal year 2008 for the National Defense Sealift Fund in the*
19 *amount of \$1,044,194,000.*

20 **SEC. 1403. DEFENSE HEALTH PROGRAM.**

21 *Funds are hereby authorized to be appropriated for the*
22 *Department of Defense for fiscal year 2008 for expenses, not*
23 *otherwise provided for, for the Defense Health Program, in*
24 *the amount of \$22,543,124,000, of which—*

1 (1) \$22,044,381,000 is for Operation and Main-
2 tenance;

3 (2) \$136,482,000 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 are
9 hereby authorized to be appropriated for the Department
10 of Defense for fiscal year 2008 for expenses, not otherwise
11 provided for, for Chemical Agents and Munitions Destruc-
12 tion, Defense, in the amount of \$1,491,724,000, of which—

13 (1) \$1,186,452,000 is for Operation and Mainte-
14 nance;

15 (2) \$274,846,000 is for Research, Development,
16 Test, and Evaluation; and

17 (3) \$30,426,000 is for Procurement.

18 (b) *USE.*—Amounts authorized to be appropriated
19 under subsection (a) are authorized for—

20 (1) the destruction of lethal chemical agents and
21 munitions in accordance with section 1412 of the De-
22 partment of Defense Authorization Act, 1986 (50
23 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 the*
7 *Department of Defense for fiscal year 2008 for expenses, not*
8 *otherwise provided for, for Drug Interdiction and Counter-*
9 *Drug Activities, Defense-wide, in the amount of*
10 *\$959,322,000.*

11 **SEC. 1405A. ADDITIONAL AMOUNT FOR DRUG INTERDIC-**
12 **TION AND COUNTER-DRUG ACTIVITIES WITH**
13 **RESPECT TO AFGHANISTAN.**

14 (a) *ADDITIONAL AMOUNT FOR DRUG INTERDICTION*
15 *AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—The*
16 *amount authorized to be appropriated by section 1405 for*
17 *Drug Interdiction and Counter-Drug Activities, Defense-*
18 *wide, is hereby increased by \$162,800,000.*

19 (b) *AVAILABILITY.—Of the amount authorized to be*
20 *appropriated by section 1405 for Drug Interdiction and*
21 *Counter-Drug Activities, Defense-wide, as increased by sub-*
22 *section (a), \$162,800,000 may be available for drug inter-*
23 *dition and counterdrug activities with respect to Afghani-*
24 *stan.*

1 (c) *SUPPLEMENT NOT SUPPLANT.*—*The amount avail-*
2 *able under subsection (b) for the purpose specified in that*
3 *paragraph is in addition to any other amounts available*
4 *under this Act for that purpose.*

5 (d) *OFFSET.*—*The amount authorized to be appro-*
6 *priated by section 1509 for Drug Interdiction and Counter-*
7 *Drug Activities, Defense-wide, for Operation Iraqi Freedom*
8 *and Operation Enduring Freedom is hereby decreased by*
9 *\$162,800,000.*

10 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

11 *Funds are hereby authorized to be appropriated for the*
12 *Department of Defense for fiscal year 2008 for expenses, not*
13 *otherwise provided for, for the Office of the Inspector Gen-*
14 *eral of the Department of Defense, in the amount of*
15 *\$225,995,000, of which—*

16 (1) *\$224,995,000 is for Operation and Mainte-*
17 *nance; and*

18 (2) *\$1,000,000 is for Procurement.*

19 **SEC. 1407. REDUCTION IN CERTAIN AUTHORIZATIONS DUE**
20 **TO SAVINGS FROM LOWER INFLATION.**

21 (a) *REDUCTION.*—*The aggregate amount authorized to*
22 *be appropriated by this division is the amount equal to the*
23 *sum of all the amounts authorized to be appropriated by*
24 *the provisions of this division reduced by \$1,627,000,000,*
25 *to be allocated as follows:*

1 (1) *PROCUREMENT*.—*The aggregate amount au-*
2 *thorized to be appropriated by title I is hereby re-*
3 *duced by \$601,000,000.*

4 (2) *RESEARCH, DEVELOPMENT, TEST, AND EVAL-*
5 *UATION*.—*The aggregate amount authorized to be ap-*
6 *propriated by title II is hereby reduced by*
7 *\$451,000,000.*

8 (3) *OPERATION AND MAINTENANCE*.—*The aggre-*
9 *gate amount authorized to be appropriated by title*
10 *III is hereby reduced by \$554,000,000.*

11 (4) *OTHER AUTHORIZATIONS*.—*The aggregate*
12 *amount authorized to be appropriated by title XIV is*
13 *hereby reduced by \$21,000,000.*

14 (b) *SOURCE OF SAVINGS*.—*Reductions required in*
15 *order to comply with subsection (a) shall be derived from*
16 *savings resulting from lower-than-expected inflation as a*
17 *result of the difference between the inflation assumptions*
18 *used in the Concurrent Resolution on the Budget for Fiscal*
19 *Year 2008 when compared with the inflation assumptions*
20 *used in the budget of the President for fiscal year 2008,*
21 *as submitted to Congress pursuant to section 1005 of title*
22 *31, United States Code.*

23 (c) *ALLOCATION OF REDUCTIONS*.—*The Secretary of*
24 *Defense shall allocate the reductions required by this section*
25 *among the amounts authorized to be appropriated for ac-*

1 counts in titles I, II, III, and XIV to reflect the extent to
2 which net savings from lower-than-expected inflations are
3 allocable to amounts authorized to be appropriated to such
4 accounts.

5 **Subtitle B—National Defense**
6 **Stockpile**

7 **SEC. 1411. DISPOSAL OF FERROMANGANESE.**

8 (a) *DISPOSAL AUTHORIZED.*—The Secretary of De-
9 fense may dispose of up to 50,000 tons of ferromanganese
10 from the National Defense Stockpile during fiscal year
11 2008.

12 (b) *CONTINGENT AUTHORITY FOR ADDITIONAL DIS-*
13 *POSAL.*—

14 (1) *IN GENERAL.*—If the Secretary of Defense
15 completes the disposal of the total quantity of
16 ferromanganese authorized for disposal by subsection
17 (a) before September 30, 2008, the Secretary of De-
18 fense may dispose of up to an additional 25,000 tons
19 of ferromanganese from the National Defense Stock-
20 pile before that date.

21 (2) *ADDITIONAL AMOUNTS.*—If the Secretary
22 completes the disposal of the total quantity of addi-
23 tional ferromanganese authorized for disposal by
24 paragraph (1) before September 30, 2008, the Sec-
25 retary may dispose of up to an additional 25,000

1 *tons of ferromanganese from the National Defense*
2 *Stockpile before that date.*

3 (c) *CERTIFICATION.*—*The Secretary of Defense may*
4 *dispose of ferromanganese under the authority of paragraph*
5 *(1) or (2) of subsection (b) only if the Secretary submits*
6 *written certification to the Committee on Armed Services*
7 *of the Senate and the Committee on Armed Services of the*
8 *House of Representatives, not later than 30 days before the*
9 *commencement of disposal under the applicable paragraph,*
10 *that—*

11 (1) *the disposal of the additional ferromanganese*
12 *from the National Defense Stockpile is in the interest*
13 *of national defense;*

14 (2) *the disposal of the additional ferromanganese*
15 *will not cause disruption to the usual markets of pro-*
16 *ducers and processors of ferromanganese in the*
17 *United States; and*

18 (3) *the disposal of the additional ferromanganese*
19 *is consistent with the requirements and purpose of the*
20 *National Defense Stockpile.*

21 (d) *DELEGATION OF RESPONSIBILITY.*—*The Secretary*
22 *of Defense may delegate the responsibility of the Secretary*
23 *under subsection (c) to an appropriate official within the*
24 *Department of Defense.*

1 (e) *NATIONAL DEFENSE STOCKPILE DEFINED.*—In
2 *this section, the term “National Defense Stockpile” means*
3 *the stockpile provided for in section 4 of the Strategic and*
4 *Critical Materials Stock Piling Act (50 U.S.C. 98c).*

5 **SEC. 1412. DISPOSAL OF CHROME METAL.**

6 (a) *DISPOSAL AUTHORIZED.*—The Secretary of De-
7 *fense may dispose of up to 500 short tons of chrome metal*
8 *from the National Defense Stockpile during fiscal year*
9 *2008.*

10 (b) *CONTINGENT AUTHORITY FOR ADDITIONAL DIS-*
11 *POSAL.*—

12 (1) *IN GENERAL.*—If the Secretary of Defense
13 *completes the disposal of the total quantity of chrome*
14 *metal authorized for disposal by subsection (a) before*
15 *September 30, 2008, the Secretary of Defense may*
16 *dispose of up to an additional 250 short tons of*
17 *chrome metal from the National Defense Stockpile be-*
18 *fore that date.*

19 (2) *ADDITIONAL AMOUNTS.*—If the Secretary
20 *completes the disposal of the total quantity of addi-*
21 *tional chrome metal authorized for disposal by para-*
22 *graph (1) before September 30, 2008, the Secretary*
23 *may dispose of up to an additional 250 short tons of*
24 *chrome metal from the National Defense Stockpile be-*
25 *fore that date.*

1 (c) *CERTIFICATION.*—*The Secretary of Defense may*
2 *dispose of chrome metal under the authority of paragraph*
3 *(1) or (2) of subsection (b) only if the Secretary submits*
4 *written certification to the Committee on Armed Services*
5 *of the Senate and the Committee on Armed Services of the*
6 *House of Representatives, not later than 30 days before the*
7 *commencement of disposal under the applicable paragraph,*
8 *that—*

9 (1) *the disposal of the additional chrome metal*
10 *from the National Defense Stockpile is in the interest*
11 *of national defense;*

12 (2) *the disposal of the additional chrome metal*
13 *will not cause disruption to the usual markets of pro-*
14 *ducers and processors of chrome metal in the United*
15 *States; and*

16 (3) *the disposal of the additional chrome metal*
17 *is consistent with the requirements and purpose of the*
18 *National Defense Stockpile.*

19 (d) *DELEGATION OF RESPONSIBILITY.*—*The Secretary*
20 *of Defense may delegate the responsibility of the Secretary*
21 *under subsection (c) to an appropriate official within the*
22 *Department of Defense.*

23 (e) *NATIONAL DEFENSE STOCKPILE DEFINED.*—*In*
24 *this section, the term “National Defense Stockpile” means*

1 *the stockpile provided for in section 4 of the Strategic and*
2 *Critical Materials Stock Piling Act (50 U.S.C. 98c).*

3 **SEC. 1413. MODIFICATION OF RECEIPT OBJECTIVES FOR**
4 **PREVIOUSLY AUTHORIZED DISPOSALS FROM**
5 **THE NATIONAL DEFENSE STOCKPILE.**

6 (a) *FISCAL YEAR 2000 DISPOSAL AUTHORITY.*—*Para-*
7 *graph (5) of section 3402(b) of the National Defense Author-*
8 *ization Act for Fiscal Year 2000 (Public Law 106–65; 50*
9 *U.S.C. 98d note), as amended by section 3302(b) of the Na-*
10 *tional Defense Authorization Act for Fiscal Year 2006 (Pub-*
11 *lic Law 109–163; 119 Stat. 3546), is further amended by*
12 *striking “\$600,000,000 before” and inserting “\$729,000,000*
13 *by”.*

14 (b) *FISCAL YEAR 1999 DISPOSAL AUTHORITY.*—*Para-*
15 *graph (7) of section 3303(a) of the Strom Thurmond Na-*
16 *tional Defense Authorization Act for Fiscal Year 1999 (Pub-*
17 *lic Law 105–261; 50 U.S.C. 98d note), as amended by sec-*
18 *tion 3302(a) of the John Warner National Defense Author-*
19 *ization Act for Fiscal Year 2007 (Public Law 109–364; 120*
20 *Stat. 2513), is further amended to read as follows:*

21 “(7) \$1,469,102,000 by the end of fiscal year
22 2015.”

1 **Subtitle C—Civil Programs**

2 **SEC. 1421. ARMED FORCES RETIREMENT HOME.**

3 *There is hereby authorized to be appropriated for fiscal*
4 *year 2008 from the Armed Forces Retirement Home Trust*
5 *Fund the sum of \$61,624,000 for the operation of the Armed*
6 *Forces Retirement Home.*

7 **SEC. 1422. ADMINISTRATION AND OVERSIGHT OF THE**
8 **ARMED FORCES RETIREMENT HOME.**

9 *(a) INDEPENDENCE AND PURPOSE OF RETIREMENT*
10 *HOME.—Section 1511 of the Armed Forces Retirement*
11 *Home Act of 1991 (24 U.S.C. 411) is amended—*

12 *(1) in subsection (a), by adding at the end the*
13 *following: “However, for the purpose of entering into*
14 *contracts, agreements, or transactions regarding real*
15 *property and facilities under the control of the Board,*
16 *the Retirement Home shall be treated as a military*
17 *facility of the Department of Defense. The adminis-*
18 *tration of the Retirement Home (including adminis-*
19 *tration for the provision of health care and medical*
20 *care for residents) shall remain under the direct au-*
21 *thority, control, and administration of the Secretary*
22 *of Defense.”; and*

23 *(2) by striking subsection (g) and inserting the*
24 *following new subsection (g):*

1 “(g) *ACCREDITATION.*—*The Chief Operating Officer*
2 *shall secure and maintain accreditation by a nationally*
3 *recognized civilian accrediting organization for each aspect*
4 *of each facility of the Retirement Home, including medical*
5 *and dental care, pharmacy, independent living, and as-*
6 *sisted living and nursing care.”.*

7 (b) *SPECTRUM OF CARE.*—*Section 1513(b) of the*
8 *Armed Forces Retirement Home Act of 1991 (24 U.S.C.*
9 *413(b)) is amended by inserting after the first sentence the*
10 *following new sentence: “The services provided residents of*
11 *the Retirement Home shall include appropriate nonacute*
12 *medical and dental services, pharmaceutical services, and*
13 *transportation of residents, at no cost to residents, to acute*
14 *medical and dental services and after-hours routine medical*
15 *care”.*

16 (c) *CHIEF MEDICAL OFFICER.*—*The Armed Forces Re-*
17 *tirement Home Act of 1991 is further amended by inserting*
18 *after section 1515 the following new section:*

19 “**SEC. 1515A. CHIEF MEDICAL OFFICER.**

20 “(a) *APPOINTMENT.*—(1) *The Secretary of Defense*
21 *shall appoint the Chief Medical Officer of the Retirement*
22 *Home. The Secretary of Defense shall make the appointment*
23 *in consultation with the Secretary of Homeland Security.*

1 “(2) *The Chief Medical Officer shall serve a term of*
2 *two years, but is removable from office during such term*
3 *at the pleasure of the Secretary.*

4 “(3) *The Secretary (or the designee of the Secretary)*
5 *shall evaluate the performance of the Chief Medical Officer*
6 *not less frequently than once each year. The Secretary shall*
7 *carry out such evaluation in consultation with the Chief*
8 *Operating Officer and the Local Board for each facility of*
9 *the Retirement Home.*

10 “(4) *An officer appointed as Chief Medical Officer of*
11 *the Retirement Home shall serve as Chief Medical Officer*
12 *without vacating any other military duties and responsibil-*
13 *ities assigned to that officer whether at the time of appoint-*
14 *ment or afterward.*

15 “(b) *QUALIFICATIONS.—(1) To qualify for appoint-*
16 *ment as the Chief Medical Officer, a person shall be a mem-*
17 *ber of the Medical, Dental, Nurse, or Medical Services Corps*
18 *of the Armed Forces, including the Health and Safety Di-*
19 *rectorate of the Coast Guard, serving on active duty in the*
20 *grade of brigadier general, or in the case of the Navy or*
21 *the Coast Guard rear admiral (lower half), or higher.*

22 “(2) *In making appointments of the Chief Medical Of-*
23 *ficer, the Secretary of Defense shall, to the extent prac-*
24 *ticable, provide for the rotation of the appointments among*

1 *the various Armed Forces and the Health and Safety Direc-*
2 *torate of the Coast Guard.*

3 “(c) *RESPONSIBILITIES.*—(1) *The Chief Medical Offi-*
4 *cer shall be responsible to the Secretary, the Under Sec-*
5 *retary of Defense for Personnel and Readiness, and the*
6 *Chief Operating Officer for the direction and oversight of*
7 *the provision of medical, mental health, and dental care at*
8 *each facility of the Retirement Home.*

9 “(2) *The Chief Medical Officer shall advise the Sec-*
10 *retary, the Under Secretary of Defense for Personnel and*
11 *Readiness, the Chief Operating Officer, and the Local Board*
12 *for each facility of the Retirement Home on all medical and*
13 *medical administrative matters of the Retirement Home.*

14 “(d) *DUTIES.*—*In carrying out the responsibilities set*
15 *forth in subsection (c), the Chief Medical Officer shall per-*
16 *form the following duties:*

17 “(1) *Ensure the timely availability to residents*
18 *of the Retirement Home, at locations other than the*
19 *Retirement Home, of such acute medical, mental*
20 *health, and dental care as such resident may require*
21 *that is not available at the applicable facility of the*
22 *Retirement Home.*

23 “(2) *Ensure compliance by the facilities of the*
24 *Retirement Home with accreditation standards, ap-*
25 *plicable health care standards of the Department of*

1 *Veterans Affairs, and any other applicable health care*
2 *standards and requirements (including requirements*
3 *identified in applicable reports of the Inspector Gen-*
4 *eral of the Department of Defense).*

5 *“(3) Periodically visit and inspect the medical*
6 *facilities and medical operations of each facility of*
7 *the Retirement Home.*

8 *“(4) Periodically examine and audit the medical*
9 *records and administration of the Retirement Home.*

10 *“(5) Consult with the Local Board for each facil-*
11 *ity of the Retirement Home not less frequently than*
12 *once each year.*

13 *“(e) ADVISORY BODIES.—In carrying out the respon-*
14 *sibilities set forth in subsection (c) and the duties set forth*
15 *in subsection (d), the Chief Medical Officer may establish*
16 *and seek the advice of such advisory bodies as the Chief*
17 *Medical Officer considers appropriate.”.*

18 *(d) LOCAL BOARDS OF TRUSTEES.—*

19 *(1) DUTIES.—Subsection (b) of section 1516 of*
20 *the Armed Forces Retirement Home Act of 1991 (24*
21 *U.S.C. 416) is amended to read as follows:*

22 *“(b) DUTIES.—(1) The Local Board for a facility shall*
23 *serve in an advisory capacity to the Director of the facility*
24 *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 administration*
4 *of the facility as the Local Board considers appropriate.*

5 “(3) *The Local Board for a facility shall provide to*
6 *the Under Secretary of Defense for Personnel and Readiness*
7 *not less often than annually an assessment of all aspects*
8 *of the facility, including the quality of care at the facility.*

9 “(4) *Not less frequently than once each year, the Local*
10 *Board for a facility shall submit to Congress a report that*
11 *includes an assessment of all aspects of the facility, includ-*
12 *ing the quality of care at the facility.”.*

13 (2) *COMPOSITION.—Subparagraph (K) of sub-*
14 *section (c) of such section is amended to read as fol-*
15 *lows:*

16 “(K) *One senior representative of one of the chief*
17 *personnel officers of the Armed Forces, who shall be*
18 *a member of the Armed Forces serving on active duty*
19 *in the grade of brigadier general, or in the case of the*
20 *Navy or Coast Guard, rear admiral (lower half).”.*

21 (e) *INSPECTION OF RETIREMENT HOME.—Section*
22 *1518 of such Act (24 U.S.C. 418) is amended to read as*
23 *follows:*

1 **“SEC. 1518. INSPECTION OF RETIREMENT HOME.**

2 “(a) *INSPECTOR GENERAL OF THE DEPARTMENT OF*
3 *DEFENSE.—(1) The Inspector General of the Department*
4 *of Defense shall have the duty to inspect the Retirement*
5 *Home.*

6 “(2) *The Inspector General shall advise the Secretary*
7 *of Defense and the Director of each facility of the Retire-*
8 *ment Home on matters relating to waste, fraud, abuse, and*
9 *mismanagement of the Retirement Home.*

10 “(b) *INSPECTIONS BY INSPECTOR GENERAL.—(1)*
11 *Every two years, the Inspector General of the Department*
12 *of Defense shall perform a comprehensive inspection of all*
13 *aspects of each facility of the Retirement Home, including*
14 *independent living, assisted living, medical and dental care,*
15 *pharmacy, financial and contracting records, and any as-*
16 *pect of either facility on which the Local Board for the facil-*
17 *ity or the resident advisory committee or council of the fa-*
18 *cility recommends inspection.*

19 “(2) *The Inspector General may be assisted in inspec-*
20 *tions under this subsection by a medical inspector general*
21 *of a military department designated for purposes of this*
22 *subsection by the Secretary of Defense.*

23 “(3) *In conducting the inspection of a facility of the*
24 *Retirement Home under this subsection, the Inspector Gen-*
25 *eral shall solicit concerns, observations, and recommenda-*
26 *tions from the Local Board for the facility, the resident ad-*

1 *visory committee or council of the facility, and the residents*
2 *of the facility. Any concerns, observations, and rec-*
3 *ommendations solicited from residents shall be solicited on*
4 *a not-for-attribution basis.*

5 “(4) *The Chief Operating Officer and the Director of*
6 *each facility of the Retirement Home shall make all staff,*
7 *other personnel, and records of each facility available to the*
8 *Inspector General in a timely manner for purposes of in-*
9 *spections under this subsection.*

10 “(c) *REPORTS ON INSPECTIONS BY INSPECTOR GEN-*
11 *ERAL.—(1) Not later than 45 days after completing an in-*
12 *spection of a facility of the Retirement Home under sub-*
13 *section (b), the Inspector General shall submit to the Sec-*
14 *retary of Defense, the Under Secretary of Defense for Per-*
15 *sonnel and Readiness, the Chief Operating Officer, the Di-*
16 *rector of the facility, and the Local Board for the facility,*
17 *and to Congress, a report describing the results of the in-*
18 *spection and containing such recommendations as the In-*
19 *spector General considers appropriate in light of the inspec-*
20 *tion.*

21 “(2) *Not later than 45 days after receiving a report*
22 *of the Inspector General under paragraph (1), the Director*
23 *of the facility concerned shall submit the Secretary of De-*
24 *fense, the Under Secretary of Defense for Personnel and*
25 *Readiness, the Chief Operating Officer, and the Local Board*

1 *for the facility, and to Congress, a plan to address the rec-*
2 *ommendations and other matters set forth in the report.*

3 “(d) *ADDITIONAL INSPECTIONS.*—(1) *Every two years,*
4 *in a year in which the Inspector General does not perform*
5 *an inspection under subsection (b), the Chief Operating Of-*
6 *ficer shall request the inspection of each facility of the Re-*
7 *tirement Home by a nationally recognized civilian accred-*
8 *iting organization in accordance with section*
9 *1422(a)(2)(g).*

10 “(2) *The Chief Operating Officer and the Director of*
11 *a facility being inspected under this subsection shall make*
12 *all staff, other personnel, and records of the facility avail-*
13 *able to the civilian accrediting organization in a timely*
14 *manner for purposes of inspections under this subsection.*

15 “(e) *REPORTS ON ADDITIONAL INSPECTIONS.*—(1) *Not*
16 *later than 45 days after receiving a report of an inspection*
17 *from the civilian accrediting organization under subsection*
18 *(d), the Director of the facility concerned shall submit to*
19 *the Under Secretary of Defense for Personnel and Read-*
20 *iness, the Chief Operating Officer, and the Local Board for*
21 *the facility a report containing—*

22 “(A) *the results of the inspection; and*

23 “(B) *a plan to address any recommendations*
24 *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 (f) *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 Finan-
9 cial Officer of the Armed Forces Retirement Home shall
10 comply with the reporting requirements of subchapter II of
11 chapter 35 of title 31, United States Code.”.

12 ***Subtitle D—Chemical***
13 ***Demilitarization Matters***

14 ***SEC. 1431. MODIFICATION OF TERMINATION REQUIREMENT***
15 ***FOR CHEMICAL DEMILITARIZATION CITI-***
16 ***ZENS’ ADVISORY COMMISSIONS.***

17 (a) *MODIFICATION*.—Subsection (h) of section 172 of
18 the National Defense Authorization Act for Fiscal Year
19 1993 (50 U.S.C. 1521 note) is amended by striking “after
20 the stockpile located in that commission’s State has been
21 destroyed” and inserting “upon the earlier of—

22 “(1) the completion of closure activities for the
23 chemical agent destruction facility in the commis-
24 sion’s State as required pursuant to regulations pro-
25 mulgated by the Administrator of the Environmental

1 *Protection Agency pursuant to the Solid Waste Dis-*
 2 *posal Act (42 U.S.C. 6901 et seq.); or*

3 “(2) *the request of the Governor of the commis-*
 4 *sion’s State.*”.

5 (b) *TECHNICAL AMENDMENTS.*—Subsections (b), (f),
 6 and (g) of such section are each amended by striking “As-
 7 sistant Secretary of the Army (Research, Development, and
 8 Acquisition)” and inserting “Assistant Secretary of the
 9 Army (Acquisition, Logistics, and Technology)”.

10 **SEC. 1432. REPEAL OF CERTAIN QUALIFICATIONS REQUIRE-**
 11 **MENT FOR DIRECTOR OF CHEMICAL DEMILI-**
 12 **TARIZATION MANAGEMENT ORGANIZATION.**

13 Section 1412(e)(3) of the Department of Defense Au-
 14 thorization Act, 1986 (50 U.S.C. 1521(e)(3)) is amended—

15 (1) in subparagraph (A), by adding “and” at the
 16 end;

17 (2) by striking subparagraph (B); and

18 (3) by redesignating subparagraph (C) as sub-
 19 paragraph (B).

20 **SEC. 1433. SENSE OF CONGRESS ON COMPLETION OF DE-**
 21 **STRUCTION OF UNITED STATES CHEMICAL**
 22 **WEAPONS STOCKPILE.**

23 (a) *FINDINGS.*—Congress makes the following findings:

24 (1) *The Convention on the Prohibition of the De-*
 25 *velopment, Production, Stockpiling and Use of Chem-*

1 *ical Weapons and on Their Destruction, done at*
2 *Paris on January 13, 1993 (commonly referred to as*
3 *the “Chemical Weapons Convention”), requires that*
4 *destruction of the entire United States chemical weap-*
5 *ons stockpile be completed by not later than April 29,*
6 *2007.*

7 (2) *In 2006, under the terms of the Chemical*
8 *Weapons Convention, the United States requested and*
9 *received a one-time, 5-year extension of its chemical*
10 *weapons destruction deadline to April 29, 2012.*

11 (3) *On April 10, 2006, the Secretary of Defense*
12 *notified Congress that the United States would not*
13 *meet even the extended deadline under the Chemical*
14 *Weapons Convention for destruction of the United*
15 *States chemical weapons stockpile, but would “con-*
16 *tinue working diligently to minimize the time to com-*
17 *plete destruction without sacrificing safety and secu-*
18 *rity” and would also “continue requesting resources*
19 *needed to complete destruction as close to April 2012*
20 *as practicable”.*

21 (4) *Destroying the remaining stockpile of United*
22 *States chemical weapons is imperative for public safe-*
23 *ty and homeland security, and doing so by April*
24 *2012, in accordance with the current destruction*

1 *deadline provided under the Chemical Weapons Con-*
2 *vention, is required by United States law.*

3 *(5) The elimination of chemical weapons any-*
4 *where they exist in the world, and the prevention of*
5 *their proliferation, is of utmost importance to the na-*
6 *tional security of the United States.*

7 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
8 *that—*

9 *(1) the United States is, and must remain, com-*
10 *mitted to making every effort to safely dispose of its*
11 *entire chemical weapons stockpile by April 2012, the*
12 *current destruction deadline provided under the*
13 *Chemical Weapons Convention, or as soon thereafter*
14 *as possible, and must carry out all of its other obliga-*
15 *tions under the Convention; and*

16 *(2) the Secretary of Defense should make every*
17 *effort to plan for, and to request in the annual budget*
18 *of the President submitted to Congress adequate fund-*
19 *ing to complete, the elimination of the United States*
20 *chemical weapons stockpile in accordance with United*
21 *States obligations under the Chemical Weapons Con-*
22 *vention and in a manner that will protect public*
23 *health, safety, and the environment, as required by*
24 *law.*

25 *(c) REPORTS REQUIRED.—*

1 (1) *IN GENERAL.*—Not later than March 15,
2 2008, and every 180 days thereafter until the year in
3 which the United States completes the destruction of
4 its entire stockpile of chemical weapons under the
5 terms of the Chemical Weapons Convention, the Sec-
6 retary of Defense shall submit to the members and
7 committees of Congress referred to in paragraph (3)
8 a report on the implementation by the United States
9 of its chemical weapons destruction obligations under
10 the Chemical Weapons Convention.

11 (2) *ELEMENTS.*—Each report under paragraph
12 (1) shall include the following:

13 (A) *The anticipated schedule at the time of*
14 *such report for the completion of destruction of*
15 *chemical agents, munitions, and materiel at each*
16 *chemical weapons demilitarization facility in the*
17 *United States.*

18 (B) *A description of the options and alter-*
19 *natives for accelerating the completion of chem-*
20 *ical weapons destruction at each such facility,*
21 *particularly in time to meet the destruction*
22 *deadline of April 29, 2012, currently provided by*
23 *the Chemical Weapons Convention.*

1 (C) *A description of the funding required to*
2 *achieve each of the options for destruction de-*
3 *scribed under subparagraph (B).*

4 (D) *A description of all actions being taken*
5 *by the United States to accelerate the destruction*
6 *of its entire stockpile of chemical weapons,*
7 *agents, and materiel in order to meet the current*
8 *destruction deadline under the Chemical Weap-*
9 *ons Convention of April 29, 2012, or as soon*
10 *thereafter as possible.*

11 (3) *MEMBERS AND COMMITTEES OF CON-*
12 *GRESS.—The members and committees of Congress re-*
13 *ferred to in this paragraph are—*

14 (A) *the majority leader of the Senate, the*
15 *minority leader of the Senate, and the Commit-*
16 *tees on Armed Services and Appropriations of*
17 *the Senate; and*

18 (B) *the Speaker of the House of Representa-*
19 *tives, the majority leader of the House of Rep-*
20 *resentatives, the minority leader of the House of*
21 *Representatives, and the Committees on Armed*
22 *Services and Appropriations of the House of*
23 *Representatives.*

1 **SEC. 1434. MODIFICATION OF TERMINATION OF ASSIST-**
2 **ANCE TO STATE AND LOCAL GOVERNMENTS**
3 **AFTER COMPLETION OF THE DESTRUCTION**
4 **OF THE UNITED STATES CHEMICAL WEAPONS**
5 **STOCKPILE.**

6 *Subparagraph (B) of section 1412(c)(5) of the Depart-*
7 *ment 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 paragraph*
10 *for capabilities to respond to emergencies involving an in-*
11 *stallation or facility as described in subparagraph (A) until*
12 *the earlier of the following:*

13 *“(i) The date of the completion of all grants and*
14 *cooperative agreements with respect to the installation*
15 *or facility for purposes of this paragraph between the*
16 *Federal Emergency Management Agency and the*
17 *State and local governments concerned.*

18 *“(ii) The date that is 180 days after the date of*
19 *the completion of the destruction of lethal chemical*
20 *agents and munitions at the installation or facility.”.*

1 **TITLE XV—OPERATION IRAQI**
2 **FREEDOM AND OPERATION**
3 **ENDURING FREEDOM**

4 **Subtitle A—Authorization of Addi-**
5 **tional War-Related Appropria-**
6 **tions**

7 **SEC. 1501. ARMY PROCUREMENT.**

8 *Funds are hereby authorized to be appropriated for fis-*
9 *cal year 2008 for procurement accounts of the Army in*
10 *amounts as follows:*

11 (1) *For aircraft procurement, \$890,786,000.*

12 (2) *For missiles, \$492,734,000.*

13 (3) *For weapons and tracked combat vehicles*
14 *procurement, \$1,249,177,000.*

15 (4) *For ammunition, \$303,000,000.*

16 (5) *For other procurement, \$10,310,055,000.*

17 **SEC. 1502. 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, \$2,263,018,000.*

22 (2) *For weapons procurement, \$251,281,000.*

23 (3) *For other procurement, \$814,311,000.*

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 *\$4,236,140,000.*

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 \$590,090,000.*

7 **SEC. 1503. AIR FORCE PROCUREMENT.**

8 *Funds are hereby authorized to be appropriated for fis-*
9 *cal year 2008 for procurement accounts for the Air Force*
10 *in amounts as follows:*

11 *(1) For aircraft procurement, \$2,069,009,000.*

12 *(2) For ammunition, \$74,005,000.*

13 *(3) For missile procurement, \$1,800,000.*

14 *(4) For other procurement, \$4,163,450,000.*

15 **SEC. 1504. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

16 *Funds are hereby authorized to be appropriated for fis-*
17 *cal year 2008 for the procurement account for Defense-wide*
18 *in the amount of \$593,768,000.*

19 **SEC. 1505. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
20 **TION.**

21 *Funds are hereby authorized to be appropriated for fis-*
22 *cal year 2008 for the use of the Department of Defense for*
23 *research, development, test, and evaluation as follows:*

24 *(1) For the Army, \$121,653,000.*

25 *(2) For the Navy, \$370,798,000.*

1 (3) *For the Air Force, \$922,791,000.*

2 (4) *For Defense-wide activities, \$535,087,000.*

3 **SEC. 1506. OPERATION AND MAINTENANCE.**

4 *Funds are hereby authorized to be appropriated for fis-*
5 *cal year 2008 for the use of the Armed Forces for expenses,*
6 *not otherwise provided for, for operation and maintenance,*
7 *in amounts as follows:*

8 (1) *For the Army, \$45,519,264,000.*

9 (2) *For the Navy, \$5,190,000,000.*

10 (3) *For the Marine Corps, \$4,013,093,000.*

11 (4) *For the Air Force, \$10,532,630,000.*

12 (5) *For Defense-wide activities, \$5,976,216,000.*

13 (6) *For the Army Reserve, \$158,410,000.*

14 (7) *For the Navy Reserve, \$69,598,000.*

15 (8) *For the Marine Corps Reserve, \$68,000,000.*

16 (9) *For the Army National Guard, \$466,150,000.*

17 (10) *For the Air National Guard, \$31,168,000.*

18 **SEC. 1507. MILITARY PERSONNEL.**

19 *There is hereby authorized to be appropriated for fiscal*
20 *year 2008 for the Department of Defense for military per-*
21 *sonnel in amounts as follows:*

22 (1) *For the Army, \$9,140,516,000.*

23 (2) *For the Navy, \$752,089,000.*

24 (3) *For the Marine Corps, \$817,475,000.*

25 (4) *For the Air Force, \$1,411,890,000.*

1 (5) *For the Army Reserve, \$235,000,000.*

2 (6) *For the Navy Reserve, \$70,000,000.*

3 (7) *For the Marine Corps Reserve, \$15,420,000.*

4 (8) *For the Air Force Reserve, \$3,000,000.*

5 (9) *For the Army National Guard, \$476,584,000.*

6 **SEC. 1508. DEFENSE HEALTH PROGRAM.**

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal year 2008 for the Department of Defense for expenses,*
9 *not otherwise provided for, for the Defense Health Program,*
10 *in the amount of \$1,022,842,000, for operation and mainte-*
11 *nance.*

12 **SEC. 1509. DRUG INTERDICTION AND COUNTER-DRUG AC-**
13 **TIVITIES, DEFENSE-WIDE.**

14 *Funds are hereby authorized to be appropriated for fis-*
15 *cal year 2008 for the Department of Defense for expenses,*
16 *not otherwise provided for, for Drug Interdiction and*
17 *Counter-Drug Activities, Defense-wide, in the amount of*
18 *\$257,618,000.*

19 **SEC. 1510. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
20 **FUND.**

21 (a) *AUTHORIZATION OF APPROPRIATION.—Funds are*
22 *hereby authorized for fiscal year 2008 for the Joint Impro-*
23 *vised Explosive Device Defeat Fund in the amount of*
24 *\$4,500,000,000.*

1 (b) *USE OF FUNDS.*—Funds appropriated pursuant to
2 subsection (a) shall be available to the Secretary of Defense
3 for the purpose of allowing the Director of the Joint Impro-
4 vised Explosive Device Defeat Organization to investigate,
5 develop, and provide equipment, supplies, services, train-
6 ing, facilities, personnel, and funds to assist United States
7 forces in the defeat of improvised explosive devices.

8 (c) *TRANSFER AUTHORITY.*—

9 (1) *TRANSFERS AUTHORIZED.*—Amounts author-
10 ized to be appropriated by subsection (a) may be
11 transferred from the Joint Improvised Explosive De-
12 vice Defeat Fund to any of the following accounts and
13 funds of the Department of Defense to accomplish the
14 purposes provided in subsection (b):

15 (A) *Military personnel accounts.*

16 (B) *Operation and maintenance accounts.*

17 (C) *Procurement accounts.*

18 (D) *Research, development, test, and evalua-*
19 *tion accounts.*

20 (E) *Defense working capital funds.*

21 (2) *ADDITIONAL TRANSFER AUTHORITY.*—The
22 transfer authority provided by paragraph (1) is in
23 addition to any other transfer authority available to
24 the Department of Defense.

1 (3) *TRANSFERS BACK TO THE FUND.*—Upon de-
2 termination that all or part of the funds transferred
3 from the Joint Improvised Explosive Device Defeat
4 Fund under paragraph (1) are not necessary for the
5 purpose provided, such funds may be transferred back
6 to the Joint Improvised Explosive Device Defeat
7 Fund.

8 (4) *EFFECT ON AUTHORIZATION AMOUNTS.*—A
9 transfer of an amount to an account under the au-
10 thority in paragraph (1) shall be deemed to increase
11 the amount authorized for such account by an
12 amount equal to the amount transferred.

13 (d) *NOTICE TO CONGRESS.*—Funds may not be obli-
14 gated from the Joint Improvised Explosive Device Defeat
15 Fund, or transferred under the authority provided in sub-
16 section (c)(1), until five days after the date on which the
17 Secretary of Defense notifies the congressional defense com-
18 mittees in writing of the details of the proposed obligation
19 or transfer.

20 (e) *MANAGEMENT PLAN.*—

21 (1) *PLAN REQUIRED.*—Not later than 60 days
22 after the date of the enactment of this Act, the Sec-
23 retary of Defense shall submit to the congressional de-
24 fense committees a plan for the intended management

1 *and use of the Joint Improvised Explosive Device De-*
2 *feat Fund.*

3 (2) *MATTER TO BE INCLUDED.*—*The plan re-*
4 *quired by paragraph (1) shall include an update of*
5 *the plan required in the paragraph under the heading*
6 *“Joint Improvised Explosive Device Defeat Fund” in*
7 *chapter 2 of title I of the Emergency Supplemental*
8 *Appropriations Act for Defense, the Global War on*
9 *Terror, and Hurricane Recovery, 2006 (Public Law*
10 *109–234; 120 Stat. 424), including identification*
11 *of—*

12 (A) *year-to-date transfers and obligations;*

13 (B) *projected transfers and obligations*
14 *through September 30, 2008; and*

15 (C) *activities for the coordination of re-*
16 *search technology development and concepts of*
17 *operations on improvised explosive defeat with*
18 *the military departments, the Defense Agencies,*
19 *the combatant commands, the Department of*
20 *Homeland Security, and other appropriate de-*
21 *partments and agencies of the Federal Govern-*
22 *ment.*

23 (f) *QUARTERLY REPORTS.*—*Not later than 30 days*
24 *after the end of each fiscal-year quarter, the Secretary of*
25 *Defense shall submit to the congressional defense committees*

1 *a report summarizing the detail of any obligation or trans-*
2 *fer of funds from the Joint Improvised Explosive Device De-*
3 *feat Fund plan required by subsection (e).*

4 (g) *DURATION OF AUTHORITY.*—*Amounts appro-*
5 *priated to the Joint Improvised Explosive Device Defeat*
6 *Fund are available for obligation or transfer from the Fund*
7 *until September 30, 2009.*

8 **SEC. 1511. IRAQ SECURITY FORCES FUND.**

9 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*Funds are*
10 *hereby authorized to be appropriated for fiscal year 2008*
11 *for the Iraq Security Forces Fund in the amount of*
12 *\$2,000,000,000.*

13 (b) *USE OF FUNDS.*—

14 (1) *IN GENERAL.*—*Funds appropriated pursuant*
15 *to subsection (a) shall be available to the Secretary of*
16 *Defense for the purpose of allowing the Commander,*
17 *Multi-National Security Transition Command—Iraq,*
18 *to provide assistance to the security forces of Iraq.*

19 (2) *TYPES OF ASSISTANCE AUTHORIZED.*—*As-*
20 *sistance provided under this section may include the*
21 *provision of equipment, supplies, services, training,*
22 *facility and infrastructure repair, renovation, con-*
23 *struction, and funding.*

1 (3) *SECRETARY OF STATE CONCURRENCE.*—As-
2 sistance may be provided under this section only with
3 the concurrence of the Secretary of State.

4 (c) *AUTHORITY IN ADDITION TO OTHER AUTHORI-*
5 *TIES.*—The authority to provide assistance under this sec-
6 tion is in addition to any other authority to provide assist-
7 ance to foreign nations.

8 (d) *TRANSFER AUTHORITY.*—

9 (1) *TRANSFERS AUTHORIZED.*—Subject to para-
10 graph (2), amounts authorized to be appropriated by
11 subsection (a) may be transferred from the Iraq Secu-
12 rity Forces Fund to any of the following accounts and
13 funds of the Department of Defense to accomplish the
14 purposes provided in subsection (b):

15 (A) *Military personnel accounts.*

16 (B) *Operation and maintenance accounts.*

17 (C) *Procurement accounts.*

18 (D) *Research, development, test, and evalua-*
19 *tion accounts.*

20 (E) *Defense working capital funds.*

21 (F) *Overseas Humanitarian, Disaster, and*
22 *Civic Aid account.*

23 (2) *ADDITIONAL AUTHORITY.*—The transfer au-
24 thority provided by paragraph (1) is in addition to

1 *any other transfer authority available to the Depart-*
2 *ment of Defense.*

3 (3) *TRANSFERS BACK TO THE FUND.*—*Upon de-*
4 *termination that all or part of the funds transferred*
5 *from the Iraq Security Forces Fund under paragraph*
6 *(1) are not necessary for the purpose provided, such*
7 *funds may be transferred back to the Iraq Security*
8 *Forces Fund.*

9 (4) *EFFECT ON AUTHORIZATION AMOUNTS.*—*A*
10 *transfer of an amount to an account under the au-*
11 *thority in paragraph (1) shall be deemed to increase*
12 *the amount authorized for such account by an*
13 *amount equal to the amount transferred.*

14 (e) *NOTICE TO CONGRESS.*—*Funds may not be obli-*
15 *gated from the Iraq Security Forces Fund, or transferred*
16 *under the authority provided in subsection (d)(1), until five*
17 *days after the date on which the Secretary of Defense noti-*
18 *fies the congressional defense committees in writing of the*
19 *details of the proposed obligation or transfer.*

20 (f) *CONTRIBUTIONS.*—

21 (1) *AUTHORITY TO ACCEPT CONTRIBUTIONS.*—
22 *Subject to paragraph (2), the Secretary of Defense*
23 *may accept contributions of amounts to the Iraq Se-*
24 *curity Forces Fund for the purposes provided in sub-*
25 *section (b) from any person, foreign government, or*

1 *international organization. Any amounts so accepted*
2 *shall be credited to the Iraq Security Forces Fund.*

3 (2) *LIMITATION.*—*The Secretary may not accept*
4 *a contribution under this subsection if the acceptance*
5 *of the contribution would compromise or appear to*
6 *compromise the integrity of any program of the De-*
7 *partment of Defense.*

8 (3) *USE.*—*Amounts accepted under this sub-*
9 *section shall be available for assistance authorized by*
10 *subsection (b), including transfer under subsection (d)*
11 *for that purpose.*

12 (4) *NOTIFICATION.*—*The Secretary shall notify*
13 *the congressional defense committees in writing upon*
14 *the acceptance, and upon the transfer under sub-*
15 *section (d), of any contribution under this subsection.*
16 *Such notice shall specify the source and amount of*
17 *any amount so accepted and the use of any amount*
18 *so accepted.*

19 (g) *QUARTERLY REPORTS.*—*Not later than 30 days*
20 *after the end of each fiscal-year quarter, the Secretary of*
21 *Defense shall submit to the congressional defense committees*
22 *a report summarizing the details of any obligation or trans-*
23 *fer of funds from the Iraq Security Forces Fund during*
24 *such fiscal-year quarter.*

1 (h) *DURATION OF AUTHORITY.*—Amounts authorized
2 to be appropriated or contributed to the Fund during fiscal
3 year 2008 are available for obligation or transfer from the
4 Iraq Security Forces Fund in accordance with this section
5 until September 30, 2009.

6 **SEC. 1512. AFGHANISTAN SECURITY FORCES FUND.**

7 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are
8 hereby authorized to be appropriated for fiscal year 2008
9 for the Afghanistan Security Forces Fund in the amount
10 of \$2,700,000,000.

11 (b) *USE OF FUNDS.*—

12 (1) *IN GENERAL.*—Funds authorized to be appro-
13 priated by subsection (a) shall be available to the Sec-
14 retary of Defense for the purpose of allowing the Com-
15 mander, Office of Security Cooperation–Afghanistan,
16 to provide assistance to the security forces of Afghani-
17 stan.

18 (2) *TYPES OF ASSISTANCE AUTHORIZED.*—As-
19 sistance provided under this section may include the
20 provision of equipment, supplies, services, training,
21 facility and infrastructure repair, renovation, con-
22 struction, and funds.

23 (3) *SECRETARY OF STATE CONCURRENCE.*—As-
24 sistance may be provided under this section only with
25 the concurrence of the Secretary of State.

1 (c) *AUTHORITY IN ADDITION TO OTHER AUTHORI-*
2 *TIES.*—*The authority to provide assistance under this sec-*
3 *tion is in addition to any other authority to provide assist-*
4 *ance to foreign nations.*

5 (d) *TRANSFER AUTHORITY.*—

6 (1) *TRANSFERS AUTHORIZED.*—*Subject to para-*
7 *graph (2), amounts authorized to be appropriated by*
8 *subsection (a) may be transferred from the Afghani-*
9 *stan Security Forces Fund to any of the following ac-*
10 *counts and funds of the Department of Defense to ac-*
11 *complish the purposes provided in subsection (b):*

12 (A) *Military personnel accounts.*

13 (B) *Operation and maintenance accounts.*

14 (C) *Procurement accounts.*

15 (D) *Research, development, test, and evalua-*
16 *tion accounts.*

17 (E) *Defense working capital funds.*

18 (F) *Overseas Humanitarian, Disaster, and*
19 *Civic Aid.*

20 (2) *ADDITIONAL AUTHORITY.*—*The transfer au-*
21 *thority provided by paragraph (1) is in addition to*
22 *any other transfer authority available to the Depart-*
23 *ment of Defense.*

24 (3) *TRANSFERS BACK TO FUND.*—*Upon a deter-*
25 *mination that all or part of the funds transferred*

1 *from the Afghanistan Security Forces Fund under*
2 *paragraph (1) are not necessary for the purpose for*
3 *which transferred, such funds may be transferred back*
4 *to the Afghanistan Security Forces Fund.*

5 (4) *EFFECT ON AUTHORIZATION AMOUNTS.—A*
6 *transfer of an amount to an account under the au-*
7 *thority in paragraph (1) shall be deemed to increase*
8 *the amount authorized for such account by an*
9 *amount equal to the amount transferred.*

10 (e) *PRIOR NOTICE TO CONGRESS OF OBLIGATION OR*
11 *TRANSFER.—Funds may not be obligated from the Afghani-*
12 *stan Security Forces Fund, or transferred under subsection*
13 *(d)(1), until five days after the date on which the Secretary*
14 *of Defense notifies the congressional defense committees in*
15 *writing of the details of the proposed obligation or transfer.*

16 (f) *CONTRIBUTIONS.—*

17 (1) *AUTHORITY TO ACCEPT CONTRIBUTIONS.—*
18 *Subject to paragraph (2), the Secretary of Defense*
19 *may accept contributions of amounts to the Afghani-*
20 *stan Security Forces Fund for the purposes provided*
21 *in subsection (b) from any person, foreign govern-*
22 *ment, or international organization. Any amounts so*
23 *accepted shall be credited to the Afghanistan Security*
24 *Forces Fund.*

1 (2) *LIMITATION.*—*The Secretary may not accept*
2 *a contribution under this subsection if the acceptance*
3 *of the contribution would compromise or appear to*
4 *compromise the integrity of any program of the De-*
5 *partment of Defense.*

6 (3) *USE.*—*Amounts accepted under this sub-*
7 *section shall be available for assistance authorized by*
8 *subsection (b), including transfer under subsection (d)*
9 *for that purpose.*

10 (4) *NOTIFICATION.*—*The Secretary shall notify*
11 *the congressional defense committees in writing upon*
12 *the acceptance, and upon the transfer under sub-*
13 *section (d), of any contribution under this subsection.*
14 *Such notice shall specify the source and amount of*
15 *any amount so accepted and the use of any amount*
16 *so accepted.*

17 (g) *QUARTERLY REPORTS.*—*Not later than 30 days*
18 *after the end of each fiscal-year quarter, the Secretary of*
19 *Defense shall submit to the congressional defense committees*
20 *a report summarizing the details of any obligation or trans-*
21 *fer of funds from the Afghanistan Security Forces Fund*
22 *during such fiscal-year quarter.*

23 (h) *DURATION OF AUTHORITY.*—*Amounts authorized*
24 *to be appropriated or contributed to the Fund during fiscal*
25 *year 2008 are available for obligation or transfer from the*

1 *Afghanistan Security Forces Fund in accordance with this*
2 *section until September 30, 2009.*

3 **SEC. 1513. IRAQ FREEDOM FUND.**

4 *(a) IN GENERAL.—Funds are hereby authorized to be*
5 *appropriated for fiscal year 2008 for the Iraq Freedom*
6 *Fund in the amount of \$107,500,000.*

7 *(b) TRANSFER.—*

8 *(1) TRANSFER AUTHORIZED.—Subject to para-*
9 *graph (2), amounts authorized to be appropriated by*
10 *subsection (a) may be transferred from the Iraq Free-*
11 *dom Fund to any accounts as follows:*

12 *(A) Operation and maintenance accounts of*
13 *the Armed Forces.*

14 *(B) Military personnel accounts.*

15 *(C) Research, development, test, and evalua-*
16 *tion accounts of the Department of Defense.*

17 *(D) Procurement accounts of the Depart-*
18 *ment of Defense.*

19 *(E) Accounts providing funding for classi-*
20 *fied programs.*

21 *(F) The operating expenses account of the*
22 *Coast Guard.*

23 *(2) NOTICE TO CONGRESS.—A transfer may not*
24 *be made under the authority in paragraph (1) until*
25 *five days after the date on which the Secretary of De-*

1 *fense notifies the congressional defense committees in*
2 *writing of the transfer.*

3 (3) *TREATMENT OF TRANSFERRED FUNDS.—*
4 *Amounts transferred to an account under the author-*
5 *ity in paragraph (1) shall be merged with amounts*
6 *in such account and shall be made available for the*
7 *same purposes, and subject to the same conditions*
8 *and limitations, as amounts in such account.*

9 (4) *EFFECT ON AUTHORIZATION AMOUNTS.—A*
10 *transfer of an amount to an account under the au-*
11 *thority in paragraph (1) shall be deemed to increase*
12 *the amount authorized for such account by an*
13 *amount equal to the amount transferred.*

14 **SEC. 1514. DEFENSE WORKING CAPITAL FUNDS.**

15 *Funds are hereby authorized to be appropriated for fis-*
16 *cal year 2008 for the use of the Armed Forces and other*
17 *activities and agencies of the Department of Defense for*
18 *providing capital for the Defense Working Capital Funds*
19 *in the amount of \$1,676,275,000.*

20 **SEC. 1515. NATIONAL DEFENSE SEALIFT FUND.**

21 *Funds are hereby authorized to be appropriated for fis-*
22 *cal year 2008 for the National Defense Sealift Fund in the*
23 *amount of \$5,100,000.*

1 **SEC. 1516. DEFENSE INSPECTOR GENERAL.**

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 2008 for the Department of Defense for expenses,*
4 *not otherwise provided for, for the Office of Inspector Gen-*
5 *eral of the Department of Defense in the amount of*
6 *\$4,394,000, for Operation and Maintenance.*

7 **SEC. 1517. REPORTS ON MITIGATION OF EFFECTS OF EX-**
8 **PLOSIVELY FORMED PROJECTILES AND**
9 **MINES.**

10 *(a) REPORT ON EXPLOSIVELY FORMED PROJEC-*
11 *TILES.—*

12 *(1) IN GENERAL.—Not later than 90 days after*
13 *the date of the enactment of this Act, and every 60*
14 *days thereafter, the Secretary of Defense shall submit*
15 *to the congressional defense committees a report, in*
16 *both classified and unclassified forms, on explosively*
17 *formed projectiles.*

18 *(2) CONTENT.—Each report submitted under*
19 *paragraph (1) shall include the following:*

20 *(A) A comprehensive plan of action for im-*
21 *proving capabilities to mitigate the effects of ex-*
22 *plosively formed projectiles (EFPs), including*
23 *the development of technologies, training pro-*
24 *grams, tactics, techniques, and procedures, and*
25 *an estimate of the funding required to execute the*
26 *plan.*

1 (B) Detailed descriptions of the effectiveness
2 of any fielded EFP mitigation technologies,
3 training programs, tactics, techniques, and pro-
4 cedures, and ways in which they could be im-
5 proved.

6 (C) A description of the individual projects
7 that comprise the plan of action.

8 (D) A schedule for completing and fielding
9 each project.

10 (E) The contract delivery dates, progress to-
11 wards completion, and forecast completion date
12 for each project.

13 (F) A comprehensive description of any de-
14 viation from contract terms and an explanation
15 of any cost and schedule variance and how such
16 variance affects fielding deliverables, and a plan
17 for addressing such deviations and variances.

18 (G) Recommendations for additional au-
19 thorities, which if provided to the Secretary,
20 would improve the ability of the Department of
21 Defense to rapidly field counter EFP capabilities
22 and protection against the effects of EFPs.

23 (H) An analysis of any industrial base
24 issues affecting the plan outlined under subpara-
25 graph (A).

1 (I) *Mechanisms for sharing counter EFP*
2 *capabilities with appropriate coalition partners.*

3 (J) *The most current available data on the*
4 *effects of EFPs on United States, coalition, and*
5 *allied forces in Iraq and Afghanistan.*

6 (b) *REPORT ON MINE RESISTANT AMBUSH PRO-*
7 *TECTED VEHICLES.—*

8 (1) *IN GENERAL.—Not later than 90 days after*
9 *the date of the enactment of this Act, and every 30*
10 *days thereafter, the Secretary of Defense shall submit*
11 *to the congressional defense committees a report on*
12 *Mine Resistant Ambush Protected (MRAP) vehicles.*

13 (2) *CONTENT.—Each report submitted under*
14 *paragraph (1) shall include the following:*

15 (A) *The total requirement of all military*
16 *services for MRAP vehicles, including MRAP I,*
17 *spiral upgrades, and MRAP II variants.*

18 (B) *A comprehensive plan for transporting*
19 *and fielding all variants to the United States*
20 *Central Command (CENTCOM) area of oper-*
21 *ations.*

22 (C) *An assessment of completed production,*
23 *transportation, and fielding of MRAP vehicles*
24 *and a forecast of future production, transpor-*
25 *tation, and fielding functions.*

1 (D) *An explanation of any deviation be-*
2 *tween the planned and actual numbers of vehi-*
3 *cles fielded for the reporting period.*

4 (E) *Funding required to execute production,*
5 *transportation, and fielding, and an analysis of*
6 *any industrial base issues affecting such func-*
7 *tions.*

8 (F) *The required delivery schedule for each*
9 *contract to procure MRAP vehicles.*

10 (G) *A comprehensive description and expla-*
11 *nation of cost and schedule variance, and any*
12 *deviation from contract terms, how that variance*
13 *or deviation affects overall program performance,*
14 *and corrective actions planned to address such*
15 *variance and deviation.*

16 (H) *Recommendations for additional au-*
17 *thorities, which if provided to the Secretary,*
18 *would improve the ability of the Department of*
19 *Defense to rapidly field MRAP vehicles.*

20 (I) *Plans for armor upgrades, and their im-*
21 *pact on automotive performance and*
22 *sustainment.*

23 (J) *An explanation of any safety issues or*
24 *limitations on the vehicles.*

1 (K) *Anticipated short and long term*
2 *sustainment issues, including an explanation of*
3 *the maintenance concept for sustainment after*
4 *the initial contractor logistic support period and*
5 *the projected annual funding required.*

6 (L) *A detailed description of MRAP pro-*
7 *gram costs, including research and development,*
8 *procurement, maintenance, logistics, and end to*
9 *end transportation costs.*

10 (c) *REPORT ON TACTICAL WHEELED VEHICLES*
11 *STRATEGY.—*

12 (1) *IN GENERAL.—Not later than 180 days after*
13 *the date of the enactment of this Act, the Secretary of*
14 *Defense shall submit to the congressional defense com-*
15 *mittees a report on the near and long term tactical*
16 *wheeled vehicle fleet modernization strategies of the*
17 *Army and Marine Corps.*

18 (2) *CONTENT.—The report required under para-*
19 *graph (1) shall include the following:*

20 (A) *A description of the impact of the Mine*
21 *Resistant Ambush Protected vehicle program on*
22 *the current acquisition strategies and procure-*
23 *ment plans of the Army and Marine Corps for*
24 *the tactical wheeled vehicle fleet, including inven-*

1 *tory mix, overall sustainment cost, and logistical*
2 *and industrial base issues.*

3 *(B) Plans for the Joint Light Tactical Vehi-*
4 *cle program, including an assessment of the con-*
5 *tinued validity of previously adopted Key Per-*
6 *formance Parameters.*

7 *(C) A science and technology investment*
8 *strategy, including a description of current tech-*
9 *nical barriers, near and long term technology ob-*
10 *jectives, coordination of activities of the various*
11 *military departments, Defense Agencies, and*
12 *commercial industry entities, and technology*
13 *demonstration and transition plans to support*
14 *the Long Term Armoring Strategy (LTAS).*

15 *(D) A strategy to fund and execute suffi-*
16 *cient developmental and operational test and*
17 *evaluation to ensure that deployed systems are*
18 *operationally effective, including a description of*
19 *the role of the Director of Operational Test and*
20 *Evaluation in the development and execution of*
21 *the Long Term Armoring Strategy.*

22 *(E) Plans to utilize the Army reset and re-*
23 *capitalization process to maintain the legacy*
24 *tactical wheeled vehicle fleet.*

25 *(d) REPORT ON LONG TERM ARMORING STRATEGY.—*

1 (1) *IN GENERAL.*—Not later than 180 days after
2 the date of the enactment of this Act, the Secretary of
3 Defense shall submit to the congressional defense com-
4 mittees a report, in classified and unclassified forms,
5 on the Long Term Armoring Strategy of the Army
6 and Marine Corps.

7 (2) *CONTENT.*—The report required under para-
8 graph (1) shall include the following:

9 (A) *An estimate of the funding required to*
10 *execute the strategy.*

11 (B) *Specific plans for balancing force pro-*
12 *tection, payload, performance, and deployability*
13 *requirements across the range of wheeled vehicle*
14 *variants.*

15 (C) *A science and technology investment*
16 *strategy, including a description of current tech-*
17 *nical barriers, near and long term technology ob-*
18 *jectives, coordination of activities of the various*
19 *military departments, Defense Agencies, and*
20 *commercial industry entities, and technology*
21 *demonstration and transition plans.*

22 (D) *A test and evaluation master plan, in-*
23 *cluding a description of the role of the Director*
24 *of Operational Test and Evaluation in the devel-*
25 *opment and execution of LTAS.*

1 (E) *An analysis of industrial base or man-*
2 *ufacturing issues related to achieving sufficient*
3 *and sustainable production rates.*

4 ***Subtitle B—General Provisions***
5 ***Relating to Authorizations***

6 **SEC. 1521. PURPOSE.**

7 *The purpose of this title is to authorize additional ap-*
8 *propriations for the Department of Defense for fiscal year*
9 *2008 for the incremental costs of Operation Iraqi Freedom*
10 *and Operation Enduring Freedom.*

11 **SEC. 1522. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

12 *The amounts authorized to be appropriated by this*
13 *title are in addition to amounts otherwise authorized to be*
14 *appropriated by this Act.*

15 **SEC. 1523. SPECIAL TRANSFER AUTHORITY.**

16 ***(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—***

17 ***(1) AUTHORITY.—****Upon determination by the*
18 *Secretary of Defense that such action is necessary in*
19 *the national interest, the Secretary may transfer*
20 *amounts of authorizations made available to the De-*
21 *partment of Defense in this title for fiscal year 2008*
22 *between any such authorizations for that fiscal year*
23 *(or any subdivisions thereof). Amounts of authoriza-*
24 *tions so transferred shall be merged with and be*

1 *available for the same purposes as the authorization*
2 *to which transferred.*

3 (2) *LIMITATION.*—*The total amount of author-*
4 *izations that the Secretary may transfer under the*
5 *authority of this section may not exceed*
6 *\$3,500,000,000.*

7 (b) *TERMS AND CONDITIONS.*—*Transfers under this*
8 *section shall be subject to the same terms and conditions*
9 *as transfers under section 1001.*

10 (c) *ADDITIONAL AUTHORITY.*—*The transfer authority*
11 *provided by this section is in addition to the transfer au-*
12 *thority provided under section 1001.*

13 ***Subtitle C—Other Matters***

14 ***SEC. 1531. LIMITATION ON AVAILABILITY OF FUNDS FOR*** 15 ***CERTAIN PURPOSES RELATING TO IRAQ.***

16 *No funds appropriated pursuant to an authorization*
17 *of appropriations in this Act may be obligated or expended*
18 *for a purpose as follows:*

19 (1) *To establish any military installation or base*
20 *for the purpose of providing for the permanent sta-*
21 *tioning of United States Armed Forces in Iraq.*

22 (2) *To exercise United States control of the oil*
23 *resources of Iraq.*

1 **SEC. 1532. REIMBURSEMENT OF CERTAIN COALITION NA-**
2 **TIONS FOR SUPPORT PROVIDED TO UNITED**
3 **STATES MILITARY OPERATIONS.**

4 (a) *AUTHORITY.*—From funds made available for the
5 Department of Defense by section 1506 for operation and
6 maintenance, Defense-wide activities, the Secretary of De-
7 fense may reimburse any key cooperating nation for
8 logistical and military support provided by that nation to
9 or in connection with United States military operations in
10 Operation Iraqi Freedom or Operation Enduring Freedom.

11 (b) *AMOUNTS OF REIMBURSEMENT.*—

12 (1) *IN GENERAL.*—Reimbursement authorized by
13 subsection (a) may be made in such amounts as the
14 Secretary of Defense, with the concurrence of the Sec-
15 retary of State and in consultation with the Director
16 of the Office of Management and Budget, may deter-
17 mine, based on documentation determined by the Sec-
18 retary of Defense to adequately account for the sup-
19 port provided.

20 (2) *STANDARDS.*—Not later than 30 days after
21 the date of the enactment of this Act, the Secretary of
22 Defense shall prescribe standards for determining the
23 kinds of logistical and military support to the United
24 States that shall be considered reimbursable under the
25 authority in subsection (a). Such standards may not
26 take effect until 15 days after the date on which the

1 *Secretary submits to the congressional defense com-*
2 *mittees a report setting forth such standards.*

3 *(c) LIMITATIONS.—*

4 *(1) LIMITATION ON AMOUNT.—The total amount*
5 *of reimbursements made under the authority in sub-*
6 *section (a) during fiscal year 2008 may not exceed*
7 *\$1,200,000,000.*

8 *(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS*
9 *TO MAKE PAYMENTS.—The Secretary of Defense may*
10 *not enter into any contractual obligation to make a*
11 *reimbursement under the authority in subsection (a).*

12 *(d) NOTICE TO CONGRESS.—The Secretary of Defense*
13 *shall—*

14 *(1) notify the congressional defense committees*
15 *not less than 15 days before making any reimburse-*
16 *ment under the authority in subsection (a); and*

17 *(2) submit to the congressional defense commit-*
18 *tees on a quarterly basis a report on any reimburse-*
19 *ments made under the authority in subsection (a)*
20 *during such quarter.*

21 **SEC. 1533. LOGISTICAL SUPPORT FOR COALITION FORCES**
22 **SUPPORTING OPERATIONS IN IRAQ AND AF-**
23 **GHANISTAN.**

24 *(a) AVAILABILITY OF FUNDS FOR LOGISTICAL SUP-*
25 *PORT.—Subject to the provisions of this section, amounts*

1 *available to the Department of Defense for fiscal year 2008*
2 *for operation and maintenance may be used to provide sup-*
3 *plies, services, transportation (including airlift and sealift),*
4 *and other logistical support to coalition forces supporting*
5 *United States military and stabilization operations in Iraq*
6 *and Afghanistan.*

7 (b) *REQUIRED DETERMINATION.*—*The Secretary may*
8 *provide logistical support under the authority in subsection*
9 *(a) only if the Secretary determines that the coalition forces*
10 *to be provided the logistical support—*

11 (1) *are essential to the success of a United States*
12 *military or stabilization operation; and*

13 (2) *would not be able to participate in such op-*
14 *eration without the provision of the logistical support.*

15 (c) *COORDINATION WITH EXPORT CONTROL LAWS.*—
16 *Logistical support may be provided under the authority in*
17 *subsection (a) only in accordance with applicable provi-*
18 *sions of the Arms Export Control Act and other export con-*
19 *trol laws of the United States.*

20 (d) *LIMITATION ON VALUE.*—*The total amount of*
21 *logistical support provided under the authority in sub-*
22 *section (a) in fiscal year 2008 may not exceed*
23 *\$400,000,000.*

24 (e) *QUARTERLY REPORTS.*—

1 (1) *REPORTS REQUIRED.*—Not later than 15
2 days after the end of each fiscal-year quarter of fiscal
3 year 2008, the Secretary shall submit to the congress-
4 sional defense committees a report on the provision of
5 logistical support under the authority in subsection
6 (a) during such fiscal-year quarter.

7 (2) *ELEMENTS.*—Each report under paragraph
8 (1) shall include, for the fiscal-year quarter covered
9 by such report, the following:

10 (A) *Each nation provided logistical support*
11 *under the authority in subsection (a).*

12 (B) *For each such nation, a description of*
13 *the type and value of logistical support so pro-*
14 *vided.*

15 **SEC. 1534. COMPETITION FOR PROCUREMENT OF SMALL**
16 **ARMS SUPPLIED TO IRAQ AND AFGHANISTAN.**

17 (a) *COMPETITION REQUIREMENT.*—For the procure-
18 ment of pistols and other weapons described in subsection
19 (b), the Secretary of Defense shall ensure, consistent with
20 the provisions of section 2304 of title 10, United States
21 Code, that—

22 (1) *full and open competition is obtained to the*
23 *maximum extent practicable;*

24 (2) *no responsible United States manufacturer is*
25 *excluded from competing for such procurements; and*

1 (3) *products manufactured in the United States*
2 *are not excluded from the competition.*

3 (b) *PROCUREMENTS COVERED.—This section applies*
4 *to the procurement of the following:*

5 (1) *Pistols and other weapons less than 0.50 cal-*
6 *iber for assistance to the Army of Iraq, the Iraqi Po-*
7 *lice Forces, and other Iraqi security organizations.*

8 (2) *Pistols and other weapons less than 0.50 cal-*
9 *iber for assistance to the Army of Afghanistan, the*
10 *Afghani Police Forces, and other Afghani security or-*
11 *ganizations.*

12 **SEC. 1535. REPORT ON SUPPORT FROM IRAN FOR ATTACKS**
13 **AGAINST COALITION FORCES IN IRAQ.**

14 (a) *FINDINGS.—Congress makes the following findings:*

15 (1) *Since January 19, 1984, the Secretary of*
16 *State has designated the Islamic Republic of Iran as*
17 *a “state sponsor of terrorism,” one of only five coun-*
18 *tries in the world at present so designated.*

19 (2) *The Department of State, in its most recent*
20 *“Country Reports on Terrorism,” stated that “Iran*
21 *remained the most active state sponsor of terrorism”*
22 *in 2006.*

23 (3) *The most recent Country Reports on Ter-*
24 *rorism report further stated, “Iran continued [in*
25 *2006] to play a destabilizing role in Iraq... Iran pro-*

1 *vided guidance and training to select Iraqi Shia po-*
2 *litical groups, and weapons and training to Shia*
3 *militant groups to enable anti-Coalition attacks. Ira-*
4 *nian government forces have been responsible for at*
5 *least some of the increasing lethality of anti-Coalition*
6 *attacks by providing Shia militants with the capa-*
7 *bility to build IEDs with explosively formed projec-*
8 *tiles similar to those developed by Iran and Lebanese*
9 *Hezbollah. The Iranian Revolutionary Guard was*
10 *linked to armor-piercing explosives that resulted in*
11 *the deaths of Coalition Forces.”*

12 *(4) In an interview published on June 7, 2006,*
13 *Zalmai Khalilzad, then-United States ambassador to*
14 *Iraq, said of Iranian support for extremist activity in*
15 *Iraq, “We can say with certainty that they support*
16 *groups that are attacking coalition troops. These*
17 *groups are using the same ammunition to destroy ar-*
18 *mored vehicles that the Iranians are supplying to*
19 *Hezbollah in Lebanon. They pay money to Shiite mi-*
20 *litias and they train some of the groups. We can’t say*
21 *whether Teheran is supporting Al Qaeda, but we do*
22 *know that Al Qaeda people come here from Pakistan*
23 *through Iran. And Ansar al Sunna, a partner organi-*
24 *zation of Zarqawi’s network, has a base in northwest*
25 *Iran.”*

1 (5) *On April 26, 2007, General David Petraeus,*
2 *commander of Multi-National Force-Iraq, said of Ira-*
3 *nian support for extremist activity in Iraq, “The level*
4 *of financing, the level of training on Iranian soil, the*
5 *level of equipping some sophisticated technologies...*
6 *even advice in some cases, has been very, very sub-*
7 *stantial and very harmful.”*

8 (6) *On April 26, 2007, General Petraeus also*
9 *said of Iranian support for extremist activity in Iraq,*
10 *“We know that it goes as high as [Brig. Gen. Qassem]*
11 *Suleimani, who is the head of the Qods Force.... We*
12 *believe that he works directly for the supreme leader*
13 *of the country.”*

14 (7) *On May 27, 2007, then-Major General Wil-*
15 *liam Caldwell, spokesperson for Multi-National Force-*
16 *Iraq, said, “What we do know is that the Iranian in-*
17 *telligence services, the Qods Force, is in fact both*
18 *training, equipping, and funding Shia extremist*
19 *groups... both in Iraq and also in Iran.... We have*
20 *in detention now people that we have captured that,*
21 *in fact, are Sunni extremist-related that have, in fact,*
22 *received both some funding and training from the*
23 *Iranian intelligence services, the Qods Force.”*

24 (8) *On February 27, 2007, in testimony before*
25 *the Committee on Armed Services of the Senate, Lieu-*

1 *tenant General Michael Maples, director of the De-*
2 *fense Intelligence Agency, said of Iranian support for*
3 *extremist activity in Iraq, “We believe Hezbollah is*
4 *involved in the training as well.”*

5 (9) *On July 2, 2007, Brigadier General Kevin*
6 *Bergner, spokesperson for Multi-National Force-Iraq,*
7 *stated, “The Iranian Qods Force is using Lebanese*
8 *Hezbollah essentially as a proxy, as a surrogate in*
9 *Iraq.”*

10 (10) *On July 2, 2007, Brigadier General*
11 *Bergner detailed the capture in southern Iraq by coa-*
12 *lition forces of Ali Musa Daqdaq, whom the United*
13 *States military believes to be a 24-year veteran of*
14 *Lebanese Hezbollah involved in the training of Iraqi*
15 *extremists in Iraq and Iran.*

16 (11) *The Department of State designates*
17 *Hezbollah a foreign terrorist organization.*

18 (12) *On July 2, 2007, Brigadier General*
19 *Bergner stated that the Iranian Qods Force operates*
20 *three camps near Teheran where it trains Iraqi ex-*
21 *tremists in cooperation with Lebanese Hezbollah, stat-*
22 *ing, “The Qods Force, along with Hezbollah instruc-*
23 *tors, train approximately 20 to 60 Iraqis at a time,*
24 *sending them back to Iraq organized into these special*
25 *groups. They are being taught how to use EPFs [ex-*

1 *plosively formed penetrators], mortars, rockets, as*
2 *well as intelligence, sniper, and kidnapping oper-*
3 *ations.”*

4 (13) *On July 2, 2007, Brigadier General*
5 *Bergner stated that Iraqi extremists receive between*
6 *\$750,000 and \$3,000,000 every month from Iranian*
7 *sources.*

8 (14) *On July 2, 2007, Brigadier General*
9 *Bergner stated that “[o]ur intelligence reveals that*
10 *senior leadership in Iran is aware of this activity”*
11 *and that it would be “hard to imagine” that Aya-*
12 *tollah Ali Khamenei, the Supreme Leader of Iran, is*
13 *unaware of it.*

14 (15) *On July 2, 2007, Brigadier General*
15 *Bergner stated, “There does not seem to be any follow-*
16 *through on the commitments that Iran has made to*
17 *work with Iraq in addressing the destabilizing secu-*
18 *rity issues here in Iraq.”*

19 (16) *On February 11, 2007, the United States*
20 *military held a briefing in Baghdad at which its rep-*
21 *resentatives stated that at least 170 members of the*
22 *United States Armed Forces have been killed, and at*
23 *least 620 wounded, by weapons tied to Iran.*

24 (17) *On January 20, 2007, a sophisticated at-*
25 *tack was launched by insurgents at the Karbala Pro-*

1 *vincial Joint Coordination Center in Iraq, resulting*
2 *in the murder of five American soldiers, four of whom*
3 *were first abducted.*

4 (18) *On April 26, 2007, General Petraeus stated*
5 *that the so-called Qazali network was responsible for*
6 *the attack on the Karbala Provincial Joint Coordina-*
7 *tion Center and that “there’s no question that the*
8 *Qazali network is directly connected to the Iranian*
9 *Qods force [and has] received money, training, arms,*
10 *ammunition, and at some points in time even advice*
11 *and assistance and direction”.*

12 (19) *On July 2, 2007, Brigadier General*
13 *Bergner stated that the United States Armed Forces*
14 *possesses documentary evidence that the Qods Force*
15 *had developed detailed information on the United*
16 *States position at the Karbala Provincial Joint Co-*
17 *ordination Center “regarding our soldiers’ activities,*
18 *shift changes, and defenses, and this information was*
19 *shared with the attackers”.*

20 (20) *On July 2, 2007, Brigadier General*
21 *Bergner stated of the January 20 Karbala attackers,*
22 *“[They] could not have conducted this complex oper-*
23 *ation without the support and direction of the Qods*
24 *Force.”*

1 (21) *On May 28, 2007, the United States Am-*
2 *bassador to Iraq, Ryan Crocker, met in Baghdad with*
3 *representatives of the government of the Islamic Re-*
4 *public of Iran to express United States concern about*
5 *Iranian anti-coalition activity in Iraq;*

6 (22) *Section 1213(a) of the fiscal year 2007 John*
7 *Warner National Defense Authorization Act (Public*
8 *Law 109–364) required that the intelligence commu-*
9 *nity produce an updated National Intelligence Esti-*
10 *mate (NIE) on Iran.*

11 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
12 *that—*

13 (1) *the murder of members of the United States*
14 *Armed Forces by a foreign government or its agents*
15 *is an intolerable and unacceptable act against the*
16 *United States by the foreign government in question;*
17 *and*

18 (2) *the Government of the Islamic Republic of*
19 *Iran must take immediate action to end any train-*
20 *ing, arming, equipping, funding, advising, and any*
21 *other forms of support that it or its agents are pro-*
22 *viding, and have provided, to Iraqi militias and in-*
23 *surgents, who are contributing to the destabilization*
24 *of Iraq and are responsible for the murder of members*
25 *of the United States Armed Forces.*

1 (3) *It is imperative for the executive and legisla-*
2 *tive branches of the Federal government to have accu-*
3 *rate intelligence on Iran and therefore the intelligence*
4 *community should produce the NIE on Iran without*
5 *further delay;*

6 (4) *Congress supports United States diplomacy*
7 *with the representatives of the government of Islamic*
8 *Republic of Iran in order to stop any actions by the*
9 *Iranian government or its agents against United*
10 *States service members in Iraq;*

11 (c) *REPORT.—*

12 (1) *IN GENERAL.—Not later than 30 days after*
13 *the date of the enactment of this Act, and every 60*
14 *days thereafter, the Commander, Multi-National*
15 *Forces Iraq and the United States Ambassador to*
16 *Iraq in coordination with the Director of National*
17 *Intelligence shall jointly submit to Congress a report*
18 *describing and assessing in detail—*

19 (A) *any external support or direction pro-*
20 *vided to anti-coalition forces by the Government*
21 *of the Islamic Republic of Iran or its agents;*

22 (B) *the strategy and ambitions in Iraq of*
23 *the Government of the Islamic Republic of Iran;*
24 *and*

1 (C) any counter-strategy or efforts by the
2 United States Government to counter the activi-
3 ties of agents of the Government of the Islamic
4 Republic of Iran in Iraq.

5 (2) *FORM.*—Each report required under para-
6 graph (1) shall be in unclassified form to the extent
7 practical consistent with the need to protect national
8 security, but may contain a classified annex.

9 (d) Nothing in this section shall be construed to au-
10 thorize or otherwise speak to the use of Armed Forces
11 against Iran.

12 **SEC. 1536. SENSE OF THE SENATE ON THE CONSEQUENCES**
13 **OF A FAILED STATE IN IRAQ.**

14 (a) *FINDINGS.*—The Senate makes the following find-
15 ings:

16 (1) A failed state in Iraq would become a safe
17 haven for Islamic radicals, including al Qaeda and
18 Hezbollah, who are determined to attack the United
19 States and United States allies.

20 (2) The Iraq Study Group report found that “[a]
21 chaotic Iraq could provide a still stronger base of op-
22 erations for terrorists who seek to act regionally or
23 even globally”.

24 (3) The Iraq Study Group noted that “Al Qaeda
25 will portray any failure by the United States in Iraq

1 *as a significant victory that will be featured promi-*
2 *nently as they recruit for their cause in the region*
3 *and around the world”.*

4 *(4) A National Intelligence Estimate concluded*
5 *that the consequences of a premature withdrawal from*
6 *Iraq would be that—*

7 *(A) Al Qaeda would attempt to use Anbar*
8 *province to plan further attacks outside of Iraq;*

9 *(B) neighboring countries would consider*
10 *actively intervening in Iraq; and*

11 *(C) sectarian violence would significantly*
12 *increase in Iraq, accompanied by massive civil-*
13 *ian casualties and displacement.*

14 *(5) The Iraq Study Group found that “a pre-*
15 *mature American departure from Iraq would almost*
16 *certainly produce greater sectarian violence and fur-*
17 *ther deterioration of conditions.... The near-term re-*
18 *sults would be a significant power vacuum, greater*
19 *human suffering, regional destabilization, and a*
20 *threat to the global economy. Al Qaeda would depict*
21 *our withdrawal as a historic victory.”*

22 *(6) A failed state in Iraq could lead to broader*
23 *regional conflict, possibly involving Syria, Iran,*
24 *Saudi Arabia, and Turkey.*

1 (7) *The Iraq Study group noted that “Turkey*
2 *could send troops into northern Iraq to prevent*
3 *Kurdistan from declaring independence”.*

4 (8) *The Iraq Study Group noted that “Iran*
5 *could send troops to restore stability in southern Iraq*
6 *and perhaps gain control of oil fields. The regional*
7 *influence of Iran could rise at a time when that coun-*
8 *try is on a path to producing nuclear weapons.”*

9 (9) *A failed state in Iraq would lead to massive*
10 *humanitarian suffering, including widespread ethnic*
11 *cleansing and countless refugees and internally dis-*
12 *placed persons, many of whom will be tortured and*
13 *killed for having assisted Coalition forces.*

14 (10) *A recent editorial in the New York Times*
15 *stated, “Americans must be clear that Iraq, and the*
16 *region around it, could be even bloodier and more*
17 *chaotic after Americans leave. There could be repris-*
18 *als against those who worked with American forces,*
19 *further ethnic cleansing, even genocide. Potentially*
20 *destabilizing refugee flows could hit Jordan and*
21 *Syria. Iran and Turkey could be tempted to make*
22 *power grabs.”*

23 (11) *The Iraq Study Group found that “[i]f we*
24 *leave and Iraq descends into chaos, the long-range*

1 *consequences could eventually require the United*
2 *States to return”.*

3 **(b) SENSE OF THE SENATE.**—*It is the sense of the Sen-*
4 *ate that—*

5 *(1) the Senate should commit itself to a strategy*
6 *that will not leave a failed state in Iraq; and*

7 *(2) the Senate should not pass legislation that*
8 *will undermine our military’s ability to prevent a*
9 *failed state in Iraq.*

10 **SEC. 1537. SENSE OF CONGRESS ON FEDERALISM IN IRAQ.**

11 **(a) FINDINGS.**—*Congress makes the following findings:*

12 *(1) Iraq continues to experience a self-sustaining*
13 *cycle of sectarian violence.*

14 *(2) The ongoing sectarian violence presents a*
15 *threat to regional and world peace, and the long-term*
16 *security interests of the United States are best served*
17 *by an Iraq that is stable, not a haven for terrorists,*
18 *and not a threat to its neighbors.*

19 *(3) A central focus of al Qaeda in Iraq has been*
20 *to turn sectarian divisions in Iraq into sectarian vio-*
21 *lence through a concentrated series of attacks, the*
22 *most significant being the destruction of the Golden*
23 *Dome of the Shia al-Askariyah Mosque in Samarra*
24 *in February 2006.*

1 (4) *Iraqis must reach a comprehensive and sus-*
2 *tainable political settlement in order to achieve sta-*
3 *bility, and the failure of the Iraqis to reach such a*
4 *settlement is a primary cause of violence in Iraq.*

5 (5) *Article One of the Constitution of Iraq de-*
6 *clares Iraq to be a “single, independent federal state”.*

7 (6) *Section Five of the Constitution of Iraq de-*
8 *clares that the “federal system in the Republic of Iraq*
9 *is made up of a decentralized capital, regions, and*
10 *governorates, and local administrations” and enumer-*
11 *ates the expansive powers of regions and the limited*
12 *powers of the central government and establishes the*
13 *mechanisms for the creation of new federal regions.*

14 (7) *The federal system created by the Constitu-*
15 *tion of Iraq would give Iraqis local control over their*
16 *police and certain laws, including those related to em-*
17 *ployment, education, religion, and marriage.*

18 (8) *The Constitution of Iraq recognizes the ad-*
19 *ministrative role of the Kurdistan Regional Govern-*
20 *ment in 3 northern Iraqi provinces, known also as the*
21 *Kurdistan Region.*

22 (9) *The Kurdistan region, recognized by the Con-*
23 *stitution of Iraq, is largely stable and peaceful.*

24 (10) *The Iraqi Parliament approved a fed-*
25 *eralism law on October 11th, 2006, which establishes*

1 *procedures for the creation of new federal regions and*
2 *will go into effect 18 months after approval.*

3 *(11) Iraqis recognize Baghdad as the capital of*
4 *Iraq, and the Constitution of Iraq stipulates that*
5 *Baghdad may not merge with any federal region.*

6 *(12) Despite their differences, Iraq's sectarian*
7 *and ethnic groups support the unity and territorial*
8 *integrity of Iraq.*

9 *(13) Iraqi Prime Minister Nouri al-Maliki stated*
10 *on November 27, 2006, “[t]he crisis is political, and*
11 *the ones who can stop the cycle of aggravation and*
12 *bloodletting of innocents are the politicians”.*

13 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
14 *that—*

15 *(1) the United States should actively support a*
16 *political settlement in Iraq based on the final provi-*
17 *sions of the Constitution of Iraq that create a federal*
18 *system of government and allow for the creation of*
19 *federal regions, consistent with the wishes of the Iraqi*
20 *people and their elected leaders;*

21 *(2) the active support referred to in paragraph*
22 *(1) should include—*

23 *(A) calling on the international community,*
24 *including countries with troops in Iraq, the per-*
25 *manent 5 members of the United Nations Secu-*

1 *riety Council, members of the Gulf Cooperation*
2 *Council, and Iraq's neighbors—*

3 *(i) to support an Iraqi political settle-*
4 *ment based on federalism;*

5 *(ii) to acknowledge the sovereignty and*
6 *territorial integrity of Iraq; and*

7 *(iii) to fulfill commitments for the ur-*
8 *gent delivery of significant assistance and*
9 *debt relief to Iraq, especially those made by*
10 *the member states of the Gulf Cooperation*
11 *Council;*

12 *(B) further calling on Iraq's neighbors to*
13 *pledge not to intervene in or destabilize Iraq and*
14 *to agree to related verification mechanisms; and*

15 *(C) convening a conference for Iraqis to*
16 *reach an agreement on a comprehensive political*
17 *settlement based on the federalism law approved*
18 *by the Iraqi Parliament on October 11, 2006;*

19 *(3) the United States should urge the Govern-*
20 *ment of Iraq to quickly agree upon and implement a*
21 *law providing for the equitable distribution of oil rev-*
22 *enues, which is a critical component of a comprehen-*
23 *sive political settlement based upon federalism;*

24 *(4) the steps described in paragraphs (1), (2),*
25 *and (3) could lead to an Iraq that is stable, not a*

1 *haven for terrorists, and not a threat to its neighbors;*
2 *and*

3 (5) *nothing in this Act should be construed in*
4 *any way to infringe on the sovereign rights of the na-*
5 *tion of Iraq.*

6 **SEC. 1538. SENSE OF SENATE ON IRAN.**

7 (a) *FINDINGS.—The Senate makes the following find-*
8 *ings:*

9 (1) *General David Petraeus, commander of the*
10 *Multi-National Force Iraq, stated in testimony before*
11 *a joint session of the Committee on Armed Services*
12 *and the Committee on Foreign Affairs of the House*
13 *of Representatives on September 10, 2007, that “[i]t*
14 *is increasingly apparent to both coalition and Iraqi*
15 *leaders that Iran, through the use of the Iranian Re-*
16 *publican Guard Corps Qods Force, seeks to turn the*
17 *Shi’a militia extremists into a Hezbollah-like force to*
18 *serve its interests and fight a proxy war against the*
19 *Iraqi state and coalition forces in Iraq”.*

20 (2) *Ambassador Ryan Crocker, United States*
21 *Ambassador to Iraq, stated in testimony before a joint*
22 *session of the Committee on Armed Services and the*
23 *Committee on Foreign Affairs of the House of Rep-*
24 *resentatives on September 10, 2007, that “Iran plays*
25 *a harmful role in Iraq. While claiming to support*

1 *Iraq in its transition, Iran has actively undermined*
2 *it by providing lethal capabilities to the enemies of*
3 *the Iraqi state”.*

4 (3) *The most recent National Intelligence Esti-*
5 *mate on Iraq, published in August 2007, states that*
6 *“Iran has been intensifying aspects of its lethal sup-*
7 *port for select groups of Iraqi Shia militants, particu-*
8 *larly the JAM [Jaysh al-Mahdi], since at least the be-*
9 *ginning of 2006. Explosively formed penetrator*
10 *(EFP) attacks have risen dramatically”.*

11 (4) *The Report of the Independent Commission*
12 *on the Security Forces of Iraq, released on September*
13 *6, 2007, states that “[t]he Commission concludes that*
14 *the evidence of Iran’s increasing activism in the*
15 *southeastern part of the country, including Basra and*
16 *Diyala provinces, is compelling... It is an accepted*
17 *fact that most of the sophisticated weapons being used*
18 *to ‘defeat’ our armor protection comes across the bor-*
19 *der from Iran with relative impunity”.*

20 (5) *General (Ret.) James Jones, chairman of the*
21 *Independent Commission on the Security Forces of*
22 *Iraq, stated in testimony before the Committee on*
23 *Armed Services of the Senate on September 6, 2007,*
24 *that “[w]e judge that the goings-on across the Iranian*
25 *border in particular are of extreme severity and have*

1 *the potential of at least delaying our efforts inside the*
2 *country. Many of the arms and weapons that kill and*
3 *maim our soldiers are coming from across the Ira-*
4 *nian border”.*

5 *(6) Ambassador Crocker further testified before*
6 *Congress on September 11, 2007, with respect to talks*
7 *with Iran, That “I think that it’s an option that we*
8 *want to preserve. Our first couple of rounds did not*
9 *produce anything. I don’t think that we should either,*
10 *therefore, be in a big hurry to have another round,*
11 *nor do I think we should say we’re not going to talk*
12 *anymore... I do believe it’s important to keep the op-*
13 *tion for further discussions on the table.”*

14 *(7) Secretary of Defense Robert Gates stated on*
15 *September 16, 2007, That “I think that the adminis-*
16 *tration believes at this point that continuing to try*
17 *and deal with the Iranian threat, the Iranian chal-*
18 *lenge, through diplomatic and economic means is by*
19 *far the preferable approach. That’s the one we are*
20 *using...we always say all options are on the table,*
21 *but clearly, the diplomatic and economic approach is*
22 *the one that we are pursuing.”*

23 *(8) General Petraeus said of Iranian support for*
24 *extremist activity in Iraq on April 26, 2007, that*
25 *“[w]e know that it goes as high as [Brig. Gen.*

1 *Qassem] Suleimani, who is the head of the Qods*
2 *Force... We believe that he works directly for the su-*
3 *preme leader of the country”.*

4 *(9) Mahmoud Ahmedinejad, the president of*
5 *Iran, stated on August 28, 2007, with respect to the*
6 *United States presence in Iraq, that “[t]he political*
7 *power of the occupiers is collapsing rapidly. Soon we*
8 *will see a huge power vacuum in the region. Of course*
9 *we are prepared to fill the gap”.*

10 *(10) Ambassador Crocker testified to Congress,*
11 *with respect to President Ahmedinejad’s statement, on*
12 *September 11, 2007, that “[t]he Iranian involvement*
13 *in Iraq—its support for extremist militias, training,*
14 *connections to Lebanese Hezbollah, provision of muni-*
15 *tions that are used against our force as well as the*
16 *Iraqis—are all, in my view, a pretty clear dem-*
17 *onstration that Ahmedinejad means what he says,*
18 *and is already trying to implement it to the best of*
19 *his ability”.*

20 *(11) General Petraeus stated on September 12,*
21 *2007, with respect to evidence of the complicity of*
22 *Iran in the murder of members of the Armed Forces*
23 *of the United States in Iraq, that “[t]e evidence is*
24 *very, very clear. We captured it when we captured*
25 *Qais Khazali, the Lebanese Hezbollah deputy com-*

1 *mander, and others, and it's in black and white... We*
2 *interrogated these individuals. We have on tape... Qais*
3 *Khazali himself. When asked, could you have*
4 *done what you have done without Iranian support, he*
5 *literally throws up his hands and laughs and says, of*
6 *course not... So they told us about the amounts of*
7 *money that they have received. They told us about the*
8 *training that they received. They told us about the*
9 *ammunition and sophisticated weaponry and all of*
10 *that that they received”.*

11 *(12) General Petraeus further stated on Sep-*
12 *tember 14, 2007, that “[w]hat we have got is evidence.*
13 *This is not intelligence. This is evidence, off com-*
14 *puters that we captured, documents and so forth... In*
15 *one case, a 22-page document that lays out the plan-*
16 *ning, reconnaissance, rehearsal, conduct, and after-*
17 *math of the operation conducted that resulted in the*
18 *death of five of our soldiers in Karbala back in Janu-*
19 *ary”.*

20 *(13) The Department of Defense report to Con-*
21 *gress entitled “Measuring Stability and Security in*
22 *Iraq” and released on September 18, 2007, consistent*
23 *with section 9010 of Public Law 109–289, states that*
24 *“[t]here has been no decrease in Iranian training and*
25 *funding of illegal Shi’a militias in Iraq that attack*

1 *Iraqi and Coalition forces and civilians... Tehran's*
2 *support for these groups is one of the greatest impedi-*
3 *ments to progress on reconciliation".*

4 *(14) The Department of Defense report further*
5 *states, with respect to Iranian support for Shi'a ex-*
6 *tremist groups in Iraq, that "[m]ost of the explosives*
7 *and ammunition used by these groups are provided*
8 *by the Iranian Islamic Revolutionary Guard Corps–*
9 *Qods Force... For the period of June through the end*
10 *of August, [explosively formed penetrator] events are*
11 *projected to rise by 39 percent over the period of*
12 *March through May".*

13 *(15) Since May 2007, Ambassador Crocker has*
14 *held three rounds of talks in Baghdad on Iraq secu-*
15 *rity with representatives of the Government of the Is-*
16 *lamic Republic of Iran.*

17 *(16) Ambassador Crocker testified before Con-*
18 *gress on September 10, 2007, with respect to these*
19 *talks, stating that "I laid out the concerns we had*
20 *over Iranian activity that was damaging to Iraq's se-*
21 *curity, but found no readiness on Iranians' side at all*
22 *to engage seriously on these issues. The impression I*
23 *came with after a couple rounds is that the Iranians*
24 *were interested simply in the appearance of discus-*
25 *sions, of being seen to be at the table with the U.S.*

1 *as an arbiter of Iraq’s present and future, rather than*
2 *actually doing serious business. . .Right now, I*
3 *haven’t seen any sign of earnest or seriousness on the*
4 *Iranian side”.*

5 *(17) Ambassador Crocker testified before Con-*
6 *gress on September 11, 2007, stating that “[w]e have*
7 *seen nothing on the ground that would suggest that*
8 *the Iranians are altering what they’re doing in sup-*
9 *port of extremist elements that are going after our*
10 *forces as well as the Iraqis”.*

11 *(b) SENSE OF SENATE.—It is the sense of the Senate—*

12 *(1) that the manner in which the United States*
13 *transitions and structures its military presence in*
14 *Iraq will have critical long-term consequences for the*
15 *future of the Persian Gulf and the Middle East, in*
16 *particular with regard to the capability of the Gov-*
17 *ernment of the Islamic Republic of Iran to pose a*
18 *threat to the security of the region, the prospects for*
19 *democracy for the people of the region, and the health*
20 *of the global economy;*

21 *(2) that it is a critical national interest of the*
22 *United States to prevent the Government of the Is-*
23 *lamic Republic of Iran from turning Shi’a militia ex-*
24 *tremists in Iraq into a Hezbollah-like force that could*
25 *serve its interests inside Iraq, including by over-*

1 *whelming, subverting, or co-opting institutions of the*
2 *legitimate Government of Iraq;*

3 *(3) that the United States should designate*
4 *Iran’s Islamic Revolutionary Guards Corps as a for-*
5 *foreign terrorist organization under section 219 of the*
6 *Immigration and Nationality Act and place the Is-*
7 *lamic Revolutionary Guards Corps on the list of Spe-*
8 *cially Designated Global Terrorists, as established*
9 *under the International Emergency Economic Powers*
10 *Act and initiated under Executive Order 13224; and*

11 *(4) that the Department of the Treasury should*
12 *act with all possible expediency to complete the listing*
13 *of those entities targeted under United Nations Secu-*
14 *rity Council Resolutions 1737 and 1747 adopted*
15 *unanimously on December 23, 2006 and March 24,*
16 *2007, respectively.*

17 **SEC. 1539. STUDY AND INVESTIGATION OF WARTIME CON-**
18 **TRACTS AND CONTRACTING PROCESSES IN**
19 **OPERATION IRAQI FREEDOM AND OPERATION**
20 **ENDURING FREEDOM.**

21 *(a) COMMISSION ON WARTIME CONTRACTING.—*

22 *(1) ESTABLISHMENT.—There is hereby estab-*
23 *lished a commission to be known as the “Commission*
24 *on Wartime Contracting” (in this subsection referred*
25 *to as the “Commission”).*

1 (2) *MEMBERSHIP MATTERS.*—

2 (A) *MEMBERSHIP.*—*The Commission shall*
3 *be composed of 8 members, as follows:*

4 (i) *2 members shall be appointed by*
5 *the Majority Leader of the Senate, in con-*
6 *sultation with the Chairmen of the Com-*
7 *mittee on Armed Services and the Com-*
8 *mittee on Homeland Security and Govern-*
9 *mental Affairs of the Senate.*

10 (ii) *2 members shall be appointed by*
11 *the Speaker of the House of Representatives,*
12 *in consultation with the Chairmen of the*
13 *Committee on Armed Services and the Com-*
14 *mittee on Oversight and Government Re-*
15 *form of the House of Representatives.*

16 (iii) *1 member shall be appointed by*
17 *the Minority Leader of the Senate, in con-*
18 *sultation with the Ranking Minority Mem-*
19 *bers of the Committee on Armed Services*
20 *and the Committee on Homeland Security*
21 *and Governmental Affairs of the Senate.*

22 (iv) *1 member shall be appointed by*
23 *the Minority Leader of the House of Rep-*
24 *resentatives, in consultation with the Rank-*
25 *ing Minority Member of the Committee on*

1 *Armed Services and the Committee on Over-*
2 *sight and Government Reform of the House*
3 *of Representatives.*

4 *(v) 1 member shall be appointed by the*
5 *Secretary of Defense.*

6 *(vi) 1 member shall be appointed by*
7 *the Secretary of State.*

8 *(B) DEADLINE FOR APPOINTMENTS.—All*
9 *appointments to the Commission shall be made*
10 *not later than 90 days after the date of the en-*
11 *actment of this Act.*

12 *(C) CHAIRMAN AND VICE CHAIRMAN.—*

13 *(i) CHAIRMAN.—The chairman of the*
14 *Commission shall be a member of the Com-*
15 *mission selected by the members appointed*
16 *under clauses (i) and (ii) of subparagraph*
17 *(A), but only if approved by the vote of a*
18 *majority of the members of the Commission.*

19 *(ii) VICE CHAIRMAN.—The vice chair-*
20 *man of the Commission shall be a member*
21 *of the Commission selected by the members*
22 *appointed under clauses (iii) and (iv) of*
23 *subparagraph (A), but only if approved by*
24 *the vote of a majority of the members of the*
25 *Commission.*

1 (D) *VACANCY.*—*In the event of a vacancy in*
2 *the Commission, the individual appointed to fill*
3 *the membership shall be of the same political*
4 *party as the individual vacating the member-*
5 *ship.*

6 (3) *DUTIES.*—

7 (A) *GENERAL DUTIES.*—*The Commission*
8 *shall study and investigate the following matters:*

9 (i) *Federal agency contracting for the*
10 *reconstruction of Iraq and Afghanistan.*

11 (ii) *Federal agency contracting for the*
12 *logistical support of coalition forces in Op-*
13 *eration Iraqi Freedom and Operation En-*
14 *during Freedom.*

15 (iii) *Federal agency contracting for the*
16 *performance of security and intelligence*
17 *functions in Operation Iraqi Freedom and*
18 *Operation Enduring Freedom.*

19 (B) *SCOPE OF CONTRACTING COVERED.*—
20 *The Federal agency contracting covered by this*
21 *paragraph includes contracts entered into both*
22 *in the United States and abroad for the perform-*
23 *ance of activities described in subparagraph (A),*
24 *whether performed in the United States or*
25 *abroad.*

1 (C) *PARTICULAR DUTIES.*—*In carrying out*
2 *the study under this paragraph, the Commission*
3 *shall assess—*

4 (i) *the extent and impact of the reli-*
5 *ance of the Federal Government on contrac-*
6 *tors to perform functions (including secu-*
7 *rity, intelligence, and management func-*
8 *tions) in Operation Iraqi Freedom and Op-*
9 *eration Enduring Freedom;*

10 (ii) *the performance of the contracts*
11 *under review, and the mechanisms used to*
12 *manage the performance of the contracts*
13 *under review;*

14 (iii) *the extent of waste, fraud, abuse,*
15 *or mismanagement under such contracts;*

16 (iv) *the extent to which those respon-*
17 *sible for such waste, fraud, abuse, or mis-*
18 *management have been held financially or*
19 *legally accountable;*

20 (v) *the appropriateness of the organi-*
21 *zational structure, policies, practices, and*
22 *resources of the Department of Defense and*
23 *the Department of State for handling con-*
24 *tingency contract management and support;*
25 *and*

1 (vi) the extent of the misuse of force
2 and violations of the laws of war or Federal
3 law by contractors.

4 (4) *REPORTS.*—

5 (A) *INTERIM REPORT.*—On January 15,
6 2009, the Commission shall submit to Congress
7 an interim report on the study carried out under
8 paragraph (3), including the results and find-
9 ings of the study as of that date.

10 (B) *OTHER REPORTS.*—The Commission
11 may from time to time submit to Congress such
12 other reports on the study carried out under
13 paragraph (3) as the Commission considers ap-
14 propriate.

15 (C) *FINAL REPORT.*—Not later than two
16 years after the date of the appointment of all of
17 the members of the Commission under paragraph
18 (2), the Commission shall submit to Congress a
19 report on the study carried out under paragraph
20 (3). The report shall—

21 (i) include the findings of the Commis-
22 sion;

23 (ii) identify lessons learned on the con-
24 tracting covered by the study; and

1 (iii) include specific recommendations
2 for improvements to be made in—

3 (I) the process for developing con-
4 tract requirements for wartime con-
5 tracts and contracts for contingency
6 operations;

7 (II) the process for awarding con-
8 tracts and task orders for wartime con-
9 tracts and contracts for contingency
10 operations;

11 (III) the process for managing
12 and providing oversight for the per-
13 formance of wartime contracts and
14 contracts for contingency operations;

15 (IV) the process for holding con-
16 tractors and their employees account-
17 able for waste, fraud, abuse, or mis-
18 management under wartime contracts
19 and contracts for contingency oper-
20 ations;

21 (V) the process for determining
22 which functions are inherently govern-
23 mental and which functions are appro-
24 priate for performance by contractors
25 in an area of combat operations (in-

1 *cluding an area of a contingency oper-*
2 *ation), including a determination*
3 *whether the use of civilian contractors*
4 *to provide security in an area of com-*
5 *bat operations is a function that is in-*
6 *herently governmental;*

7 *(VI) the organizational structure,*
8 *resources, policies, and practices of the*
9 *Department of Defense and the Depart-*
10 *ment of State handling contract man-*
11 *agement and support for wartime con-*
12 *tracts and contracts for contingency*
13 *operations; and*

14 *(VII) the process by which roles*
15 *and responsibilities with respect to*
16 *wartime contracts and contracts for*
17 *contingency operations are distributed*
18 *among the various departments and*
19 *agencies of the Federal Government,*
20 *and interagency coordination and*
21 *communication mechanisms associated*
22 *with wartime contracts and contracts*
23 *for contingency operations.*

24 *(5) OTHER POWERS AND AUTHORITIES.—*

1 (A) *HEARINGS AND EVIDENCE.*—*The Com-*
2 *mission or, on the authority of the Commission,*
3 *any subcommittee or member thereof, may, for*
4 *the purpose of carrying out this subsection—*

5 *(i) hold such hearings and sit and act*
6 *at such times and places, take such testi-*
7 *mony, receive such evidence, administer*
8 *such oaths (provided that the quorum for a*
9 *hearing shall be three members of the Com-*
10 *mission); and*

11 *(ii) provide for the attendance and tes-*
12 *timony of such witnesses and the production*
13 *of such books, records, correspondence,*
14 *memoranda, papers, and documents,*
15 *as the Commission or such designated sub-*
16 *committee or designated member may determine*
17 *advisable.*

18 (B) *INABILITY TO OBTAIN DOCUMENTS OR*
19 *TESTIMONY.*—*In the event the Commission is un-*
20 *able to obtain testimony or documents needed to*
21 *conduct its work, the Commission shall notify the*
22 *committees of Congress of jurisdiction and ap-*
23 *propriate investigative authorities.*

24 (C) *ACCESS TO INFORMATION.*—*The Com-*
25 *mission may secure directly from the Depart-*

1 *ment of Defense and any other department or*
2 *agency of the Federal Government any informa-*
3 *tion or assistance that the Commission considers*
4 *necessary to enable the Commission to carry out*
5 *the requirements of this subsection. Upon request*
6 *of the Commission, the head of such department*
7 *or agency shall furnish such information expedi-*
8 *tiously to the Commission. Whenever informa-*
9 *tion or assistance requested by the Commission*
10 *is unreasonably refused or not provided, the*
11 *Commission shall report the circumstances to*
12 *Congress without delay.*

13 (D) *PERSONNEL.*—*The Commission shall*
14 *have the authorities provided in section 3161 of*
15 *title 5, United States Code, and shall be subject*
16 *to the conditions set forth in such section, except*
17 *to the extent that such conditions would be in-*
18 *consistent with the requirements of this sub-*
19 *section.*

20 (E) *DETAILEES.*—*Any employee of the Fed-*
21 *eral Government may be detailed to the Commis-*
22 *sion without reimbursement from the Commis-*
23 *sion, and such detailee shall retain the rights,*
24 *status, and privileges of his or her regular em-*
25 *ployment without interruption.*

1 (F) *SECURITY CLEARANCES.*—*The appro-*
2 *priate departments or agencies of the Federal*
3 *Government shall cooperate with the Commission*
4 *in expeditiously providing to the Commission*
5 *members and staff appropriate security clear-*
6 *ances to the extent possible pursuant to existing*
7 *procedures and requirements, except that no per-*
8 *son shall be provided with access to classified in-*
9 *formation under this section without the appro-*
10 *priate security clearances.*

11 (G) *VIOLATIONS OF LAW.*—

12 (i) *REFERRAL TO ATTORNEY GEN-*
13 *ERAL.*—*The Commission may refer to the*
14 *Attorney General any violation or potential*
15 *violation of law identified by the Commis-*
16 *sion in carrying out its duties under this*
17 *subsection.*

18 (ii) *REPORTS ON RESULTS OF REFER-*
19 *RAL.*—*The Attorney General shall submit to*
20 *Congress a report on each prosecution, con-*
21 *viction, resolution, or other disposition that*
22 *results from a referral made under this sub-*
23 *paragraph.*

24 (6) *TERMINATION.*—*The Commission shall ter-*
25 *minate on the date that is 60 days after the date of*

1 *the submittal of its final report under paragraph*
2 *(4)(C).*

3 *(7) CONTINGENCY OPERATION DEFINED.—In this*
4 *subsection, the term “contingency operation” has the*
5 *meaning given that term in section 101 of title 10,*
6 *United States Code.*

7 *(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND*
8 *MISMANAGEMENT.—*

9 *(1) IN GENERAL.—The Special Inspector General*
10 *for Iraq Reconstruction shall, in collaboration with*
11 *the Inspector General of the Department of Defense,*
12 *the Inspector General of the Department of State, and*
13 *the Inspector General of the United States Agency for*
14 *International Development, conduct a series of audits*
15 *to identify potential waste, fraud, abuse, or mis-*
16 *management in the performance of—*

17 *(A) Department of Defense contracts and*
18 *subcontracts for the logistical support of coal-*
19 *ition forces in Operation Iraqi Freedom and Op-*
20 *eration Enduring Freedom; and*

21 *(B) Federal agency contracts and sub-*
22 *contracts for the performance of security and re-*
23 *construction functions in Operation Iraqi Free-*
24 *dom and Operation Enduring Freedom.*

1 (2) *SCOPE OF AUDITS OF CONTRACTS.*—*Each*
2 *audit conducted pursuant to paragraph (1)(A) shall*
3 *focus on a specific contract, task order, or site of per-*
4 *formance under a contract or task order and shall ex-*
5 *amine, at a minimum, one or more of the following*
6 *issues:*

7 (A) *The manner in which requirements*
8 *were developed.*

9 (B) *The procedures under which the con-*
10 *tract or task order was awarded.*

11 (C) *The terms and conditions of the con-*
12 *tract or task order.*

13 (D) *The contractor’s staffing and method of*
14 *performance, including cost controls.*

15 (E) *The efficacy of Department of Defense*
16 *management and oversight, Department of State*
17 *management and oversight, and United States*
18 *Agency for International Development manage-*
19 *ment and oversight, including the adequacy of*
20 *staffing and training of officials responsible for*
21 *such management and oversight.*

22 (F) *The flow of information from the con-*
23 *tractor to officials responsible for contract man-*
24 *agement and oversight.*

1 (3) *SCOPE OF AUDITS OF OTHER CONTRACTS.*—

2 *Each audit conducted pursuant to paragraph (1)(B)*
3 *shall focus on a specific contract, task order, or site*
4 *of performance under a contract or task order and*
5 *shall examine, at a minimum, one or more of the fol-*
6 *lowing issues:*

7 (A) *The manner in which the requirements*
8 *were developed and the contract or task order*
9 *was awarded.*

10 (B) *The manner in which the Federal agen-*
11 *cy exercised control over the contractor's per-*
12 *formance.*

13 (C) *The extent to which operational field*
14 *commanders are able to coordinate or direct the*
15 *contractor's performance in an area of combat*
16 *operations.*

17 (D) *The extent to which the functions per-*
18 *formed were appropriate for performance by a*
19 *contractor.*

20 (E) *The degree to which contractor employ-*
21 *ees were properly screened, selected, trained, and*
22 *equipped for the functions to be performed.*

23 (F) *The nature and extent of any incidents*
24 *of misconduct or unlawful activity by contractor*
25 *employees.*

1 (G) *The extent to which any incidents of*
2 *misconduct or unlawful activity were reported,*
3 *documented, investigated, and (where appro-*
4 *priate) prosecuted.*

5 (4) *CONTINUATION OF SPECIAL INSPECTOR GEN-*
6 *ERAL.—*

7 (A) *IN GENERAL.—Notwithstanding section*
8 *3001(o) of the Emergency Supplemental Appro-*
9 *propriations Act for Defense and for the Reconstruc-*
10 *tion of Iraq and Afghanistan, 2004 (Public Law*
11 *108–106; 5 U.S.C. App. 8G note), the Office of*
12 *the Special Inspector General for Iraq Recon-*
13 *struction shall not terminate until the date that*
14 *is 60 days after the date of the submittal under*
15 *paragraph (4)(C) of subsection (a) of the final*
16 *report of the Commission on Wartime Con-*
17 *tracting established by subsection (a).*

18 (B) *REAFFIRMATION OF CERTAIN DUTIES*
19 *AND RESPONSIBILITIES.—Congress reaffirms that*
20 *the Special Inspector General for Iraq Recon-*
21 *struction retains the duties and responsibilities*
22 *in sections 4 of the Inspector General Act of 1978*
23 *(5 U.S.C. App. 4; relating to reports of criminal*
24 *violations to the Attorney General) and section 5*
25 *of the Inspector General Act of 1978 (5 U.S.C.*

1 *App. 5; relating to reports to Congress) as ex-*
2 *pressly provided in subsections (f)(3) and (i)(3),*
3 *respectively, of section 3001 of the Emergency*
4 *Supplemental Appropriations Act for Defense*
5 *and for the Reconstruction of Iraq and Afghani-*
6 *stan, 2004.*

7 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
8 *authorized to be appropriated such sums as may be required*
9 *to carry out the provisions of this section.*

10 **SEC. 1540. MODIFICATION OF AUTHORITIES RELATED TO**
11 **THE OFFICE OF THE SPECIAL INSPECTOR**
12 **GENERAL FOR IRAQ RECONSTRUCTION.**

13 (a) *TERMINATION DATE.—Subsection (o)(1) of section*
14 *3001 of the Emergency Supplemental Appropriations Act*
15 *for Defense and for the Reconstruction of Iraq and Afghani-*
16 *stan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C.*
17 *App., note to section 8G of Public Law 95–452), as amend-*
18 *ed by section 1054(b) of the John Warner National Defense*
19 *Authorization Act for Fiscal Year 2007 (Public Law 109–*
20 *364; 120 Stat. 2397), section 2 of the Iraq Reconstruction*
21 *Accountability Act of 2006 (Public Law 109–440), and sec-*
22 *tion 3801 of the U.S. Troop Readiness, Veterans’ Care,*
23 *Katrina Recovery, and Iraq Accountability Appropriations*
24 *Act, 2007 (Public Law 110–28; 121 Stat. 147) is amended*
25 *to read as follows:*

1 “(1) *The Office of the Inspector General shall termi-*
2 *nate 90 days after the balance of funds appropriated or oth-*
3 *erwise made available for the reconstruction of Iraq is less*
4 *than \$250,000,000.”.*

5 **(b) JURISDICTION OVER RECONSTRUCTION FUNDS.—**
6 *Such section is further amended by adding at the end the*
7 *following new subsection:*

8 “(p) **RULE OF CONSTRUCTION.—***For purposes of car-*
9 *rying out the duties of the Special Inspector General for*
10 *Iraq Reconstruction, any United States funds appropriated*
11 *or otherwise made available for fiscal years 2006 through*
12 *2008 for the reconstruction of Iraq, irrespective of the des-*
13 *ignation of such funds, shall be deemed to be amounts ap-*
14 *propriated or otherwise made available to the Iraq Relief*
15 *and Reconstruction Fund.”.*

16 **(c) HIRING AUTHORITY.—***Subsection (h)(1) of such*
17 *section is amended by inserting after “pay rates” the fol-*
18 *lowing: “, and may exercise the authorities of subsections*
19 *(b) through (i) of section 3161 of title 5, United States Code*
20 *(without regard to subsection (a) of such section)”.*

1 **SEC. 1541. 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.*—The
6 President, in coordination with the Secretary of State and
7 the Secretary of Defense, shall implement a policy to control
8 the export and transfer of defense articles into Iraq, includ-
9 ing implementation of the registration and monitoring sys-
10 tem under subsection (c).

11 (b) *REQUIREMENT TO IMPLEMENT CONTROL SYS-*
12 *TEM.*—Notwithstanding any other provision of law, no de-
13 fense articles may be provided to the Government of Iraq
14 or any other group, organization, citizen, or resident of Iraq
15 until the Secretary of State certifies that a registration and
16 monitoring system meeting the requirements set forth in
17 subsection (c) has been established.

18 (c) *REGISTRATION AND MONITORING SYSTEM.*—The
19 registration and monitoring system required under this sec-
20 tion shall include—

21 (1) *the registration of the serial numbers of all*
22 *small arms provided to the Government of Iraq or to*
23 *other groups, organizations, citizens, or residents of*
24 *Iraq;*

1 (2) a program of enhanced end-use monitoring of
2 all lethal defense articles provided to such entities or
3 individuals; and

4 (3) a detailed record of the origin, shipping, and
5 distribution of all defense articles transferred under
6 the Iraq Security Forces Fund or any other security
7 assistance program to such entities or individuals in
8 Iraq.

9 (d) *REVIEW.*—The President shall periodically review
10 the items subject to the registration and monitoring require-
11 ments under subsection (c) to determine what items, if any,
12 no longer warrant export controls under such subsection.
13 The results of such reviews shall be reported to the Speaker
14 of the House of Representatives and to the Committee on
15 Foreign Relations, the Committee on Armed Services, and
16 the Committee on Banking, Housing, and Urban Affairs
17 of the Senate. The President may not exempt any item from
18 such requirements until 30 days after the date on which
19 the President has provided notice of the proposed removal
20 to the Committee on Foreign Affairs of the House of Rep-
21 resentatives and to the Committee on Foreign Relations and
22 the Committee on Armed Services of the Senate in accord-
23 ance with the procedures applicable to reprogramming noti-
24 fications under section 634A(a) of the Foreign Assistance
25 Act of 1961 (22 U.S.C. 2394–1). Such notice shall describe

1 *the nature of any controls to be imposed on that item under*
2 *any other provision of law.*

3 *(e) DEFINITIONS.—In this section:*

4 *(1) DEFENSE ARTICLE.—The term “defense arti-*
5 *cle” has the meaning given the term in section 644(d)*
6 *of the Foreign Assistance Act of 1961 (22 U.S.C.*
7 *2403)(d)).*

8 *(2) SMALL ARMS.—The term “small arms”*
9 *means—*

10 *(A) handguns;*

11 *(B) shoulder-fired weapons;*

12 *(C) light automatic weapons up to and in-*
13 *cluding .50 caliber machine guns;*

14 *(D) recoilless rifles up to and including*
15 *106mm;*

16 *(E) mortars up to and including 81mm;*

17 *(F) rocket launchers, man-portable;*

18 *(G) grenade launchers, rifle and shoulder*
19 *fired; and*

20 *(H) individually operated weapons which*
21 *are portable or can be fired without special*
22 *mounts or firing devices and which have poten-*
23 *tial use in civil disturbances and are vulnerable*
24 *to theft.*

1 (f) *EFFECTIVE DATE.*—*This section shall take effect 90*
2 *days after the date of the enactment of this Act, unless the*
3 *President certifies in writing to Congress that it is in the*
4 *vital interest of the United States to delay the effective date*
5 *of this section by an additional period of up to 90 days,*
6 *including an explanation of such vital interest, in which*
7 *case the section shall take effect on such later effective date.*

8 **SEC. 1542. SPECIAL INSPECTOR GENERAL FOR AFGHANI-**
9 **STAN RECONSTRUCTION.**

10 (a) *FINDINGS.*—*Congress makes the following findings:*

11 (1) *A democratic, stable, and prosperous Afghan-*
12 *istan is vital to the national security of the United*
13 *States and to combating international terrorism.*

14 (2) *Since the fall of the Taliban, the United*
15 *States has provided Afghanistan with over*
16 *\$20,000,000,000 in reconstruction and security assist-*
17 *ance. However, repeated and documented incidents of*
18 *waste, fraud, and abuse in the utilization of these*
19 *funds have undermined reconstruction efforts.*

20 (3) *There is a stronger need for vigorous over-*
21 *sight of spending by the United States on reconstruc-*
22 *tion programs and projects in Afghanistan.*

23 (4) *The Government Accountability Office (GAO)*
24 *and departmental Inspectors General provide valuable*
25 *information on such activities.*

1 (5) *The congressional oversight process requires*
2 *more timely reporting of reconstruction activities in*
3 *Afghanistan that encompasses the efforts of the De-*
4 *partment of State, the Department of Defense, and the*
5 *United States Agency for International Development*
6 *and highlights specific acts of waste, fraud, and*
7 *abuse.*

8 (6) *One example of such successful reporting is*
9 *provided by the Special Inspector General for Iraq*
10 *Reconstruction (SIGIR), which has met this objective*
11 *in the case of Iraq.*

12 (7) *The establishment of a Special Inspector*
13 *General for Afghanistan Reconstruction (SIGAR) po-*
14 *sition using SIGIR as a model will help achieve this*
15 *objective in Afghanistan. This position will help Con-*
16 *gress and the American people to better understand*
17 *the challenges facing United States programs and*
18 *projects in that crucial country.*

19 (8) *It is a priority for Congress to establish a*
20 *Special Inspector General for Afghanistan position*
21 *with similar responsibilities and duties as the Special*
22 *Inspector General for Iraq Reconstruction. This new*
23 *position will monitor United States assistance to Af-*
24 *ghanistan in the civilian and security sectors, under-*

1 *taking efforts similar to those of the Special Inspector*
2 *General for Iraq Reconstruction.*

3 **(b) OFFICE OF INSPECTOR GENERAL.**—*There is hereby*
4 *established the Office of the Special Inspector General for*
5 *Afghanistan Reconstruction.*

6 **(c) APPOINTMENT OF INSPECTOR GENERAL; RE-**
7 **MOVAL.**—

8 **(1) APPOINTMENT.**—*The head of the Office of the*
9 *Special Inspector General for Afghanistan Recon-*
10 *struction is the Special Inspector General for Afghan-*
11 *istan Reconstruction (in this section referred to as the*
12 *“Inspector General”), who shall be appointed by the*
13 *President. The President may appoint the Special In-*
14 *pector General for Iraq Reconstruction to serve as the*
15 *Special Inspector General for Afghanistan Recon-*
16 *struction, in which case the Special Inspector General*
17 *for Iraq Reconstruction shall have all of the duties,*
18 *responsibilities, and authorities set forth under this*
19 *section with respect to such appointed position for the*
20 *purpose of carrying out this section.*

21 **(2) QUALIFICATIONS.**—*The appointment of the*
22 *Inspector General shall be made solely on the basis of*
23 *integrity and demonstrated ability in accounting, au-*
24 *diting, financial analysis, law, management analysis,*
25 *public administration, or investigations.*

1 (3) *DEADLINE FOR APPOINTMENT.*—*The nomina-*
2 *tion of an individual as Inspector General shall be*
3 *made not later than 30 days after the date of the en-*
4 *actment of this Act.*

5 (4) *REMOVAL.*—*The Inspector General shall be*
6 *removable from office in accordance with the provi-*
7 *sions of section 3(b) of the Inspector General Act of*
8 *1978 (5 U.S.C. App.).*

9 (5) *PROHIBITION ON POLITICAL ACTIVITIES.*—
10 *For purposes of section 7324 of title 5, United States*
11 *Code, the Inspector General shall not be considered an*
12 *employee who determines policies to be pursued by the*
13 *United States in the nationwide administration of*
14 *Federal law.*

15 (6) *COMPENSATION.*—*The annual rate of basic*
16 *pay of the Inspector General shall be the annual rate*
17 *of basic pay provided for positions at level IV of the*
18 *Executive Schedule under section 5315 of title 5,*
19 *United States Code.*

20 (d) *SUPERVISION.*—

21 (1) *IN GENERAL.*—*Except as provided in para-*
22 *graph (2), the Inspector General shall report directly*
23 *to, and be under the general supervision of, the Sec-*
24 *retary of State and the Secretary of Defense.*

1 (2) *INDEPENDENCE TO CONDUCT INVESTIGA-*
2 *TIONS AND AUDITS.*—No officer of the Department of
3 *Defense, the Department of State, or the United*
4 *States Agency for International Development shall*
5 *prevent or prohibit the Inspector General from initi-*
6 *ating, carrying out, or completing any audit or inves-*
7 *tigation, or from issuing any subpoena during the*
8 *course of any audit or investigation.*

9 (e) *DUTIES.*—

10 (1) *OVERSIGHT OF AFGHANISTAN RECONSTRUC-*
11 *TION.*—It shall be the duty of the Inspector General
12 *to conduct, supervise, and coordinate audits and in-*
13 *vestigations of the treatment, handling, and expendi-*
14 *ture of appropriated funds by the United States Gov-*
15 *ernment, and of the programs, operations, and con-*
16 *tracts carried out utilizing such funds in Afghanistan*
17 *in order to prevent and detect waste, fraud, and*
18 *abuse, including—*

19 (A) *the oversight and accounting of the obli-*
20 *gation and expenditure of such funds;*

21 (B) *the monitoring and review of recon-*
22 *struction activities funded by such funds;*

23 (C) *the monitoring and review of contracts*
24 *funded by such funds;*

1 (D) the monitoring and review of the trans-
2 fer of such funds and associated information be-
3 tween and among the departments, agencies, and
4 entities of the United States Government, and
5 private and nongovernmental entities;

6 (E) the maintenance of records on the use
7 of such funds to facilitate future audits and in-
8 vestigations of the use of such funds;

9 (F) the monitoring and review of the effec-
10 tiveness of United States coordination with the
11 Government of Afghanistan and other donor
12 countries in the implementation of the Afghani-
13 stan Compact and the Afghanistan National De-
14 velopment Strategy and the efficient utilization
15 of funds for economic reconstruction, social and
16 political development, and security assistance;
17 and

18 (G) the investigation of overpayments such
19 as duplicate payments or duplicate billing and
20 any potential unethical or illegal actions of Fed-
21 eral employees, contractors, or affiliated entities
22 and the referral of such reports, as necessary, to
23 the Department of Justice to ensure further in-
24 vestigations, prosecutions, recovery of further
25 funds, or other remedies.

1 (2) *OTHER DUTIES RELATED TO OVERSIGHT.*—
2 *The Inspector General shall establish, maintain, and*
3 *oversee such systems, procedures, and controls as the*
4 *Inspector General considers appropriate to discharge*
5 *the duties under paragraph (1).*

6 (3) *DUTIES AND RESPONSIBILITIES UNDER IN-*
7 *SPECTOR GENERAL ACT OF 1978.*—*In addition to the*
8 *duties specified in paragraphs (1) and (2), the In-*
9 *pector General shall also have the duties and respon-*
10 *sibilities of inspectors general under the Inspector*
11 *General Act of 1978.*

12 (4) *COORDINATION OF EFFORTS.*—*In carrying*
13 *out the duties, and responsibilities, and authorities of*
14 *the Inspector General under this section, the Inspector*
15 *General shall coordinate with, and receive the co-*
16 *operation of, each of the following:*

17 (A) *The Inspector General of the Depart-*
18 *ment of State.*

19 (B) *The Inspector General of the Depart-*
20 *ment of Defense.*

21 (C) *The Inspector General of the United*
22 *States Agency for International Development.*

23 (f) *POWERS AND AUTHORITIES.*—

24 (1) *AUTHORITIES UNDER INSPECTOR GENERAL*
25 *ACT OF 1978.*—*In carrying out the duties specified in*

1 subsection (e), the Inspector General shall have the
2 authorities provided in section 6 of the Inspector Gen-
3 eral Act of 1978.

4 (2) *AUDIT STANDARDS.*—The Inspector General
5 shall carry out the duties specified in subsection
6 (e)(1) in accordance with section 4(b)(1) of the In-
7 spector General Act of 1978.

8 (g) *PERSONNEL, FACILITIES, AND OTHER RE-*
9 *SOURCES.*—

10 (1) *PERSONNEL.*—The Inspector General may se-
11 lect, appoint, and employ such officers and employees
12 as may be necessary for carrying out the duties of the
13 Inspector General, subject to the provisions of title 5,
14 United States Code, governing appointments in the
15 competitive service, and the provisions of chapter 51
16 and subchapter III of chapter 53 of such title, relat-
17 ing to classification and General Schedule pay rates.

18 (2) *EMPLOYMENT OF EXPERTS AND CONSULT-*
19 *ANTS.*—The Inspector General may obtain services as
20 authorized by section 3109 of title 5, United States
21 Code, at daily rates not to exceed the equivalent rate
22 prescribed for grade GS–15 of the General Schedule
23 by section 5332 of such title.

24 (3) *CONTRACTING AUTHORITY.*—To the extent
25 and in such amounts as may be provided in advance

1 *by appropriations Acts, the Inspector General may*
2 *enter into contracts and other arrangements for au-*
3 *ditions, studies, analyses, and other services with public*
4 *agencies and with private persons, and make such*
5 *payments as may be necessary to carry out the duties*
6 *of the Inspector General.*

7 (4) *RESOURCES.—The Secretary of State shall*
8 *provide the Inspector General with appropriate and*
9 *adequate office space at appropriate United States*
10 *Government locations in Afghanistan, together with*
11 *such equipment, office supplies, and communications*
12 *facilities and services as may be necessary for the op-*
13 *eration of such offices, and shall provide necessary*
14 *maintenance services for such offices and the equip-*
15 *ment and facilities located therein. The Secretary of*
16 *State shall not charge the Inspector General or em-*
17 *ployees of the Office of the Inspector General for Af-*
18 *ghanistan Reconstruction for International Coopera-*
19 *tive Administrative Support Services.*

20 (5) *ASSISTANCE FROM FEDERAL AGENCIES.—*

21 (A) *IN GENERAL.—Upon request of the In-*
22 *pector General for information or assistance*
23 *from any department, agency, or other entity of*
24 *the Federal Government, the head of such entity*
25 *shall, insofar as is practicable and not in con-*

1 *travention of any existing law, furnish such in-*
2 *formation or assistance to the Inspector General,*
3 *or an authorized designee.*

4 (B) *REPORTING OF REFUSED ASSIST-*
5 *ANCE.—Whenever information or assistance re-*
6 *quested by the Inspector General is, in the judg-*
7 *ment of the Inspector General, unreasonably re-*
8 *fused or not provided, the Inspector General shall*
9 *report the circumstances to the Secretary of De-*
10 *fense and the Secretary of State and the appro-*
11 *priate committees of Congress without delay.*

12 (h) *REPORTS.—*

13 (1) *QUARTERLY REPORTS.—Not later than 30*
14 *days after the end of each fiscal-year quarter, the In-*
15 *pector General shall submit to the appropriate con-*
16 *gressional committees a report summarizing, for the*
17 *period of that quarter and, to the extent possible, the*
18 *period from the end of such quarter to the time of the*
19 *submission of the report, the activities during such*
20 *period of the Inspector General, including a summary*
21 *of lessons learned, and summarizing the activities*
22 *under programs and operations funded with amounts*
23 *appropriated or otherwise made available for the re-*
24 *construction of Afghanistan. Each report shall in-*
25 *clude, for the period covered by such report, a detailed*

1 *statement of all obligations, expenditures, and reve-*
2 *nuces of the United States Government associated with*
3 *reconstruction and rehabilitation activities in Af-*
4 *ghanistan, including the following information:*

5 *(A) Obligations and expenditures of appro-*
6 *priated funds.*

7 *(B) A project-by-project and program-by-*
8 *program accounting of the costs incurred to date*
9 *for the reconstruction of Afghanistan, together*
10 *with the estimate of the costs to complete each*
11 *project and each program.*

12 *(C) Revenues attributable to or consisting of*
13 *funds provided by foreign nations or inter-*
14 *national organizations to programs and projects*
15 *funded by the United States Government, and*
16 *any obligations or expenditures of such revenues.*

17 *(D) Revenues attributable to or consisting of*
18 *foreign assets seized or frozen that contribute to*
19 *programs and projects funded by the United*
20 *States Government, and any obligations or ex-*
21 *penditures of such revenues.*

22 *(E) Operating expenses of agencies or enti-*
23 *ties receiving amounts appropriated or otherwise*
24 *made available for the reconstruction of Afghani-*
25 *stan.*

1 (F) *In the case of any contract, grant,*
2 *agreement, or other funding mechanism described*
3 *in paragraph (2)—*

4 (i) *the amount of the contract, grant,*
5 *agreement, or other funding mechanism;*

6 (ii) *a brief discussion of the scope of*
7 *the contract, grant, agreement, or other*
8 *funding mechanism;*

9 (iii) *a discussion of how the United*
10 *States Government entity or entities in-*
11 *volved in the contract or grant identified,*
12 *and solicited offers from, potential contrac-*
13 *tors or grantees to perform the contract or*
14 *grant, together with a list of the potential*
15 *contractors or grantees that were issued so-*
16 *licitations for the offers;*

17 (iv) *the justification and approval doc-*
18 *uments on which was based the determina-*
19 *tion to use procedures other than procedures*
20 *that provide for full and open competition;*
21 *and*

22 (v) *a description of any previous in-*
23 *stances of wasteful and fraudulent activities*
24 *in Afghanistan by current or potential con-*
25 *tractors, subcontractors, or grantees and*

1 *whether and how they were held account-*
2 *able.*

3 *(G) A description of any potential unethical*
4 *or illegal actions taken by Federal employees,*
5 *contractors, or affiliated entities in the course of*
6 *reconstruction efforts.*

7 (2) *COVERED CONTRACTS, GRANTS, AGREE-*
8 *MENTS, AND FUNDING MECHANISMS.—A contract,*
9 *grant, agreement, or other funding mechanism de-*
10 *scribed in this paragraph is any major contract,*
11 *grant, agreement, or other funding mechanism that is*
12 *entered into by the United States Government with*
13 *any public or private sector entity for any of the fol-*
14 *lowing purposes:*

15 *(A) To build or rebuild physical infrastruc-*
16 *ture of Afghanistan.*

17 *(B) To establish or reestablish a political or*
18 *societal institution of Afghanistan.*

19 *(C) To provide products or services to the*
20 *people of Afghanistan.*

21 (3) *SEMIANNUAL REPORT.—Not later than De-*
22 *cember 31, 2007, and semiannually thereafter, the In-*
23 *spector General shall submit to the appropriate con-*
24 *gressional committees a report meeting the require-*

1 *ments of section 5 of the Inspector General Act of*
2 *1978.*

3 (4) *PUBLIC TRANSPARENCY.*—*The Inspector Gen-*
4 *eral shall post each report required under this sub-*
5 *section on a public and searchable website not later*
6 *than 7 days after the Inspector General submits the*
7 *report to the appropriate congressional committees.*

8 (5) *LANGUAGES.*—*The Inspector General shall*
9 *publish on a publicly available Internet website each*
10 *report under this subsection in English and other lan-*
11 *guages that the Inspector General determines are*
12 *widely used and understood in Afghanistan.*

13 (6) *FORM.*—*Each report submitted under this*
14 *subsection shall be submitted in unclassified form, but*
15 *may include a classified annex as the Inspector Gen-*
16 *eral determines necessary.*

17 (7) *LIMITATION ON PUBLIC DISCLOSURE OF CER-*
18 *TAIN INFORMATION.*—*Nothing in this subsection shall*
19 *be construed to authorize the public disclosure of in-*
20 *formation that is—*

21 (A) *specifically prohibited from disclosure*
22 *by any other provision of law;*

23 (B) *specifically required by Executive order*
24 *to be protected from disclosure in the interest of*

1 *national defense or national security or in the*
2 *conduct of foreign affairs; or*

3 *(C) a part of an ongoing criminal inves-*
4 *tigation.*

5 *(i) WAIVER.—*

6 *(1) AUTHORITY.—The President may waive the*
7 *requirement under paragraph (1) or (3) of subsection*
8 *(h) for the inclusion in a report under such para-*
9 *graph of any element otherwise provided for under*
10 *such paragraph if the President determines that the*
11 *waiver is justified for national security reasons.*

12 *(2) NOTICE OF WAIVER.—The President shall*
13 *publish a notice of each waiver made under this sub-*
14 *section in the Federal Register not later than the date*
15 *on which the report required under paragraph (1) or*
16 *(3) of subsection (h) is submitted to the appropriate*
17 *congressional committees. The report shall specify*
18 *whether waivers under this subsection were made and*
19 *with respect to which elements.*

20 *(j) DEFINITIONS.—In this section:*

21 *(1) AMOUNTS APPROPRIATED OR OTHERWISE*
22 *MADE AVAILABLE FOR THE RECONSTRUCTION OF AF-*
23 *GHANISTAN.—The term “amounts appropriated or*
24 *otherwise made available for the reconstruction of Af-*
25 *ghanistan” means—*

1 (A) amounts appropriated or otherwise
2 made available for any fiscal year—

3 (i) to the Afghanistan Security Forces
4 Fund;

5 (ii) to the program to assist the people
6 of Afghanistan established under section
7 1202(a)(2) of the National Defense Author-
8 ization Act for Fiscal Year 2006 (Public
9 Law 109–163; 119 Stat. 3455); and

10 (iii) to the Department of Defense for
11 assistance for the reconstruction of Afghani-
12 stan under any other provision of law; and

13 (B) amounts appropriated or otherwise
14 made available for any fiscal year for Afghani-
15 stan reconstruction under the following headings
16 or for the following purposes:

17 (i) Operating Expenses of the United
18 States Agency for International Develop-
19 ment.

20 (ii) Economic Support Fund.

21 (iii) International Narcotics Control
22 and Law Enforcement.

23 (iv) International Affairs Technical
24 Assistance.

25 (v) Peacekeeping Operations.

1 (vi) *Diplomatic and Consular Pro-*
2 grams.

3 (vii) *Embassy Security, Construction,*
4 *and Maintenance.*

5 (viii) *Child Survival and Health.*

6 (ix) *Development Assistance.*

7 (x) *International Military Education*
8 *and Training.*

9 (xi) *Nonproliferation, Anti-terrorism,*
10 *Demining and Related Programs.*

11 (xii) *Public Law 480 Title II Grants.*

12 (xiii) *International Disaster and Fam-*
13 *ine Assistance.*

14 (xiv) *Migration and Refugee Assist-*
15 *ance.*

16 (xv) *Operations of the Drug Enforce-*
17 *ment Agency.*

18 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
19 *TEES.—The term “appropriate congressional commit-*
20 *tees” means—*

21 (A) *the Committees on Appropriations,*
22 *Armed Services, Foreign Relations, and Home-*
23 *land Security and Governmental Affairs of the*
24 *Senate; and*

1 (B) *the Committees on Appropriations,*
2 *Armed Services, Foreign Affairs, and Homeland*
3 *Security of the House of Representatives.*

4 (3) *EXECUTIVE AGENCY.*—*The term “executive*
5 *agency” has the meaning given the term in section*
6 *105 of title 5, United States Code.*

7 (k) *AUTHORIZATION OF APPROPRIATIONS.*—

8 (1) *IN GENERAL.*—*There is authorized to be ap-*
9 *propriated \$20,000,000 for fiscal year 2008 to carry*
10 *out this section.*

11 (2) *OFFSET.*—*The amount authorized to be ap-*
12 *propriated by section 1512 for the Afghanistan Secu-*
13 *rity Forces Fund is hereby reduced by \$20,000,000.*

14 (l) *TERMINATION.*—

15 (1) *IN GENERAL.*—*The Office of the Special In-*
16 *pector General for Afghanistan Reconstruction shall*
17 *terminate on September 30, 2010, with transition op-*
18 *erations authorized to continue until December 31,*
19 *2010.*

20 (2) *FINAL ACCOUNTABILITY REPORT.*—*The In-*
21 *pector General shall, prior to the termination of the*
22 *Office of the Special Inspector General for Afghani-*
23 *stan Reconstruction under paragraph (1), prepare*
24 *and submit to the appropriate congressional commit-*
25 *tees a final accountability report on all referrals for*

1 *the investigation of any potential unethical or illegal*
2 *actions of Federal employees, contractors, or affiliated*
3 *entities made to the Department of Justice or any*
4 *other United States law enforcement entity to ensure*
5 *further investigations, prosecutions, or remedies.*

6 **SEC. 1543. IMPROVISED EXPLOSIVE DEVICE PROTECTION**
7 **FOR MILITARY VEHICLES.**

8 *Procurement of Additional Mine Resistant Ambush*
9 *Protected Vehicles.—*

10 (1) *ADDITIONAL AMOUNT FOR ARMY OTHER PRO-*
11 *CUREMENT.—The amount authorized to be appro-*
12 *priated by section 1501(5) for other procurement for*
13 *the Army is hereby increased by \$23,600,000,000.*

14 (2) *AVAILABILITY FOR PROCUREMENT OF ADDI-*
15 *TIONAL MRAP VEHICLES.—Of the amount authorized*
16 *to be appropriated by section 1501(5) for other pro-*
17 *urement for the Army, as increased by paragraph*
18 *(1), \$23,600,000,000 may be available for the procure-*
19 *ment of 15,200 Mine Resistant Ambush Protected*
20 *(MRAP) Vehicles.*

21 **SEC. 1544. SENSE OF CONGRESS ON THE CAPTURE OF**
22 **OSAMA BIN LADEN AND THE AL QAEDA LEAD-**
23 **ERSHIP.**

24 *It is the Sense of Congress that it should be the policy*
25 *of the United States Government that the foremost objective*

1 of United States counterterrorist operations is to protect
2 United States persons and property from terrorist attacks
3 by capturing or killing Osama bin Laden, Ayman al-
4 Zawahiri, and other leaders of al Qaeda and destroying the
5 al Qaeda network.

6 **Subtitle D—Iraq Refugee Crisis**

7 **SEC. 1571. SHORT TITLE.**

8 This subtitle may be cited as the “Refugee Crisis in
9 Iraq Act”.

10 **SEC. 1572. PROCESSING MECHANISMS.**

11 (a) *IN GENERAL.*—The Secretary of State, in consulta-
12 tion with the Secretary of Homeland Security, shall estab-
13 lish or use existing refugee processing mechanisms in Iraq
14 and in countries, where appropriate, in the region in
15 which—

16 (1) aliens described in section 1573 may apply
17 and interview for admission to the United States as
18 refugees; and

19 (2) aliens described in section 1574(b) may
20 apply and interview for admission to United States
21 as special immigrants.

22 (b) *SUSPENSION.*—The Secretary of State, in consulta-
23 tion with the Secretary of Homeland Security, may suspend
24 in-country processing for a period not to exceed 90 days.
25 Such suspension may be extended by the Secretary of State

1 upon notification to the Committee on the Judiciary of the
2 Senate, the Committee on Foreign Relations of the Senate,
3 the Committee on the Judiciary of the House of Representa-
4 tives, and the Committee on Foreign Affairs of the House
5 of Representatives. The Secretary of State shall submit a
6 report to the Committees of jurisdiction outlining the basis
7 of such suspension and any extensions.

8 (c) *REPORT.*—

9 (1) *IN GENERAL.*—Not later than 90 days after
10 the date of the enactment of this Act, the Secretary of
11 State, in consultation with the Secretary of Home-
12 land Security, shall submit a report that contains the
13 plans and assessment described in paragraph (2) to—

14 (A) the Committee on the Judiciary of the
15 Senate;

16 (B) the Committee on Foreign Relations of
17 the Senate;

18 (C) the Committee on the Judiciary of the
19 House of Representatives; and

20 (D) the Committee on Foreign Affairs of the
21 House of Representatives.

22 (2) *CONTENTS.*—The report submitted under
23 paragraph (1) shall—

1 (A) describe the Secretary's plans to estab-
2 lish the processing mechanisms described in sub-
3 section (a);

4 (B) contain an assessment of in-country
5 processing that makes use of videoconferencing;
6 and

7 (C) describe the Secretary of State's diplo-
8 matic efforts to improve issuance of entry and
9 exit visas or permits to United States personnel
10 and refugees.

11 **SEC. 1573. UNITED STATES REFUGEE PROGRAM PROC-**
12 **ESSING PRIORITIES.**

13 (a) *IN GENERAL.*—Refugees of special humanitarian
14 concern eligible for Priority 2 processing under the refugee
15 resettlement priority system who may apply directly to the
16 United States Admission Program shall include—

17 (1) Iraqis who were or are employed by, or
18 worked for the United States Government, in Iraq;

19 (2) Iraqis who establish to the satisfaction of the
20 Secretary of State in coordination with the Secretary
21 of Homeland Security that they are or were employed
22 in Iraq by—

23 (A) a media or nongovernmental organiza-
24 tion headquartered in the United States; or

1 (B) an organization or entity closely associ-
2 ated with the United States mission in Iraq that
3 has received United States Government funding
4 through an official and documented contract,
5 award, grant, or cooperative agreement; and

6 (3) spouses, children, and parents who are not
7 accompanying or following to join and sons, daugh-
8 ters, and siblings of aliens described in paragraph (1)
9 or section 1574(b)(1); and

10 (4) Iraqis who are members of a religious or mi-
11 nority community, have been identified by the De-
12 partment of State with the concurrence of the Depart-
13 ment of Homeland Security as a persecuted group,
14 and have close family members (as described in sec-
15 tion 201(b)(2)(A)(i) or 203(a) of the Immigration
16 and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and
17 1153(a))) in the United States.

18 (b) *IDENTIFICATION OF OTHER PERSECUTED*
19 *GROUPS.*—The Secretary of State and the Secretary of
20 *Homeland Security* are authorized to identify other Pri-
21 *ority 2 groups in Iraq.*

22 (c) *INELIGIBLE ORGANIZATIONS AND ENTITIES.*—Or-
23 *ganizations and entities described in section 1573 shall not*
24 *include any that appear on the Department of the Treas-*
25 *ury's list of Specially Designated Nationals or any entity*

1 *specifically excluded by the Secretary of Homeland Secu-*
2 *2 rity, after consultation with the Department of State and*
3 *relevant intelligence agencies.*

4 *(d) Aliens under this section who qualify for Priority*
5 *2 processing must meet the requirements of section 207 of*
6 *the Immigration and Nationality Act.*

7 **SEC. 1574. SPECIAL IMMIGRANT STATUS FOR CERTAIN**
8 **IRAQIS.**

9 *(a) IN GENERAL.—Subject to subsection (c)(1) and*
10 *notwithstanding any other provision of law, for purposes*
11 *of the Immigration and Nationality Act (8 U.S.C. 1101 et*
12 *seq.), the Secretary of Homeland Security may provide an*
13 *alien described in subsection (b) with the status of a special*
14 *immigrant under section 101(a)(27) of such Act (8 U.S.C.*
15 *1101(a)(27)), if the alien—*

16 *(1) or an agent acting on behalf of the alien, sub-*
17 *mits to the Secretary a petition under section 204 of*
18 *such Act (8 U.S.C. 1154) for classification under sec-*
19 *tion 203(b)(4) of such Act (8 U.S.C. 1153(6)(4));*

20 *(2) is otherwise eligible to receive an immigrant*
21 *visa;*

22 *(3) is otherwise admissible to the United States*
23 *for permanent residence (excluding the grounds for*
24 *inadmissibility specified in section 212(a)(4) of such*
25 *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 national of Iraq;*

8 (B) *was or is employed by, or worked for*
9 *the United States Government in Iraq, in or*
10 *after 2003, for a period of not less than 1 year;*

11 (C) *provided faithful and valuable service to*
12 *the United States Government, which is docu-*
13 *mented in a positive recommendation or evalua-*
14 *tion from the employee’s senior supervisor. Such*
15 *evaluation or recommendation must be accom-*
16 *panied by approval from the Chief of Mission or*
17 *his designee who shall conduct a risk assessment*
18 *of the alien and an independent review of*
19 *records maintained by the hiring organization or*
20 *entity to confirm employment and faithful and*
21 *valuable service prior to approval of a petition*
22 *under this section; and*

23 (D) *has experienced or is experiencing an*
24 *ongoing serious threat as a consequence of their*
25 *employment by the United States Government.*

1 (2) *SPOUSES AND CHILDREN.*—*An alien is de-*
2 *scribed in this subsection if the alien is—*

3 (A) *the spouse or child of a principal alien*
4 *described in paragraph (1); and*

5 (B) *is accompanying or following to join*
6 *the principal alien in the United States.*

7 (3) *TREATMENT OF SURVIVING SPOUSE OR*
8 *CHILD.*—*An alien shall also fall within subsection (b)*
9 *of section 1574 of this Act, if—*

10 (1) *the alien was the spouse or child of a*
11 *principal alien who had an approved petition*
12 *with the Secretary of Homeland Security or the*
13 *Secretary of State pursuant to section 1574 of*
14 *this Act or section 1059 of the National Defense*
15 *Authorization Act for the Fiscal Year 2006, Pub-*
16 *lic Law 109–163, as amended by Public Law*
17 *110–36, which included the alien as an accom-*
18 *panying spouse or child; and*

19 (2) *due to the death of the petitioning alien,*
20 *such petition was revoked or terminated (or oth-*
21 *erwise rendered null) after its approval.*

22 (c) *NUMERICAL LIMITATIONS.*—

23 (1) *IN GENERAL.*—*The total number of principal*
24 *aliens who may be provided special immigrant status*
25 *under this section may not exceed 5,000 per year for*

1 *each of the 5 fiscal years beginning after the date of*
2 *the enactment of this Act. The authority provided by*
3 *subsection (a) of this section shall expire on Sep-*
4 *tember 30 of the fiscal year that is the fifth fiscal year*
5 *beginning after the date of enactment of this Act.*

6 (2) *EXCLUSION FROM NUMERICAL LIMITA-*
7 *TIONS.—Aliens provided special immigrant status*
8 *under this section shall not be counted against any*
9 *numerical limitation under sections 201(d), 202(a),*
10 *or 203(b)(4) of the Immigration and Nationality Act*
11 *(8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).*

12 (3) *CARRY FORWARD.—If the numerical limita-*
13 *tion under paragraph (1) is not reached during a*
14 *given fiscal year, the numerical limitation under*
15 *paragraph for the following fiscal year shall be in-*
16 *creased by a number equal to the difference between—*

17 (A) *the number of visas authorized under*
18 *paragraph (1) for the given fiscal year; and*

19 (B) *the number of principal aliens provided*
20 *special immigrant status under this section dur-*
21 *ing the given fiscal year.*

22 (d) *VISA AND PASSPORT ISSUANCE AND FEES.—Nei-*
23 *ther the Secretary of State nor the Secretary of Homeland*
24 *Security may charge an alien described in subsection (b)*
25 *any fee in connection with an application for, or issuance*

1 of, a special immigrant visa. The Secretary of State shall
2 make a reasonable effort to ensure that aliens described in
3 this section who are issued special immigrant visas are pro-
4 vided with the appropriate series Iraqi passport necessary
5 to enter the United States.

6 (e) *PROTECTION OF ALIENS.*—The Secretary of State,
7 in consultation with other relevant Federal agencies, shall
8 make a reasonable effort to provide an alien described in
9 this section who is applying for a special immigrant visa
10 with protection or the immediate removal from Iraq, if pos-
11 sible, of such alien if the Secretary determines after con-
12 sultation that such alien is in imminent danger.

13 (f) *DEFINITIONS.*—The terms defined in this Act shall
14 have the same meaning as those terms in the Immigration
15 and Nationality Act.

16 (g) *SAVINGS PROVISION.*—Nothing in this section may
17 be construed to affect the authority of the Secretary of
18 Homeland Security under section 1059 of the National De-
19 fense Authorization Act for Fiscal Year 2006 (Public Law
20 109–163).

21 **SEC. 1575. MINISTER COUNSELORS FOR IRAQI REFUGEES**
22 **AND INTERNALLY DISPLACED PERSONS.**

23 (a) *IN GENERAL.*—The Secretary of State shall estab-
24 lish in the embassy of the United States located in Baghdad,
25 Iraq, a Minister Counselor for Iraqi Refugees and Inter-

1 nally Displaced Persons (referred to in this section as the
2 “Minister Counselor for Iraq”).

3 (b) DUTIES.—The Minister Counselor for Iraq shall be
4 responsible for the oversight of processing for resettlement
5 of persons considered Priority 2 refugees of special humani-
6 tarian concern, special immigrant visa programs in Iraq,
7 and the development and implementation of other appro-
8 priate policies and programs concerning Iraqi refugees and
9 internally displaced persons. The Minister Counselor for
10 Iraq shall have the authority to refer persons to the United
11 States refugee resettlement program.

12 (c) DESIGNATION OF MINISTER COUNSELORS.—The
13 Secretary of State shall designate in the embassies of the
14 United States located in Cairo, Egypt; Amman, Jordan;
15 Damascus, Syria; and Beirut, Lebanon a Minister Coun-
16 selor to oversee resettlement to the United States of persons
17 considered Priority 2 refugees of special humanitarian con-
18 cern in those countries to ensure their applications to the
19 United States refugee resettlement program are processed
20 in an orderly manner and without delay.

21 **SEC. 1576. COUNTRIES WITH SIGNIFICANT POPULATIONS**
22 **OF DISPLACED IRAQIS.**

23 (a) IN GENERAL.—With respect to each country with
24 a significant population of displaced Iraqis, including Iraq,

1 *Jordan, Egypt, Syria, Turkey, and Lebanon, the Secretary*
2 *of State shall—*

3 (1) *as appropriate, consult with other countries*
4 *regarding resettlement of the most vulnerable members*
5 *of such refugee populations; and*

6 (2) *as appropriate, except where otherwise pro-*
7 *hibited by the laws of the United States, develop*
8 *mechanisms in and provide assistance to countries*
9 *with a significant population of displaced Iraqis to*
10 *ensure the well-being and safety of such populations*
11 *in their host environments.*

12 (b) *NUMERICAL LIMITATIONS.—In determining the*
13 *number of Iraqi refugees who should be resettled in the*
14 *United States under sections (a) and (b) of section 207 of*
15 *the Immigration and Nationality Act (8 U.S.C. 1157), the*
16 *President shall consult nongovernmental organizations that*
17 *have a presence in Iraq or experience in assessing the prob-*
18 *lems faced by Iraqi refugees.*

19 (c) *ELIGIBILITY FOR ADMISSION AS REFUGEE.—No*
20 *alien shall be denied the opportunity to apply for admission*
21 *under this section solely because such alien qualifies as an*
22 *immediate relative or is eligible for classification as a spe-*
23 *cial immigrant.*

1 **SEC. 1577. DENIAL OR TERMINATION OF ASYLUM.**

2 (a) *MOTION TO REOPEN.*—Section 208(b) of the Immi-
3 gration and Nationality Act is amended by adding at the
4 end the following:

5 “(4) *CHANGED COUNTRY CONDITIONS.*—An ap-
6 plicant for asylum or withholding of removal, whose
7 claim was denied by an immigration judge solely on
8 the basis of changed country conditions on or after
9 March 1, 2003, may file a motion to reopen his or
10 her claim not later than 6 months after the date of
11 the enactment of the Refugee Crisis in Iraq Act if the
12 applicant—

13 “(A) is a national of Iraq; and

14 “(B) remained in the United States on such
15 date of enactment.”.

16 (b) *PROCEDURE.*—A motion filed under this section
17 shall be made in accordance with section 240(c)(7)(A) and
18 (B) of the Immigration and Nationality Act.

19 **SEC. 1578. REPORTS.**

20 (a) *SECRETARY OF HOMELAND SECURITY.*—

21 (1) *IN GENERAL.*—Not later than 90 days after
22 the date of the enactment of this Act, the Secretary of
23 Homeland Security shall submit a report containing
24 plans to expedite the processing of Iraqi refugees for
25 resettlement to—

1 (A) *the Committee on the Judiciary of the*
2 *Senate;*

3 (B) *the Committee on Foreign Relations of*
4 *the Senate;*

5 (C) *the Committee on the Judiciary of the*
6 *House of Representatives; and*

7 (D) *the Committee on Foreign Affairs of the*
8 *House of Representatives.*

9 (2) *CONTENTS.—The report submitted under*
10 *paragraph (1) shall—*

11 (A) *detail the plans of the Secretary for ex-*
12 *pediting the processing of Iraqi refugees for reset-*
13 *tlement including through temporary expansion*
14 *of the Refugee Corps of United States Citizenship*
15 *and Immigration Services;*

16 (B) *describe the plans of the Secretary for*
17 *increasing the number of Department of Home-*
18 *land Security personnel devoted to refugee proc-*
19 *essing in the noted regions;*

20 (C) *describe the plans of the Secretary for*
21 *enhancing existing systems for conducting back-*
22 *ground and security checks of persons applying*
23 *for Special Immigrant Visas and of persons con-*
24 *sidered Priority 2 refugees of special humani-*
25 *tarian concern under this subtitle, which en-*

1 *hancements shall support immigration security*
2 *and provide for the orderly processing of such*
3 *applications without delay; and*

4 *(D) detail the projections of the Secretary,*
5 *per country and per month, for the number of*
6 *refugee interviews that will be conducted in fiscal*
7 *year 2008 and fiscal year 2009.*

8 *(b) PRESIDENT.—Not later than 90 days after the date*
9 *of the enactment of this Act, and annually thereafter, the*
10 *President shall submit to Congress an unclassified report,*
11 *with a classified annex if necessary, which includes—*

12 *(1) an assessment of the financial, security, and*
13 *personnel considerations and resources necessary to*
14 *carry out the provisions of this subtitle;*

15 *(2) the number of aliens described in section*
16 *1573(1);*

17 *(3) the number of such aliens who have applied*
18 *for special immigrant visas;*

19 *(4) the date of such applications; and*

20 *(5) in the case of applications pending for more*
21 *than 6 months, the reasons that visas have not been*
22 *expeditiously processed.*

23 *(c) REPORT ON IRAQI NATIONALS EMPLOYED BY THE*
24 *UNITED STATES GOVERNMENT AND FEDERAL CONTRAC-*
25 *TORS IN IRAQ.—*

1 (1) *IN GENERAL.*—Not later than 90 days after
2 the date of the enactment of this Act, the Secretary of
3 Defense, the Secretary of State, the Administrator of
4 the United States Agency for International Develop-
5 ment, the Secretary of the Treasury, and the Sec-
6 retary of Homeland Security shall—

7 (A) review internal records and databases of
8 their respective agencies for information that can
9 be used to verify employment of Iraqi nationals
10 by the United States Government; and

11 (B) solicit from each prime contractor or
12 grantee that has performed work in Iraq since
13 March 2003 under a contract, grant, or coopera-
14 tive agreement with their respective agencies that
15 is valued in excess of \$25,000 information that
16 can be used to verify the employment of Iraqi
17 nationals by such contractor or grantee.

18 (2) *INFORMATION REQUIRED.*—To the extent
19 data is available, the information referred to in para-
20 graph (1) shall include the name and dates of em-
21 ployment of, biometric data for, and other data that
22 can be used to verify the employment of, each Iraqi
23 national that has performed work in Iraq since
24 March 2003 under a contract, grant, or cooperative
25 agreement with an executive agency.

1 (3) *EXECUTIVE AGENCY DEFINED.*—*In this sub-*
2 *section, the term “executive agency” has the meaning*
3 *given the term in section 4(1) of the Office of Federal*
4 *Procurement Policy Act (41 U.S.C. 403(1)).*

5 (d) *REPORT ON ESTABLISHMENT OF DATABASE.*—*Not*
6 *later than 90 days after the date of the enactment of this*
7 *Act, the Secretary of Defense, in consultation with the Sec-*
8 *retary of State, the Administrator of the United States*
9 *Agency for International Development, the Secretary of the*
10 *Treasury, and the Secretary of Homeland Security, shall*
11 *submit to Congress a report examining the options for es-*
12 *tablishing a unified, classified database of information re-*
13 *lated to contracts, grants, or cooperative agreements entered*
14 *into by executive agencies for the performance of work in*
15 *Iraq since March 2003, including the information described*
16 *and collected under subsection (c), to be used by relevant*
17 *Federal departments and agencies to adjudicate refugee,*
18 *asylum, special immigrant visa, and other immigration*
19 *claims and applications.*

20 (e) *NONCOMPLIANCE REPORT.*—*Not later than 180*
21 *days after the date of the enactment of this Act, the Presi-*
22 *dent shall submit a report to Congress that describes—*

23 (1) *the inability or unwillingness of any contrac-*
24 *tors or grantees to provide the information requested*
25 *under subsection (c); and*

1 (2) *the reasons for failing to provide such infor-*
2 *mation.*

3 **SEC. 1579. AUTHORIZATION OF APPROPRIATIONS.**

4 *There are authorized to be appropriated such sums as*
5 *may be necessary to carry out this subtitle.*

6 **TITLE XVI—WOUNDED WARRIOR**
7 **MATTERS**

8 **SEC. 1601. SHORT TITLE.**

9 *This title may be cited as the “Dignified Treatment*
10 *of Wounded Warriors Act”.*

11 **SEC. 1602. GENERAL DEFINITIONS.**

12 *In this title:*

13 (1) *The term “appropriate committees of Con-*
14 *gress” means—*

15 (A) *the Committees on Armed Services and*
16 *Veterans’ Affairs of the Senate; and*

17 (B) *the Committees on Armed Services and*
18 *Veterans’ Affairs of the House of Representatives.*

19 (2) *The term “covered member of the Armed*
20 *Forces” means a member of the Armed Forces, includ-*
21 *ing a member of the National Guard or a Reserve,*
22 *who is undergoing medical treatment, recuperation,*
23 *or therapy, is otherwise in medical hold or medical*
24 *holdover status, or is otherwise on the temporary dis-*
25 *ability retired list for a serious injury or illness.*

1 (3) *The term “family member”, with respect to*
2 *a member of the Armed Forces or a veteran, has the*
3 *meaning given that term in section 411h(b) of title*
4 *37, United States Code.*

5 (4) *The term “medical hold or medical holdover*
6 *status” means—*

7 (A) *the status of a member of the Armed*
8 *Forces, including a member of the National*
9 *Guard or Reserve, assigned or attached to a*
10 *military hospital for medical care; and*

11 (B) *the status of a member of a reserve com-*
12 *ponent of the Armed Forces who is separated,*
13 *whether pre-deployment or post-deployment,*
14 *from the member’s unit while in need of health*
15 *care based on a medical condition identified*
16 *while the member is on active duty in the Armed*
17 *Forces.*

18 (5) *The term “serious injury or illness”, in the*
19 *case of a member of the Armed Forces, means an in-*
20 *jury or illness incurred by the member in line of duty*
21 *on active duty in the Armed Forces that may render*
22 *the member medically unfit to perform the duties of*
23 *the member’s office, grade, rank, or rating.*

1 (6) *The term “TRICARE program” has the*
2 *meaning given that term in section 1072(7) of title*
3 *10, United States Code.*

4 ***Subtitle A—Policy on Care, Man-***
5 ***agement, and Transition of***
6 ***Servicemembers With Serious In-***
7 ***juries or Illnesses***

8 ***SEC. 1611. COMPREHENSIVE POLICY ON CARE, MANAGE-***
9 ***MENT, AND TRANSITION OF MEMBERS OF***
10 ***THE ARMED FORCES WITH SERIOUS INJU-***
11 ***RIES OR ILLNESSES.***

12 ***(a) COMPREHENSIVE POLICY REQUIRED.—***

13 ***(1) IN GENERAL.—****Not later than January 1,*
14 *2008, the Secretary of Defense and the Secretary of*
15 *Veterans Affairs shall, to the extent feasible, jointly*
16 *develop and implement a comprehensive policy on the*
17 *care and management of members of the Armed*
18 *Forces who are undergoing medical treatment, recu-*
19 *peration, or therapy, are otherwise in medical hold or*
20 *medical holdover status, or are otherwise on the tem-*
21 *porary disability retired list for a serious injury or*
22 *illness (hereafter in this section referred to as a “cov-*
23 *ered servicemembers”).*

24 ***(2) SCOPE OF POLICY.—****The policy shall cover*
25 *each of the following:*

1 (A) *The care and management of covered*
2 *servicemembers while in medical hold or medical*
3 *holdover status or on the temporary disability*
4 *retired list.*

5 (B) *The medical evaluation and disability*
6 *evaluation of covered servicemembers.*

7 (C) *The return of covered servicemembers to*
8 *active duty when appropriate.*

9 (D) *The transition of covered*
10 *servicemembers from receipt of care and services*
11 *through the Department of Defense to receipt of*
12 *care and services through the Department of Vet-*
13 *erans Affairs.*

14 (3) *CONSULTATION.—The Secretary of Defense*
15 *and the Secretary of Veterans Affairs shall develop the*
16 *policy in consultation with the heads of other appro-*
17 *priate departments and agencies of the Federal Gov-*
18 *ernment and with appropriate non-governmental or-*
19 *ganizations having an expertise in matters relating to*
20 *the policy.*

21 (4) *UPDATE.—The Secretary of Defense and the*
22 *Secretary of Veterans Affairs shall jointly update the*
23 *policy on a periodic basis, but not less often than an-*
24 *nually, in order to incorporate in the policy, as ap-*
25 *propriate, the results of the reviews under subsections*

1 (b) and (c) and the best practices identified through
2 pilot programs under section 1654.

3 (b) *REVIEW OF CURRENT POLICIES AND PROCE-*
4 *DURES.—*

5 (1) *REVIEW REQUIRED.—*In developing the pol-
6 icy required by this section, the Secretary of Defense
7 and the Secretary of Veterans Affairs shall, to the ex-
8 tent necessary, jointly and separately conduct a re-
9 view of all policies and procedures of the Department
10 of Defense and the Department of Veterans Affairs
11 that apply to, or shall be covered by, the policy.

12 (2) *PURPOSE.—*The purpose of the review shall
13 be to identify the most effective and patient-oriented
14 approaches to care and management of covered
15 servicemembers for purposes of—

16 (A) incorporating such approaches into the
17 policy; and

18 (B) extending such approaches, where ap-
19 plicable, to care and management of other in-
20 jured or ill members of the Armed Forces and
21 veterans.

22 (3) *ELEMENTS.—*In conducting the review, the
23 Secretary of Defense and the Secretary of Veterans Af-
24 fairs shall—

1 (A) identify among the policies and proce-
2 dures described in paragraph (1) best practices
3 in approaches to the care and management de-
4 scribed in that paragraph;

5 (B) identify among such policies and proce-
6 dures existing and potential shortfalls in such
7 care and management (including care and man-
8 agement of covered servicemembers on the tem-
9 porary disability retired list), and determine
10 means of addressing any shortfalls so identified;

11 (C) determine potential modifications of
12 such policies and procedures in order to ensure
13 consistency and uniformity among the military
14 departments and the regions of the Department
15 of Veterans Affairs in their application and dis-
16 charge; and

17 (D) develop recommendations for legislative
18 and administrative action necessary to imple-
19 ment the results of the review.

20 (4) *DEADLINE FOR COMPLETION.*—The review
21 shall be completed not later than 90 days after the
22 date of the enactment of this Act.

23 (c) *CONSIDERATION OF FINDINGS, RECOMMENDA-*
24 *TIONS, AND PRACTICES.*—In developing the policy required

1 *by this section, the Secretary of Defense and the Secretary*
2 *of Veterans Affairs shall take into account the following:*

3 (1) *The findings and recommendations of appli-*
4 *cable studies, reviews, reports, and evaluations that*
5 *address matters relating to the policy, including, but*
6 *not limited, to the following:*

7 (A) *The Independent Review Group on Re-*
8 *habilitative Care and Administrative Processes*
9 *at Walter Reed Army Medical Center and Na-*
10 *tional Naval Medical Center appointed by the*
11 *Secretary of Defense.*

12 (B) *The Secretary of Veterans Affairs Task*
13 *Force on Returning Global War on Terror He-*
14 *roes appointed by the President.*

15 (C) *The President's Commission on Care for*
16 *America's Returning Wounded Warriors.*

17 (D) *The Veterans' Disability Benefits Com-*
18 *mission established by title XV of the National*
19 *Defense Authorization Act for Fiscal Year 2004*
20 *(Public Law 108–136; 117 Stat. 1676; 38 U.S.C.*
21 *1101 note).*

22 (E) *The President's Commission on Vet-*
23 *erans' Pensions, of 1956, chaired by General*
24 *Omar N. Bradley.*

1 (F) *The Report of the Congressional Com-*
2 *mission on Servicemembers and Veterans Transi-*
3 *tion Assistance, of 1999, chaired by Anthony J.*
4 *Principi.*

5 (G) *The President's Task Force to Improve*
6 *Health Care Delivery for Our Nation's Veterans,*
7 *of March 2003.*

8 (2) *The experience and best practices of the De-*
9 *partment of Defense and the military departments on*
10 *matters relating to the policy.*

11 (3) *The experience and best practices of the De-*
12 *partment of Veterans Affairs on matters relating to*
13 *the policy.*

14 (4) *Such other matters as the Secretary of De-*
15 *fense and the Secretary of Veterans Affairs consider*
16 *appropriate.*

17 (d) *PARTICULAR ELEMENTS OF POLICY.—The policy*
18 *required by this section shall provide, in particular, the fol-*
19 *lowing:*

20 (1) *RESPONSIBILITY FOR COVERED*
21 *SERVICEMEMBERS IN MEDICAL HOLD OR MEDICAL*
22 *HOLDOVER STATUS OR ON TEMPORARY DISABILITY*
23 *RETIRED LIST.—Mechanisms to ensure responsibility*
24 *for covered servicemembers in medical hold or medical*

1 *holdover status or on the temporary disability retired*
2 *list, including the following:*

3 *(A) Uniform standards for access of covered*
4 *servicemembers to non-urgent health care services*
5 *from the Department of Defense or other pro-*
6 *viders under the TRICARE program, with such*
7 *access to be—*

8 *(i) for follow-up care, within 2 days of*
9 *request of care;*

10 *(ii) for specialty care, within 3 days of*
11 *request of care;*

12 *(iii) for diagnostic referrals and stud-*
13 *ies, within 5 days of request; and*

14 *(iv) for surgery based on a physician's*
15 *determination of medical necessity, within*
16 *14 days of request.*

17 *(B) Requirements for the assignment of ade-*
18 *quate numbers of personnel for the purpose of re-*
19 *sponsibility for and administration of covered*
20 *servicemembers in medical hold or medical hold-*
21 *over status or on the temporary disability retired*
22 *list.*

23 *(C) Requirements for the assignment of ade-*
24 *quate numbers of medical personnel and non-*
25 *medical personnel to roles and responsibilities*

1 *for caring for and administering covered*
2 *servicemembers in medical hold or medical hold-*
3 *over status or on the temporary disability retired*
4 *list, and a description of the roles and respon-*
5 *sibilities of personnel so assigned.*

6 *(D) Guidelines for the location of care for*
7 *covered servicemembers in medical hold or med-*
8 *ical holdover status or on the temporary dis-*
9 *ability retired list, which guidelines shall address*
10 *the assignment of such servicemembers to care*
11 *and residential facilities closest to their duty sta-*
12 *tion or home of record or the location of their*
13 *designated caregiver at the earliest possible time.*

14 *(E) Criteria for work and duty assignments*
15 *of covered servicemembers in medical hold or*
16 *medical holdover status or on the temporary dis-*
17 *ability retired list, including a prohibition on*
18 *the assignment of duty to a servicemember which*
19 *is incompatible with the servicemember's medical*
20 *condition.*

21 *(F) Guidelines for the provision of care and*
22 *counseling for eligible family members of covered*
23 *servicemembers in medical hold or medical hold-*
24 *over status or on the temporary disability retired*
25 *list.*

1 (G) *Requirements for case management of*
2 *covered servicemembers in medical hold or med-*
3 *ical holdover status or on the temporary dis-*
4 *ability retired list, including qualifications for*
5 *personnel providing such case management.*

6 (H) *Requirements for uniform quality of*
7 *care and administration for all covered*
8 *servicemembers in medical hold or medical hold-*
9 *over status or on the temporary disability retired*
10 *list, whether members of the regular components*
11 *of the Armed Forces or members of the reserve*
12 *components of the Armed Forces.*

13 (I) *Standards for the conditions and acces-*
14 *sibility of residential facilities for covered*
15 *servicemembers in medical hold or medical hold-*
16 *over status or on the temporary disability retired*
17 *list who are in outpatient status, and for their*
18 *immediate family members.*

19 (J) *Requirements on the provision of trans-*
20 *portation and subsistence for covered*
21 *servicemembers in medical hold or medical hold-*
22 *over status or on the temporary disability retired*
23 *list, whether in inpatient status or outpatient*
24 *status, to facilitate obtaining needed medical*
25 *care and services.*

1 (K) *Requirements on the provision of edu-*
2 *cational and vocational training and rehabilita-*
3 *tion opportunities for covered servicemembers in*
4 *medical hold or medical holdover status or on the*
5 *temporary disability retired list.*

6 (L) *Procedures for tracking and informing*
7 *covered servicemembers in medical hold or med-*
8 *ical holdover status or on the temporary dis-*
9 *ability retired list about medical evaluation*
10 *board and physical disability evaluation board*
11 *processing.*

12 (M) *Requirements for integrated case man-*
13 *agement of covered servicemembers in medical*
14 *hold or medical holdover status or on the tem-*
15 *porary disability retired list during their transi-*
16 *tion from care and treatment through the De-*
17 *partment of Defense to care and treatment*
18 *through the Department of Veterans Affairs.*

19 (N) *Requirements and standards for advis-*
20 *ing and training, as appropriate, family mem-*
21 *bers with respect to care for covered*
22 *servicemembers in medical hold or medical hold-*
23 *over status or on the temporary disability retired*
24 *list with serious medical conditions, particularly*

1 *traumatic brain injury (TBI), burns, and post-*
2 *traumatic stress disorder (PTSD).*

3 *(O) Requirements for periodic reassessments*
4 *of covered servicemembers, and limits on the*
5 *length of time such servicemembers may be re-*
6 *tained in medical hold or medical holdover sta-*
7 *tus or on the temporary disability retired list.*

8 *(P) Requirements to inform covered*
9 *servicemembers and their family members of*
10 *their rights and responsibilities while in medical*
11 *hold or medical holdover status or on the tem-*
12 *porary disability retired list.*

13 *(Q) The requirement to establish a Depart-*
14 *ment of Defense-wide Ombudsman Office within*
15 *the Office of the Secretary of Defense to provide*
16 *oversight of the ombudsman offices in the mili-*
17 *tary departments and policy guidance to such of-*
18 *fices with respect to providing assistance to, and*
19 *answering questions from, covered*
20 *servicemembers and their families.*

21 *(2) MEDICAL EVALUATION AND PHYSICAL DIS-*
22 *ABILITY EVALUATION FOR COVERED*
23 *SERVICEMEMBERS.—*

24 *(A) MEDICAL EVALUATIONS.—Processes,*
25 *procedures, and standards for medical evalua-*

1 *tions of covered servicemembers, including the*
2 *following:*

3 *(i) Processes for medical evaluations of*
4 *covered servicemembers that are—*

5 *(I) applicable uniformly through-*
6 *out the military departments; and*

7 *(II) applicable uniformly with re-*
8 *spect to such servicemembers who are*
9 *members of the regular components of*
10 *the Armed Forces and such*
11 *servicemembers who are members of the*
12 *National Guard and Reserve.*

13 *(ii) Standard criteria and definitions*
14 *for determining the achievement for covered*
15 *servicemembers of the maximum medical*
16 *benefit from treatment and rehabilitation.*

17 *(iii) Standard timelines for each of the*
18 *following:*

19 *(I) Determinations of fitness for*
20 *duty of covered servicemembers.*

21 *(II) Specialty consultations for*
22 *covered servicemembers.*

23 *(III) Preparation of medical doc-*
24 *uments for covered servicemembers.*

1 (IV) Appeals by covered
2 servicemembers of medical evaluation
3 determinations, including determina-
4 tions of fitness for duty.

5 (iv) Uniform standards for qualifica-
6 tions and training of medical evaluation
7 board personnel, including physicians, case
8 workers, and physical disability evaluation
9 board liaison officers, in conducting medical
10 evaluations of covered servicemembers.

11 (v) Standards for the maximum num-
12 ber of medical evaluation cases of covered
13 servicemembers that are pending before a
14 medical evaluation board at any one time,
15 and requirements for the establishment of
16 additional medical evaluation boards in the
17 event such number is exceeded.

18 (vi) Uniform standards for informa-
19 tion for covered servicemembers, and their
20 families, on the medical evaluation board
21 process and the rights and responsibilities of
22 such servicemembers under that process, in-
23 cluding a standard handbook on such infor-
24 mation.

1 (B) *PHYSICAL DISABILITY EVALUATIONS.—*
2 *Processes, procedures, and standards for physical*
3 *disability evaluations of covered servicemembers,*
4 *including the following:*

5 (i) *A non-adversarial process of the*
6 *Department of Defense and the Department*
7 *of Veterans Affairs for disability determina-*
8 *tions of covered servicemembers.*

9 (ii) *To the extent feasible, procedures to*
10 *eliminate unacceptable discrepancies among*
11 *disability ratings assigned by the military*
12 *departments and the Department of Vet-*
13 *erans Affairs, particularly in the disability*
14 *evaluation of covered servicemembers, which*
15 *procedures shall be subject to the following*
16 *requirements and limitations:*

17 (I) *Such procedures shall apply*
18 *uniformly with respect to covered*
19 *servicemembers who are members of the*
20 *regular components of the Armed*
21 *Forces and covered servicemembers who*
22 *are members of the National Guard*
23 *and Reserve.*

24 (II) *Under such procedures, each*
25 *Secretary of a military department*

1 *shall, to the extent feasible, utilize the*
2 *standard schedule for rating disabili-*
3 *ties in use by the Department of Vet-*
4 *erans Affairs, including any applicable*
5 *interpretation of such schedule by the*
6 *United States Court of Appeals for Vet-*
7 *erans Claims, in making any deter-*
8 *mination of disability of a covered*
9 *servicemember.*

10 *(iii) Standard timelines for appeals of*
11 *determinations of disability of covered*
12 *servicemembers, including timelines for*
13 *presentation, consideration, and disposition*
14 *of appeals.*

15 *(iv) Uniform standards for qualifica-*
16 *tions and training of physical disability*
17 *evaluation board personnel in conducting*
18 *physical disability evaluations of covered*
19 *servicemembers.*

20 *(v) Standards for the maximum num-*
21 *ber of physical disability evaluation cases of*
22 *covered servicemembers that are pending be-*
23 *fore a physical disability evaluation board*
24 *at any one time, and requirements for the*
25 *establishment of additional physical dis-*

1 *ability evaluation boards in the event such*
2 *number is exceeded.*

3 *(vi) Procedures for the provision of*
4 *legal counsel to covered servicemembers*
5 *while undergoing evaluation by a physical*
6 *disability evaluation board.*

7 *(vii) Uniform standards on the roles*
8 *and responsibilities of case managers,*
9 *servicemember advocates, and judge advo-*
10 *cates assigned to covered servicemembers*
11 *undergoing evaluation by a physical dis-*
12 *ability board, and uniform standards on the*
13 *maximum number of cases involving such*
14 *servicemembers that are to be assigned to*
15 *such managers and advocates.*

16 (C) RETURN OF COVERED
17 SERVICEMEMBERS TO ACTIVE DUTY.—*Standards*
18 *for determinations by the military departments*
19 *on the return of covered servicemembers to active*
20 *duty in the Armed Forces.*

21 (D) TRANSITION OF COVERED
22 SERVICEMEMBERS FROM DOD TO VA.—*Processes,*
23 *procedures, and standards for the transition of*
24 *covered servicemembers from care and treatment*
25 *by the Department of Defense to care and treat-*

1 *ment by the Department of Veterans Affairs be-*
2 *fore, during, and after separation from the*
3 *Armed Forces, including the following:*

4 *(i) A uniform, patient-focused policy to*
5 *ensure that the transition occurs without*
6 *gaps in medical care and the quality of*
7 *medical care, benefits, and services.*

8 *(ii) Procedures for the identification*
9 *and tracking of covered servicemembers dur-*
10 *ing the transition, and for the coordination*
11 *of care and treatment of such*
12 *servicemembers during the transition, in-*
13 *cluding a system of cooperative case man-*
14 *agement of such servicemembers by the De-*
15 *partment of Defense and the Department of*
16 *Veterans Affairs during the transition.*

17 *(iii) Procedures for the notification of*
18 *Department of Veterans Affairs liaison per-*
19 *sonnel of the commencement by covered*
20 *servicemembers of the medical evaluation*
21 *process and the physical disability evalua-*
22 *tion process.*

23 *(iv) Procedures and timelines for the*
24 *enrollment of covered servicemembers in ap-*
25 *plicable enrollment or application systems*

1 *of the Department of Veterans with respect*
2 *to health care, disability, education, voca-*
3 *tional rehabilitation, or other benefits.*

4 *(v) Procedures to ensure the access of*
5 *covered servicemembers during the transi-*
6 *tion to vocational, educational, and reha-*
7 *bilitation benefits available through the De-*
8 *partment of Veterans Affairs.*

9 *(vi) Standards for the optimal location*
10 *of Department of Defense and Department*
11 *of Veterans Affairs liaison and case man-*
12 *agement personnel at military medical*
13 *treatment facilities, medical centers, and*
14 *other medical facilities of the Department of*
15 *Defense.*

16 *(vii) Standards and procedures for in-*
17 *tegrated medical care and management for*
18 *covered servicemembers during the transi-*
19 *tion, including procedures for the assign-*
20 *ment of medical personnel of the Depart-*
21 *ment of Veterans Affairs to Department of*
22 *Defense facilities to participate in the needs*
23 *assessments of such servicemembers before,*
24 *during, and after their separation from*
25 *military service.*

1 (viii) *Standards for the preparation of*
2 *detailed plans for the transition of covered*
3 *servicemembers from care and treatment by*
4 *the Department of Defense to care and*
5 *treatment by the Department of Veterans*
6 *Affairs, which plans shall be based on*
7 *standardized elements with respect to care*
8 *and treatment requirements and other ap-*
9 *plicable requirements.*

10 (E) *OTHER MATTERS.—The following addi-*
11 *tional matters with respect to covered*
12 *servicemembers:*

13 (i) *Access by the Department of Vet-*
14 *erans Affairs to the military health records*
15 *of covered servicemembers who are receiving*
16 *care and treatment, or are anticipating re-*
17 *ceipt of care and treatment, in Department*
18 *of Veterans Affairs health care facilities.*

19 (ii) *Requirements for utilizing, in ap-*
20 *propriate cases, a single physical examina-*
21 *tion that meets requirements of both the De-*
22 *partment of Defense and the Department of*
23 *Veterans Affairs for covered servicemembers*
24 *who are being retired, separated, or released*
25 *from military service.*

1 (iii) *Surveys and other mechanisms to*
2 *measure patient and family satisfaction*
3 *with the provision by the Department of*
4 *Defense and the Department of Veterans Af-*
5 *fairs of care and services for covered*
6 *servicemembers, and to facilitate appro-*
7 *priate oversight by supervisory personnel of*
8 *the provision of such care and services.*

9 (3) *REPORT ON REDUCTION IN DISABILITY RAT-*
10 *INGS BY THE DEPARTMENT OF DEFENSE.—The Sec-*
11 *retary of Defense shall submit a report to the commit-*
12 *tees on Armed Services of the Senate and House of*
13 *Representatives on the numbers of instances in which*
14 *a disability rating assigned to a member of the*
15 *Armed Forces by an informal physical evaluation*
16 *board of the Department of Defense was reduced upon*
17 *appeal, and the reasons for such reduction. Such re-*
18 *port shall cover the period beginning October 7, 2001*
19 *and ending September 30, 2006, and shall be sub-*
20 *mitted to the appropriate committees of Congress by*
21 *February 1, 2008.*

22 (e) *REPORTS.—*

23 (1) *REPORT ON POLICY.—Upon the development*
24 *of the policy required by this section but not later*
25 *than January 1, 2008, the Secretary of Defense and*

1 *the Secretary of Veterans Affairs shall jointly submit*
2 *to the appropriate committees of Congress a report on*
3 *the policy, including a comprehensive and detailed*
4 *description of the policy and of the manner in which*
5 *the policy addresses the findings and recommenda-*
6 *tions of the reviews under subsections (b) and (c).*

7 (2) *REPORTS ON UPDATE.*—*Upon updating the*
8 *policy under subsection (a)(4), the Secretary of De-*
9 *fense and the Secretary of Veterans Affairs shall joint-*
10 *ly submit to the appropriate committees of Congress*
11 *a report on the update of the policy, including a com-*
12 *prehensive and detailed description of such update*
13 *and of the reasons for such update.*

14 (f) *COMPTROLLER GENERAL ASSESSMENT OF IMPLE-*
15 *MENTATION.*—*Not later than six months after the date of*
16 *the enactment of this Act and every year thereafter, the*
17 *Comptroller General of the United States shall submit to*
18 *the appropriate committees of Congress a report setting*
19 *forth the assessment of the Comptroller General of the*
20 *progress of the Secretary of Defense and the Secretary of*
21 *Veterans Affairs in developing and implementing the policy*
22 *required by this section.*

1 **SEC. 1612. CONSIDERATION OF NEEDS OF WOMEN MEM-**
2 **BERS OF THE ARMED FORCES AND VET-**
3 **ERANS.**

4 (a) *IN GENERAL.*—*In developing and implementing*
5 *the policy required by section 1611, and in otherwise car-*
6 *rying out any other provision of this title or any amend-*
7 *ment made by this title, the Secretary of Defense and the*
8 *Secretary of Veterans Affairs shall take into account and*
9 *fully address any unique specific needs of women members*
10 *of the Armed Forces and women veterans under such policy*
11 *or other provision.*

12 (b) *REPORTS.*—*In submitting any report required by*
13 *this title or an amendment made by this title, the Secretary*
14 *of Defense and the Secretary of Veterans Affairs shall, to*
15 *the extent applicable, include a description of the manner*
16 *in which the matters covered by such report address the*
17 *unique specific needs of women members of the Armed*
18 *Forces and women veterans.*

1 **Subtitle B—Health Care**

2 **PART I—ENHANCED AVAILABILITY OF CARE FOR**
3 **SERVICEMEMBERS**

4 **SEC. 1621. MEDICAL CARE AND OTHER BENEFITS FOR MEM-**
5 **BERS AND FORMER MEMBERS OF THE ARMED**
6 **FORCES WITH SEVERE INJURIES OR ILL-**
7 **NESSES.**

8 (a) *MEDICAL AND DENTAL CARE FOR MEMBERS AND*
9 *FORMER MEMBERS.*—

10 (1) *IN GENERAL.*—*Effective as of the date of the*
11 *enactment of this Act and subject to regulations pre-*
12 *scribed by the Secretary of Defense, any covered mem-*
13 *ber of the Armed Forces, and any former member of*
14 *the Armed Forces, with a severe injury or illness is*
15 *entitled to medical and dental care in any facility of*
16 *the uniformed services under section 1074(a) of title*
17 *10, United States Code, or through any civilian*
18 *health care provider authorized by the Secretary to*
19 *provide health and mental health services to members*
20 *of the uniformed services, including traumatic brain*
21 *injury (TBI) and post-traumatic stress disorder*
22 *(PTSD), as if such member or former member were*
23 *a member of the uniformed services described in para-*
24 *graph (2) of such section who is entitled to medical*
25 *and dental care under such section.*

1 (2) *PERIOD OF AUTHORIZED CARE.*—(A) *Except*
2 *as provided in subparagraph (B), a member or*
3 *former member described in paragraph (1) is entitled*
4 *to care under that paragraph—*

5 (i) *in the case of a member or former mem-*
6 *ber whose severe injury or illness concerned is in-*
7 *curring or aggravated during the period begin-*
8 *ning on October 7, 2001, and ending on the date*
9 *of the enactment of this Act, during the three-*
10 *year period beginning on the date of the enact-*
11 *ment of this Act, except that no compensation is*
12 *payable by reason of this subsection for any pe-*
13 *riod before the date of the enactment of this Act;*
14 *or*

15 (ii) *in the case of a member or former mem-*
16 *ber whose severe injury or illness concerned is in-*
17 *curring or aggravated on or after the date of the*
18 *enactment of this Act, during the three-year pe-*
19 *riod beginning on the date on which such injury*
20 *or illness is so incurred or aggravated.*

21 (B) *The period of care authorized for a member*
22 *or former member under this paragraph may be ex-*
23 *tended by the Secretary concerned for an additional*
24 *period of up to two years if the Secretary concerned*
25 *determines that such extension is necessary to assure*

1 *the maximum feasible recovery and rehabilitation of*
2 *the member or former member. Any such determina-*
3 *tion shall be made on a case-by-case basis.*

4 (3) *INTEGRATED CARE MANAGEMENT.—The Sec-*
5 *retary of Defense shall provide for a program of inte-*
6 *grated care management in the provision of care and*
7 *services under this subsection, which management*
8 *shall be provided by appropriate medical and case*
9 *management personnel of the Department of Defense*
10 *and the Department of Veterans Affairs (as approved*
11 *by the Secretary of Veterans Affairs) and with appro-*
12 *priate support from the Department of Defense re-*
13 *gional health care support contractors.*

14 (4) *WAIVER OF LIMITATIONS TO MAXIMIZE*
15 *CARE.—The Secretary of Defense may, in providing*
16 *medical and dental care to a member or former mem-*
17 *ber under this subsection during the period referred to*
18 *in paragraph (2), waive any limitation otherwise ap-*
19 *plicable under chapter 55 of title 10, United States*
20 *Code, to the provision of such care to the member or*
21 *former member if the Secretary considers the waiver*
22 *appropriate to assure the maximum feasible recovery*
23 *and rehabilitation of the member or former member.*

24 (5) *CONSTRUCTION WITH ELIGIBILITY FOR VET-*
25 *ERANS BENEFITS.—Nothing in this subsection shall be*

1 *construed to reduce, alter, or otherwise affect the eligi-*
2 *bility or entitlement of a member or former member*
3 *of the Armed Forces to any health care, disability, or*
4 *other benefits to which the member or former member*
5 *would otherwise be eligible or entitled as a veteran*
6 *under the laws administered by the Secretary of Vet-*
7 *erans Affairs.*

8 (6) *SUNSET.*—*The Secretary of Defense may not*
9 *provide medical or dental care to a member or former*
10 *member of the Armed Forces under this subsection*
11 *after December 31, 2012, if the Secretary has not pro-*
12 *vided medical or dental care to the member or former*
13 *member under this subsection before that date.*

14 (b) *REHABILITATION AND VOCATIONAL BENEFITS.*—

15 (1) *IN GENERAL.*—*Effective as of the date of the*
16 *enactment of this Act, a member of the Armed Forces*
17 *with a severe injury or illness is entitled to such bene-*
18 *fits (including rehabilitation and vocational benefits,*
19 *but not including compensation) from the Secretary*
20 *of Veterans Affairs to facilitate the recovery and reha-*
21 *bilitation of such member as the Secretary otherwise*
22 *provides to members of the Armed Forces receiving*
23 *medical care in medical facilities of the Department*
24 *of Veterans Affairs facilities in order to facilitate the*
25 *recovery and rehabilitation of such members.*

1 (2) *LIMITATIONS.*—*The provisions of paragraphs*
2 (2) *through (6) of subsection (a) shall apply to the*
3 *provision of benefits under this subsection as if the*
4 *benefits provided under this subsection were provided*
5 *under subsection (a).*

6 (3) *REIMBURSEMENT.*—*The Secretary of Defense*
7 *shall reimburse the Secretary of Veterans Affairs for*
8 *the cost of any benefits provided under this subsection*
9 *in accordance with applicable mechanisms for the re-*
10 *imbursement of the Secretary of Veterans Affairs for*
11 *the provision of medical care to members of the*
12 *Armed Forces.*

13 (c) *RECOVERY OF CERTAIN EXPENSES OF MEDICAL*
14 *CARE AND RELATED TRAVEL.*—

15 (1) *IN GENERAL.*—*Commencing not later than*
16 *60 days after the date of the enactment of this Act,*
17 *the Secretary of the military department concerned*
18 *may reimburse covered members of the Armed Forces,*
19 *and former members of the Armed Forces, with a se-*
20 *vere injury or illness for covered expenses incurred by*
21 *such members or former members, or their family*
22 *members, in connection with the receipt by such mem-*
23 *bers or former members of medical care that is re-*
24 *quired for such injury or illness.*

1 (2) *COVERED EXPENSES.*—*Expenses for which*
2 *reimbursement may be made under paragraph (1) in-*
3 *clude the following:*

4 (A) *Expenses for health care services for*
5 *which coverage would be provided under section*
6 *1074(c) of title 10, United States Code, for mem-*
7 *bers of the uniformed services on active duty.*

8 (B) *Expenses of travel of a non-medical at-*
9 *tendant who accompanies a member or former*
10 *member of the Armed Forces for required med-*
11 *ical care that is not available to such member or*
12 *former member locally, if such attendant is ap-*
13 *pointed for that purpose by a competent medical*
14 *authority (as determined under regulations pre-*
15 *scribed by the Secretary of Defense for purposes*
16 *of this subsection).*

17 (C) *Such other expenses for medical care as*
18 *the Secretary may prescribe for purposes of this*
19 *subsection.*

20 (3) *AMOUNT OF REIMBURSEMENT.*—*The amount*
21 *of reimbursement under paragraph (1) for expenses*
22 *covered by paragraph (2) shall be determined in ac-*
23 *cordance with regulations prescribed by the Secretary*
24 *of Defense for purposes of this subsection.*

1 (d) *SEVERE INJURY OR ILLNESS DEFINED.*—*In this*
 2 *section, the term “severe injury or illness” means any seri-*
 3 *ous injury or illness that is assigned a disability rating*
 4 *of 30 percent or higher under the schedule for rating disabili-*
 5 *ties in use by the Department of Defense.*

6 **SEC. 1622. REIMBURSEMENT OF CERTAIN FORMER MEM-**
 7 **BERS OF THE UNIFORMED SERVICES WITH**
 8 **SERVICE-CONNECTED DISABILITIES FOR**
 9 **TRAVEL FOR FOLLOW-ON SPECIALTY CARE**
 10 **AND RELATED SERVICES.**

11 (a) *TRAVEL.*—*Section 1074i of title 10, United States*
 12 *Code, is amended—*

13 (1) *by redesignating subsection (b) as subsection*
 14 *(c); and*

15 (2) *by inserting after subsection (a) the following*
 16 *new subsection (b):*

17 “(b) *FOLLOW-ON SPECIALTY CARE AND RELATED*
 18 *SERVICES.*—*In any case in which a former member of a*
 19 *uniformed service who incurred a disability while on active*
 20 *duty in a combat zone or during performance of duty in*
 21 *combat related operations (as designated by the Secretary*
 22 *of Defense), and is entitled to retired or retainer pay, or*
 23 *equivalent pay, requires follow-on specialty care, services,*
 24 *or supplies related to such disability at a specific military*
 25 *treatment facility more than 100 miles from the location*

1 *in which the former member resides, the Secretary shall pro-*
2 *vide reimbursement for reasonable travel expenses com-*
3 *parable to those provided under subsection (a) for the*
4 *former member, and when accompaniment by an adult is*
5 *determined by competent medical authority to be necessary,*
6 *for a spouse, parent, or guardian of the former member,*
7 *or another member of the former member's family who is*
8 *at least 21 years of age.”.*

9 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
10 *section (a) shall take effect January 1, 2008, and shall*
11 *apply with respect to travel that occurs on or after that*
12 *date.*

13 **PART II—CARE AND SERVICES FOR DEPENDENTS**
14 **SEC. 1626. MEDICAL CARE AND SERVICES AND SUPPORT**
15 **SERVICES FOR FAMILIES OF MEMBERS OF**
16 **THE ARMED FORCES RECOVERING FROM SE-**
17 **RIOUS INJURIES OR ILLNESSES.**

18 (a) *MEDICAL CARE.*—

19 (1) *IN GENERAL.*—*A family member of a covered*
20 *member of the Armed Forces who is not otherwise eli-*
21 *gible for medical care at a military medical treat-*
22 *ment facility or at medical facilities of the Depart-*
23 *ment of Veterans Affairs shall be eligible for such care*
24 *at such facilities, on a space-available basis, if the*
25 *family member is—*

1 (A) on invitational orders while caring for
2 the covered member of the Armed Forces;

3 (B) a non-medical attendee caring for the
4 covered member of the Armed Forces; or

5 (C) receiving per diem payments from the
6 Department of Defense while caring for the cov-
7 ered member of the Armed Forces.

8 (2) SPECIFICATION OF FAMILY MEMBERS.—Not-
9 withstanding section 1602(3), the Secretary of Defense
10 and the Secretary of Veterans Affairs shall jointly
11 prescribe in regulations the family members of cov-
12 ered members of the Armed Forces who shall be con-
13 sidered to be a family member of a covered member
14 of the Armed Forces for purposes of paragraph (1).

15 (3) SPECIFICATION OF CARE.—(A) The Secretary
16 of Defense shall prescribe in regulations the medical
17 care and counseling that shall be available to family
18 members under paragraph (1) at military medical
19 treatment facilities.

20 (B) The Secretary of Veterans Affairs shall pre-
21 scribe in regulations the medical care and counseling
22 that shall be available to family members under para-
23 graph (1) at medical facilities of the Department of
24 Veterans Affairs.

1 (4) *RECOVERY OF COSTS.*—*The United States*
2 *may recover the costs of the provision of medical care*
3 *and counseling under paragraph (1) as follows (as*
4 *applicable):*

5 (A) *From third-party payers, in the same*
6 *manner as the United States may collect costs of*
7 *the charges of health care provided to covered*
8 *beneficiaries from third-party payers under sec-*
9 *tion 1095 of title 10, United States Code.*

10 (B) *As if such care and counseling was pro-*
11 *vided under the authority of section 1784 of title*
12 *38, United States Code.*

13 (b) *JOB PLACEMENT SERVICES.*—*A family member*
14 *who is on invitational orders or is a non-medical attendee*
15 *while caring for a covered member of the Armed Forces for*
16 *more than 45 days during a one-year period shall be eligible*
17 *for job placement services otherwise offered by the Depart-*
18 *ment of Defense.*

19 (c) *REPORT ON NEED FOR ADDITIONAL SERVICES.*—
20 *Not later than 90 days after the date of the enactment of*
21 *this Act, the Secretary of Defense shall submit to the con-*
22 *gressional defense committees a report setting forth the as-*
23 *essment of the Secretary of the need for additional employ-*
24 *ment services, and of the need for employment protection,*
25 *of family members described in subsection (b) who are*

1 *placed on leave from employment or otherwise displaced*
2 *from employment while caring for a covered member of the*
3 *Armed Forces as described in that subsection.*

4 **SEC. 1627. EXTENDED BENEFITS UNDER TRICARE FOR PRI-**
5 **MARY CAREGIVERS OF MEMBERS OF THE UNI-**
6 **FORMED SERVICES WHO INCUR A SERIOUS**
7 **INJURY OR ILLNESS ON ACTIVE DUTY.**

8 *(a) IN GENERAL.—Section 1079(d) of title 10, United*
9 *States Code, is amended—*

10 *(1) by redesignating paragraphs (2) and (3) as*
11 *paragraphs (3) and (4), respectively; and*

12 *(2) by inserting after paragraph (1) the fol-*
13 *lowing new paragraph (2):*

14 *“(2)(A) Subject to such terms, conditions, and excep-*
15 *tions as the Secretary of Defense considers appropriate, the*
16 *program of extended benefits for eligible dependents under*
17 *this subsection shall include extended benefits for the pri-*
18 *mary caregivers of members of the uniformed services who*
19 *incur a serious injury or illness on active duty.*

20 *“(B) The Secretary of Defense shall prescribe in regu-*
21 *lations the individuals who shall be treated as the primary*
22 *caregivers of a member of the uniformed services for pur-*
23 *poses of this paragraph.*

24 *“(C) For purposes of this section, a serious injury or*
25 *illness, with respect to a member of the uniformed services,*

1 *is an injury or illness that may render the member medi-*
 2 *cally unfit to perform the duties of the member's office,*
 3 *grade, rank, or rating, and that renders a member of the*
 4 *uniformed services dependent upon a caregiver.”.*

5 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
 6 *section (a) shall take effect on January 1, 2008.*

7 ***PART III—TRAUMATIC BRAIN INJURY AND POST-***
 8 ***TRAUMATIC STRESS DISORDER***

9 ***SEC. 1631. COMPREHENSIVE PLANS ON PREVENTION, DIAG-***
 10 ***NOSIS, MITIGATION, AND TREATMENT OF***
 11 ***TRAUMATIC BRAIN INJURY AND POST-TRAU-***
 12 ***MATIC STRESS DISORDER IN MEMBERS OF***
 13 ***THE ARMED FORCES.***

14 (a) *PLANS REQUIRED.*—*Not later than 180 days after*
 15 *the date of the enactment of this Act, the Secretary of De-*
 16 *fense shall, in consultation with the Secretary of Veterans*
 17 *Affairs, submit to the congressional defense committees one*
 18 *or more comprehensive plans for programs and activities*
 19 *of the Department of Defense to prevent, diagnose, mitigate,*
 20 *treat, and otherwise respond to traumatic brain injury*
 21 *(TBI) and post-traumatic stress disorder (PTSD) in mem-*
 22 *bers of the Armed Forces.*

23 (b) *ELEMENTS.*—*Each plan submitted under sub-*
 24 *section (a) shall include comprehensive proposals of the De-*
 25 *partment on the following:*

1 (1) *The designation by the Secretary of Defense*
2 *of a lead agent or executive agent for the Department*
3 *to coordinate development and implementation of the*
4 *plan.*

5 (2) *The improvement of personnel protective*
6 *equipment for members of the Armed Forces in order*
7 *to prevent traumatic brain injury.*

8 (3) *The improvement of methods and mecha-*
9 *nisms for the detection and treatment of traumatic*
10 *brain injury and post-traumatic stress disorder in*
11 *members of the Armed Forces in the field.*

12 (4) *The requirements for research on traumatic*
13 *brain injury and post-traumatic stress disorder, in-*
14 *cluding (in particular) research on pharmacological*
15 *approaches to treatment for traumatic brain injury*
16 *or post-traumatic stress disorder, as applicable, and*
17 *the allocation of priorities among such research.*

18 (5) *The development, adoption, and deployment*
19 *of diagnostic criteria for the detection and evaluation*
20 *of the range of traumatic brain injury and post-trau-*
21 *matic stress disorder in members of the Armed Forces,*
22 *which criteria shall be employed uniformly across the*
23 *military departments in all applicable circumstances,*
24 *including provision of clinical care and assessment of*
25 *future deployability of members of the Armed Forces.*

1 (6) *The development and deployment of effective*
2 *means of assessing traumatic brain injury and post-*
3 *traumatic stress disorder in members of the Armed*
4 *Forces, including a system of pre-deployment and*
5 *post-deployment screenings of cognitive ability in*
6 *members for the detection of cognitive impairment, as*
7 *required by the amendments made by section 222.*

8 (7) *The development and deployment of effective*
9 *means of managing and monitoring members of the*
10 *Armed Forces with traumatic brain injury or post-*
11 *traumatic stress disorder in the receipt of care for*
12 *traumatic brain injury or post-traumatic stress dis-*
13 *order, as applicable, including the monitoring and as-*
14 *essment of treatment and outcomes.*

15 (8) *The development and deployment of an edu-*
16 *cation and awareness training initiative designed to*
17 *reduce the negative stigma associated with traumatic*
18 *brain injury, post-traumatic stress disorder, and*
19 *mental health treatment.*

20 (9) *The provision of education and outreach to*
21 *families of members of the Armed Forces with trau-*
22 *matic brain injury or post-traumatic stress disorder*
23 *on a range of matters relating to traumatic brain in-*
24 *jury or post-traumatic stress disorder, as applicable,*
25 *including detection, mitigation, and treatment.*

1 (10) *The assessment of the current capabilities of*
2 *the Department for the prevention, diagnosis, mitiga-*
3 *tion, treatment, and rehabilitation of traumatic brain*
4 *injury and post-traumatic stress disorder in members*
5 *of the Armed Forces.*

6 (11) *The identification of gaps in current capa-*
7 *bilities of the Department for the prevention, diag-*
8 *nosis, mitigation, treatment, and rehabilitation of*
9 *traumatic brain injury and post-traumatic stress dis-*
10 *order in members of the Armed Forces.*

11 (12) *The identification of the resources required*
12 *for the Department in fiscal years 2009 thru 2013 to*
13 *address the gaps in capabilities identified under*
14 *paragraph (11).*

15 (13) *The development of joint planning among*
16 *the Department of Defense, the military departments,*
17 *and the Department of Veterans Affairs for the pre-*
18 *vention, diagnosis, mitigation, treatment, and reha-*
19 *bilitation of traumatic brain injury and post-trau-*
20 *matic stress disorder in members of the Armed Forces,*
21 *including planning for the seamless transition of such*
22 *members from care through the Department of Defense*
23 *care through the Department of Veterans Affairs.*

1 (14) *A requirement that exposure to a blast or*
2 *blasts be recorded in the records of members of the*
3 *Armed Forces.*

4 (15) *The development of clinical practice guide-*
5 *lines for the diagnosis and treatment of blast injuries*
6 *in members of the Armed Forces, including, but not*
7 *limited to, traumatic brain injury.*

8 (16) *A program under which each member of the*
9 *Armed Forces who incurs a traumatic brain injury*
10 *or post-traumatic stress disorder during service in the*
11 *Armed Forces—*

12 (A) *is enrolled in the program; and*

13 (B) *receives, under the program, treatment*
14 *and rehabilitation meeting a standard of care*
15 *such that each individual who is a member of the*
16 *Armed Forces who qualifies for care under the*
17 *program shall—*

18 (i) *be provided the highest quality of*
19 *care possible based on the medical judgment*
20 *of qualified medical professionals in facili-*
21 *ties that most appropriately meet the spe-*
22 *cific needs of the individual; and*

23 (ii) *be rehabilitated to the fullest extent*
24 *possible using the most up-to-date medical*

1 *technology, medical rehabilitation practices,*
2 *and medical expertise available.*

3 *(17) A requirement that if a member of the*
4 *Armed Forces participating in a program established*
5 *in accordance with paragraph (16) believes that care*
6 *provided to such participant does not meet the stand-*
7 *ard of care specified in subparagraph (B) of such*
8 *paragraph, the Secretary of Defense shall, upon re-*
9 *quest of the participant, provide to such participant*
10 *a referral to another Department of Defense or De-*
11 *partment of Veterans Affairs provider of medical or*
12 *rehabilitative care for a second opinion regarding the*
13 *care that would meet the standard of care specified in*
14 *such subparagraph.*

15 *(18) The provision of information by the Sec-*
16 *retary of Defense to members of the Armed Forces*
17 *with traumatic brain injury or post-traumatic stress*
18 *disorder and their families about their rights with re-*
19 *spect to the following:*

20 *(A) The receipt of medical and mental*
21 *health care from the Department of Defense and*
22 *the Department of Veterans Affairs.*

23 *(B) The options available to such members*
24 *for treatment of traumatic brain injury and*
25 *post-traumatic stress disorder.*

1 (C) *The options available to such members*
2 *for rehabilitation.*

3 (D) *The options available to such members*
4 *for a referral to a public or private provider of*
5 *medical or rehabilitative care.*

6 (E) *The right to administrative review of*
7 *any decision with respect to the provision of care*
8 *by the Department of Defense for such members.*

9 (c) *COORDINATION IN DEVELOPMENT.—Each plan*
10 *submitted under subsection (a) shall be developed in coordi-*
11 *nation with the Secretary of the Army (who was designated*
12 *by the Secretary of Defense as executive agent for the pre-*
13 *vention, mitigation, and treatment of blast injuries under*
14 *section 256 of the National Defense Authorization Act for*
15 *Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3181;*
16 *10 U.S.C. 1071 note)).*

17 (d) *ADDITIONAL ACTIVITIES.—In carrying out pro-*
18 *grams and activities for the prevention, diagnosis, mitiga-*
19 *tion, and treatment of traumatic brain injury and post-*
20 *traumatic stress disorder in members of the Armed Forces,*
21 *the Secretary of Defense shall—*

22 (1) *examine the results of the recently completed*
23 *Phase 2 study, funded by the National Institutes of*
24 *Health, on the use of progesterone for acute traumatic*
25 *brain injury;*

1 (2) *determine if Department of Defense funding*
2 *for a Phase 3 clinical trial on the use of progesterone*
3 *for acute traumatic brain injury, or for further re-*
4 *search regarding the use of progesterone or its metabo-*
5 *lites for treatment of traumatic brain injury, is war-*
6 *ranted; and*

7 (3) *provide for the collaboration of the Depart-*
8 *ment of Defense, as appropriate, in clinical trials and*
9 *research on pharmacological approaches to treatment*
10 *for traumatic brain injury and post-traumatic stress*
11 *disorder that is conducted by other departments and*
12 *agencies of the Federal Government.*

13 **SEC. 1632. IMPROVEMENT OF MEDICAL TRACKING SYSTEM**
14 **FOR MEMBERS OF THE ARMED FORCES DE-**
15 **PLOYED OVERSEAS.**

16 (a) *PROTOCOL FOR ASSESSMENT OF COGNITIVE FUNC-*
17 *TIONING.—*

18 (1) *PROTOCOL REQUIRED.—Subsection (b) of*
19 *section 1074f of title 10, United States Code, is*
20 *amended—*

21 (A) *in paragraph (2), by adding at the end*
22 *the following new subparagraph:*

23 “(C) *An assessment of post-traumatic stress dis-*
24 *order.”; and*

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

3 “(3)(A) The Secretary shall establish for purposes of
4 subparagraphs (B) and (C) of paragraph (2) a protocol for
5 the predeployment assessment and documentation of the
6 cognitive (including memory) functioning of a member who
7 is deployed outside the United States in order to facilitate
8 the assessment of the postdeployment cognitive (including
9 memory) functioning of the member.

10 “(B) The protocol under subparagraph (A) shall in-
11 clude appropriate mechanisms to permit the differential di-
12 agnosis of traumatic brain injury in members returning
13 from deployment in a combat zone.”.

14 (2) *PILOT PROJECTS.*—(A) In developing the
15 protocol required by paragraph (3) of section 1074f(b)
16 of title 10, United States Code (as amended by para-
17 graph (1) of this subsection), for purposes of assess-
18 ments for traumatic brain injury, the Secretary of
19 Defense shall conduct up to three pilot projects to
20 evaluate various mechanisms for use in the protocol
21 for such purposes. One of the mechanisms to be so
22 evaluated shall be a computer-based assessment tool.

23 (B) Not later than 60 days after the completion
24 of the pilot projects conducted under this paragraph,
25 the Secretary shall submit to the appropriate commit-

1 *tees of Congress a report on the pilot projects. The re-*
2 *port shall include—*

3 *(i) a description of the pilot projects so con-*
4 *ducted;*

5 *(ii) an assessment of the results of each such*
6 *pilot project; and*

7 *(iii) a description of any mechanisms eval-*
8 *uated under each such pilot project that will in-*
9 *corporated into the protocol.*

10 *(C) Not later than 180 days after completion of*
11 *the pilot projects conducted under this paragraph, the*
12 *Secretary shall establish a mechanism for imple-*
13 *menting any mechanism evaluated under such a pilot*
14 *project that is selected for incorporation in the pro-*
15 *tol.*

16 *(D) There is hereby authorized to be appro-*
17 *priated to the Department of Defense, \$3,000,000 for*
18 *the pilot projects authorized by this paragraph. Of the*
19 *amount so authorized to be appropriated, not more*
20 *than \$1,000,000 shall be available for any particular*
21 *pilot project.*

22 *(b) QUALITY ASSURANCE.—Subsection (d)(2) of sec-*
23 *tion 1074f of title 10, United States Code, is amended by*
24 *adding at the end the following new subparagraph:*

1 “(F) *The diagnosis and treatment of traumatic*
2 *brain injury and post-traumatic stress disorder.*”.

3 (c) *STANDARDS FOR DEPLOYMENT.*—Subsection (f) of
4 *such section is amended—*

5 (1) *in the subsection heading, by striking “MEN-*
6 *TAL HEALTH”;* and

7 (2) *in paragraph (2)(B), by striking “or” and*
8 *inserting “, traumatic brain injury, or”.*

9 **SEC. 1633. CENTERS OF EXCELLENCE IN THE PREVENTION,**
10 **DIAGNOSIS, MITIGATION, TREATMENT, AND**
11 **REHABILITATION OF TRAUMATIC BRAIN IN-**
12 **JURY AND POST-TRAUMATIC STRESS DIS-**
13 **ORDER.**

14 (a) *CENTER OF EXCELLENCE ON TRAUMATIC BRAIN*
15 *INJURY.*—Chapter 55 of title 10, United States Code, is
16 *amended by inserting after section 1105 the following new*
17 *section:*

18 **“§ 1105a. Center of Excellence in Prevention, Diag-**
19 **nosis, Mitigation, Treatment, and Reha-**
20 **ilitation of Traumatic Brain Injury**

21 “(a) *IN GENERAL.*—The Secretary of Defense shall es-
22 *tablish within the Department of Defense a center of excel-*
23 *lence in the prevention, diagnosis, mitigation, treatment,*
24 *and rehabilitation of traumatic brain injury (TBI), includ-*
25 *ing mild, moderate, and severe traumatic brain injury, to*

1 *carry out the responsibilities specified in subsection (c). The*
2 *center shall be known as a ‘Center of Excellence in Preven-*
3 *tion, Diagnosis, Mitigation, Treatment, and Rehabilitation*
4 *of Traumatic Brain Injury’.*

5 “(b) *PARTNERSHIPS.*—*The Secretary shall ensure that*
6 *the Center collaborates to the maximum extent practicable*
7 *with the Department of Veterans Affairs, institutions of*
8 *higher education, and other appropriate public and private*
9 *entities (including international entities) to carry out the*
10 *responsibilities specified in subsection (c).*

11 “(c) *RESPONSIBILITIES.*—*The Center shall have re-*
12 *sponsibilities as follows:*

13 “(1) *To direct and oversee, based on expert re-*
14 *search, the development and implementation of a*
15 *long-term, comprehensive plan and strategy for the*
16 *Department of Defense for the prevention, diagnosis,*
17 *mitigation, treatment, and rehabilitation of trau-*
18 *matic brain injury.*

19 “(2) *To provide for the development, testing, and*
20 *dissemination within the Department of best practices*
21 *for the treatment of traumatic brain injury.*

22 “(3) *To provide guidance for the mental health*
23 *system of the Department in determining the mental*
24 *health and neurological health personnel required to*

1 *provide quality mental health care for members of the*
2 *armed forces with traumatic brain injury.*

3 *“(4) To establish, implement, and oversee a com-*
4 *prehensive program to train mental health and neuro-*
5 *logical health professionals of the Department in the*
6 *treatment of traumatic brain injury.*

7 *“(5) To facilitate advancements in the study of*
8 *the short-term and long-term psychological effects of*
9 *traumatic brain injury.*

10 *“(6) To disseminate within the military medical*
11 *treatment facilities of the Department best practices*
12 *for training mental health professionals, including*
13 *neurological health professionals, with respect to trau-*
14 *matic brain injury.*

15 *“(7) To conduct basic science and translational*
16 *research on traumatic brain injury for the purposes*
17 *of understanding the etiology of traumatic brain in-*
18 *jury and developing preventive interventions and new*
19 *treatments.*

20 *“(8) To develop outreach strategies and treat-*
21 *ments for families of members of the armed forces*
22 *with traumatic brain injury in order to mitigate the*
23 *negative impacts of traumatic brain injury on such*
24 *family members and to support the recovery of such*
25 *members from traumatic brain injury.*

1 “(9) To conduct research on the unique mental
2 health needs of women members of the armed forces
3 with traumatic brain injury and develop treatments
4 to meet any needs identified through such research.

5 “(10) To conduct research on the unique mental
6 health needs of ethnic minority members of the armed
7 forces with traumatic brain injury and develop treat-
8 ments to meet any needs identified through such re-
9 search.

10 “(11) To conduct research on the mental health
11 needs of families of members of the armed forces with
12 traumatic brain injury and develop treatments to
13 meet any needs identified through such research.

14 “(12) To conduct longitudinal studies (using im-
15 aging technology and other proven research methods)
16 on members of the armed forces with traumatic brain
17 injury to identify early signs of Alzheimer’s disease,
18 Parkinson’s disease, or other manifestations of
19 neurodegeneration in such members, which studies
20 should be conducted in coordination with the studies
21 authorized by section 721 of the John Warner Na-
22 tional Defense Authorization Act for Fiscal Year 2007
23 (Public Law 109–364; 120 Stat. 2294) and other
24 studies of the Department of Defense and the Depart-
25 ment of Veterans Affairs that address the connection

1 *between exposure to combat and the development of*
2 *Alzheimer’s disease, Parkinson’s disease, and other*
3 *neurodegenerative disorders.*

4 “(13) *To develop and oversee a long-term plan to*
5 *increase the number of mental health and neurological*
6 *health professionals within the Department in order*
7 *to facilitate the meeting by the Department of the*
8 *needs of members of the armed forces with traumatic*
9 *brain injury until their transition to care and treat-*
10 *ment from the Department of Veterans Affairs.*

11 “(14) *To develop a program on comprehensive*
12 *pain management, including management of acute*
13 *and chronic pain, to utilize current and develop new*
14 *treatments for pain, and to identify and disseminate*
15 *best practices on pain management.*

16 “(15) *Such other responsibilities as the Secretary*
17 *shall specify.*”.

18 (b) *CENTER OF EXCELLENCE ON POST-TRAUMATIC*
19 *STRESS DISORDER.—Chapter 55 of such title is further*
20 *amended by inserting after section 1105a, as added by sub-*
21 *section (a), the following new section:*

1 **“§1105b. Center of Excellence in Prevention, Diag-**
2 **nosis, Mitigation, Treatment, and Reha-**
3 **bilitation of Post-Traumatic Stress Dis-**
4 **order**

5 “(a) *IN GENERAL.*—*The Secretary of Defense shall es-*
6 *tablish within the Department of Defense a center of excel-*
7 *lence in the prevention, diagnosis, mitigation, treatment,*
8 *and rehabilitation of post-traumatic stress disorder*
9 *(PTSD), including mild, moderate, and severe post-trau-*
10 *matic stress disorder, to carry out the responsibilities speci-*
11 *fied in subsection (c). The center shall be known as a ‘Center*
12 *of Excellence in Prevention, Diagnosis, Mitigation, Treat-*
13 *ment, and Rehabilitation of Post-Traumatic Stress Dis-*
14 *order’.*

15 “(b) *PARTNERSHIPS.*—*The Secretary shall ensure that*
16 *the Center collaborates to the maximum extent practicable*
17 *with the National Center for Post-Traumatic Stress Dis-*
18 *order of the Department of Veterans Affairs, institutions of*
19 *higher education, and other appropriate public and private*
20 *entities (including international entities) to carry out the*
21 *responsibilities specified in subsection (c).*

22 “(c) *RESPONSIBILITIES.*—*The Center shall have re-*
23 *sponsibilities as follows:*

24 “(1) *To direct and oversee, based on expert re-*
25 *search, the development and implementation of a*
26 *long-term, comprehensive plan and strategy for the*

1 *Department of Defense for the prevention, diagnosis,*
2 *mitigation, treatment, and rehabilitation of post-*
3 *traumatic stress disorder.*

4 *“(2) To provide for the development, testing, and*
5 *dissemination within the Department of best practices*
6 *for the treatment of post-traumatic stress disorder.*

7 *“(3) To provide guidance for the mental health*
8 *system of the Department in determining the mental*
9 *health and neurological health personnel required to*
10 *provide quality mental health care for members of the*
11 *armed forces with post-traumatic stress disorder.*

12 *“(4) To establish, implement, and oversee a com-*
13 *prehensive program to train mental health and neuro-*
14 *logical health professionals of the Department in the*
15 *treatment of post-traumatic stress disorder.*

16 *“(5) To facilitate advancements in the study of*
17 *the short-term and long-term psychological effects of*
18 *post-traumatic stress disorder.*

19 *“(6) To disseminate within the military medical*
20 *treatment facilities of the Department best practices*
21 *for training mental health professionals, including*
22 *neurological health professionals, with respect to post-*
23 *traumatic stress disorder.*

24 *“(7) To conduct basic science and translational*
25 *research on post-traumatic stress disorder for the pur-*

1 *poses of understanding the etiology of post-traumatic*
2 *stress disorder and developing preventive interven-*
3 *tions and new treatments.*

4 *“(8) To develop outreach strategies and treat-*
5 *ments for families of members of the armed forces*
6 *with post-traumatic stress disorder in order to miti-*
7 *gate the negative impacts of traumatic brain injury*
8 *on such family members and to support the recovery*
9 *of such members from post-traumatic stress disorder.*

10 *“(9) To conduct research on the unique mental*
11 *health needs of women members of the armed forces,*
12 *including victims of sexual assault, with post-trau-*
13 *matic stress disorder and develop treatments to meet*
14 *any needs identified through such research.*

15 *“(10) To conduct research on the unique mental*
16 *health needs of ethnic minority members of the armed*
17 *forces with post-traumatic stress disorder and develop*
18 *treatments to meet any needs identified through such*
19 *research.*

20 *“(11) To conduct research on the mental health*
21 *needs of families of members of the armed forces with*
22 *post-traumatic stress disorder and develop treatments*
23 *to meet any needs identified through such research.*

24 *“(12) To develop and oversee a long-term plan to*
25 *increase the number of mental health and neurological*

1 *health professionals within the Department in order*
2 *to facilitate the meeting by the Department of the*
3 *needs of members of the armed forces with post-trau-*
4 *matic stress disorder until their transition to care*
5 *and treatment from the Department of Veterans Af-*
6 *fairs.*

7 “(13) *To develop a program on comprehensive*
8 *pain management, including management of acute*
9 *and chronic pain, to utilize current and develop new*
10 *treatments for pain, and to identify and disseminate*
11 *best practices on pain management.*

12 “(14) *Such other responsibilities as the Secretary*
13 *shall specify.*”.

14 (c) *CLERICAL AMENDMENT.*—*The table of sections at*
15 *the beginning of chapter 55 of such title is amended by in-*
16 *serting after the item relating to section 1105 the following*
17 *new items:*

 “1105a. *Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment,*
 and Rehabilitation of Traumatic Brain Injury.

 “1105b. *Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and*
 Rehabilitation of Post-Traumatic Stress Disorder.”.

18 (d) *REPORT ON ESTABLISHMENT.*—*Not later than 180*
19 *days after the date of the enactment of this Act, the Sec-*
20 *retary of Defense shall submit to Congress a report on the*
21 *establishment of the Center of Excellence in Prevention, Di-*
22 *agnosis, Mitigation, Treatment, and Rehabilitation of*
23 *Traumatic Brain Injury required by section 1105a of title*

1 10, *United States Code* (as added by subsection (a)), and
2 the establishment of the *Center of Excellence in Prevention,*
3 *Diagnosis, Mitigation, Treatment, and Rehabilitation of*
4 *Post-Traumatic Stress Disorder* required by section 1105b
5 of title 10, *United States Code* (as added by subsection (b)).

6 *The report shall, for each such Center—*

7 (1) *describe in detail the activities and proposed*
8 *activities of such Center; and*

9 (2) *assess the progress of such Center in dis-*
10 *charging the responsibilities of such Center.*

11 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
12 *hereby authorized to be appropriated for fiscal year 2008*
13 *for the Department of Defense for Defense Health Program,*
14 *\$10,000,000, of which—*

15 (1) *\$5,000,000 shall be available for the Center*
16 *of Excellence in Prevention, Diagnosis, Mitigation,*
17 *Treatment, and Rehabilitation of Traumatic Brain*
18 *Injury* required by section 1105a of title 10, *United*
19 *States Code; and*

20 (2) *\$5,000,000 shall be available for the Center*
21 *of Excellence in Prevention, Diagnosis, Mitigation,*
22 *Treatment, and Rehabilitation of Post-Traumatic*
23 *Stress Disorder* required by section 1105b of title 10,
24 *United States Code.*

1 **SEC. 1634. REVIEW OF MENTAL HEALTH SERVICES AND**
2 **TREATMENT FOR FEMALE MEMBERS OF THE**
3 **ARMED FORCES AND VETERANS.**

4 (a) *COMPREHENSIVE REVIEW.*—*The Secretary of De-*
5 *fense and the Secretary of Veterans Affairs shall jointly con-*
6 *duct a comprehensive review of—*

7 (1) *the need for mental health treatment and*
8 *services for female members of the Armed Forces and*
9 *veterans; and*

10 (2) *the efficacy and adequacy of existing mental*
11 *health treatment programs and services for female*
12 *members of the Armed Forces and veterans.*

13 (b) *ELEMENTS.*—*The review required by subsection (a)*
14 *shall include, but not be limited to, an assessment of the*
15 *following:*

16 (1) *The need for mental health outreach, preven-*
17 *tion, and treatment services specifically for female*
18 *members of the Armed Forces and veterans.*

19 (2) *The access to and efficacy of existing mental*
20 *health outreach, prevention, and treatment services*
21 *and programs (including substance abuse programs)*
22 *for female veterans who served in a combat zone.*

23 (3) *The access to and efficacy of services and*
24 *treatment for female members of the Armed Forces*
25 *and veterans who experience post-traumatic stress*
26 *disorder (PTSD).*

1 (4) *The availability of services and treatment for*
2 *female members of the Armed Forces and veterans*
3 *who experienced sexual assault or abuse.*

4 (5) *The access to and need for treatment facili-*
5 *ties focusing on the mental health care needs of female*
6 *members of the Armed Forces and veterans.*

7 (6) *The need for further clinical research on the*
8 *unique needs of female veterans who served in a com-*
9 *bat zone.*

10 (c) *REPORT.—Not later than 90 days after the date*
11 *of the enactment of this Act, the Secretary of Defense and*
12 *the Secretary of Veterans Affairs shall jointly submit to the*
13 *appropriate committees of Congress a report on the review*
14 *required by subsection (a).*

15 (d) *POLICY REQUIRED.—Not later than 120 days after*
16 *the date of the enactment of this Act, the Secretary of De-*
17 *fense and the Secretary of Veterans Affairs shall jointly de-*
18 *velop a comprehensive policy to address the treatment and*
19 *care needs of female members of the Armed Forces and vet-*
20 *erans who experience mental health problems and condi-*
21 *tions, including post-traumatic stress disorder. The policy*
22 *shall take into account and reflect the results of the review*
23 *required by subsection (a).*

1 **SEC. 1635. FUNDING FOR IMPROVED DIAGNOSIS, TREAT-**
2 **MENT, AND REHABILITATION OF MEMBERS**
3 **OF THE ARMED FORCES WITH TRAUMATIC**
4 **BRAIN INJURY OR POST-TRAUMATIC STRESS**
5 **DISORDER.**

6 (a) *AUTHORIZATION OF APPROPRIATIONS.—*

7 (1) *IN GENERAL.—Funds are hereby authorized*
8 *to be appropriated for fiscal year 2008 for the De-*
9 *partment of Defense for Defense Health Program in*
10 *the amount of \$50,000,000, with such amount to be*
11 *available for activities as follows:*

12 (A) *Activities relating to the improved diag-*
13 *nosis, treatment, and rehabilitation of members*
14 *of the Armed Forces with traumatic brain injury*
15 *(TBI).*

16 (B) *Activities relating to the improved diag-*
17 *nosis, treatment, and rehabilitation of members*
18 *of the Armed Forces with post-traumatic stress*
19 *disorder (PTSD).*

20 (2) *AVAILABILITY OF AMOUNT.—Of the amount*
21 *authorized to be appropriated by paragraph (1),*
22 *\$17,000,000 shall be available for the Defense and*
23 *Veterans Brain Injury Center of the Department of*
24 *Defense.*

25 (b) *SUPPLEMENT NOT SUPPLANT.—The amount au-*
26 *thorized to be appropriated by subsection (a) for Defense*

1 *Health Program is in addition to any other amounts au-*
2 *thorized to be appropriated by this Act for Defense Health*
3 *Program.*

4 **SEC. 1636. REPORTS.**

5 (a) *REPORTS ON IMPLEMENTATION OF CERTAIN RE-*
6 *QUIREMENTS.*—*Not later than 90 days after the date of the*
7 *enactment of this Act, the Secretary of Defense shall submit*
8 *to the congressional defense committees a report describing*
9 *the progress in implementing the requirements as follows:*

10 (1) *The requirements of section 721 of the John*
11 *Warner National Defense Authorization Act for Fiscal*
12 *Year 2007 (Public Law 109–364; 120 Stat. 2294), re-*
13 *lating to a longitudinal study on traumatic brain in-*
14 *jury incurred by members of the Armed Forces in Op-*
15 *eration Iraqi Freedom and Operation Enduring Free-*
16 *dom.*

17 (2) *The requirements arising from the amend-*
18 *ments made by section 738 of the John Warner Na-*
19 *tional Defense Authorization Act for Fiscal Year 2007*
20 *(120 Stat. 2303), relating to enhanced mental health*
21 *screening and services for members of the Armed*
22 *Forces.*

23 (3) *The requirements of section 741 of the John*
24 *Warner National Defense Authorization Act for Fiscal*
25 *Year 2007 (120 Stat. 2304), relating to pilot projects*

1 *on early diagnosis and treatment of post-traumatic*
2 *stress disorder and other mental health conditions.*

3 *(b) ANNUAL REPORTS ON EXPENDITURES FOR ACTIVI-*
4 *TIES ON TBI AND PTSD.—*

5 *(1) REPORTS REQUIRED.—Not later than March*
6 *1, 2008, and each year thereafter through 2013, the*
7 *Secretary of Defense shall submit to the congressional*
8 *defense committees a report setting forth the amounts*
9 *expended by the Department of Defense during the*
10 *preceding calendar year on activities described in*
11 *paragraph (2), including the amount allocated during*
12 *such calendar year to the Defense and Veterans Brain*
13 *Injury Center of the Department.*

14 *(2) COVERED ACTIVITIES.—The activities de-*
15 *scribed in this paragraph are activities as follows:*

16 *(A) Activities relating to the improved diag-*
17 *nosis, treatment, and rehabilitation of members*
18 *of the Armed Forces with traumatic brain injury*
19 *(TBI).*

20 *(B) Activities relating to the improved diag-*
21 *nosis, treatment, and rehabilitation of members*
22 *of the Armed Forces with post-traumatic stress*
23 *disorder (PTSD).*

24 *(3) ELEMENTS.—Each report under paragraph*
25 *(1) shall include—*

1 (A) a description of the amounts expended
2 as described in that paragraph, including a de-
3 scription of the activities for which expended;

4 (B) a description and assessment of the out-
5 come of such activities;

6 (C) a statement of priorities of the Depart-
7 ment in activities relating to the prevention, di-
8 agnosis, research, treatment, and rehabilitation
9 of traumatic brain injury in members of the
10 Armed Forces during the year in which such re-
11 port is submitted and in future calendar years;

12 (D) a statement of priorities of the Depart-
13 ment in activities relating to the prevention, di-
14 agnosis, research, treatment, and rehabilitation
15 of post-traumatic stress disorder in members of
16 the Armed Forces during the year in which such
17 report is submitted and in future calendar years;
18 and

19 (E) an assessment of the progress made to-
20 ward achieving the priorities stated in subpara-
21 graphs (C) and (D) in the report under para-
22 graph (1) in the previous year, and a description
23 of any actions planned during the year in which
24 such report is submitted to achieve any
25 unfulfilled priorities during such year.

1 **PART IV—OTHER MATTERS**
2 **SEC. 1641. JOINT ELECTRONIC HEALTH RECORD FOR THE**
3 **DEPARTMENT OF DEFENSE AND DEPART-**
4 **MENT OF VETERANS AFFAIRS.**

5 (a) *IN GENERAL.*—*The Secretary of Defense and the*
6 *Secretary of Veterans Affairs shall jointly—*

7 (1) *develop and implement a joint electronic*
8 *health record for use by the Department of Defense*
9 *and the Department of Veterans Affairs; and*

10 (2) *accelerate the exchange of health care infor-*
11 *mation between the Department of Defense and the*
12 *Department of Veterans Affairs in order to support*
13 *the delivery of health care by both Departments.*

14 (b) *DEPARTMENT OF DEFENSE-DEPARTMENT OF VET-*
15 *ERANS AFFAIRS INTERAGENCY PROGRAM OFFICE FOR A*
16 *JOINT ELECTRONIC HEALTH RECORD.*—

17 (1) *IN GENERAL.*—*There is hereby established a*
18 *joint element of the Department of Defense and the*
19 *Department of Veterans Affairs to be known as the*
20 *“Department of Defense-Department of Veterans Af-*
21 *airs Interagency Program Office for a Joint Elec-*
22 *tronic Health Record” (in this section referred to as*
23 *the “Office”).*

24 (2) *PURPOSES.*—*The purposes of the Office shall*
25 *be as follows:*

1 (A) *To act as a single point of account-*
2 *ability for the Department of Defense and the*
3 *Department of Veterans Affairs in the rapid de-*
4 *velopment, test, and implementation of a joint*
5 *electronic health record for use by the Depart-*
6 *ment of Defense and the Department of Veterans*
7 *Affairs.*

8 (B) *To accelerate the exchange of health*
9 *care information between Department of Defense*
10 *and the Department of Veterans Affairs in order*
11 *to support the delivery of health care by both De-*
12 *partments.*

13 (c) *LEADERSHIP.*—

14 (1) *DIRECTOR.*—*The Director of the Department*
15 *of Defense-Department of Veterans Affairs Inter-*
16 *agency Program Office for a Joint Electronic Health*
17 *Record shall be the head of the Office.*

18 (2) *DEPUTY DIRECTOR.*—*The Deputy Director of*
19 *the Department of Defense-Department of Veterans*
20 *Affairs Interagency Program Office for a Joint Elec-*
21 *tronic Health Record shall be the deputy head of the*
22 *office and shall assist the Director in carrying out the*
23 *duties of the Director.*

24 (3) *APPOINTMENTS.*—(A) *The Director shall be*
25 *appointed by the Secretary of Defense, with the con-*

1 *currence of the Secretary of Veterans Affairs, from*
2 *among employees of the Department of Defense and*
3 *the Department of Veterans Affairs in the Senior Ex-*
4 *ecutive Service who are qualified to direct the develop-*
5 *ment and acquisition of major information technology*
6 *capabilities.*

7 *(B) The Deputy Director shall be appointed by*
8 *the Secretary of Veterans Affairs, with the concur-*
9 *rence of the Secretary of Defense, from among employ-*
10 *ees of the Department of Defense and the Department*
11 *of Veterans Affairs in the Senior Executive Service*
12 *who are qualified to direct the development and ac-*
13 *quisition of major information technology capabili-*
14 *ties.*

15 *(4) ADDITIONAL GUIDANCE.—In addition to the*
16 *direction, supervision, and control provided by the*
17 *Secretary of Defense and the Secretary of Veterans Af-*
18 *airs, the Office shall also receive guidance from the*
19 *Department of Veterans Affairs-Department of De-*
20 *fense Joint Executive Committee under section 320 of*
21 *title 38, United States Code, in the discharge of the*
22 *functions of the Office under this section.*

23 *(5) TESTIMONY.—Upon request by any of the ap-*
24 *propriate committees of Congress, the Director and*
25 *the Deputy Director shall testify before such com-*

1 *mittee regarding the discharge of the functions of the*
2 *Office under this section.*

3 *(d) FUNCTION.—The function of the Office shall be to*
4 *develop and prepare for deployment, by not later than Sep-*
5 *tember 30, 2010, a joint electronic health record to be uti-*
6 *lized by both the Department of Defense and the Depart-*
7 *ment of Veterans Affairs in the provision of medical care*
8 *and treatment to members of the Armed Forces and vet-*
9 *erans, which health record shall comply with applicable*
10 *interoperability standards, implementation specifications,*
11 *and certification criteria (including for the reporting of*
12 *quality measures) of the Federal Government.*

13 *(e) SCHEDULES AND BENCHMARKS.—Not later than*
14 *30 days after the date of the enactment of this Act, the Sec-*
15 *retary of Defense and the Secretary of Veterans Affairs shall*
16 *jointly establish a schedule and benchmarks for the dis-*
17 *charge by the Office of its function under this section, in-*
18 *cluding each of the following:*

19 *(1) A schedule for the establishment of the Office.*

20 *(2) A schedule and deadline for the establishment*
21 *of the requirements for the joint electronic health*
22 *record described in subsection (d), including coordina-*
23 *tion with the Office of the National Coordinator for*
24 *Health Information Technology in the development of*

1 *a nationwide interoperable health information tech-*
2 *nology infrastructure.*

3 (3) *A schedule and associated deadlines for any*
4 *acquisition and testing required in the development*
5 *and deployment of the joint electronic health record.*

6 (4) *A schedule and associated deadlines and re-*
7 *quirements for the deployment of the joint electronic*
8 *health record.*

9 (5) *Proposed funding for the Office for each of*
10 *fiscal years 2009 through 2013 for the discharge of its*
11 *function.*

12 (f) *PILOT PROJECTS.—*

13 (1) *AUTHORITY.—In order to assist the Office in*
14 *the discharge of its function under this section, the*
15 *Secretary of Defense and the Secretary of Veterans Af-*
16 *airs may, acting jointly, carry out one or more pilot*
17 *projects to assess the feasibility and advisability of*
18 *various technological approaches to the achievement of*
19 *the joint electronic health record described in sub-*
20 *section (d).*

21 (2) *TREATMENT AS SINGLE HEALTH CARE SYS-*
22 *TEM.—For purposes of each pilot project carried out*
23 *under this subsection, the health care system of the*
24 *Department of Defense and the health care system of*
25 *the Department of Veterans Affairs shall be treated as*

1 *a single health care system for purposes of the regula-*
2 *tions promulgated under section 264(c) of the Health*
3 *Insurance Portability and Accountability Act of 1996*
4 *(42 U.S.C. 1320d–2 note).*

5 *(g) STAFF AND OTHER RESOURCES.—*

6 *(1) IN GENERAL.—The Secretary of Defense and*
7 *the Secretary of Veterans Affairs shall assign to the*
8 *Office such personnel and other resources of the De-*
9 *partment of Defense and the Department of Veterans*
10 *Affairs as are required for the discharge of its func-*
11 *tion under this section.*

12 *(2) ADDITIONAL SERVICES.—Subject to the ap-*
13 *proval of the Secretary of Defense and the Secretary*
14 *of Veterans Affairs, the Director may utilize the serv-*
15 *ices of private individuals and entities as consultants*
16 *to the Office in the discharge of its function under*
17 *this section. Amounts available to the Office shall be*
18 *available for payment for such services.*

19 *(h) ANNUAL REPORTS.—*

20 *(1) IN GENERAL.—Not later than January 1,*
21 *2009, and each year thereafter through 2014, the Di-*
22 *rector shall submit to the Secretary of Defense and the*
23 *Secretary of Veterans Affairs, and to the appropriate*
24 *committees of Congress, a report on the activities of*
25 *the Office during the preceding calendar year. Each*

1 *report shall include, for the year covered by such re-*
2 *port, the following:*

3 *(A) A detailed description of the activities*
4 *of the Office, including a detailed description of*
5 *the amounts expended and the purposes for*
6 *which expended.*

7 *(B) An assessment of the progress made by*
8 *the Department of Defense and the Department*
9 *of Veterans Affairs in the development and im-*
10 *plementation of the joint electronic health record*
11 *described in subsection (d).*

12 *(2) AVAILABILITY TO PUBLIC.—The Secretary of*
13 *Defense and the Secretary of Veterans Affairs shall*
14 *make available to the public each report submitted*
15 *under paragraph (1), including by posting such re-*
16 *port on the Internet website of the Department of De-*
17 *fense and the Department of Veterans Affairs, respec-*
18 *tively, that is available to the public.*

19 *(i) COMPTROLLER GENERAL ASSESSMENT OF IMPLE-*
20 *MENTATION.—Not later than six months after the date of*
21 *the enactment of this Act and every six months thereafter*
22 *until the completion of the implementation of the joint elec-*
23 *tronic health record described in subsection (d), the Comp-*
24 *troller General of the United States shall submit to the ap-*
25 *propriate committees of Congress a report setting forth the*

1 *assessment of the Comptroller General of the progress of the*
2 *Department of Defense and the Department of Veterans Af-*
3 *fairs in developing and implementing the joint electronic*
4 *health record.*

5 (j) *FUNDING.*—

6 (1) *IN GENERAL.*—*The Secretary of Defense and*
7 *the Secretary of Veterans Affairs shall each contribute*
8 *equally to the costs of the Office in fiscal year 2008*
9 *and fiscal years thereafter. The amount so contributed*
10 *by each Secretary in fiscal year 2008 shall be up to*
11 *\$10,000,000.*

12 (2) *SOURCE OF FUNDS.*—(A) *Amounts contrib-*
13 *uted by the Secretary of Defense under paragraph (1)*
14 *shall be derived from amounts authorized to be appro-*
15 *priated for the Department of Defense for the Defense*
16 *Health Program and available for program manage-*
17 *ment and technology resources.*

18 (B) *Amounts contributed by the Secretary of Vet-*
19 *erans Affairs under paragraph (1) shall be derived*
20 *from amounts authorized to be appropriated for the*
21 *Department of Veterans Affairs for Medical Care and*
22 *available for program management and technology re-*
23 *sources.*

24 (k) *JOINT ELECTRONIC HEALTH RECORD DEFINED.*—
25 *In this section, the term “joint electronic health record”*

1 *means a single system that includes patient information*
2 *across the continuum of medical care, including inpatient*
3 *care, outpatient care, pharmacy care, patient safety, and*
4 *rehabilitative care.*

5 **SEC. 1642. ENHANCED PERSONNEL AUTHORITIES FOR THE**
6 **DEPARTMENT OF DEFENSE FOR HEALTH**
7 **CARE PROFESSIONALS FOR CARE AND TREAT-**
8 **MENT OF WOUNDED AND INJURED MEMBERS**
9 **OF THE ARMED FORCES.**

10 *(a) IN GENERAL.—Section 1599c of title 10, United*
11 *States Code, is amended to read as follows:*

12 **“§1599c. Health care professionals: enhanced ap-**
13 **pointment and compensation authority**
14 **for personnel for care and treatment of**
15 **wounded and injured members of the**
16 **armed forces**

17 *“(a) IN GENERAL.—The Secretary of Defense may, in*
18 *the discretion of the Secretary, exercise any authority for*
19 *the appointment and pay of health care personnel under*
20 *chapter 74 of title 38 for purposes of the recruitment, em-*
21 *ployment, and retention of civilian health care professionals*
22 *for the Department of Defense if the Secretary determines*
23 *that the exercise of such authority is necessary in order to*
24 *provide or enhance the capacity of the Department to pro-*
25 *vide care and treatment for members of the armed forces*

1 *who are wounded or injured on active duty in the armed*
2 *forces and to support the ongoing patient care and medical*
3 *readiness, education, and training requirements of the De-*
4 *partment of Defense.*

5 “(b) *RECRUITMENT OF PERSONNEL.—(1) The Secre-*
6 *taries of the military departments shall each develop and*
7 *implement a strategy to disseminate among appropriate*
8 *personnel of the military departments authorities and best*
9 *practices for the recruitment of medical and health profes-*
10 *sionals, including the authorities under subsection (a).*

11 “(2) *Each strategy under paragraph (1) shall—*

12 “(A) *assess current recruitment policies, proce-*
13 *dures, and practices of the military department con-*
14 *cerned to assure that such strategy facilitates the im-*
15 *plementation of efficiencies which reduce the time re-*
16 *quired to fill vacant positions for medical and health*
17 *professionals; and*

18 “(B) *clearly identify processes and actions that*
19 *will be used to inform and educate military and civil-*
20 *ian personnel responsible for the recruitment of med-*
21 *ical and health professionals.”.*

22 “(b) *CLERICAL AMENDMENT.—The table of sections at*
23 *the beginning of chapter 81 of such title is amended by*
24 *striking the item relating to section 1599c and inserting*
25 *the following new item:*

“1599c. *Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces.*”.

1 (c) *REPORTS ON STRATEGIES ON RECRUITMENT OF*
 2 *MEDICAL AND HEALTH PROFESSIONALS.*—Not later than
 3 *six months after the date of the enactment of this Act, each*
 4 *Secretary of a military department shall submit to the con-*
 5 *gressional defense committees a report setting forth the*
 6 *strategy developed by such Secretary under section 1599c(b)*
 7 *of title 10, United States Code, as added by subsection (a).*

8 **SEC. 1643. PERSONNEL SHORTAGES IN THE MENTAL**
 9 **HEALTH WORKFORCE OF THE DEPARTMENT**
 10 **OF DEFENSE, INCLUDING PERSONNEL IN THE**
 11 **MENTAL HEALTH WORKFORCE.**

12 (a) *RECOMMENDATIONS ON MEANS OF ADDRESSING*
 13 *SHORTAGES.*—

14 (1) *REPORT.*—Not later than 45 days after the
 15 *date of the enactment of this Act, the Secretary of De-*
 16 *fense shall submit to the Committees on Armed Serv-*
 17 *ices of the Senate and the House of Representatives a*
 18 *report setting forth the recommendations of the Sec-*
 19 *retary for such legislative or administrative actions*
 20 *as the Secretary considers appropriate to address*
 21 *shortages in health care professionals within the De-*
 22 *partment of Defense, including personnel in the men-*
 23 *tal health workforce.*

1 (2) *ELEMENTS.*—*The report required by para-*
2 *graph (1) shall address the following:*

3 (A) *Enhancements or improvements of fi-*
4 *nancial incentives for health care professionals,*
5 *including personnel in the mental health work-*
6 *force, of the Department of Defense in order to*
7 *enhance the recruitment and retention of such*
8 *personnel, including recruitment, accession, or*
9 *retention bonuses and scholarship, tuition, and*
10 *other financial assistance.*

11 (B) *Modifications of service obligations of*
12 *health care professionals, including personnel in*
13 *the mental health workforce.*

14 (C) *Such other matters as the Secretary*
15 *considers appropriate.*

16 (b) *RECRUITMENT.*—*Commencing not later than 180*
17 *days after the date of the enactment of this Act, the Sec-*
18 *retary of Defense shall implement programs to recruit*
19 *qualified individuals in health care fields (including mental*
20 *health) to serve in the Armed Forces as health care and*
21 *mental health personnel of the Armed Forces.*

1 **Subtitle C—Disability Matters**

2 **PART I—DISABILITY EVALUATIONS**

3 **SEC. 1651. UTILIZATION OF VETERANS’ PRESUMPTION OF**
4 **SOUND CONDITION IN ESTABLISHING ELIGI-**
5 **BILITY OF MEMBERS OF THE ARMED FORCES**
6 **FOR RETIREMENT FOR DISABILITY.**

7 (a) *RETIREMENT OF REGULARS AND MEMBERS ON*
8 *ACTIVE DUTY FOR MORE THAN 30 DAYS.*—*Clause (i) of*
9 *section 1201(b)(3)(B) of title 10, United States Code, is*
10 *amended to read as follows:*

11 “(i) *the member has six months or*
12 *more of active military service and the dis-*
13 *ability was not noted at the time of the*
14 *member’s entrance on active duty (unless*
15 *compelling evidence or medical judgment is*
16 *such to warrant a finding that the dis-*
17 *ability existed before the member’s entrance*
18 *on active duty);”.*

19 (b) *SEPARATION OF REGULARS AND MEMBERS ON AC-*
20 *TIVE DUTY FOR MORE THAN 30 DAYS.*—*Section*
21 *1203(b)(4)(B) of such title is amended by striking “and the*
22 *member has at least eight years of service computed under*
23 *section 1208 of this title” and inserting “, the member has*
24 *six months or more of active military service, and the dis-*
25 *ability was not noted at the time of the member’s entrance*

1 *on active duty (unless evidence or medical judgment is such*
2 *to warrant a finding that the disability existed before the*
3 *member's entrance on active duty)''.*

4 **SEC. 1652. REQUIREMENTS AND LIMITATIONS ON DEPART-**
5 **MENT OF DEFENSE DETERMINATIONS OF DIS-**
6 **ABILITY WITH RESPECT TO MEMBERS OF THE**
7 **ARMED FORCES.**

8 (a) *IN GENERAL.*—Chapter 61 of title 10, United
9 States Code, is amended by inserting after section 1216 the
10 following new section:

11 **“§ 1216a. Determinations of disability: requirements**
12 **and limitations on determinations**

13 *“(a) UTILIZATION OF VA SCHEDULE FOR RATING DIS-*
14 *ABILITIES IN DETERMINATIONS OF DISABILITY.—(1) In*
15 *making a determination of disability of a member of the*
16 *armed forces for purposes of this chapter, the Secretary*
17 *concerned—*

18 *“(A) shall, to the extent feasible, utilize the*
19 *schedule for rating disabilities in use by the Depart-*
20 *ment of Veterans Affairs, including any applicable*
21 *interpretation of the schedule by the United States*
22 *Court of Appeals for Veterans Claims; and*

23 *“(B) except as provided in paragraph (2), may*
24 *not deviate from the schedule or any such interpreta-*
25 *tion of the schedule.*

1 “(2) *In making a determination described in para-*
 2 *graph (1), the Secretary concerned may utilize in lieu of*
 3 *the schedule described in that paragraph such criteria as*
 4 *the Secretary of Defense and the Secretary of Veterans Af-*
 5 *fairs may jointly prescribe for purposes of this subsection*
 6 *if the utilization of such criteria will result in a determina-*
 7 *tion of a greater percentage of disability than would be oth-*
 8 *erwise determined through the utilization of the schedule.*

9 “(b) *CONSIDERATION OF ALL MEDICAL CONDI-*
 10 *TIONS.—In making a determination of the rating of dis-*
 11 *ability of a member of the armed forces for purposes of this*
 12 *chapter, the Secretary concerned shall take into account all*
 13 *medical conditions, whether individually or collectively,*
 14 *that render the member unfit to perform the duties of the*
 15 *member’s office, grade, rank, or rating.”.*

16 (b) *CLERICAL AMENDMENT.—The table of sections at*
 17 *the beginning of chapter 61 of such title is amended by in-*
 18 *serting after the item relating to section 1216 the following*
 19 *new item:*

“1216a. Determinations of disability: requirements and limitations on determina-
tions.”.

20 **SEC. 1653. REVIEW OF SEPARATION OF MEMBERS OF THE**
 21 **ARMED FORCES SEPARATED FROM SERVICE**
 22 **WITH A DISABILITY RATING OF 20 PERCENT**
 23 **DISABLED OR LESS.**

24 (a) *BOARD REQUIRED.—*

1 (1) *IN GENERAL.*—Chapter 79 of title 10, United
2 States Code, is amended by inserting after section
3 1554 adding the following new section:

4 **“§ 1554a. Review of separation with disability rating**
5 **of 20 percent disabled or less**

6 “(a) *IN GENERAL.*—(1) The Secretary of Defense shall
7 establish within the Office of the Secretary of Defense a
8 board of review to review the disability determinations of
9 covered individuals by Physical Evaluation Boards. The
10 board shall be known as the ‘Physical Disability Board of
11 Review’.

12 “(2) The Board shall consist of not less than three
13 members appointed by the Secretary.

14 “(b) *COVERED INDIVIDUALS.*—For purposes of this
15 section, covered individuals are members and former mem-
16 bers of the armed forces who, during the period beginning
17 on September 11, 2001, and ending on December 31,
18 2009—

19 “(1) are separated from the armed forces due to
20 unfitness for duty due to a medical condition with a
21 disability rating of 20 percent disabled or less; and

22 “(2) are found to be not eligible for retirement.

23 “(c) *REVIEW.*—(1) Upon its own motion, or upon the
24 request of a covered individual, or a surviving spouse, next
25 of kin, or legal representative of a covered individual, the

1 *Board shall review the findings and decisions of the Phys-*
2 *ical Evaluation Board with respect to such covered indi-*
3 *vidual.*

4 “(2) *The review by the Board under paragraph (1)*
5 *shall be based on the records of the armed force concerned*
6 *and such other evidence as may be presented to the Board.*
7 *A witness may present evidence to the Board by affidavit*
8 *or by any other means considered acceptable by the Sec-*
9 *retary of Defense.*

10 “(d) *AUTHORIZED RECOMMENDATIONS.—The Board*
11 *may, as a result of its findings under a review under sub-*
12 *section (c), recommend to the Secretary concerned the fol-*
13 *lowing (as applicable) with respect to a covered individual:*

14 “(1) *No recharacterization of the separation of*
15 *such individual or modification of the disability rat-*
16 *ing previously assigned such individual.*

17 “(2) *The recharacterization of the separation of*
18 *such individual to retirement for disability.*

19 “(3) *The modification of the disability rating*
20 *previously assigned such individual by the Physical*
21 *Evaluation Board concerned, which modified dis-*
22 *ability rating may not be a reduction of the disability*
23 *rating previously assigned such individual by that*
24 *Physical Evaluation Board.*

1 “(4) *The issuance of a new disability rating for*
2 *such individual.*

3 “(e) *CORRECTION OF MILITARY RECORDS.—(1) The*
4 *Secretary concerned may correct the military records of a*
5 *covered individual in accordance with a recommendation*
6 *made by the Board under subsection (d). Any such correc-*
7 *tion may be made effective as of the effective date of the*
8 *action taken on the report of the Physical Evaluation Board*
9 *to which such recommendation relates.*

10 “(2) *In the case of a member previously separated pur-*
11 *suant to the findings and decision of a Physical Evaluation*
12 *Board together with a lump-sum or other payment of back*
13 *pay and allowances at separation, the amount of pay or*
14 *other monetary benefits to which such member would be en-*
15 *titled based on the member’s military record as corrected*
16 *shall be reduced to take into account receipt of such lump-*
17 *sum or other payment in such manner as the Secretary of*
18 *Defense considers appropriate.*

19 “(3) *If the Board makes a recommendation not to cor-*
20 *rect the military records of a covered individual, the action*
21 *taken on the report of the Physical Evaluation Board to*
22 *which such recommendation relates shall be treated as final*
23 *as of the date of such action.*

1 “(f) *REGULATIONS.*—(1) *This section shall be carried*
2 *out in accordance with regulations prescribed by the Sec-*
3 *retary of Defense.*

4 “(2) *The regulations under paragraph (1) shall specify*
5 *reasonable deadlines for the performance of reviews required*
6 *by this section.*

7 “(3) *The regulations under paragraph (1) shall specify*
8 *the effect of a determination or pending determination of*
9 *a Physical Evaluation Board on considerations by boards*
10 *for correction of military records under section 1552 of this*
11 *title.”.*

12 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
13 *tions at the beginning of chapter 79 of such title is*
14 *amended by inserting after the item relating to sec-*
15 *tion 1554 the following new item:*

“1554a. *Review of separation with disability rating of 20 percent disabled or less.”.*

16 (b) *IMPLEMENTATION.*—*The Secretary of Defense shall*
17 *establish the board of review required by section 1554a of*
18 *title 10, United States Code (as added by subsection (a)),*
19 *and prescribe the regulations required by such section, not*
20 *later than 90 days after the date of the enactment of this*
21 *Act.*

1 **SEC. 1654. PILOT PROGRAMS ON REVISED AND IMPROVED**
2 **DISABILITY EVALUATION SYSTEM FOR MEM-**
3 **BERS OF THE ARMED FORCES.**

4 (a) *PILOT PROGRAMS.*—

5 (1) *IN GENERAL.*—*The Secretary of Defense*
6 *shall, in consultation with the Secretary of Veterans*
7 *Affairs, carry out pilot programs with respect to the*
8 *disability evaluation system of the Department of De-*
9 *fense for the purpose set forth in subsection (d).*

10 (2) *REQUIRED PILOT PROGRAMS.*—*In carrying*
11 *out this section, the Secretary of Defense shall carry*
12 *out the pilot programs described in paragraphs (1)*
13 *through (3) of subsection (c). Each such pilot program*
14 *shall be implemented not later than 90 days after the*
15 *date of the enactment of this Act.*

16 (3) *AUTHORIZED PILOT PROGRAMS.*—*In car-*
17 *rying out this section, the Secretary of Defense may*
18 *carry out such other pilot programs as the Secretary*
19 *of Defense, in consultation with the Secretary of Vet-*
20 *erans Affairs, considers appropriate.*

21 (b) *DISABILITY EVALUATION SYSTEM OF THE DE-*
22 *PARTMENT OF DEFENSE.*—*For purposes of this section, the*
23 *disability evaluation system of the Department of Defense*
24 *is the system of the Department for the evaluation of the*
25 *disabilities of members of the Armed Forces who are being*

1 *separated or retired from the Armed Forces for disability*
2 *under chapter 61 of title 10, United States Code.*

3 (c) *SCOPE OF PILOT PROGRAMS.—*

4 (1) *DISABILITY DETERMINATIONS BY DOD UTI-*
5 *LIZING VA ASSIGNED DISABILITY RATING.—Under one*
6 *of the pilot programs under subsection (a), for pur-*
7 *poses of making a determination of disability of a*
8 *member of the Armed Forces under section 1201(b) of*
9 *title 10, United States Code, for the retirement, sepa-*
10 *ration, or placement of the member on the temporary*
11 *disability retired list under chapter 61 of such title,*
12 *upon a determination by the Secretary of the mili-*
13 *tary department concerned that the member is unfit*
14 *to perform the duties of the member's office, grade,*
15 *rank, or rating because of a physical disability as de-*
16 *scribed in section 1201(a) of such title—*

17 (A) *the Secretary of Veterans Affairs*
18 *shall—*

19 (i) *conduct an evaluation of the mem-*
20 *ber for physical disability; and*

21 (ii) *assign the member a rating of dis-*
22 *ability in accordance with the schedule for*
23 *rating disabilities utilized by the Secretary*
24 *of Veterans Affairs based on all medical*
25 *conditions (whether individually or collec-*

1 tively) that render the member unfit for
2 duty; and

3 (B) the Secretary of the military depart-
4 ment concerned shall make the determination of
5 disability regarding the member utilizing the
6 rating of disability assigned under subparagraph
7 (A)(ii).

8 (2) *DISABILITY DETERMINATIONS UTILIZING*
9 *JOINT DOD/VA ASSIGNED DISABILITY RATING.*—Under
10 one of the pilot programs under subsection (a), in
11 making a determination of disability of a member of
12 the Armed Forces under section 1201(b) of title 10,
13 United States Code, for the retirement, separation, or
14 placement of the member on the temporary disability
15 retired list under chapter 61 of such title, the Sec-
16 retary of the military department concerned shall,
17 upon determining that the member is unfit to perform
18 the duties of the member's office, grade, rank, or rat-
19 ing because of a physical disability as described in
20 section 1201(a) of such title—

21 (A) provide for the joint evaluation of the
22 member for disability by the Secretary of the
23 military department concerned and the Sec-
24 retary of Veterans Affairs, including the assign-
25 ment of a rating of disability for the member in

1 *accordance with the schedule for rating disabili-*
2 *ties utilized by the Secretary of Veterans Affairs*
3 *based on all medical conditions (whether indi-*
4 *vidually or collectively) that render the member*
5 *unfit for duty; and*

6 *(B) make the determination of disability re-*
7 *garding the member utilizing the rating of dis-*
8 *ability assigned under subparagraph (A).*

9 (3) *ELECTRONIC CLEARING HOUSE.*—*Under one*
10 *of the pilot programs, the Secretary of Defense shall*
11 *establish and operate a single Internet website for the*
12 *disability evaluation system of the Department of De-*
13 *fense that enables participating members of the*
14 *Armed Forces to fully utilize such system through the*
15 *Internet, with such Internet website to include the fol-*
16 *lowing:*

17 *(A) The availability of any forms required*
18 *for the utilization of the disability evaluation*
19 *system by members of the Armed Forces under*
20 *the system.*

21 *(B) Secure mechanisms for the submission*
22 *of such forms by members of the Armed Forces*
23 *under the system, and for the tracking of the ac-*
24 *ceptance and review of any forms so submitted.*

1 (C) *Secure mechanisms for advising mem-*
2 *bers of the Armed Forces under the system of any*
3 *additional information, forms, or other items*
4 *that are required for the acceptance and review*
5 *of any forms so submitted.*

6 (D) *The continuous availability of assist-*
7 *ance to members of the Armed Forces under the*
8 *system (including assistance through the case-*
9 *workers assigned to such members of the Armed*
10 *Forces) in submitting and tracking such forms,*
11 *including assistance in obtaining information,*
12 *forms, or other items described by subparagraph*
13 *(C).*

14 (E) *Secure mechanisms to request and re-*
15 *ceive personnel files or other personnel records of*
16 *members of the Armed Forces under the system*
17 *that are required for submission under the dis-*
18 *ability evaluation system, including the capa-*
19 *bility to track requests for such files or records*
20 *and to determine the status of such requests and*
21 *of responses to such requests.*

22 (4) *OTHER PILOT PROGRAMS.—Under any pilot*
23 *program carried out by the Secretary of Defense*
24 *under subsection (a)(3), the Secretary shall provide*
25 *for the development, evaluation, and identification of*

1 *such practices and procedures under the disability*
2 *evaluation system of the Department of Defense as the*
3 *Secretary considers appropriate for purpose set forth*
4 *in subsection (d).*

5 *(d) PURPOSE.—The purpose of each pilot program*
6 *under subsection (a) shall be—*

7 *(1) to provide for the development, evaluation,*
8 *and identification of revised and improved practices*
9 *and procedures under the disability evaluation system*
10 *of the Department of Defense in order to—*

11 *(A) reduce the processing time under the*
12 *disability evaluation system of members of the*
13 *Armed Forces who are likely to be retired or sep-*
14 *arated for disability, and who have not requested*
15 *continuation on active duty, including, in par-*
16 *ticular, members who are severely wounded;*

17 *(B) identify and implement or seek the*
18 *modification of statutory or administrative poli-*
19 *cies and requirements applicable to the disability*
20 *evaluation system that—*

21 *(i) are unnecessary or contrary to ap-*
22 *plicable best practices of civilian employers*
23 *and civilian healthcare systems; or*

24 *(ii) otherwise result in hardship, arbi-*
25 *trary, or inconsistent outcomes for members*

1 of the Armed Forces, or unwarranted ineffi-
2 ciencies and delays;

3 (C) eliminate material variations in poli-
4 cies, interpretations, and overall performance
5 standards among the military departments
6 under the disability evaluation system; and

7 (D) determine whether it enhances the capa-
8 bility of the Department of Veterans Affairs to
9 receive and determine claims from members of
10 the Armed Forces for compensation, pension,
11 hospitalization, or other veterans benefits; and

12 (2) in conjunction with the findings and rec-
13 ommendations of applicable Presidential and Depart-
14 ment of Defense study groups, to provide for the even-
15 tual development of revised and improved practices
16 and procedures for the disability evaluation system in
17 order to achieve the objectives set forth in paragraph
18 (1).

19 (e) *UTILIZATION OF RESULTS IN UPDATES OF COM-*
20 *PREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSI-*
21 *TION OF COVERED SERVICEMEMBERS.*—The Secretary of
22 Defense and the Secretary of Veterans Affairs shall jointly
23 incorporate responses to any findings and recommendations
24 arising under the pilot programs required by subsection (a)

1 *in updating the comprehensive policy on the care and man-*
2 *agement of covered servicemembers under section 1611.*

3 *(f) CONSTRUCTION WITH OTHER AUTHORITIES.—*

4 *(1) IN GENERAL.—Subject to paragraph (2), in*
5 *carrying out a pilot program under subsection (a)—*

6 *(A) the rules and regulations of the Depart-*
7 *ment of Defense and the Department of Veterans*
8 *Affairs relating to methods of determining fitness*
9 *or unfitness for duty and disability ratings for*
10 *members of the Armed Forces shall apply to the*
11 *pilot program only to the extent provided in the*
12 *report on the pilot program under subsection*
13 *(h)(1); and*

14 *(B) the Secretary of Defense and the Sec-*
15 *retary of Veterans Affairs may waive any provi-*
16 *sion of title 10, 37, or 38, United States Code,*
17 *relating to methods of determining fitness or*
18 *unfitness for duty and disability ratings for*
19 *members of the Armed Forces if the Secretaries*
20 *determine in writing that the application of such*
21 *provision would be inconsistent with the purpose*
22 *of the pilot program.*

23 *(2) LIMITATION.—Nothing in paragraph (1)*
24 *shall be construed to authorize the waiver of any pro-*

1 *vision of section 1216a of title 10, United States*
2 *Code, as added by section 1652 of this Act.*

3 *(g) DURATION.—Each pilot program under subsection*
4 *(a) shall be completed not later than one year after the date*
5 *of the commencement of such pilot program under that sub-*
6 *section.*

7 *(h) REPORTS.—*

8 *(1) INITIAL REPORT.—Not later than 90 days*
9 *after the date of the enactment of this Act, the Sec-*
10 *retary of Defense shall submit to the appropriate com-*
11 *mittees of Congress a report on the pilot programs*
12 *under subsection (a). The report shall include—*

13 *(A) a description of the scope and objectives*
14 *of each pilot program;*

15 *(B) a description of the methodology to be*
16 *used under such pilot program to ensure rapid*
17 *identification under such pilot program of re-*
18 *vised or improved practices under the disability*
19 *evaluation system of the Department of Defense*
20 *in order to achieve the objectives set forth in sub-*
21 *section (d)(1); and*

22 *(C) a statement of any provision described*
23 *in subsection (f)(1)(B) that shall not apply to*
24 *the pilot program by reason of a waiver under*
25 *that subsection.*

1 (2) *INTERIM REPORT.*—Not later than 150 days
2 after the date of the submittal of the report required
3 by paragraph (1), the Secretary shall submit to the
4 appropriate committees of Congress a report describ-
5 ing the current status of such pilot program.

6 (3) *FINAL REPORT.*—Not later than 90 days
7 after the completion of all the pilot programs de-
8 scribed in paragraphs (1) through (3) of subsection
9 (c), the Secretary shall submit to the appropriate
10 committees of Congress a report setting forth a final
11 evaluation and assessment of such pilot programs.
12 The report shall include such recommendations for
13 legislative or administrative action as the Secretary
14 considers appropriate in light of such pilot programs.

15 **SEC. 1655. REPORTS ON ARMY ACTION PLAN IN RESPONSE**
16 **TO DEFICIENCIES IN THE ARMY PHYSICAL**
17 **DISABILITY EVALUATION SYSTEM.**

18 (a) *REPORTS REQUIRED.*—Not later than 30 days
19 after the date of the enactment of this Act, and every 120
20 days thereafter until March 1, 2009, the Secretary of De-
21 fense shall submit to the congressional defense committees
22 a report on the implementation of corrective measures by
23 the Department of Defense with respect to the Physical Dis-
24 ability Evaluation System (PDES) in response to the fol-
25 lowing:

1 (1) *The report of the Inspector General of the*
2 *Army on that system of March 6, 2007.*

3 (2) *The report of the Independent Review Group*
4 *on Rehabilitation Care and Administrative Processes*
5 *at Walter Reed Army Medical Center and National*
6 *Naval Medical Center.*

7 (3) *The report of the Department of Veterans Af-*
8 *fairs Task Force on Returning Global War on Terror*
9 *Heroes.*

10 (b) *ELEMENTS OF REPORT.—Each report under sub-*
11 *section (a) shall include current information on the fol-*
12 *lowing:*

13 (1) *The total number of cases, and the number*
14 *of cases involving combat disabled servicemembers,*
15 *pending resolution before the Medical and Physical*
16 *Disability Evaluation Boards of the Army, including*
17 *information on the number of members of the Army*
18 *who have been in a medical hold or holdover status*
19 *for more than each of 100, 200, and 300 days.*

20 (2) *The status of the implementation of modi-*
21 *fications to disability evaluation processes of the De-*
22 *partment of Defense in response to the following:*

23 (A) *The report of the Inspector General on*
24 *such processes dated March 6, 2007.*

1 (B) *The report of the Independent Review*
 2 *Group on Rehabilitation Care and Administra-*
 3 *tive Processes at Walter Reed Army Medical*
 4 *Center and National Naval Medical Center.*

5 (C) *The report of the Department of Vet-*
 6 *erans Affairs Task Force on Returning Global*
 7 *War on Terror Heroes.*

8 (c) *POSTING ON INTERNET.*—*Not later than 24 hours*
 9 *after submitting a report under subsection (a), the Sec-*
 10 *retary shall post such report on the Internet website of the*
 11 *Department of Defense that is available to the public.*

12 **PART II—OTHER DISABILITY MATTERS**

13 **SEC. 1661. ENHANCEMENT OF DISABILITY SEVERANCE PAY**
 14 **FOR MEMBERS OF THE ARMED FORCES.**

15 (a) *IN GENERAL.*—*Section 1212 of title 10, United*
 16 *States Code, is amended—*

17 (1) *in subsection (a)(1), by striking “his years of*
 18 *service, but not more than 12, computed under section*
 19 *1208 of this title” in the matter preceding subpara-*
 20 *graph (A) and inserting “the member’s years of serv-*
 21 *ice computed under section 1208 of this title (subject*
 22 *to the minimum and maximum years of service pro-*
 23 *vided for in subsection (c))”;*

24 (2) *by redesignating subsection (c) as subsection*
 25 *(d); and*

1 (3) by inserting after subsection (b) the following
2 new subsection (c):

3 “(c)(1) The minimum years of service of a member for
4 purposes of subsection (a)(1) shall be as follows:

5 “(A) Six years in the case of a member separated
6 from the armed forces for a disability incurred in line
7 of duty in a combat zone (as designated by the Sec-
8 retary of Defense for purposes of this subsection) or
9 incurred during the performance of duty in combat-
10 related operations as designated by the Secretary of
11 Defense.

12 “(B) Three years in the case of any other mem-
13 ber.

14 “(2) The maximum years of service of a member for
15 purposes of subsection (a)(1) shall be 19 years.”.

16 (b) *NO DEDUCTION FROM COMPENSATION OF SEVER-*
17 *ANCE PAY FOR DISABILITIES INCURRED IN COMBAT*
18 *ZONES.*—Subsection (d) of such section, as redesignated by
19 subsection (a)(2) of this section, is further amended—

20 (1) by inserting “(1)” after “(d)”;

21 (2) by striking the second sentence; and

22 (3) by adding at the end the following new para-
23 graphs:

24 “(2) No deduction may be made under paragraph (1)
25 in the case of disability severance pay received by a member

1 *for a disability incurred in line of duty in a combat zone*
2 *or incurred during performance of duty in combat-related*
3 *operations as designated by the Secretary of Defense.*

4 “(3) *No deduction may be made under paragraph (1)*
5 *from any death compensation to which a member’s depend-*
6 *ents become entitled after the member’s death.”.*

7 (c) *EFFECTIVE DATE.*—*The amendments made by this*
8 *section shall take effect on the date of the enactment of this*
9 *Act, and shall apply with respect to members of the Armed*
10 *Forces separated from the Armed Forces under chapter 61*
11 *of title 10, United States Code, on or after that date.*

12 **SEC. 1662. ELECTRONIC TRANSFER FROM THE DEPART-**
13 **MENT OF DEFENSE TO THE DEPARTMENT OF**
14 **VETERANS AFFAIRS OF DOCUMENTS SUP-**
15 **PORTING ELIGIBILITY FOR BENEFITS.**

16 *The Secretary of Defense and the Secretary of Veterans*
17 *Affairs shall jointly develop and implement a mechanism*
18 *to provide for the electronic transfer from the Department*
19 *of Defense to the Department of Veterans Affairs of any De-*
20 *partment of Defense documents (including Department of*
21 *Defense form DD–214) necessary to establish or support the*
22 *eligibility of a member of the Armed Forces for benefits*
23 *under the laws administered by the Secretary of Veterans*
24 *Affairs at the time of the retirement, separation, or release*
25 *of the member from the Armed Forces.*

1 **SEC. 1663. ASSESSMENTS OF TEMPORARY DISABILITY RE-**
 2 **TIRED LIST.**

3 *Not later than 180 days after the date of the enactment*
 4 *of this Act, the Secretary of Defense and the Comptroller*
 5 *General of the United States shall each submit to the con-*
 6 *gressional defense committees a report assessing the con-*
 7 *tinuing utility of the temporary disability retired list in*
 8 *satisfying the purposes for which the temporary disability*
 9 *retired list was established. Each report shall include such*
 10 *recommendations for the modification or improvement of*
 11 *the temporary disability retired list as the Secretary or the*
 12 *Comptroller General, as applicable, considers appropriate*
 13 *in light of the assessment in such report.*

14 ***Subtitle D—Improvement of***
 15 ***Facilities Housing Patients***

16 **SEC. 1671. STANDARDS FOR MILITARY MEDICAL TREAT-**
 17 **MENT FACILITIES, SPECIALTY MEDICAL CARE**
 18 **FACILITIES, AND MILITARY QUARTERS HOUS-**
 19 **ING PATIENTS.**

20 *(a) ESTABLISHMENT OF STANDARDS.—The Secretary*
 21 *of Defense shall establish for the military facilities referred*
 22 *to in subsection (b) standards with respect to the matters*
 23 *set forth in subsection (c). The standards shall, to the max-*
 24 *imum extent practicable—*

25 *(1) be uniform and consistent across such facili-*
 26 *ties; and*

1 (2) *be uniform and consistent across the Depart-*
2 *ment of Defense and the military departments.*

3 (b) *COVERED MILITARY FACILITIES.—The military*
4 *facilities referred to in this subsection are the military fa-*
5 *cilities of the Department of Defense and the military de-*
6 *partments as follows:*

7 (1) *Military medical treatment facilities.*

8 (2) *Specialty medical care facilities.*

9 (3) *Military quarters or leased housing for pa-*
10 *tients.*

11 (c) *SCOPE OF STANDARDS.—The standards required*
12 *by subsection (a) shall include the following:*

13 (1) *Generally accepted standards for the accredi-*
14 *tation of medical facilities, or for facilities used to*
15 *quarter individuals that may require medical super-*
16 *vision, as applicable, in the United States.*

17 (2) *To the extent not inconsistent with the stand-*
18 *ards described in paragraph (1), minimally accept-*
19 *able conditions for the following:*

20 (A) *Appearance and maintenance of facili-*
21 *ties generally, including the structure and roofs*
22 *of facilities.*

23 (B) *Size, appearance, and maintenance of*
24 *rooms housing or utilized by patients, including*
25 *furniture and amenities in such rooms.*

1 (C) *Operation and maintenance of primary*
2 *and back-up facility utility systems and other*
3 *systems required for patient care, including elec-*
4 *trical systems, plumbing systems, heating, ven-*
5 *tilation, and air conditioning systems, commu-*
6 *nications systems, fire protection systems, energy*
7 *management systems, and other systems required*
8 *for patient care.*

9 (D) *Compliance with Federal Government*
10 *standards for hospital facilities and operations.*

11 (E) *Compliance of facilities, rooms, and*
12 *grounds, to the maximum extent practicable,*
13 *with the Americans with Disabilities Act of 1990*
14 *(42 U.S.C. 12101 et seq.).*

15 (F) *Such other matters relating to the ap-*
16 *pearance, size, operation, and maintenance of fa-*
17 *ilities and rooms as the Secretary considers ap-*
18 *propriate.*

19 (d) *COMPLIANCE WITH STANDARDS.—*

20 (1) *DEADLINE.—In establishing standards under*
21 *subsection (a), the Secretary shall specify a deadline*
22 *for compliance with such standards by each facility*
23 *referred to in subsection (b). The deadline shall be at*
24 *the earliest date practicable after the date of the en-*
25 *actment of this Act, and shall, to the maximum extent*

1 *practicable, be uniform across the facilities referred to*
2 *in subsection (b).*

3 (2) *INVESTMENT.*—*In carrying out this section,*
4 *the Secretary shall also establish guidelines for invest-*
5 *ment to be utilized by the Department of Defense and*
6 *the military departments in determining the alloca-*
7 *tion of financial resources to facilities referred to in*
8 *subsection (b) in order to meet the deadline specified*
9 *under paragraph (1).*

10 (i) *REPORT.*—

11 (1) *IN GENERAL.*—*Not later than December 30,*
12 *2007, the Secretary shall submit to the congressional*
13 *defense committees a report on the actions taken to*
14 *carry out this section.*

15 (2) *ELEMENTS.*—*The report under paragraph*
16 *(1) shall include the following:*

17 (A) *The standards established under sub-*
18 *section (a).*

19 (B) *An assessment of the appearance, condi-*
20 *tion, and maintenance of each facility referred to*
21 *in subsection (a), including—*

22 (i) *an assessment of the compliance of*
23 *such facility with the standards established*
24 *under subsection (a); and*

1 (ii) a description of any deficiency or
2 noncompliance in each facility with the
3 standards.

4 (C) A description of the investment to be al-
5 located to address each deficiency or noncompli-
6 ance identified under subparagraph (B)(ii).

7 **SEC. 1672. REPORTS ON ARMY ACTION PLAN IN RESPONSE**
8 **TO DEFICIENCIES IDENTIFIED AT WALTER**
9 **REED ARMY MEDICAL CENTER.**

10 (a) *REPORTS REQUIRED.*—Not later than 30 days
11 after the date of the enactment of this Act, and every 120
12 days thereafter until March 1, 2009, the Secretary of De-
13 fense shall submit to the congressional defense committees
14 a report on the implementation of the action plan of the
15 Army to correct deficiencies identified in the condition of
16 facilities, and in the administration of outpatients in med-
17 ical hold or medical holdover status, at Walter Reed Army
18 Medical Center (WRAMC) and at other applicable Army
19 installations at which covered members of the Armed Forces
20 are assigned.

21 (b) *ELEMENTS OF REPORT.*—Each report under sub-
22 section (a) shall include current information on the fol-
23 lowing:

24 (1) The number of inpatients at Walter Reed
25 Army Medical Center, and the number of outpatients

1 *on medical hold or in a medical holdover status at*
2 *Walter Reed Army Medical Center, as a result of seri-*
3 *ous injuries or illnesses.*

4 *(2) A description of the lodging facilities and*
5 *other forms of housing at Walter Reed Army Medical*
6 *Center, and at each other Army facility, to which are*
7 *assigned personnel in medical hold or medical hold-*
8 *over status as a result of serious injuries or illnesses,*
9 *including—*

10 *(A) an assessment of the conditions of such*
11 *facilities and housing; and*

12 *(B) a description of any plans to correct in-*
13 *adequacies in such conditions.*

14 *(3) The status, estimated completion date, and*
15 *estimated cost of any proposed or ongoing actions to*
16 *correct any inadequacies in conditions as described*
17 *under paragraph (2).*

18 *(4) The number of case managers, platoon ser-*
19 *geants, patient advocates, and physical evaluation*
20 *board liaison officers stationed at Walter Reed Army*
21 *Medical Center, and at each other Army facility, to*
22 *which are assigned personnel in medical hold or med-*
23 *ical holdover status as a result of serious injuries or*
24 *illnesses, and the ratio of case workers and platoon*

1 *sergeants to outpatients for whom they are responsible*
2 *at each such facility.*

3 *(5) The number of telephone calls received during*
4 *the preceding 60 days on the Wounded Soldier and*
5 *Family hotline (as established on March 19, 2007), a*
6 *summary of the complaints or communications re-*
7 *ceived through such calls, and a description of the ac-*
8 *tions taken in response to such calls.*

9 *(6) A summary of the activities, findings, and*
10 *recommendations of the Army tiger team of medical*
11 *and installation professionals who visited the major*
12 *medical treatment facilities and community-based*
13 *health care organizations of the Army pursuant to*
14 *March 2007 orders, and a description of the status of*
15 *corrective actions being taken with to address defi-*
16 *ciencies noted by that team.*

17 *(7) The status of the ombudsman programs at*
18 *Walter Reed Army Medical Center and at other major*
19 *Army installations to which are assigned personnel in*
20 *medical hold or medical holdover status as a result of*
21 *serious injuries or illnesses.*

22 *(c) POSTING ON INTERNET.—Not later than 24 hours*
23 *after submitting a report under subsection (a), the Sec-*
24 *retary shall post such report on the Internet website of the*
25 *Department of Defense that is available to the public.*

1 **SEC. 1673. CONSTRUCTION OF FACILITIES REQUIRED FOR**
2 **THE CLOSURE OF WALTER REED ARMY MED-**
3 **ICAL CENTER, DISTRICT OF COLUMBIA.**

4 (a) *ASSESSMENT OF ACCELERATION OF CONSTRU-*
5 *CTION OF FACILITIES.*—*The Secretary of Defense shall carry*
6 *out an assessment of the feasibility (including the cost-effec-*
7 *tiveness) of accelerating the construction and completion of*
8 *any new facilities required to facilitate the closure of Walter*
9 *Reed Army Medical Center, District of Columbia, as re-*
10 *quired as a result of the 2005 round of defense base closure*
11 *and realignment under the Defense Base Closure and Re-*
12 *alignment Act of 1990 (part A of title XXIX of Public Law*
13 *101–510; U.S.C. 2687 note).*

14 (b) *DEVELOPMENT AND IMPLEMENTATION OF PLAN*
15 *FOR CONSTRUCTION OF FACILITIES.*—

16 (1) *IN GENERAL.*—*The Secretary shall develop*
17 *and carry out a plan for the construction and com-*
18 *pletion of any new facilities required to facilitate the*
19 *closure of Walter Reed Army Medical Center as re-*
20 *quired as described in subsection (a). If the Secretary*
21 *determines as a result of the assessment under sub-*
22 *section (a) that accelerating the construction and*
23 *completion of such facilities is feasible, the plan shall*
24 *provide for the accelerated construction and comple-*
25 *tion of such facilities in a manner consistent with*
26 *that determination.*

1 (2) *SUBMITTAL OF PLAN.*—*The Secretary shall*
2 *submit to the congressional defense committees the*
3 *plan required by paragraph (1) not later than Sep-*
4 *tember 30, 2007.*

5 (c) *CERTIFICATIONS.*—*Not later than September 30,*
6 *2007, the Secretary shall submit to the congressional defense*
7 *committees a certification of each of the following:*

8 (1) *That a transition plan has been developed,*
9 *and resources have been committed, to ensure that pa-*
10 *tient care services, medical operations, and facilities*
11 *are sustained at the highest possible level at Walter*
12 *Reed Army Medical Center until facilities to replace*
13 *Walter Reed Army Medical Center are staffed and*
14 *ready to assume at least the same level of care pre-*
15 *viously provided at Walter Reed Army Medical Cen-*
16 *ter.*

17 (2) *That the closure of Walter Reed Army Med-*
18 *ical Center will not result in a net loss of capacity*
19 *in the major military medical centers in the National*
20 *Capitol Region in terms of total bed capacity or*
21 *staffed bed capacity.*

22 (3) *That the capacity and types of medical hold*
23 *and out-patient lodging facilities currently operating*
24 *at Walter Reed Army Medical Center will be avail-*
25 *able at the facilities to replace Walter Reed Army*

1 *Medical Center by the date of the closure of Walter*
 2 *Reed Army Medical Center.*

3 (4) *That adequate funds have been provided to*
 4 *complete fully all facilities identified in the Base Re-*
 5 *alignment and Closure Business Plan for Walter Reed*
 6 *Army Medical Center submitted to the congressional*
 7 *defense committees as part of the budget justification*
 8 *materials submitted to Congress together with the*
 9 *budget of the President for fiscal year 2008 as con-*
 10 *templated in that business plan.*

11 (d) *ENVIRONMENTAL LAWS.—Nothing in this section*
 12 *shall require the Secretary or any designated representative*
 13 *to waive or ignore responsibilities and actions required by*
 14 *the National Environmental Policy Act of 1969 (42 U.S.C.*
 15 *4321 et seq.) or the regulations implementing such Act.*

16 ***Subtitle E—Outreach and Related***
 17 ***Information on Benefits***

18 ***SEC. 1681. HANDBOOK FOR MEMBERS OF THE ARMED***
 19 ***FORCES ON COMPENSATION AND BENEFITS***
 20 ***AVAILABLE FOR SERIOUS INJURIES AND ILL-***
 21 ***NESSES.***

22 (a) *INFORMATION ON AVAILABLE COMPENSATION AND*
 23 *BENEFITS.—The Secretary of Defense shall, in consultation*
 24 *with the Secretary of Veterans Affairs, the Secretary of*
 25 *Health and Human Services, and the Commissioner of So-*

1 *cial Security, develop and maintain in handbook and elec-*
2 *tronic form a comprehensive description of the compensa-*
3 *tion and other benefits to which a member of the Armed*
4 *Forces, and the family of such member, would be entitled*
5 *upon the member's separation or retirement from the Armed*
6 *Forces as a result of a serious injury or illness. The hand-*
7 *book shall set forth the range of such compensation and ben-*
8 *efits based on grade, length of service, degree of disability*
9 *at separation or retirement, and such other factors affecting*
10 *such compensation and benefits as the Secretary of Defense*
11 *considers appropriate.*

12 (b) *UPDATE.—The Secretary of Defense shall update*
13 *the comprehensive description required by subsection (a),*
14 *including the handbook and electronic form of the descrip-*
15 *tion, on a periodic basis, but not less often than annually.*

16 (c) *PROVISION TO MEMBERS.—The Secretary of the*
17 *military department concerned shall provide the descriptive*
18 *handbook under subsection (a) to each member of the Armed*
19 *Forces described in that subsection as soon as practicable*
20 *following the injury or illness qualifying the member for*
21 *coverage under that subsection.*

22 (d) *PROVISION TO REPRESENTATIVES.—If a member*
23 *is incapacitated or otherwise unable to receive the descrip-*
24 *tive handbook to be provided under subsection (a), the hand-*
25 *book shall be provided to the next of kin or a legal represent-*

1 *ative of the member (as determined in accordance with reg-*
2 *ulations prescribed by the Secretary of the military depart-*
3 *ment concerned for purposes of this section).*

4 ***Subtitle F—Other Matters***

5 ***SEC. 1691. STUDY ON PHYSICAL AND MENTAL HEALTH AND*** 6 ***OTHER READJUSTMENT NEEDS OF MEMBERS*** 7 ***AND FORMER MEMBERS OF THE ARMED*** 8 ***FORCES WHO DEPLOYED IN OPERATION*** 9 ***IRAQI FREEDOM AND OPERATION ENDURING*** 10 ***FREEDOM AND THEIR FAMILIES.***

11 *(a) STUDY REQUIRED.—The Secretary of Defense*
12 *shall, in consultation with the Secretary of Veterans Affairs,*
13 *enter into an agreement with the National Academy of*
14 *Sciences for a study on the physical and mental health and*
15 *other readjustment needs of members and former members*
16 *of the Armed Forces who deployed in Operation Iraqi Free-*
17 *dom or Operation Enduring Freedom and their families as*
18 *a result of such deployment.*

19 *(b) PHASES.—The study required under subsection (a)*
20 *shall consist of two phases:*

21 *(1) A preliminary phase, to be completed not*
22 *later than 180 days after the date of the enactment*
23 *of this Act—*

24 *(A) to identify preliminary findings on the*
25 *physical and mental health and other readjust-*

1 *ment needs described in subsection (a) and on*
2 *gaps in care for the members, former members,*
3 *and families described in that subsection; and*

4 *(B) to determine the parameters of the sec-*
5 *ond phase of the study under paragraph (2).*

6 *(2) A second phase, to be completed not later*
7 *than three years after the date of the enactment of this*
8 *Act, to carry out a comprehensive assessment, in ac-*
9 *cordance with the parameters identified under the*
10 *preliminary report required by paragraph (1), of the*
11 *physical and mental health and other readjustment*
12 *needs of members and former members of the Armed*
13 *Forces who deployed in Operation Iraqi Freedom or*
14 *Operation Enduring Freedom and their families as a*
15 *result of such deployment, including, at a*
16 *minimum—*

17 *(A) an assessment of the psychological, so-*
18 *cial, and economic impacts of such deployment*
19 *on such members and former members and their*
20 *families;*

21 *(B) an assessment of the particular impacts*
22 *of multiple deployments in Operation Iraqi*
23 *Freedom or Operation Enduring Freedom on*
24 *such members and former members and their*
25 *families;*

1 (C) an assessment of the full scope of the
2 neurological, psychiatric, and psychological ef-
3 fects of traumatic brain injury (TBI) on mem-
4 bers and former members of the Armed Forces,
5 including the effects of such effects on the family
6 members of such members and former members,
7 and an assessment of the efficacy of current
8 treatment approaches for traumatic brain injury
9 in the United States and the efficacy of
10 screenings and treatment approaches for trau-
11 matic brain injury within the Department of
12 Defense and the Department of Veterans Affairs;

13 (D) an assessment of the effects of
14 undiagnosed injuries such as post-traumatic
15 stress disorder (PTSD) and traumatic brain in-
16 jury, an estimate of the long-term costs associ-
17 ated with such injuries, and an assessment of the
18 efficacy of screenings and treatment approaches
19 for post-traumatic stress disorder and other men-
20 tal health conditions within the Department of
21 Defense and Department of Veterans Affairs;

22 (E) an assessment of the particular needs
23 and concerns of female members of the Armed
24 Forces and female veterans;

1 (F) an assessment of the particular needs
2 and concerns of children of members of the
3 Armed Forces, taking into account differing age
4 groups, impacts on development and education,
5 and the mental and emotional well being of chil-
6 dren;

7 (G) an assessment of the particular needs
8 and concerns of minority members of the Armed
9 Forces and minority veterans;

10 (H) an assessment of the particular edu-
11 cational and vocational needs of such members
12 and former members and their families, and an
13 assessment of the efficacy of existing educational
14 and vocational programs to address such needs;

15 (I) an assessment of the impacts on commu-
16 nities with high populations of military families,
17 including military housing communities and
18 townships with deployed members of the Na-
19 tional Guard and Reserve, of deployments associ-
20 ated with Operation Iraqi Freedom and Oper-
21 ation Enduring Freedom, and an assessment of
22 the efficacy of programs that address community
23 outreach and education concerning military de-
24 ployments of community residents;

1 *(J) an assessment of the impacts of increas-*
2 *ing numbers of older and married members of*
3 *the Armed Forces on readjustment requirements;*

4 *(K) the development, based on such assess-*
5 *ments, of recommendations for programs, treat-*
6 *ments, or policy remedies targeted at preventing,*
7 *minimizing or addressing the impacts, gaps and*
8 *needs identified; and*

9 *(L) the development, based on such assess-*
10 *ments, of recommendations for additional re-*
11 *search on such needs.*

12 *(c) POPULATIONS TO BE STUDIED.—The study re-*
13 *quired under subsection (a) shall consider the readjustment*
14 *needs of each population of individuals as follows:*

15 *(1) Members of the regular components of the*
16 *Armed Forces who are returning, or have returned, to*
17 *the United States from deployment in Operation*
18 *Iraqi Freedom or Operation Enduring Freedom.*

19 *(2) Members of the National Guard and Reserve*
20 *who are returning, or have returned, to the United*
21 *States from deployment in Operation Iraqi Freedom*
22 *or Operation Enduring Freedom.*

23 *(3) Veterans of Operation Iraqi Freedom or Op-*
24 *eration Enduring Freedom.*

1 (4) *Family members of the members and vet-*
2 *erans described in paragraphs (1) through (3).*

3 (d) *ACCESS TO INFORMATION.—The National Acad-*
4 *emy of Sciences shall have access to such personnel, infor-*
5 *mation, records, and systems of the Department of Defense*
6 *and the Department of Veterans Affairs as the National*
7 *Academy of Sciences requires in order to carry out the*
8 *study required under subsection (a).*

9 (e) *PRIVACY OF INFORMATION.—The National Acad-*
10 *emy of Sciences shall maintain any personally identifiable*
11 *information accessed by the Academy in carrying out the*
12 *study required under subsection (a) in accordance with all*
13 *applicable laws, protections, and best practices regarding*
14 *the privacy of such information, and may not permit access*
15 *to such information by any persons or entities not engaged*
16 *in work under the study.*

17 (f) *REPORTS BY NATIONAL ACADEMY OF SCIENCES.—*
18 *Upon the completion of each phase of the study required*
19 *under subsection (a), the National Academy of Sciences*
20 *shall submit to the Secretary of Defense and the Secretary*
21 *of Veterans Affairs a report on such phase of the study.*

22 (g) *DOD AND VA RESPONSE TO NAS REPORTS.—*

23 (1) *PRELIMINARY RESPONSE.—Not later than 45*
24 *days after the receipt of a report under subsection (f)*
25 *on each phase of the study required under subsection*

1 (a), the Secretary of Defense and the Secretary of Vet-
2 erans Affairs shall jointly develop a preliminary joint
3 Department of Defense-Department of Veterans Af-
4 fairs plan to address the findings and recommenda-
5 tions of the National Academy of Sciences contained
6 in such report. The preliminary plan shall provide
7 preliminary proposals on the matters set forth in
8 paragraph (3).

9 (2) *FINAL RESPONSE.*—Not later than 90 days
10 after the receipt of a report under subsection (f) on
11 each phase of the study required under subsection (a),
12 the Secretary of Defense and the Secretary of Veterans
13 Affairs shall jointly develop a final joint Department
14 of Defense-Department of Veterans Affairs plan to ad-
15 dress the findings and recommendations of the Na-
16 tional Academy of Sciences contained in such report.
17 The final plan shall provide final proposals on the
18 matters set forth in paragraph (3).

19 (3) *COVERED MATTERS.*—The matters set forth
20 in this paragraph with respect to a phase of the study
21 required under subsection (a) are as follows:

22 (A) *Modifications of policy or practice*
23 *within the Department of Defense and the De-*
24 *partment of Veterans Affairs that are necessary*
25 *to address gaps in care or services as identified*

1 *by the National Academy of Sciences under such*
2 *phase of the study.*

3 *(B) Modifications of policy or practice*
4 *within the Department of Defense and the De-*
5 *partment of Veterans Affairs that are necessary*
6 *to address recommendations made by the Na-*
7 *tional Academy of Sciences under such phase of*
8 *the study.*

9 *(C) An estimate of the costs of imple-*
10 *menting the modifications set forth under sub-*
11 *paragraphs (A) and (B), set forth by fiscal year*
12 *for at least the first five fiscal years beginning*
13 *after the date of the plan concerned.*

14 (4) *REPORTS ON RESPONSES.—The Secretary of*
15 *Defense and the Secretary of Veterans Affairs shall*
16 *jointly submit to Congress a report setting forth each*
17 *joint plan developed under paragraphs (1) and (2).*

18 (5) *PUBLIC AVAILABILITY OF RESPONSES.—The*
19 *Secretary of Defense and the Secretary of Veterans Af-*
20 *fairs shall each make available to the public each re-*
21 *port submitted to Congress under paragraph (4), in-*
22 *cluding by posting an electronic copy of such report*
23 *on the Internet website of the Department of Defense*
24 *or the Department of Veterans Affairs, as applicable,*
25 *that is available to the public.*

1 (6) *GAO AUDIT.*—Not later than 45 days after
2 the submittal to Congress of the report under para-
3 graph (4) on the final joint Department of Defense-
4 Department of Veterans Affairs plan under para-
5 graph (2), the Comptroller General of the United
6 States shall submit to Congress a report assessing the
7 contents of such report under paragraph (4). The re-
8 port of the Comptroller General under this paragraph
9 shall include—

10 (A) *an assessment of the adequacy and suf-*
11 *ficiency of the final joint Department of Defense-*
12 *Department of Veterans Affairs plan in address-*
13 *ing the findings and recommendations of the Na-*
14 *tional Academy of Sciences as a result of the*
15 *study required under subsection (a);*

16 (B) *an assessment of the feasibility and ad-*
17 *visability of the modifications of policy and*
18 *practice proposed in the final joint Department*
19 *of Defense-Department of Veterans Affairs plan;*

20 (C) *an assessment of the sufficiency and ac-*
21 *curacy of the cost estimates in the final joint De-*
22 *partment of Defense-Department of Veterans Af-*
23 *fairs plan; and*

24 (D) *the comments, if any, of the National*
25 *Academy of Sciences on the final joint Depart-*

1 *ment of Defense-Department of Veterans Affairs*
2 *plan.*

3 (h) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *hereby authorized to be appropriated to the Department of*
5 *Defense such sums as may be necessary to carry out this*
6 *section.*

7 **TITLE XVII—VETERANS**
8 **MATTERS**

9 **SEC. 1701. SENSE OF CONGRESS ON DEPARTMENT OF VET-**
10 **ERANS AFFAIRS EFFORTS IN THE REHABILI-**
11 **TATION AND REINTEGRATION OF VETERANS**
12 **WITH TRAUMATIC BRAIN INJURY.**

13 *It is the sense of Congress that—*

14 (1) *the Department of Veterans Affairs is a lead-*
15 *er in the field of traumatic brain injury care and co-*
16 *ordination of such care;*

17 (2) *the Department of Veterans Affairs should*
18 *have the capacity and expertise to provide veterans*
19 *who have a traumatic brain injury with patient-cen-*
20 *tered health care, rehabilitation, and community inte-*
21 *gration services that are comparable to or exceed*
22 *similar care and services available to persons with*
23 *such injuries in the academic and private sector;*

24 (3) *rehabilitation for veterans who have a trau-*
25 *matic brain injury should be individualized, com-*

1 *prehensive, and interdisciplinary with the goals of*
2 *optimizing the independence of such veterans and re-*
3 *integrating them into their communities;*

4 *(4) family support is integral to the rehabilita-*
5 *tion and community reintegration of veterans who*
6 *have sustained a traumatic brain injury, and the De-*
7 *partment should provide the families of such veterans*
8 *with education and support;*

9 *(5) the Department of Defense and Department*
10 *of Veterans Affairs have made efforts to provide a*
11 *smooth transition of medical care and rehabilitative*
12 *services to individuals as they transition from the*
13 *health care system of the Department of Defense to*
14 *that of the Department of Veterans Affairs, but more*
15 *can be done to assist veterans and their families in*
16 *the continuum of the rehabilitation, recovery, and re-*
17 *integration of wounded or injured veterans into their*
18 *communities;*

19 *(6) in planning for rehabilitation and commu-*
20 *nity reintegration of veterans who have a traumatic*
21 *brain injury, it is necessary for the Department of*
22 *Veterans Affairs to provide a system for life-long case*
23 *management for such veterans; and*

24 *(7) in such system for life-long case management,*
25 *it is necessary to conduct outreach and to tailor spe-*

1 *cialized traumatic brain injury case management and*
2 *outreach for the unique needs of veterans with trau-*
3 *matic brain injury who reside in urban and non-*
4 *urban settings.*

5 **SEC. 1702. INDIVIDUAL REHABILITATION AND COMMUNITY**
6 **REINTEGRATION PLANS FOR VETERANS AND**
7 **OTHERS WITH TRAUMATIC BRAIN INJURY.**

8 *(a) IN GENERAL.—Subchapter II of chapter 17 of title*
9 *38, United States Code, is amended by inserting after sec-*
10 *tion 1710B the following new section:*

11 **“§ 1710C. Traumatic brain injury: plans for rehabili-**
12 **tation and reintegration into the commu-**
13 **nity**

14 *“(a) PLAN REQUIRED.—The Secretary shall, for each*
15 *veteran or member of the Armed Forces who receives inpa-*
16 *tient or outpatient rehabilitation care from the Department*
17 *for a traumatic brain injury—*

18 *“(1) develop an individualized plan for the reha-*
19 *bilitation and reintegration of such individual into*
20 *the community; and*

21 *“(2) provide such plan in writing to such indi-*
22 *vidual before such individual is discharged from in-*
23 *patient care, following transition from active duty to*
24 *the Department for outpatient care, or as soon as*
25 *practicable following diagnosis.*

1 “(b) *CONTENTS OF PLAN.*—Each plan developed under
2 subsection (a) shall include, for the individual covered by
3 such plan, the following:

4 “(1) *Rehabilitation objectives for improving the*
5 *physical, cognitive, and vocational functioning of*
6 *such individual with the goal of maximizing the inde-*
7 *pendence and reintegration of such individual into*
8 *the community.*

9 “(2) *Access, as warranted, to all appropriate re-*
10 *habilitative components of the traumatic brain injury*
11 *continuum of care.*

12 “(3) *A description of specific rehabilitative treat-*
13 *ments and other services to achieve the objectives de-*
14 *scribed in paragraph (1), which description shall set*
15 *forth the type, frequency, duration, and location of*
16 *such treatments and services.*

17 “(4) *The name of the case manager designated in*
18 *accordance with subsection (d) to be responsible for*
19 *the implementation of such plan.*

20 “(5) *Dates on which the effectiveness of the plan*
21 *will be reviewed in accordance with subsection (f).*

22 “(c) *COMPREHENSIVE ASSESSMENT.*—

23 “(1) *IN GENERAL.*—Each plan developed under
24 subsection (a) shall be based upon a comprehensive

1 *assessment, developed in accordance with paragraph*
2 *(2), of—*

3 *“(A) the physical, cognitive, vocational, and*
4 *neuropsychological and social impairments of*
5 *such individual; and*

6 *“(B) the family education and family sup-*
7 *port needs of such individual after discharge*
8 *from inpatient care.*

9 *“(2) FORMATION.—The comprehensive assess-*
10 *ment required under paragraph (1) with respect to an*
11 *individual is a comprehensive assessment of the mat-*
12 *ters set forth in that paragraph by a team, composed*
13 *by the Secretary for purposes of the assessment from*
14 *among, but not limited to, individuals with expertise*
15 *in traumatic brain injury, including the following:*

16 *“(A) A neurologist.*

17 *“(B) A rehabilitation physician.*

18 *“(C) A social worker.*

19 *“(D) A neuropsychologist.*

20 *“(E) A physical therapist.*

21 *“(F) A vocational rehabilitation specialist.*

22 *“(G) An occupational therapist.*

23 *“(H) A speech language pathologist.*

24 *“(I) A rehabilitation nurse.*

25 *“(J) An educational therapist.*

1 “(K) *An audiologist.*

2 “(L) *A blind rehabilitation specialist.*

3 “(M) *A recreational therapist.*

4 “(N) *A low vision optometrist.*

5 “(O) *An orthotist or prostetist.*

6 “(P) *An assistive technologist or rehabilita-*
7 *tion engineer.*

8 “(Q) *An otolaryngology physician.*

9 “(R) *A dietician.*

10 “(S) *An ophthamologist.*

11 “(T) *A psychiatrist.*

12 “(d) *CASE MANAGER.—(1) The Secretary shall des-*
13 *ignate a case manager for each individual described in sub-*
14 *section (a) to be responsible for the implementation of the*
15 *plan, and coordination of such care, required by such sub-*
16 *section for such individual.*

17 “(2) *The Secretary shall ensure that such case manager*
18 *has specific expertise in the care required by the individual*
19 *to whom such case manager is designated, regardless of*
20 *whether such case manager obtains such expertise through*
21 *experience, education, or training.*

22 “(e) *PARTICIPATION AND COLLABORATION IN DEVEL-*
23 *OPMENT OF PLANS.—(1) The Secretary shall involve each*
24 *individual described in subsection (a), and the family or*
25 *legal guardian of such individual, in the development of*

1 *the plan for such individual under that subsection to the*
2 *maximum extent practicable.*

3 “(2) *The Secretary shall collaborate in the development*
4 *of a plan for an individual under subsection (a) with a*
5 *State protection and advocacy system if—*

6 “(A) *the individual covered by such plan re-*
7 *quests such collaboration; or*

8 “(B) *in the case such individual is incapaciti-*
9 *tated, the family or guardian of such individual re-*
10 *quests such collaboration.*

11 “(3) *In the case of a plan required by subsection (a)*
12 *for a member of the Armed Forces who is on active duty,*
13 *the Secretary shall collaborate with the Secretary of Defense*
14 *in the development of such plan.*

15 “(4) *In developing vocational rehabilitation objectives*
16 *required under subsection (b)(1) and in conducting the as-*
17 *essment required under subsection (c), the Secretary shall*
18 *act through the Under Secretary for Health in coordination*
19 *with the Vocational Rehabilitation and Employment Serv-*
20 *ice of the Department of Veterans Affairs.*

21 “(f) *EVALUATION.—*

22 “(1) *PERIODIC REVIEW BY SECRETARY.—The*
23 *Secretary shall periodically review the effectiveness of*
24 *each plan developed under subsection (a). The Sec-*

1 *retary shall refine each such plan as the Secretary*
2 *considers appropriate in light of such review.*

3 “(2) *REQUEST FOR REVIEW BY VETERANS.*—*In*
4 *addition to the periodic review required by paragraph*
5 *(1), the Secretary shall conduct a review of the plan*
6 *of a veteran under paragraph (1) at the request of*
7 *such veteran, or in the case that such veteran is inca-*
8 *pacitated, at the request of the guardian or the des-*
9 *ignee of such veteran.*

10 “(g) *STATE DESIGNATED PROTECTION AND ADVOCACY*
11 *SYSTEM DEFINED.*—*In this section, the term ‘State protec-*
12 *tion and advocacy system’ means a system established in*
13 *a State under subtitle C of the Developmental Disabilities*
14 *Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041*
15 *et seq.) to protect and advocate for the rights of persons*
16 *with development disabilities.’”*

17 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
18 *the beginning of chapter 17 of such title is amended by in-*
19 *serting after the item relating to section 1710B the following*
20 *new item:*

 “1710C. *Traumatic brain injury: plans for rehabilitation and reintegration into*
 the community.’”

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 title
7 38, United States Code, is amended by inserting after sec-
8 tion 1710C, as added by section 1602 of this Act, the fol-
9 lowing new section:

10 **“§ 1710D. Traumatic brain injury: use of non-Depart-**
11 **ment facilities for rehabilitation**

12 “(a) *IN GENERAL.*—Subject to section 1710(a)(4) of
13 this title and subsection (b) of this section, the Secretary
14 shall provide rehabilitative treatment or services to imple-
15 ment a plan developed under section 1710C of this title at
16 a non-Department facility with which the Secretary has en-
17 tered into an agreement for such purpose, to an
18 individual—

19 “(1) who is described in section 1710C(a) of this
20 title; and

21 “(2)(A) to whom the Secretary is unable to pro-
22 vide such treatment or services at the frequency or for
23 the duration prescribed in such plan; or

24 “(B) for whom the Secretary determines that it
25 is optimal with respect to the recovery and rehabilita-
26 tion of such individual .

1 “(b) *STANDARDS.*—*The Secretary may not provide*
2 *treatment or services as described in subsection (a) at a*
3 *non-Department facility under such subsection unless such*
4 *facility maintains standards for the provision of such treat-*
5 *ment or services established by an independent, peer-re-*
6 *viewed organization that accredits specialized rehabilita-*
7 *tion programs for adults with traumatic brain injury.*”

8 “(c) *AUTHORITIES OF STATE PROTECTION AND ADVO-*
9 *CACY SYSTEMS.*—*With respect to the provision of rehabili-*
10 *tative treatment or services described in subsection (a) in*
11 *a non-Department facility, a State designated protection*
12 *and advocacy system established under subtitle C of the De-*
13 *velopmental Disabilities Assistance and Bill of Rights Act*
14 *of 2000 (42 U.S.C. 15041 et seq.) shall have the authorities*
15 *described under such subtitle.”.*”

16 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
17 *the beginning of chapter 17 of such title is amended by in-*
18 *serting after the item relating to section 1710C, as added*
19 *by section 1602 of this Act, the following new item:*

“1710D. *Traumatic brain injury: use of non-Department facilities for rehabilita-*
tion.”.

20 (c) *CONFORMING AMENDMENT.*—*Section 1710(a)(4) of*
21 *such title is amended by inserting “the requirement in sec-*
22 *tion 1710D of this title that the Secretary provide certain*
23 *rehabilitative treatment or services,” after “extended care*
24 *services,”.*”

1 **SEC. 1704. RESEARCH, EDUCATION, AND CLINICAL CARE**
2 **PROGRAM ON SEVERE TRAUMATIC BRAIN IN-**
3 **JURY.**

4 (a) *PROGRAM REQUIRED.*—Subchapter II of chapter
5 73 of title 38, United States Code, is amended by inserting
6 after section 7330 the following new section:

7 **“§ 7330A. Severe traumatic brain injury research, edu-**
8 **cation, and clinical care program**

9 “(a) *PROGRAM REQUIRED.*—The Secretary shall estab-
10 lish a program on research, education, and clinical care
11 to provide intensive neuro-rehabilitation to veterans with
12 a severe traumatic brain injury, including veterans in a
13 minimally conscious state who would otherwise receive only
14 long-term residential care.

15 “(b) *COLLABORATION REQUIRED.*—The Secretary
16 shall establish the program required by subsection (a) in
17 collaboration with the Defense and Veterans Brain Injury
18 Center and other relevant programs of the Federal Govern-
19 ment (including other Centers of Excellence).

20 “(c) *EDUCATION REQUIRED.*—As part of the program
21 required by subsection (a), the Secretary shall, in collabora-
22 tion with the Defense and Veterans Brain Injury Center
23 and any other relevant programs of the Federal Government
24 (including other Centers of Excellence), conduct educational
25 programs on recognizing and diagnosing mild and mod-
26 erate cases of traumatic brain injury.

1 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to the Secretary for each of*
3 *fiscal years 2008 through 2012, \$10,000,000 to carry out*
4 *the program required by subsection (a).*”.

5 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
6 *the beginning of chapter 73 is amended by inserting after*
7 *the item relating to section 7330 the following new item:*
8 “7330A. *Severe traumatic brain injury research, education, and clinical care pro-*
9 *gram.*”.

8 (c) *REPORT.*—*Not later than 18 months after the date*
9 *of the enactment of this Act, the Secretary of Veterans Af-*
10 *fairs shall submit to Congress a report on the research to*
11 *be conducted under the program required by section 7330A*
12 *of title 38, United States Code, as added by subsection (a).*

13 **SEC. 1705. PILOT PROGRAM ON ASSISTED LIVING SERVICES**
14 **FOR VETERANS WITH TRAUMATIC BRAIN IN-**
15 **JURY.**

16 (a) *PILOT PROGRAM.*—*Not later than 90 days after*
17 *the date of the enactment of this Act, the Secretary of Vet-*
18 *erans Affairs shall, in collaboration with the Defense and*
19 *Veterans Brain Injury Center, carry out a pilot program*
20 *to assess the effectiveness of providing assisted living serv-*
21 *ices to eligible veterans to enhance the rehabilitation, qual-*
22 *ity of life, and community integration of such veterans.*

1 **(b) DURATION OF PROGRAM.**—*The pilot program shall*
2 *be carried out during the five-year period beginning on the*
3 *date of the commencement of the pilot program.*

4 **(c) PROGRAM LOCATIONS.**—

5 **(1) IN GENERAL.**—*The pilot program shall be*
6 *carried out at locations selected by the Secretary for*
7 *purposes of the pilot program. Of the locations so*
8 *selected—*

9 **(A)** *at least one shall be in each health care*
10 *region of the Veterans Health Administration*
11 *that contains a polytrauma center of the Depart-*
12 *ment of Veterans Affairs; and*

13 **(B)** *any other locations shall be in areas*
14 *that contain high concentrations of veterans with*
15 *traumatic brain injury, as determined by the*
16 *Secretary.*

17 **(2) SPECIAL CONSIDERATION FOR VETERANS IN**
18 **RURAL AREAS.**—*Special consideration shall be given*
19 *to provide veterans in rural areas with an oppor-*
20 *tunity to participate in the pilot program.*

21 **(d) PROVISION OF ASSISTED LIVING SERVICES.**—

22 **(1) AGREEMENTS.**—*In carrying out the pilot*
23 *program, the Secretary may enter into agreements for*
24 *the provision of assisted living services on behalf of el-*
25 *igible veterans with a provider participating under a*

1 *State plan or waiver under title XIX of such Act (42*
2 *U.S.C. 1396 et seq.).*

3 (2) *STANDARDS.—The Secretary may not place,*
4 *transfer, or admit a veteran to any facility for as-*
5 *sisted living services under this program unless the*
6 *Secretary determines that the facility meets such*
7 *standards as the Secretary may prescribe for purposes*
8 *of the pilot program. Such standards shall, to the ex-*
9 *tent practicable, be consistent with the standards of*
10 *Federal, State, and local agencies charged with the re-*
11 *sponsibility of licensing or otherwise regulating or in-*
12 *specting such facilities.*

13 (e) *CONTINUATION OF CASE MANAGEMENT AND REHA-*
14 *BILITATION SERVICES.—In carrying the pilot program*
15 *under subsection (a), the Secretary shall continue to provide*
16 *each veteran who is receiving assisted living services under*
17 *the pilot program with rehabilitative services and shall des-*
18 *ignate Department health-care employees to furnish case*
19 *management services for veterans participating in the pilot*
20 *program.*

21 (f) *REPORT.—*

22 (1) *IN GENERAL.—Not later than 60 days after*
23 *the completion of the pilot program, the Secretary*
24 *shall submit to the congressional veterans affairs com-*
25 *mittees a report on the pilot program.*

1 (2) *CONTENTS.*—*The report required by para-*
2 *graph (1) shall include the following:*

3 (A) *A description of the pilot program.*

4 (B) *An assessment of the utility of the ac-*
5 *tivities under the pilot program in enhancing*
6 *the rehabilitation, quality of life, and commu-*
7 *nity reintegration of veterans with traumatic*
8 *brain injury.*

9 (C) *Such recommendations as the Secretary*
10 *considers appropriate regarding the extension or*
11 *expansion of the pilot program.*

12 (g) *DEFINITIONS.*—*In this section:*

13 (1) *The term “assisted living services” means*
14 *services of a facility in providing room, board, and*
15 *personal care for and supervision of residents for*
16 *their health, safety, and welfare.*

17 (2) *The term “case management services” in-*
18 *cludes the coordination and facilitation of all services*
19 *furnished to a veteran by the Department of Veterans*
20 *Affairs, either directly or through contract, including*
21 *assessment of needs, planning, referral (including re-*
22 *referral for services to be furnished by the Department,*
23 *either directly or through a contract, or by an entity*
24 *other than the Department), monitoring, reassess-*
25 *ment, and followup.*

1 (3) *The term “congressional veterans affairs*
2 *committees” means—*

3 (A) *the Committee on Veterans’ Affairs of*
4 *the Senate; and*

5 (B) *the Committee on Veterans’ Affairs of*
6 *the House of Representatives.*

7 (4) *The term “eligible veteran” means a veteran*
8 *who—*

9 (A) *is enrolled in the Department of Vet-*
10 *erans Affairs health care system;*

11 (B) *has received treatment for traumatic*
12 *brain injury from the Department of Veterans*
13 *Affairs;*

14 (C) *is unable to manage routine activities*
15 *of daily living without supervision and assist-*
16 *ance; and*

17 (D) *could reasonably be expected to receive*
18 *ongoing services after the end of the pilot pro-*
19 *gram under this section under another govern-*
20 *ment program or through other means.*

21 (h) *AUTHORIZATION OF APPROPRIATIONS.—There is*
22 *authorized to be appropriated to the Secretary of Veterans*
23 *Affairs to carry out this section, \$8,000,000 for each of fis-*
24 *cal years 2008 through 2013.*

1 **SEC. 1706. RESEARCH ON TRAUMATIC BRAIN INJURY.**

2 (a) *INCLUSION OF RESEARCH ON TRAUMATIC BRAIN*
3 *INJURY UNDER ONGOING RESEARCH PROGRAMS.*—*The*
4 *Secretary of Veterans Affairs shall, in carrying out research*
5 *programs and activities under the provisions of law referred*
6 *to in subsection (b), ensure that such programs and activi-*
7 *ties include research on the sequelae of mild to severe forms*
8 *of traumatic brain injury, including—*

9 (1) *research on visually-related neurological con-*
10 *ditions;*

11 (2) *research on seizure disorders;*

12 (3) *research on means of improving the diag-*
13 *nosis, rehabilitative treatment, and prevention of such*
14 *sequelae;*

15 (4) *research to determine the most effective cog-*
16 *nitve and physical therapies for the sequelae of trau-*
17 *matic brain injury; and*

18 (5) *research on dual diagnosis of post-traumatic*
19 *stress disorder and traumatic brain injury.*

20 (b) *RESEARCH AUTHORITIES.*—*The provisions of law*
21 *referred to in this subsection are the following:*

22 (1) *Section 3119 of title 38, United States Code,*
23 *relating to rehabilitation research and special*
24 *projects.*

1 (2) *Section 7303 of such title, relating to re-*
2 *search programs of the Veterans Health Administra-*
3 *tion.*

4 (3) *Section 7327 of such title, relating to re-*
5 *search, education, and clinical activities on complex*
6 *multi-trauma associated with combat injuries.*

7 (c) *COLLABORATION.*—*In carrying out the research re-*
8 *quired by subsection (a), the Secretary shall collaborate*
9 *with facilities that—*

10 (1) *conduct research on rehabilitation for indi-*
11 *viduals with traumatic brain injury; and*

12 (2) *receive grants for such research from the Na-*
13 *tional Institute on Disability and Rehabilitation Re-*
14 *search of the Department of Education.*

15 (d) *REPORT.*—*Not later than 90 days after the date*
16 *of the enactment of this Act, the Secretary shall submit to*
17 *the Committee on Veterans' Affairs of the Senate and the*
18 *Committee on Veterans' Affairs of the House of Representa-*
19 *tives a report describing in comprehensive detail the re-*
20 *search to be carried out pursuant to subsection (a).*

21 **SEC. 1707. AGE-APPROPRIATE NURSING HOME CARE.**

22 (a) *FINDING.*—*Congress finds that young veterans who*
23 *are injured or disabled through military service and require*
24 *long-term care should have access to age-appropriate nurs-*
25 *ing home care.*

1 (b) *REQUIREMENT TO PROVIDE AGE-APPROPRIATE*
 2 *NURSING HOME CARE.*—Section 1710A of title 38, United
 3 *States Code, is amended—*

4 (1) *by redesignating subsection (c) as subsection*
 5 *(d); and*

6 (2) *by inserting after subsection (b) the following*
 7 *new subsection (c):*

8 “(c) *The Secretary shall ensure that nursing home care*
 9 *provided under subsection (a) is provided in an age-appro-*
 10 *priate manner.*”.

11 **SEC. 1708. EXTENSION OF PERIOD OF ELIGIBILITY FOR**
 12 **HEALTH CARE FOR COMBAT SERVICE IN THE**
 13 **PERSIAN GULF WAR OR FUTURE HOS-**
 14 **TILITIES.**

15 Section 1710(e)(3)(C) of title 38, United States Code,
 16 *is amended by striking “2 years” and inserting “5 years”.*

17 **SEC. 1709. MENTAL HEALTH: SERVICE-CONNECTION STA-**
 18 **TUS AND EVALUATIONS FOR CERTAIN VET-**
 19 **ERANS.**

20 (a) *PRESUMPTION OF SERVICE-CONNECTION OF MEN-*
 21 *TAL ILLNESS FOR CERTAIN VETERANS.*—Section 1702 of
 22 *title 38, United States Code, is amended—*

23 (1) *by striking “psychosis” and inserting “men-*
 24 *tal illness”; and*

1 (2) *in the heading, by striking “**psychosis**”*
2 *and inserting “**mental illness**”.*

3 (b) *PROVISION OF MENTAL HEALTH EVALUATIONS*
4 *FOR CERTAIN VETERANS.*—*Upon the request of a veteran*
5 *described in section 1710(e)(3)(C) of title 38, United States*
6 *Code, the Secretary shall provide to such veteran a prelimi-*
7 *nary mental health evaluation as soon as practicable, but*
8 *not later than 30 days after such request.*

9 **SEC. 1710. MODIFICATION OF REQUIREMENTS FOR FUR-**
10 **NISHING OUTPATIENT DENTAL SERVICES TO**
11 **VETERANS WITH A SERVICE-CONNECTED**
12 **DENTAL CONDITION OR DISABILITY.**

13 *Section 1712(a)(1)(B)(iv) of title 38, United States*
14 *Code, is amended by striking “90-day” and inserting “180-*
15 *day”.*

16 **SEC. 1711. DEMONSTRATION PROGRAM ON PREVENTING**
17 **VETERANS AT-RISK OF HOMELESSNESS FROM**
18 **BECOMING HOMELESS.**

19 (a) *DEMONSTRATION PROGRAM.*—*The Secretary of*
20 *Veterans Affairs shall carry out a demonstration program*
21 *for the purpose of—*

22 (1) *identifying members of the Armed Forces on*
23 *active duty who are at risk of becoming homeless after*
24 *they are discharged or released from active duty; and*

1 (2) *providing referral, counseling, and sup-*
2 *portive services, as appropriate, to help prevent such*
3 *members, upon becoming veterans, from becoming*
4 *homeless.*

5 (b) *PROGRAM LOCATIONS.*—*The Secretary shall carry*
6 *out the demonstration program in at least three locations.*

7 (c) *IDENTIFICATION CRITERIA.*—*In developing and*
8 *implementing the criteria to identify members of the Armed*
9 *Forces, who upon becoming veterans, are at-risk of becom-*
10 *ing homeless, the Secretary of Veterans Affairs shall consult*
11 *with the Secretary of Defense and such other officials and*
12 *experts as the Secretary considers appropriate.*

13 (d) *CONTRACTS.*—*The Secretary of Veterans Affairs*
14 *may enter into contracts to provide the referral, counseling,*
15 *and supportive services required under the demonstration*
16 *program with entities or organizations that meet such re-*
17 *quirements as the Secretary may establish.*

18 (e) *SUNSET.*—*The authority of the Secretary under*
19 *subsection (a) shall expire on September 30, 2011.*

20 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
21 *authorized to be appropriated \$2,000,000 for the purpose*
22 *of carrying out the provisions of this section.*

1 **SEC. 1712. CLARIFICATION OF PURPOSE OF THE OUTREACH**
2 **SERVICES PROGRAM OF THE DEPARTMENT**
3 **OF VETERANS AFFAIRS.**

4 (a) *CLARIFICATION OF INCLUSION OF MEMBERS OF*
5 *THE NATIONAL GUARD AND RESERVE IN PROGRAM.*—Sub-
6 *section (a)(1) of section 6301 of title 38, United States Code,*
7 *is amended by inserting “, or from the National Guard or*
8 *Reserve,” after “active military, naval, or air service”.*

9 (b) *DEFINITION OF OUTREACH.*—Subsection (b) of
10 *such section is amended—*

11 (1) *by redesignating paragraphs (1) and (2) as*
12 *paragraphs (2) and (3), respectively; and*

13 (2) *by inserting before paragraph (2) the fol-*
14 *lowing new paragraph (1):*

15 “(1) *the term ‘outreach’ means the act or process*
16 *of reaching out in a systematic manner to proactively*
17 *provide information, services, and benefits counseling*
18 *to veterans, and to the spouses, children, and parents*
19 *of veterans who may be eligible to receive benefits*
20 *under the laws administered by the Secretary, to en-*
21 *sure that such individuals are fully informed about,*
22 *and assisted in applying for, any benefits and pro-*
23 *grams under such laws;”.*

1 **TITLE XVIII—NATIONAL GUARD**
2 **BUREAU MATTERS AND RE-**
3 **LATED MATTERS**

4 **SEC. 1801. SHORT TITLE.**

5 *This title may be cited as the “National Guard Em-*
6 *powerment Act of 2007”.*

7 **SEC. 1802. EXPANDED AUTHORITY OF CHIEF OF THE NA-**
8 **TIONAL GUARD BUREAU AND EXPANDED**
9 **FUNCTIONS OF THE NATIONAL GUARD BU-**
10 **REAU.**

11 *(a) EXPANDED AUTHORITY.—*

12 *(1) IN GENERAL.—Subsection (a) of section*
13 *10501 of title 10, United States Code, is amended by*
14 *striking “joint bureau of the Department of the Army*
15 *and the Department of the Air Force” and inserting*
16 *“joint activity of the Department of Defense”.*

17 *(2) PURPOSE.—Subsection (b) of such section is*
18 *amended by striking “between” and all that follows*
19 *and inserting “between—*

20 *“(1)(A) the Secretary of Defense, the Joint Chiefs*
21 *of Staff, and the commanders of the combatant com-*
22 *mands of the United States, and (B) the Department*
23 *of the Army and the Department of the Air Force;*
24 *and*

25 *“(2) the several States.”.*

1 **(b) ENHANCEMENTS OF POSITION OF CHIEF OF NA-**
2 **TIONAL GUARD BUREAU.—**

3 **(1) ADVISORY FUNCTION ON NATIONAL GUARD**
4 **MATTERS.—***Subsection (c) of section 10502 of title 10,*
5 *United States Code, is amended by inserting “to the*
6 *Secretary of Defense, to the Chairman of the Joint*
7 *Chiefs of Staff,” after “principal adviser”.*

8 **(2) GRADE.—***Subsection (d) of such section is*
9 *amended by striking “lieutenant general” and insert-*
10 *ing “general”.*

11 **(3) ANNUAL REPORT TO CONGRESS ON VALI-**
12 **DATED REQUIREMENTS.—***Section 10504 of such title*
13 *is amended by adding at the end the following new*
14 *subsection:*

15 **“(c) ANNUAL REPORT ON VALIDATED REQUIRE-**
16 **MENTS.—***Not later than December 31 each year, the Chief*
17 *of the National Guard Bureau shall submit to Congress a*
18 *report on the following:*

19 **“(1) The requirements validated under section**
20 **10503a(b)(1) of this title during the preceding fiscal**
21 **year.**

22 **“(2) The requirements referred to in paragraph**
23 **(1) for which funding is to be requested in the next**
24 **budget for a fiscal year under section 10544 of this**
25 **title.**

1 “(3) *The requirements referred to in paragraph*
2 *(1) for which funding will not be requested in the next*
3 *budget for a fiscal year under section 10544 of this*
4 *title.*”.

5 (c) *ENHANCEMENT OF FUNCTIONS OF NATIONAL*
6 *GUARD BUREAU.*—

7 (1) *ADDITIONAL GENERAL FUNCTIONS.*—*Section*
8 *10503 of title 10, United States Code, is amended—*

9 (A) *by redesignating paragraph (12) as*
10 *paragraph (13); and*

11 (B) *by inserting after paragraph (11) the*
12 *following new paragraph (12):*

13 “(12) *Facilitating and coordinating with other*
14 *Federal agencies, and with the several States, the use*
15 *of National Guard personnel and resources for and in*
16 *contingency operations, military operations other*
17 *than war, natural disasters, support of civil authori-*
18 *ties, and other circumstances.*”.

19 (2) *MILITARY ASSISTANCE FOR CIVIL AUTHORI-*
20 *TIES.*—*Chapter 1011 of such title is further amended*
21 *by inserting after section 10503 the following new sec-*
22 *tion:*

1 **“§ 10503a. Functions of National Guard Bureau: mili-**
2 **tary assistance to civil authorities**

3 “(a) *IDENTIFICATION OF ADDITIONAL NECESSARY AS-*
4 *SISTANCE.*—*The Chief of the National Guard Bureau*
5 *shall—*

6 “(1) *identify gaps between Federal and State ca-*
7 *pabilities to prepare for and respond to emergencies;*
8 *and*

9 “(2) *make recommendations to the Secretary of*
10 *Defense on programs and activities of the National*
11 *Guard for military assistance to civil authorities to*
12 *address such gaps.*

13 “(b) *SCOPE OF RESPONSIBILITIES.*—*In meeting the*
14 *requirements of subsection (a), the Chief of the National*
15 *Guard Bureau shall, in coordination with the adjutants*
16 *general of the States, have responsibilities as follows:*

17 “(1) *To validate the requirements of the several*
18 *States and Territories with respect to military assist-*
19 *ance to civil authorities.*

20 “(2) *To develop doctrine and training require-*
21 *ments relating to the provision of military assistance*
22 *to civil authorities.*

23 “(3) *To acquire equipment, materiel, and other*
24 *supplies and services for the provision of military as-*
25 *sistance to civil authorities.*

1 “(4) *To assist the Secretary of Defense in pre-*
 2 *paring the budget required under section 10544 of*
 3 *this title.*

4 “(5) *To administer amounts provided the Na-*
 5 *tional Guard for the provision of military assistance*
 6 *to civil authorities.*

7 “(6) *To carry out any other responsibility relat-*
 8 *ing to the provision of military assistance to civil au-*
 9 *thorities as the Secretary of Defense shall specify.*

10 “(c) *CONSULTATION.—The Chief of the National*
 11 *Guard Bureau shall carry out activities under this section*
 12 *in consultation with the Secretary of the Army and the Sec-*
 13 *retary of the Air Force.”.*

14 (3) *BUDGETING FOR TRAINING AND EQUIPMENT*
 15 *FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES*
 16 *AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of*
 17 *title 10, United States Code, is amended by adding*
 18 *at the end the following new section:*

19 “**§10544. National Guard training and equipment:**
 20 ***budget for military assistance to civil au-***
 21 ***thorities and for other domestic oper-***
 22 ***ations***

23 “(a) *IN GENERAL.—The budget justification docu-*
 24 *ments materials submitted to Congress in support of the*
 25 *budget of the President for a fiscal year (as submitted with*

1 *the budget of the President under section 1105(a) of title*
2 *31) shall specify separate amounts for training and equip-*
3 *ment for the National Guard for purposes of military assist-*
4 *ance to civil authorities and for other domestic operations*
5 *during such fiscal year.*

6 “(b) *SCOPE OF FUNDING.—The amounts specified*
7 *under subsection (a) for a fiscal year shall be sufficient for*
8 *purposes as follows:*

9 “(1) *The development and implementation of*
10 *doctrine and training requirements applicable to the*
11 *assistance and operations described in subsection (a)*
12 *for such fiscal year.*

13 “(2) *The acquisition of equipment, materiel, and*
14 *other supplies and services necessary for the provision*
15 *of such assistance and such operations in such fiscal*
16 *year.”.*

17 “(4) *LIMITATION ON INCREASE IN PERSONNEL OF*
18 *NATIONAL GUARD BUREAU.—The Secretary of Defense*
19 *shall, to the extent practicable, ensure that no addi-*
20 *tional personnel are assigned to the National Guard*
21 *Bureau in order to address administrative or other*
22 *requirements arising out of the amendments made by*
23 *this subsection.*

24 “(d) *CONFORMING AND CLERICAL AMENDMENTS.—*

1 (1) *CONFORMING AMENDMENT.*—*The heading of*
 2 *section 10503 of title 10, United States Code, is*
 3 *amended to read as follows:*

4 “**§ 10503. Functions of National Guard Bureau: char-**
 5 **ter”.**

6 (2) *CLERICAL AMENDMENTS.*—(A) *The table of*
 7 *sections at the beginning of chapter 1011 of such title*
 8 *is amended by striking the item relating to section*
 9 *10503 and inserting the following new items:*

“10503. Functions of National Guard Bureau: charter.

“10503a. Functions of National Guard Bureau: military assistance to civil au-
thorities.”.

10 (B) *The table of sections at the beginning of*
 11 *chapter 1013 of such title is amended by adding at*
 12 *the end the following new item:*

“10544. National Guard training and equipment: budget for military assistance
to civil authorities and for other domestic operations.”.

13 **SEC. 1803. PROMOTION OF ELIGIBLE RESERVE OFFICERS**
 14 **TO LIEUTENANT GENERAL AND VICE ADMI-**
 15 **RAL GRADES ON THE ACTIVE-DUTY LIST.**

16 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
 17 *that, whenever officers are considered for promotion to the*
 18 *grade of lieutenant general, or vice admiral in the case of*
 19 *the Navy, on the active duty list, officers of the reserve com-*
 20 *ponents of the Armed Forces who are eligible for promotion*
 21 *to such grade should be considered for promotion to such*
 22 *grade.*

1 (b) *PROPOSAL.*—*The Secretary of Defense shall submit*
2 *to Congress a proposal for mechanisms to achieve the objec-*
3 *tive specified in subsection (a). The proposal shall include*
4 *such recommendations for legislative or administrative ac-*
5 *tion as the Secretary considers appropriate in order to*
6 *achieve that objective.*

7 (c) *NOTICE ACCOMPANYING NOMINATIONS.*—*The*
8 *President shall include with each nomination of an officer*
9 *to the grade of lieutenant general, or vice admiral in the*
10 *case of the Navy, on the active-duty list that is submitted*
11 *to the Senate for consideration a certification that all re-*
12 *serve officers who were eligible for consideration for pro-*
13 *motion to such grade were considered in the making of such*
14 *nomination.*

15 **SEC. 1804. PROMOTION OF RESERVE OFFICERS TO LIEU-**
16 **TENANT GENERAL GRADE.**

17 (a) *TREATMENT OF SERVICE AS ADJUTANT GENERAL*
18 *AS JOINT DUTY EXPERIENCE.*—

19 (1) *DIRECTORS OF ARMY AND AIR NATIONAL*
20 *GUARD.*—*Section 10506(a)(3) of title 10, United*
21 *States Code, is amended—*

22 (A) *by redesignating subparagraphs (C),*
23 *(D), and (E) as subparagraphs (D), (E), and*
24 *(F), respectively; and*

1 (B) by inserting after subparagraph (B) the
2 following new subparagraph (C):

3 “(C) Service of an officer as adjutant general shall be
4 treated as joint duty experience for purposes of subpara-
5 graph (B)(ii).”.

6 (2) *OTHER OFFICERS.*—The service of an officer
7 of the Armed Forces as adjutant general, or as an of-
8 ficer (other than adjutant general) of the National
9 Guard of a State who performs the duties of adjutant
10 general under the laws of such State, shall be treated
11 as joint duty or joint duty experience for purposes of
12 any provisions of law required such duty or experi-
13 ence as a condition of promotion.

14 (b) *REPORTS ON PROMOTION OF RESERVE MAJOR*
15 *GENERALS TO LIEUTENANT GENERAL GRADE.*—

16 (1) *REVIEW REQUIRED.*—The Secretary of the
17 Army and the Secretary of the Air Force shall each
18 conduct a review of the promotion practices of the
19 military department concerned in order to identify
20 and assess the practices of such military department
21 in the promotion of reserve officers from major gen-
22 eral grade to lieutenant general grade.

23 (2) *REPORTS.*—Not later than 60 days after the
24 date of the enactment of this Act, the Secretary of the
25 Army and the Secretary of the Air Force shall each

1 submit to the congressional defense committees a re-
2 port on the review conducted by such official under
3 paragraph (1). Each report shall set forth—

4 (A) the results of such review; and

5 (B) a description of the actions intended to
6 be taken by such official to encourage and facili-
7 tate the promotion of additional reserve officers
8 from major general grade to lieutenant general
9 grade.

10 **SEC. 1805. REQUIREMENT THAT POSITION OF DEPUTY COM-**
11 **MANDER OF THE UNITED STATES NORTHERN**
12 **COMMAND BE FILLED BY A QUALIFIED NA-**
13 **TIONAL GUARD OFFICER.**

14 (a) *IN GENERAL.*—A position of Deputy Commander
15 of the United States Northern Command shall be filled by
16 a qualified officer of the National Guard who is eligible for
17 promotion to the grade of lieutenant general.

18 (b) *PURPOSE.*—The purpose of the requirement in sub-
19 section (a) is to ensure that information received from the
20 National Guard Bureau regarding the operation of the Na-
21 tional Guard of the several States is integrated into the
22 plans and operations of the United States Northern Com-
23 mand.

1 **SEC. 1806. REQUIREMENT FOR SECRETARY OF DEFENSE TO**
2 **PREPARE ANNUAL PLAN FOR RESPONSE TO**
3 **NATURAL DISASTERS AND TERRORIST**
4 **EVENTS.**

5 (a) *REQUIREMENT FOR ANNUAL PLAN.*—Not later
6 than March 1, 2008, and each March 1 thereafter, the Sec-
7 retary of Defense, in consultation with the commander of
8 the United States Northern Command and the Chief of the
9 National Guard Bureau, shall prepare and submit to Con-
10 gress a plan for coordinating the use of the National Guard
11 and members of the Armed Forces on active duty when re-
12 sponding to natural disasters, acts of terrorism, and other
13 man-made disasters as identified in the national planning
14 scenarios described in subsection (e).

15 (b) *INFORMATION TO BE PROVIDED TO SECRETARY.*—
16 To assist the Secretary of Defense in preparing the plan,
17 the National Guard Bureau, pursuant to its purpose as
18 channel of communications as set forth in section 10501(b)
19 of title 10, United States Code, shall provide to the Sec-
20 retary information gathered from Governors, adjutants gen-
21 eral of States, and other State civil authorities responsible
22 for homeland preparation and response to natural and
23 man-made disasters.

24 (c) *TWO VERSIONS.*—The plan shall set forth two
25 versions of response, one using only members of the Na-
26 tional Guard, and one using both members of the National

1 *Guard and members of the regular components of the Armed*
2 *Forces.*

3 (d) *MATTERS COVERED.*—*The plan shall cover, at a*
4 *minimum, the following:*

5 (1) *Protocols for the Department of Defense, the*
6 *National Guard Bureau, and the Governors of the*
7 *several States to carry out operations in coordination*
8 *with each other and to ensure that Governors and*
9 *local communities are properly informed and remain*
10 *in control in their respective States and communities.*

11 (2) *An identification of operational procedures,*
12 *command structures, and lines of communication to*
13 *ensure a coordinated, efficient response to contin-*
14 *gencies.*

15 (3) *An identification of the training and equip-*
16 *ment needed for both National Guard personnel and*
17 *members of the Armed Forces on active duty to pro-*
18 *vide military assistance to civil authorities and for*
19 *other domestic operations to respond to hazards iden-*
20 *tified in the national planning scenarios.*

21 (e) *NATIONAL PLANNING SCENARIOS.*—*The plan shall*
22 *provide for response to the following hazards:*

23 (1) *Nuclear detonation, biological attack, biologi-*
24 *cal disease outbreak/pandemic flu, the plague, chem-*
25 *ical attack-blister agent, chemical attack-toxic indus-*

1 *trial chemicals, chemical attack-nerve agent, chemical*
2 *attack-chlorine tank explosion, major hurricane,*
3 *major earthquake, radiological attack-radiological dis-*
4 *persal device, explosives attack-bombing using impro-*
5 *vised explosive device, biological attack-food contami-*
6 *nation, biological attack-foreign animal disease and*
7 *cyber attack.*

8 (2) *Any other hazards identified in a national*
9 *planning scenario developed by the Homeland Secu-*
10 *rity Council.*

11 **SEC. 1807. ADDITIONAL REPORTING REQUIREMENTS RE-**
12 **LATING TO NATIONAL GUARD EQUIPMENT.**

13 *Section 10541 of title 10, United States Code, is*
14 *amended by adding at the end the following new subsection:*

15 “(d) *Each report under this section concerning equip-*
16 *ment of the National Guard shall also include the following:*

17 “(1) *A statement of the accuracy of the projec-*
18 *tions required by subsection (b)(5)(D) contained in*
19 *earlier reports under this section, and an explanation,*
20 *if the projection was not met, of why the projection*
21 *was not met.*

22 “(2) *A certification from the Chief of the Na-*
23 *tional Guard Bureau setting forth an inventory for*
24 *the preceding fiscal year of each item of equipment—*

25 “(A) *for which funds were appropriated;*

1 “(B) which was due to be procured for the
2 National Guard during that fiscal year; and

3 “(C) which has not been received by a Na-
4 tional Guard unit as of the close of that fiscal
5 year.”.

6 **DIVISION B—MILITARY CON-**
7 **STRUCTION AUTHORIZA-**
8 **TIONS**

9 **SEC. 2001. SHORT TITLE.**

10 *This division may be cited as the “Military Construc-*
11 *tion Authorization Act for Fiscal Year 2008”.*

12 **TITLE XXI—ARMY**

13 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
14 **ACQUISITION PROJECTS.**

15 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
16 *propriated pursuant to the authorization of appropriations*
17 *in section 2104(a)(1), the Secretary of the Army may ac-*
18 *quire real property and carry out military construction*
19 *projects for the installations or locations inside the United*
20 *States, and in the amounts, set forth in the following table:*

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	\$26,000,000
	Redstone Arsenal	\$20,000,000
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	Eglin Air Force Base	\$66,000,000

Army: Inside the United States—Continued

State	Installation or Location	Amount	
Georgia	<i>Miami Doral</i>	\$237,000,000	
	<i>Fort Benning</i>	\$185,800,000	
	<i>Fort Stewart/Hunter Army Air Field</i>	\$123,500,000	
Hawaii	<i>Fort Shafter</i>	\$31,000,000	
	<i>Schofield Barracks</i>	\$88,000,000	
	<i>Wheeler Army Air Field</i>	\$51,000,000	
Illinois	<i>Rock Island Arsenal</i>	\$3,350,000	
Kansas	<i>Fort Leavenworth</i>	\$90,800,000	
	<i>Fort Riley</i>	\$138,300,000	
Kentucky	<i>Fort Campbell</i>	\$105,000,000	
	<i>Fort Knox</i>	\$6,700,000	
Louisiana	<i>Fort Polk</i>	\$15,900,000	
Maryland	<i>Aberdeen Proving Ground</i>	\$12,200,000	
Michigan	<i>Detroit Arsenal</i>	\$18,500,000	
Missouri	<i>Fort Leonard Wood</i>	\$125,650,000	
Nevada	<i>Hawthorne Army Ammunition Plant</i>	\$11,800,000	
New Mexico	<i>White Sands Missile Range</i>	\$71,000,000	
New York	<i>Fort Drum</i>	\$291,000,000	
North Carolina	<i>Fort Bragg</i>	\$275,600,000	
Oklahoma	<i>Fort Sill</i>	\$6,200,000	
South Carolina	<i>Fort Jackson</i>	\$85,000,000	
	<i>Camp Bullis</i>	\$1,600,000	
Texas	<i>Fort Bliss</i>	\$111,900,000	
	<i>Fort Hood</i>	\$145,400,000	
	<i>Fort Sam Houston</i>	\$19,150,000	
	<i>Red River Army Depot</i>	\$9,200,000	
	Virginia	<i>Fort Belvoir</i>	\$13,000,000
		<i>Fort Eustis</i>	\$75,000,000
		<i>Fort Lee</i>	\$16,700,000
Washington	<i>Fort Myer</i>	\$20,800,000	
	<i>Fort Lewis</i>	\$164,600,000	
	<i>Yakima Training Center</i>	\$29,000,000	

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(a)(2), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the United
6 States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
<i>Bulgaria</i>	<i>Nevo Selo FOS</i>	\$61,000,000
<i>Germany</i>	<i>Grafenwoehr</i>	\$62,000,000
<i>Honduras</i>	<i>Soto Cano Air Base</i>	\$2,550,000
<i>Italy</i>	<i>Vicenza</i>	\$173,000,000
<i>Korea</i>	<i>Camp Humphreys</i>	\$57,000,000
<i>Romania</i>	<i>Mihail Kogalniceanu FOS</i>	\$12,600,000

1 **SEC. 2102. FAMILY HOUSING.**

2 (a) *CONSTRUCTION AND ACQUISITION.*—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2104(a)(5)(A), the Secretary of the
 5 Army may construct or acquire family housing units (in-
 6 cluding land acquisition and supporting facilities) at the
 7 installations or locations, in the number of units, and in
 8 the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
<i>Germany</i>	<i>Ansbach</i>	<i>138</i>	<i>\$52,000,000</i>

9 (b) *PLANNING AND DESIGN.*—Using amounts appro-
 10 priated pursuant to the authorization of appropriations in
 11 section 2104(a)(5)(A), the Secretary of the Army may carry
 12 out architectural and engineering services and construction
 13 design activities with respect to the construction or im-
 14 provement of family housing units in an amount not to
 15 exceed \$2,000,000.

16 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 17 **UNITS.**

18 Subject to section 2825 of title 10, United States Code,
 19 and using amounts appropriated pursuant to the author-
 20 ization of appropriations in section 2104(a)(5)(A), the Sec-
 21 retary of the Army may improve existing military family
 22 housing units in an amount not to exceed \$365,400,000.

1 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

2 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*Funds are*
3 *hereby authorized to be appropriated for fiscal years begin-*
4 *ning after September 30, 2007, for military construction,*
5 *land acquisition, and military family housing functions of*
6 *the Department of the Army in the total amount of*
7 *\$5,218,067,000 as follows:*

8 (1) *For military construction projects inside the*
9 *United States authorized by section 2101(a),*
10 *\$3,254,250,000.*

11 (2) *For military construction projects outside the*
12 *United States authorized by section 2101(b),*
13 *\$295,150,000.*

14 (3) *For unspecified minor military construction*
15 *projects authorized by section 2805 of title 10, United*
16 *States Code, \$23,000,000.*

17 (4) *For architectural and engineering services*
18 *and construction design under section 2807 of title*
19 *10, United States Code, \$333,947,000.*

20 (5) *For military family housing functions:*

21 (A) *For construction and acquisition, plan-*
22 *ning and design, and improvement of military*
23 *family housing and facilities, \$419,400,000.*

24 (B) *For support of military family housing*
25 *(including the functions described in section*

1 2833 of title 10, United States Code),
2 \$742,920,000.

3 (6) For the construction of increment 3 of a bar-
4 racks complex at Fort Bragg, North Carolina, author-
5 ized by section 2101(a) of the Military Construction
6 Authorization Act for Fiscal Year 2006 (division B of
7 Public Law 109–163; 119 Stat. 3485), \$47,400,000.

8 (7) For the construction of increment 2 of a bar-
9 racks complex at Fort Lewis, Washington, authorized
10 by section 2101(a) of the Military Construction Au-
11 thorization Act for Fiscal Year 2007 (division B of
12 Public Law 109–364; 120 Stat. 2445), as amended by
13 section 20814 of the Continuing Appropriations Reso-
14 lution, 2007 (division B of Public Law 109–289), as
15 added by section 2 of the Revised Continuing Appro-
16 priations Resolution, 2007 (Public Law 110–5),
17 \$102,000,000.

18 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
19 *PROJECTS.*—Notwithstanding the cost variations author-
20 ized by section 2853 of title 10, United States Code, and
21 any other cost variation authorized by law, the total cost
22 of all projects carried out under section 2101 of this Act
23 may not exceed the sum of the following:

1 (1) *The total amount authorized to be appro-*
2 *priated under paragraphs (1) and (2) of subsection*
3 *(a).*

4 (2) *\$204,000,000 (the balance of the amount au-*
5 *thorized under section 2101(a) of the Military Con-*
6 *struction Authorization Act for Fiscal Year 2007*
7 *(Public Law 109–364; 120 Stat 2445), as amended by*
8 *section 20814 of the Continuing Appropriations Reso-*
9 *lution, 2007 (division B of Public Law 109–289) (as*
10 *added by section 2 of the Revised Continuing Appro-*
11 *priations Resolution, 2007 (Public Law 110–5)), for*
12 *construction of a brigade complex for Fort Lewis,*
13 *Washington).*

14 (3) *\$37,000,000 (the balance of the amount au-*
15 *thorized under section 2101(b) for construction of a*
16 *brigade complex operations support facility at*
17 *Vicenza, Italy).*

18 (4) *\$36,000,000 (the balance of the amount au-*
19 *thorized under section 2101(b) for construction of a*
20 *brigade complex barracks and community support fa-*
21 *cility at Vicenza, Italy).*

1 **SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT**
2 **FISCAL YEAR 2007 ARMY PROJECTS FOR**
3 **WHICH FUNDS WERE NOT APPROPRIATED.**

4 (a) *TERMINATION OF INSIDE THE UNITED STATES*
5 *PROJECTS.*—*The table in section 2101(a) of the Military*
6 *Construction Authorization Act for Fiscal Year 2007 (divi-*
7 *sion B of Public Law 109–364; 120 Stat. 2445), as amended*
8 *by section 20814 of the Continuing Appropriations Resolu-*
9 *tion, 2007 (division B of Public Law 109–289), as added*
10 *by section 2 of the Revised Continuing Appropriations Res-*
11 *olution, 2007 (Public Law 110–5), is further amended—*

12 (1) *by striking the item relating to Redstone Ar-*
13 *senal, Alabama;*

14 (2) *by striking the item relating to Fort Wain-*
15 *wright, Alaska;*

16 (3) *in the item relating to Fort Irwin, Cali-*
17 *fornia, by striking “\$18,200,000” in the amount col-*
18 *umn and inserting “\$10,000,000”;*

19 (4) *in the item relating to Fort Carson, Colo-*
20 *rado, by striking “\$30,800,000” in the amount col-*
21 *umn and inserting “\$24,000,000”;*

22 (5) *in the item relating to Fort Leavenworth,*
23 *Kansas, by striking “\$23,200,000” in the amount col-*
24 *umn and inserting “\$15,000,000”;*

1 (6) *in the item relating to Fort Riley, Kansas,*
2 *by striking “\$47,400,000” in the amount column and*
3 *inserting “\$37,200,000”;*

4 (7) *in the item relating to Fort Campbell, Ken-*
5 *tucky, by striking “\$135,300,000” in the amount col-*
6 *umn and inserting “\$115,400,000”;*

7 (8) *by striking the item relating to Fort Polk,*
8 *Louisiana;*

9 (9) *by striking the item relating to Aberdeen*
10 *Proving Ground, Maryland;*

11 (10) *by striking the item relating to Fort*
12 *Detrick, Maryland;*

13 (11) *by striking the item relating to Detroit Ar-*
14 *senal, Michigan;*

15 (12) *in the item relating to Fort Leonard Wood,*
16 *Missouri, by striking “\$34,500,000” in the amount*
17 *column and inserting “\$17,000,000”;*

18 (13) *by striking the item relating to Picatinny*
19 *Arsenal, New Jersey;*

20 (14) *in the item relating to Fort Drum, New*
21 *York, by striking “\$218,600,000” in the amount col-*
22 *umn and inserting “\$209,200,000”;*

23 (15) *in the item relating to Fort Bragg, North*
24 *Carolina, by striking “\$96,900,000” in the amount*
25 *column and inserting “\$89,000,000”;*

1 (16) by striking the item relating to Letterkenny
2 *Depot, Pennsylvania;*

3 (17) by striking the item relating to Corpus
4 *Christi Army Depot, Texas;*

5 (18) by striking the item relating to Fort Bliss,
6 *Texas;*

7 (19) in the item relating to Fort Hood, Texas, by
8 striking “\$93,000,000” in the amount column and in-
9 serting “\$75,000,000”;

10 (20) by striking the item relating to Red River
11 *Depot, Texas; and*

12 (21) by striking the item relating to Fort Lee,
13 *Virginia.*

14 (b) *CONFORMING AMENDMENTS.*—Section 2104(a) of
15 *such Act (120 Stat. 2447) is amended—*

16 (1) in the matter preceding paragraph (1), by
17 striking “\$3,518,450,000” and inserting
18 “\$3,275,700,000”; and

19 (2) in paragraph (1), by striking
20 “\$1,362,200,000” and inserting “\$1,119,450,000”.

21 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**
22 **CERTAIN FISCAL YEAR 2006 PROJECT.**

23 (a) *MODIFICATION.*—The table in section 2101(a) of
24 *the Military Construction Authorization Act for Fiscal Year*
25 *2006 (division B of Public Law 109–163; 119 Stat. 3485)*

1 *is amended in the item relating to Fort Bragg, North Caro-*
 2 *lina, by striking “\$301,250,000” in the amount column and*
 3 *inserting “\$308,250,000”.*

4 (b) *CONFORMING AMENDMENTS.—Section 2104(b)(5)*
 5 *of that Act (119 Stat. 3488) is amended by striking*
 6 *“\$77,400,000” and inserting “\$84,400,000”.*

7 **SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 8 **FISCAL YEAR 2005 PROJECT.**

9 (a) *EXTENSION AND RENEWAL.—Notwithstanding sec-*
 10 *tion 2701 of the Military Construction Authorization Act*
 11 *for Fiscal Year 2005 (division B of Public Law 108–375;*
 12 *118 Stat. 2116), the authorization set forth in the table in*
 13 *subsection (b), as provided in section 2101 of that Act, shall*
 14 *remain in effect until October 1, 2008, or the date of the*
 15 *enactment of an Act authorizing funds for military con-*
 16 *struction for fiscal year 2009, whichever is later.*

17 (b) *TABLE.—The table referred to in subsection (a) is*
 18 *as follows:*

Army: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
<i>Schofield Barracks, Hawaii</i>	<i>Training facility</i>	<i>\$35,542,000</i>

19 **SEC. 2108. TECHNICAL AMENDMENTS TO THE MILITARY**
 20 **CONSTRUCTION AUTHORIZATION ACT FOR**
 21 **2007.**

22 (a) *TECHNICAL AMENDMENT TO SPECIFY LOCATION*
 23 *OF PROJECT IN ROMANIA.—The table in section 2101(b) of*

1 *the Military Construction Authorization Act for 2007 (divi-*
2 *sion B of Public Law 109–364; 120 Stat. 2446) is amended*
3 *by striking “Babadag Range” and inserting “Mihail*
4 *Kogalniceanu Air Base”.*

5 (b) *TECHNICAL AMENDMENT TO CORRECT PRINTING*
6 *ERROR RELATING TO ARMY FAMILY HOUSING.*—*The table*
7 *in section 2102(a) of the Military Construction Authoriza-*
8 *tion Act for 2007 (division B of Public Law 109–364; 120*
9 *Stat. 2446) is amended by striking “Fort McCoyine” and*
10 *inserting “Fort McCoy”.*

11 **SEC. 2109. GROUND LEASE, SOUTHCOM HEADQUARTERS FA-**
12 **CILITY, MIAMI-DORAL, FLORIDA.**

13 (a) *GROUND LEASE AUTHORIZED.*—*The Secretary of*
14 *the Army may utilize the State of Florida property as de-*
15 *scribed in sublease number 4489–01, entered into between*
16 *the State of Florida and the United States (in this section*
17 *referred to as the “ground lease”), for the purpose of con-*
18 *structing a consolidated headquarters facility for the United*
19 *States Southern Command (SOUTHCOM).*

20 (b) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
21 *retary of the Army may carry out the project to construct*
22 *a new headquarters on property leased from the State of*
23 *Florida when the following conditions have been met re-*
24 *garding the lease for the property:*

1 (1) *The United States Government shall have the*
2 *right to use the property without interruption until*
3 *at least December 31, 2055.*

4 (2) *The United States Government shall have the*
5 *right to use the property for general administrative*
6 *purposes in the event the United States Southern*
7 *Command relocates or vacates the property.*

8 (c) *AUTHORITY TO OBTAIN GROUND LEASE OF ADJA-*
9 *CENT PROPERTY.—The Secretary may obtain the ground*
10 *lease of additional real property owned by the State of Flor-*
11 *ida that is adjacent to the real property leased under the*
12 *ground lease for purposes of completing the construction of*
13 *the SOUTHCOR headquarters facility, as long as the addi-*
14 *tional terms of the ground lease required by subsection (b)*
15 *apply to such adjacent property.*

16 (d) *LIMITATION.—The Secretary may not obligate or*
17 *expend funds appropriated pursuant to the authorization*
18 *of appropriations in section 2104(a)(1) for the construction*
19 *of the SOUTHCOR headquarters facility authorized under*
20 *section 2101(a) until the Secretary transmits to the congres-*
21 *sional defense committees a modification to the ground lease*
22 *signed by the United States Government and the State of*
23 *Florida in accordance with subsection (b).*

TITLE XXII—NAVY**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Alabama	Outlying Field Evergreen	\$9,560,000
Arizona	Marine Corps Air Station, Yuma	\$33,720,000
California	Marine Corps Base, Camp Pendleton	\$366,394,000
	Marine Corps Air Station, Miramar	\$26,760,000
	Naval Station, San Diego	\$23,630,000
	Marine Corps Base, Twentynine Palms	\$147,059,000
Connecticut	Naval Submarine Base, New London	\$11,900,000
Florida	Marine Corps Logistics Base, Blount Island	\$7,570,000
	Cape Canaveral	\$9,900,000
	Naval Surface Warfare Center, Panama City	\$13,870,000
Hawaii	Marine Corps Air Station, Kaneohe	\$37,961,000
	Naval Base, Pearl Harbor	\$99,860,000
	Naval Shipyard, Pearl Harbor	\$30,200,000
	Naval Station Pearl Harbor, Wahiawa	\$65,410,000
Illinois	Naval Training Center, Great Lakes	\$10,221,000
Indiana	Naval Support Activity, Crane	\$12,000,000
Maryland	Naval Air Warfare Center, Patuxent River	\$38,360,000
Maine	Naval Shipyard, Portsmouth	\$9,700,000
Mississippi	Naval Air Station, Meridian	\$6,770,000
Nevada	Naval Air Station, Fallon	\$11,460,000
New Jersey	Naval Air Station, Lakehurst	\$4,100,000
North Carolina	Marine Corps Air Station, Cherry Point	\$28,610,000
	Marine Corps Air Station, New River	\$54,430,000
	Marine Corps Base, Camp Lejeune	\$278,070,000
Rhode Island	Naval Station, Newport	\$9,990,000
South Carolina	Marine Corps Air Station, Beaufort	\$6,800,000
	Marine Corps Recruit Depot, Parris Island	\$55,282,000
Texas	Naval Air Station, Corpus Christi	\$14,290,000
Virginia	Naval Support Activity, Chesapeake	\$8,450,000
	Naval Station, Norfolk	\$79,560,000
	Marine Corps Base, Quantico	\$50,519,000
Washington	Naval Station, Bremerton	\$190,960,000
	Naval Station, Everett	\$10,940,000
	Naval Air Station, Whidbey Island	\$23,910,000

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 United
 6 States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
<i>Bahrain</i>	<i>Naval Support Activity, Bahrain</i>	\$35,500,000
<i>Diego Garcia</i>	<i>Naval Support Facility, Diego Garcia</i>	\$7,150,000
<i>Djibouti</i>	<i>Camp Lemonier</i>	\$22,390,000
<i>Guam</i>	<i>Naval Activities, Guam</i>	\$273,518,000

7 (c) *UNSPECIFIED WORLDWIDE.*—Using amounts ap-
 8 propriated pursuant to the authorization of appropriations
 9 in section 2204(a)(3), the Secretary of the Navy may ac-
 10 quire real property and carry out military construction
 11 projects for unspecified installations or locations in the
 12 amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
<i>Worldwide Unspecified</i>	<i>Wharf Utilities Upgrade</i>	\$8,900,000
	<i>Host Nation Infrastructure</i>	\$2,700,000

13 **SEC. 2202. FAMILY HOUSING.**

14 (a) *CONSTRUCTION AND ACQUISITION.*—Using
 15 amounts appropriated pursuant to the authorization of ap-
 16 propriations in section 2204(a)(6)(A), the Secretary of the
 17 Navy may construct or acquire family housing units (in-
 18 cluding land acquisition and supporting facilities) at the

1 *installation, in the number of units, and in the amount*
 2 *set forth in the following table:*

Navy: Family Housing

<i>Location</i>	<i>Installation</i>	<i>Units</i>	<i>Amount</i>
<i>Mariana Islands</i>	<i>Naval Activities, Guam</i>	<i>73</i>	<i>\$47,167,000</i>

3 **(b) PLANNING AND DESIGN.**—*Using amounts appro-*
 4 *priated pursuant to the authorization of appropriations in*
 5 *section 2204(a)(6)(A), the Secretary of the Navy may carry*
 6 *out architectural and engineering services and construction*
 7 *design activities with respect to the construction or im-*
 8 *provement of military family housing units in an amount*
 9 *not to exceed \$3,172,000.*

10 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 11 **UNITS.**

12 *Subject to section 2825 of title 10, United States Code,*
 13 *and using amounts appropriated pursuant to the author-*
 14 *ization of appropriations in section 2204(a)(6)(A), the Sec-*
 15 *retary of the Navy may improve existing military family*
 16 *housing units in an amount not to exceed \$237,990,000.*

17 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

18 **(a) AUTHORIZATION OF APPROPRIATIONS.**—*Funds are*
 19 *hereby authorized to be appropriated for fiscal years begin-*
 20 *ning after September 30, 2007, for military construction,*
 21 *land acquisition, and military family housing functions of*
 22 *the Department of the Navy in the total amount of*
 23 *\$3,032,790,000, as follows:*

1 (1) *For military construction projects inside the*
2 *United States authorized by section 2201(a),*
3 *\$1,717,016,000.*

4 (2) *For military construction projects outside the*
5 *United States authorized by section 2201(b),*
6 *\$338,558,000.*

7 (3) *For military construction projects at unspec-*
8 *ified worldwide locations authorized by section*
9 *2201(c), \$11,600,000.*

10 (4) *For unspecified minor military construction*
11 *projects authorized by section 2805 of title 10, United*
12 *States Code, \$10,000,000.*

13 (5) *For architectural and engineering services*
14 *and construction design under section 2807 of title*
15 *10, United States Code, \$119,658,000.*

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, \$300,095,000.*

20 (B) *For support of military family housing*
21 *(including functions described in section 2833 of*
22 *title 10, United States Code), \$371,404,000.*

23 (7) *For the construction of increment 2 of the*
24 *construction of an addition to the National Maritime*
25 *Intelligence Center, Suitland, Maryland, authorized*

1 *by section 2201(a) of the Military Construction Au-*
2 *thorization Act for Fiscal Year 2007 (division B of*
3 *Public Law 109–364; 120 Stat. 2448), \$52,069,000.*

4 (8) *For the construction of increment 3 of recruit*
5 *training barracks infrastructure upgrade at Recruit*
6 *Training Command, Great Lakes, Illinois, authorized*
7 *by section 2201(a) of the Military Construction Au-*
8 *thorization Act for Fiscal Year 2006 (division B of*
9 *Public Law 109–163; 119 Stat. 3490), \$16,650,000.*

10 (9) *For the construction of increment 3 of wharf*
11 *upgrades at Yokosuka, Japan, authorized by section*
12 *2201(b) of the Military Construction Authorization*
13 *Act of Fiscal Year 2006 (division B of Public Law*
14 *109–163; 119 Stat. 3490), \$8,750,000.*

15 (10) *For the construction of increment 2 of the*
16 *Bachelor Enlisted Quarters Homeport Ashore Pro-*
17 *gram at Bremerton, Washington, authorized by sec-*
18 *tion 2201(a) of the Military Construction Authoriza-*
19 *tion Act of Fiscal Year 2006 (division B of Public*
20 *Law 109–163; 119 Stat. 3490), \$47,240,000.*

21 (11) *For the construction of increment 4 of the*
22 *limited area production and storage complex at Naval*
23 *Submarine Base Kitsap, Silverdale, Washington, au-*
24 *thorized by section 2201(a) of the Military Construc-*
25 *tion Authorization Act of Fiscal Year 2005 (division*

1 *B of Public Law 108–375; 118 Stat. 2105), as*
 2 *amended by section 2206 of the Military Construction*
 3 *Authorization Act for Fiscal Year 2006 (division B of*
 4 *Public Law 109–163; 119 Stat. 3493), \$39,750,000.*

5 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
 6 *PROJECTS.—Notwithstanding the cost variations author-*
 7 *ized by section 2853 of title 10, United States Code, and*
 8 *any other cost variation authorized by law, the total cost*
 9 *of all projects carried out under section 2201 of this Act*
 10 *may not exceed the sum of the following:*

11 *(1) The total amount authorized to be appro-*
 12 *priated under paragraphs (1), (2) and (3) of sub-*
 13 *section (a).*

14 *(2) \$71,200,000 (the balance of the amount au-*
 15 *thorized under section 2201(a) for a nuclear aircraft*
 16 *carrier maintenance pier at Naval Station Brem-*
 17 *erton, Washington).*

18 **SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT**
 19 **FISCAL YEAR 2007 NAVY PROJECTS FOR**
 20 **WHICH FUNDS WERE NOT APPROPRIATED.**

21 *(a) TERMINATION OF INSIDE THE UNITED STATES*
 22 *PROJECTS.—The table in section 2201(a) of the Military*
 23 *Construction Authorization Act for Fiscal Year 2007 (divi-*
 24 *sion B of Public Law 109–364; 120 Stat. 2449) is*
 25 *amended—*

1 (1) *in the item relating to Marine Corps Base,*
2 *Twentynine Palms, California, by striking*
3 *“\$27,217,000” in the amount column and inserting*
4 *“\$8,217,000”;*

5 (2) *by striking the item relating to Naval Sup-*
6 *port Activity, Monterey, California;*

7 (3) *by striking the item relating to Naval Sub-*
8 *marine Base, New London, Connecticut;*

9 (4) *by striking the item relating to Cape Canav-*
10 *eral, Florida;*

11 (5) *in the item relating to Marine Corps Logis-*
12 *tics Base, Albany, Georgia, by striking “\$70,540,000”*
13 *in the amount column and inserting “\$62,000,000”;*

14 (6) *by striking the item relating to Naval Maga-*
15 *zine, Pearl Harbor, Hawaii;*

16 (7) *by striking the item relating to Naval Ship-*
17 *yard, Pearl Harbor, Hawaii;*

18 (8) *by striking the item relating to Naval Sup-*
19 *port Activity, Crane, Indiana;*

20 (9) *by striking the item relating to Portsmouth*
21 *Naval Shipyard, Maine;*

22 (10) *by striking the item relating to Naval Air*
23 *Station, Meridian, Mississippi;*

24 (11) *by striking the item relating to Naval Air*
25 *Station, Fallon, Nevada;*

1 (12) *by striking the item relating to Marine*
2 *Corps Air Station, Cherry Point, North Carolina;*

3 (13) *by striking the item relating to Naval Sta-*
4 *tion, Newport, Rhode Island;*

5 (14) *in the item relating to Marine Corps Air*
6 *Station, Beaufort, South Carolina, by striking*
7 *“\$25,575,000” in the amount column and inserting*
8 *“\$22,225,000”;*

9 (15) *by striking the item relating to Naval Spe-*
10 *cial Weapons Center, Dahlgren, Virginia;*

11 (16) *in the item relating to Naval Support Ac-*
12 *tivity, Norfolk, Virginia, by striking “\$41,712,000” in*
13 *the amount column and inserting “\$28,462,000”;*

14 (17) *in the item relating to Naval Air Station,*
15 *Whidbey Island, Washington, by striking*
16 *“\$67,303,000” in the amount column and inserting*
17 *“\$57,653,000”; and*

18 (18) *in the item relating to Naval Base, Kitsap,*
19 *Washington, by striking “\$17,617,000” in the amount*
20 *column and inserting “\$13,507,000”.*

21 (b) *TERMINATION OF MILITARY FAMILY HOUSING*
22 *PROJECTS.—Section 2204(a)(6)(A) of such Act (120 Stat.*
23 *2450) is amended by striking “\$308,956,000” and inserting*
24 *“\$305,256,000”.*

1 (c) *CONFORMING AMENDMENTS.*—Section 2204(a) of
2 such Act, as amended by subsection (b), is further
3 amended—

4 (1) in the matter preceding paragraph (1), by
5 striking “\$2,109,367,000” and inserting
6 “\$1,946,867,000”; and

7 (2) in paragraph (1), by striking
8 “\$832,982,000” and inserting “\$674,182,000”.

9 **SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT**
10 **CERTAIN FISCAL YEAR 2005 PROJECT.**

11 (a) *MODIFICATION.*—The table in section 2201(a) of
12 the Military Construction Authorization Act for Fiscal Year
13 2005 (division B of Public Law 108–375; 118 Stat. 2105),
14 as amended by section 2206 of the Military Construction
15 Authorization Act for Fiscal Year 2006 (division B of Pub-
16 lic Law 109–163; 119 Stat. 3493) and section 2205 of the
17 Military Construction Authorization Act for Fiscal Year
18 2007 (division B of Public Law 109–364; 120 Stat. 2452)
19 is amended—

20 (1) in the item relating to Strategic Weapons
21 Facility Pacific, Bangor, Washington, by striking
22 “\$147,760,000” in the amount column and inserting
23 “\$295,000,000”; and

24 (2) by striking the amount identified as the total
25 in the amount column and inserting “\$972,719,000”.

1 (b) *CONFORMING AMENDMENT.*—Section 2204 of the
2 *Military Construction Authorization Act for Fiscal Year*
3 *2005 (division B of Public Law 108–375; 118 Stat. 2107),*
4 *as amended by section 2206 of the Military Construction*
5 *Authorization Act for Fiscal Year 2006 (division B of Pub-*
6 *lic Law 109–163; 119 Stat. 3493) and section 2205 of the*
7 *Military Construction Authorization Act for Fiscal Year*
8 *2007 (division B of Public Law 109–364; 120 Stat. 2453)*
9 *is amended in subsection (b)(6), by striking “\$95,320,000”*
10 *and inserting “\$259,320,000”.*

11 **TITLE XXIII—AIR FORCE**

12 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 13 **LAND ACQUISITION PROJECTS.**

14 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
15 propriated pursuant to the authorization of appropriations
16 in section 2304(a)(1), the Secretary of the Air Force may
17 acquire real property and carry out military construction
18 projects for the installations or locations inside the United
19 States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
<i>Alaska</i>	<i>Elmendorf Air Force Base</i>	\$83,180,000
<i>Arizona</i>	<i>Davis-Monthan Air Force Base</i>	\$11,200,000
<i>Arkansas</i>	<i>Little Rock Air Force Base</i>	\$9,800,000
<i>California</i>	<i>Travis Air Force Base</i>	\$26,600,000
<i>Colorado</i>	<i>Fort Carson</i>	\$13,500,000
	<i>Schriever Air Force Base</i>	\$24,500,000
	<i>United States Air Force Academy</i>	\$15,000,000
<i>District of Columbia</i>	<i>Bolling Air Force Base</i>	\$2,500,000
<i>Florida</i>	<i>Eglin Air Force Base</i>	\$158,300,000
	<i>MacDill Air Force Base</i>	\$57,000,000
	<i>Patrick Air Force Base</i>	\$11,854,000
	<i>Tyndall Air Force Base</i>	\$44,114,000
<i>Georgia</i>	<i>Robins Air Force Base</i>	\$14,700,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
<i>Hawaii</i>	<i>Hickam Air Force Base</i>	\$31,971,000
<i>Illinois</i>	<i>Scott Air Force Base</i>	\$24,900,000
<i>Kansas</i>	<i>Fort Riley</i>	\$12,515,000
<i>Massachusetts</i>	<i>Hanscom Air Force Base</i>	\$12,800,000
<i>Montana</i>	<i>Malmstrom Air Force Base</i>	\$7,000,000
<i>Nebraska</i>	<i>Offutt Air Force Base</i>	\$16,952,000
<i>New Mexico</i>	<i>Cannon Air Force Base</i>	\$1,688,000
	<i>Kirtland Air Force Base</i>	\$11,400,000
<i>Nevada</i>	<i>Nellis Air Force Base</i>	\$4,950,000
<i>North Dakota</i>	<i>Grand Forks Air Force Base</i>	\$13,000,000
	<i>Minot Air Force Base</i>	\$18,200,000
<i>Oklahoma</i>	<i>Altus Air Force Base</i>	\$2,000,000
	<i>Tinker Air Force Base</i>	\$34,600,000
	<i>Vance Air Force Base</i>	\$7,700,000
<i>South Carolina</i>	<i>Charleston Air Force Base</i>	\$11,000,000
<i>South Dakota</i>	<i>Ellsworth Air Force Base</i>	\$16,600,000
<i>Texas</i>	<i>Lackland Air Force Base</i>	\$14,000,000
<i>Utah</i>	<i>Hill Air Force Base</i>	\$25,999,000
<i>Wyoming</i>	<i>Francis E. Warren Air Force Base</i>	\$14,600,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2304(a)(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the following
7 table:

Air Force: Outside the United States

Country	Installation or Location	Amount
<i>Germany</i>	<i>Ramstein Air Base</i>	\$48,209,000
<i>Guam</i>	<i>Andersen Air Force Base</i>	\$10,000,000
<i>Qatar</i>	<i>Al Udeid Air Base</i>	\$22,300,000
<i>Spain</i>	<i>Moron Air Base</i>	\$1,800,000
<i>United Kingdom</i>	<i>Royal Air Force Lakenheath</i>	\$17,300,000
	<i>Royal Air Force Menwith Hill Station</i> ...	\$41,000,000

8 (c) *UNSPECIFIED WORLDWIDE.*—Using amounts ap-
9 propriated pursuant to the authorization of appropriations
10 in section 2304(a)(3), the Secretary of the Air Force may
11 acquire real property and carry out military construction

1 projects for unspecified installations or locations in the
 2 amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	\$1,500,000
	Classified-Special Evaluation Program ..	\$13,940,000

3 **SEC. 2302. FAMILY HOUSING.**

4 (a) **CONSTRUCTION AND ACQUISITION.**—Using
 5 amounts appropriated pursuant to the authorization of ap-
 6 propriations in section 2304(a)(6)(A), the Secretary of the
 7 Air Force may construct or acquire family housing units
 8 (including land acquisition and supporting facilities) at
 9 the installation or location, in the number of units, and
 10 in the amount 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

11 (b) **PLANNING AND DESIGN.**—Using amounts appro-
 12 priated pursuant to the authorization of appropriations in
 13 section 2304(a)(6)(A), the Secretary of the Air Force may
 14 carry out architectural and engineering services and con-
 15 struction design activities with respect to the construction
 16 or improvement of military family housing units in an
 17 amount not to exceed \$12,210,000.

1 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 *Subject to section 2825 of title 10, United States Code,*
4 *and using amounts appropriated pursuant to the author-*
5 *ization of appropriations in section 2304(a)(6)(A), the Sec-*
6 *retary of the Air Force may improve existing military fam-*
7 *ily housing units in an amount not to exceed \$294,262,000.*

8 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
9 **FORCE.**

10 *Funds are hereby authorized to be appropriated for fis-*
11 *cal years beginning after September 30, 2007, for military*
12 *construction, land acquisition, and military family housing*
13 *functions of the Department of the Air Force in the total*
14 *amount of \$2,097,357,000, as follows:*

15 *(1) For military construction projects inside the*
16 *United States authorized by section 2301(a),*
17 *\$754,123,000.*

18 *(2) For military construction projects outside the*
19 *United States authorized by section 2301(b),*
20 *\$140,609,000.*

21 *(3) For the military construction projects at un-*
22 *specified worldwide locations authorized by section*
23 *2301(c), \$15,440,000.*

24 *(4) For unspecified minor military construction*
25 *projects authorized by section 2805 of title 10, United*
26 *States Code, \$15,000,000.*

1 (5) *For architectural and engineering services*
2 *and construction design under section 2807 of title*
3 *10, United States Code, \$61,103,000.*

4 (6) *For military family housing functions:*

5 (A) *For construction and acquisition, plan-*
6 *ning and design, and improvement of military*
7 *family housing and facilities, \$362,747,000.*

8 (B) *For support of military family housing*
9 *(including functions described in section 2833 of*
10 *title 10, United States Code), \$688,335,000.*

11 (7) *For the construction of increment 3 of the*
12 *main base runway at Edwards Air Force Base, Cali-*
13 *fornia, authorized by section 2301(a) of the Military*
14 *Construction Authorization Act for Fiscal Year 2006*
15 *(division B of Public Law 109–163; 119 Stat. 3494),*
16 *\$35,000,000.*

17 (8) *For the construction of increment 3 of the*
18 *CENTCOM Joint Intelligence Center at MacDill Air*
19 *Force Base, Florida, authorized by section 2301(a) of*
20 *the Military Construction Authorization Act for Fis-*
21 *cal Year 2006 (division B of Public Law 109–163;*
22 *119 Stat. 3494), as amended by section 2305 of the*
23 *Military Construction Authorization Act for Fiscal*
24 *Year 2007 (division B of Public Law 109–364; 120*
25 *Stat. 2456), \$25,000,000.*

1 **SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT**
2 **FISCAL YEAR 2007 AIR FORCE PROJECTS FOR**
3 **WHICH FUNDS WERE NOT APPROPRIATED.**

4 (a) *TERMINATION OF INSIDE THE UNITED STATES*
5 *PROJECTS.*—*The table in section 2301(a) of the Military*
6 *Construction Authorization Act for Fiscal Year 2007 (divi-*
7 *sion B of Public Law 109–364; 120 Stat. 2453) is*
8 *amended—*

9 (1) *in the item relating to Elmendorf, Alaska, by*
10 *striking “\$68,100,000” in the amount column and in-*
11 *serting “\$56,100,000”;*

12 (2) *in the item relating to Davis-Monthan Air*
13 *Force Base, Arizona, by striking “\$11,800,000” in the*
14 *amount column and inserting “\$4,600,000”;*

15 (3) *by striking the item relating to Little Rock*
16 *Air Force Base, Arkansas;*

17 (4) *in the item relating to Travis Air Force*
18 *Base, California, by striking “\$85,800,000” in the*
19 *amount column and inserting “\$73,900,000”;*

20 (5) *by striking the item relating to Peterson Air*
21 *Force Base, Colorado;*

22 (6) *in the item relating to Dover Air Force,*
23 *Delaware, by striking “\$30,400,000” in the amount*
24 *column and inserting “\$26,400,000”;*

1 (7) *in the item relating to Eglin Air Force Base,*
2 *Florida, by striking “\$30,350,000” in the amount col-*
3 *umn and inserting “\$19,350,000”;*

4 (8) *in the item relating to Tyndall Air Force*
5 *Base, Florida, by striking “\$8,200,000” in the*
6 *amount column and inserting “\$1,800,000”;*

7 (9) *in the item relating to Robins Air Force*
8 *Base, Georgia, by striking “\$59,600,000” in the*
9 *amount column and inserting “\$38,600,000”;*

10 (10) *in the item relating to Scott Air Force, Illi-*
11 *nois, by striking “\$28,200,000” in the amount col-*
12 *umn and inserting “\$20,000,000”;*

13 (11) *by striking the item relating to McConnell*
14 *Air Force Base, Kansas;*

15 (12) *by striking the item relating to Hanscom*
16 *Air Force Base, Massachusetts;*

17 (13) *by striking the item relating to Whiteman*
18 *Air Force Base, Missouri;*

19 (14) *by striking the item relating to Malmstrom*
20 *Air Force Base, Montana;*

21 (15) *in the item relating to McGuire Air Force*
22 *Base, New Jersey, by striking “\$28,500,000” in the*
23 *amount column and inserting “\$15,500,000”;*

24 (16) *by striking the item relating to Kirtland*
25 *Air Force Base, New Mexico;*

1 (17) *by striking the item relating to Minot Air*
2 *Force Base, North Dakota;*

3 (18) *in the item relating to Altus Air Force*
4 *Base, Oklahoma, by striking “\$9,500,000” in the*
5 *amount column and inserting “\$1,500,000”;*

6 (19) *by striking the item relating to Tinker Air*
7 *Force Base, Oklahoma;*

8 (20) *by striking the item relating to Charleston*
9 *Air Force Base, South Carolina;*

10 (21) *in the item relating to Shaw Air Force*
11 *Base, South Carolina, by striking “\$31,500,000” in*
12 *the amount column and inserting “\$22,200,000”;*

13 (22) *by striking the item relating to Ellsworth*
14 *Air Force Base, South Dakota;*

15 (23) *by striking the item relating to Laughlin*
16 *Air Force Base, Texas;*

17 (24) *by striking the item relating to Sheppard*
18 *Air Force Base, Texas;*

19 (25) *in the item relating to Hill Air Force Base,*
20 *Utah, by striking “\$63,400,000” in the amount col-*
21 *umn and inserting “\$53,400,000”; and*

22 (26) *by striking the item relating to Fairchild*
23 *Air Force Base, Washington.*

24 (b) *CONFORMING AMENDMENTS.—Section 2304(a) of*
25 *such Act (120 Stat. 2455) is amended—*

1 (1) *in the matter preceding paragraph (1), by*
2 *striking “\$3,231,442,000” and inserting*
3 *“\$3,005,817,000”; and*

4 (2) *in paragraph (1), by striking*
5 *“\$962,286,000” and inserting “\$736,661,000”.*

6 **SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT**
7 **CERTAIN FISCAL YEAR 2006 PROJECT.**

8 (a) *MODIFICATION.*—*The table in section 2301(a) of*
9 *the Military Construction Authorization Act for Fiscal Year*
10 *2006 (division B of Public Law 109–163; 119 Stat. 3494),*
11 *as amended by section 2305(a) of the Military Construction*
12 *Authorization Act for Fiscal Year 2007 (division B of Pub-*
13 *lic Law 109–364; 120 Stat. 2456), is further amended in*
14 *the item relating to MacDill Air Force Base, Florida, by*
15 *striking “\$101,500,000” in the amount column and insert-*
16 *ing “\$126,500,000”.*

17 (b) *CONFORMING AMENDMENT.*—*Section 2304(b)(4) of*
18 *the Military Construction Authorization Act for Fiscal Year*
19 *2006 (119 Stat. 3496), as amended by section 2305(b) of*
20 *the Military Construction Authorization Act for Fiscal Year*
21 *2007 (120 Stat. 2456), is further amended by striking*
22 *“\$23,300,000” and inserting “\$48,300,000”.*

1 **SEC. 2307. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2005 PROJECTS.**

3 (a) *EXTENSION AND RENEWAL.*—Notwithstanding sec-
 4 tion 2701 of the Military Construction Authorization Act
 5 for Fiscal Year 2005 (division B of Public Law 108–375;
 6 118 Stat. 2116), authorizations set forth in the table in sub-
 7 section (b), as provided in section 2302 of that Act, shall
 8 remain in effect until October 1, 2008, or the date of the
 9 enactment of an Act authorizing funds for military con-
 10 struction for fiscal year 2009, whichever is later.

11 (b) *TABLE.*—The table referred to in subsection (a) is
 12 as follows:

Air Force: Extension of 2005 Project Authorizations

<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Davis-Monthan Air Force Base, Arizona.</i>	<i>Family housing (250 units) ...</i>	<i>\$48,500,000</i>
<i>Vandenberg Air Force Base, California.</i>	<i>Family housing (120 units) ...</i>	<i>\$30,906,000</i>
<i>MacDill Air Force Base, Florida</i>	<i>Family housing (61 units)</i>	<i>\$21,723,000</i>
<i>MacDill Air Force Base, Florida ...</i>	<i>Housing maintenance facility</i>	<i>\$1,250,000</i>
<i>Columbus Air Force Base, Mississippi</i>	<i>Housing management facility</i>	<i>\$711,000</i>
<i>Whiteman Air Force Base, Missouri ..</i>	<i>Family housing (160 units) ...</i>	<i>\$37,087,000</i>
<i>Seymour Johnson Air Force Base, North Carolina.</i>	<i>Family housing (167 units) ...</i>	<i>\$32,693,000</i>
<i>Goodfellow Air Force Base, Texas</i>	<i>Family housing (127 units) ...</i>	<i>\$20,604,000</i>
<i>Ramstein Air Base, Germany</i>	<i>USAFE Theater Aerospace Operations Support Center.</i>	<i>\$24,024,000</i>

13 **SEC. 2308. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 14 **FISCAL YEAR 2004 PROJECTS.**

15 (a) *EXTENSION.*—Notwithstanding section 2701 of the
 16 Military Construction Authorization Act for Fiscal Year
 17 2004 (division B of Public Law 108–136; 117 Stat. 1716),
 18 authorizations set forth in the table in subsection (b), as

1 *provided in section 2302 of that Act and extended by section*
 2 *2702 of the Military Construction Authorization Act for*
 3 *Fiscal Year 2007 (division B of Public Law 109–364; 120*
 4 *Stat. 2464), shall remain in effect until October 1, 2008,*
 5 *or the date of the enactment of an Act authorizing funds*
 6 *for military construction for fiscal year 2009, whichever is*
 7 *later.*

8 (b) *TABLE.—The table referred to in subsection (a) is*
 9 *as follows:*

Air Force: Extension of 2004 Project Authorizations

<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Travis Air Force Base, California</i>	<i>Family housing (56 units)</i>	<i>\$12,723,000</i>
<i>Eglin Air Force Base, Florida</i>	<i>Family housing (279 units)</i>	<i>\$32,166,000</i>

10 ***TITLE XXIV—DEFENSE***
 11 ***AGENCIES***

12 ***SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRU-***
 13 ***CTION AND LAND ACQUISITION PROJECTS.***

14 (a) *INSIDE THE UNITED STATES.—Using amounts ap-*
 15 *propriated pursuant to the authorization of appropriations*
 16 *in section 2403(a)(1), the Secretary of Defense may acquire*
 17 *real property and carry out military construction projects*
 18 *for the installations or locations inside the United States,*
 19 *and in the amounts, set forth in the following tables:*

Defense Education Activity

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>North Carolina</i>	<i>Marine Corps Base, Camp Lejeune</i>	<i>\$2,014,000</i>

Defense Intelligence Agency

State	Installation or Location	Amount
<i>District of Columbia ...</i>	<i>Bolling Air Force Base</i>	<i>\$1,012,000</i>

Defense Logistics Agency

State	Installation or Location	Amount
<i>California</i>	<i>Port Loma Annex</i>	<i>\$140,000,000</i>
<i>Florida</i>	<i>Naval Air Station, Key West</i>	<i>\$1,874,000</i>
<i>Hawaii</i>	<i>Hickam Air Force Base</i>	<i>\$26,000,000</i>
<i>New Mexico</i>	<i>Kirtland Air Force Base</i>	<i>\$1,800,000</i>
<i>Ohio</i>	<i>Defense Supply Center Columbus</i>	<i>\$4,000,000</i>
<i>Pennsylvania ...</i>	<i>Defense Distribution Depot, New Cumberland</i>	<i>\$21,000,000</i>
<i>Virginia</i>	<i>Fort Belvoir</i>	<i>\$5,000,000</i>

National Security Agency

State	Installation or Location	Amount
<i>Maryland</i>	<i>Fort Meade</i>	<i>\$11,901,000</i>

Special Operations Command

State	Installation or Location	Amount
<i>California</i>	<i>Marine Corps Base, Camp Pendleton</i>	<i>\$20,030,000</i>
	<i>Naval Amphibious Base, Coronado</i>	<i>\$12,000,000</i>
<i>Florida</i>	<i>Hurlburt Field</i>	<i>\$29,111,000</i>
	<i>MacDill Air Force Base</i>	<i>\$47,700,000</i>
<i>Georgia</i>	<i>Fort Benning</i>	<i>\$35,000,000</i>
	<i>Hunter Army Air Field</i>	<i>\$13,800,000</i>
<i>Kentucky</i>	<i>Fort Campbell</i>	<i>\$53,500,000</i>
<i>Mississippi</i>	<i>Stennis Space Center</i>	<i>\$10,200,000</i>
<i>New Mexico</i>	<i>Cannon Air Force Base</i>	<i>\$7,500,000</i>
<i>North Carolina</i>	<i>Fort Bragg</i>	<i>\$47,250,000</i>
	<i>Marine Corps Base, Camp Lejeune</i>	<i>\$28,210,000</i>
<i>Virginia</i>	<i>Dam Neck</i>	<i>\$108,500,000</i>
	<i>Naval Amphibious Base, Little Creek</i>	<i>\$99,000,000</i>
<i>Washington</i>	<i>Fort Lewis</i>	<i>\$77,000,000</i>

TRICARE Management Activity

State	Installation or Location	Amount
<i>Florida</i>	<i>MacDill Air Force Base</i>	<i>\$5,000,000</i>
<i>Illinois</i>	<i>Naval Hospital, Great Lakes</i>	<i>\$99,000,000</i>
<i>New York</i>	<i>Fort Drum</i>	<i>\$41,000,000</i>
<i>Texas</i>	<i>Camp Bullis</i>	<i>\$7,400,000</i>
<i>Virginia</i>	<i>Naval Station, Norfolk</i>	<i>\$6,450,000</i>
<i>Washington</i>	<i>Fort Lewis</i>	<i>\$21,000,000</i>

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 *appropriated pursuant to the authorization of appropri-*
3 *tions in section 2403(a)(2), the Secretary of Defense may*

- 1 *acquire real property and carry out military construction*
 2 *projects for the installations or locations outside the United*
 3 *States, and in the amounts, set forth in the following tables:*

Defense Education Activity

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Belgium</i>	<i>Sterrebeek</i>	<i>\$5,992,000</i>
<i>Germany</i>	<i>Ramstein Air Base</i>	<i>\$5,393,000</i>
	<i>Wiesbaden Air Base</i>	<i>\$20,472,000</i>

Special Operations Command

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Bahrain</i>	<i>Southwest Asia</i>	<i>\$19,000,000</i>
<i>Qatar</i>	<i>Al Udeid Air Base</i>	<i>\$52,852,000</i>

TRICARE Management Activity

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Germany</i>	<i>Spangdahlem Air Base</i>	<i>\$30,100,000</i>

- 4 (c) *UNSPECIFIED WORLDWIDE.*—Using the amounts
 5 appropriated pursuant to the authorization of appropria-
 6 tions in section 2403(a)(3), the Secretary of Defense 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:

Defense Agencies: Unspecified Worldwide

<i>Location</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Worldwide Classified</i>	<i>Classified Project</i>	<i>\$1,887,000</i>

10 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

- 11 Using amounts appropriated pursuant to the author-
 12 ization of appropriations in section 2403(a)(7), the Sec-
 13 retary of Defense may carry out energy conservation

1 *projects under chapter 173 of title 10, United States Code,*
2 *in the amount of \$70,000,000.*

3 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**
4 **AGENCIES.**

5 *Funds are hereby authorized to be appropriated for fis-*
6 *cal years beginning after September 30, 2007, for military*
7 *construction, land acquisition, and military family housing*
8 *functions of the Department of Defense (other than the mili-*
9 *tary departments) in the total amount of \$1,944,529,000*
10 *as follows:*

11 *(1) For military construction projects inside the*
12 *United States authorized by section 2401(a),*
13 *\$969,152,000.*

14 *(2) For military construction projects outside the*
15 *United States authorized by section 2401(b),*
16 *\$133,809,000.*

17 *(3) For the military construction projects at un-*
18 *specified worldwide locations authorized by section*
19 *2301(c), \$1,887,000.*

20 *(4) For unspecified minor military construction*
21 *projects under section 2805 of title 10, United States*
22 *Code, \$23,711,000.*

23 *(5) For contingency construction projects of the*
24 *Secretary of Defense under section 2804 of title 10,*
25 *United States Code, \$10,000,000.*

1 (6) *For architectural and engineering services*
2 *and construction design under section 2807 of title*
3 *10, United States Code, \$154,728,000.*

4 (7) *For energy conservation projects authorized*
5 *by section 2402 of this Act, \$70,000,000.*

6 (8) *For military family housing functions:*

7 (A) *For support of military family housing*
8 *(including functions described in section 2833 of*
9 *title 10, United States Code), \$48,848,000.*

10 (B) *For credit to the Department of Defense*
11 *Family Housing Improvement Fund established*
12 *by section 2883(a)(1) of title 10, United States*
13 *Code, \$500,000.*

14 (9) *For the construction of increment 3 of the re-*
15 *gional security operations center at Kunia, Hawaii,*
16 *authorized by section 2401(a) of the Military Con-*
17 *struction Authorization Act of Fiscal Year 2006 (divi-*
18 *sion B of Public Law 109–163; 119 Stat. 3497), as*
19 *amended by section 7017 of the Emergency Supple-*
20 *mental Appropriations Act for Defense, the Global*
21 *War on Terror, and Hurricane Recovery, 2006 (Pub-*
22 *lic Law 109–234; 120 Stat. 485), \$136,318,000.*

23 (10) *For the construction of increment 3 of the*
24 *regional security operations center at Augusta, Geor-*
25 *gia, authorized by section 2401(a) of the Military*

1 *Construction Authorization Act of Fiscal Year 2006*
2 *(division B of Public Law 109–163; 119 Stat. 3497),*
3 *as amended by section 7016 of the Emergency Supple-*
4 *mental Appropriations Act for Defense, the Global*
5 *War on Terror, and Hurricane Recovery, 2006 (Pub-*
6 *lic Law 109–234; 120 Stat. 485), \$100,000,000.*

7 (11) *For the construction of increment 2 of the*
8 *health clinic replacement at MacDill Air Force Base,*
9 *Florida, authorized by section 2401(a) of the Military*
10 *Construction Authorization Act of Fiscal Year 2007*
11 *(division B of Public Law 109–364; 120 Stat. 2457),*
12 *\$41,400,000.*

13 (12) *For the construction of increment 2 of the*
14 *replacement of the Army Medical Research Institute*
15 *of Infectious Diseases at Fort Detrick, Maryland, au-*
16 *thorized by section 2401(a) of the Military Construc-*
17 *tion Authorization Act of Fiscal Year 2007 (division*
18 *B of Public Law 109–364; 120 Stat. 2457),*
19 *\$150,000,000.*

20 (13) *For the construction of increment 9 of a*
21 *munitions demilitarization facility at Pueblo Chem-*
22 *ical Activity, Colorado, authorized by section 2401(a)*
23 *of the Military Construction Authorization Act for*
24 *Fiscal Year 1997 (division B of Public Law 104–201;*
25 *110 Stat. 2775), as amended by section 2406 of the*

1 *Military Construction Authorization Act for Fiscal*
2 *Year 2000 (division B of Public Law 106–65; 113*
3 *Stat. 839) and section 2407 of the Military Construc-*
4 *tion Authorization Act for Fiscal Year 2003 (division*
5 *B of Public Law 107–314; 116 Stat. 2698),*
6 *\$35,159,000.*

7 (14) *For the construction of increment 8 of a*
8 *munitions demilitarization facility at Blue Grass*
9 *Army Depot, Kentucky, authorized by section 2401(a)*
10 *of the Military Construction Authorization Act for*
11 *Fiscal Year 2000 (division B of Public Law 106–65;*
12 *113 Stat. 835), as amended by section 2405 of the*
13 *Military Construction Authorization Act for Fiscal*
14 *Year 2002 (division B of Public Law 107–107; 115*
15 *Stat. 1298) and section 2405 of the Military Con-*
16 *struction Authorization Act for Fiscal Year 2003 (di-*
17 *vision B of Public Law 107–314; 116 Stat. 2698),*
18 *\$69,017,000.*

19 **SEC. 2404. TERMINATION OR MODIFICATION OF AUTHORITY**
20 **TO CARRY OUT CERTAIN FISCAL YEAR 2007**
21 **DEFENSE AGENCIES PROJECTS.**

22 (a) *TERMINATION OF INSIDE THE UNITED STATES*
23 *PROJECTS FOR WHICH FUNDS WERE NOT APPRO-*
24 *PRIATED.—The table relating to Special Operations Com-*
25 *mand in section 2401(a) of the Military Construction Au-*

1 *thorization Act for Fiscal Year 2007 (division B of Public*
2 *Law 109–364; 120 Stat. 2457) is amended—*

3 (1) *by striking the item relating to Stennis*
4 *Space Center, Mississippi; and*

5 (2) *in the item relating to Fort Bragg, North*
6 *Carolina, by striking “\$51,768,000” in the amount*
7 *column and inserting “\$44,868,000”.*

8 (b) *MODIFICATION OF AUTHORITY TO CARRY OUT*
9 *CERTAIN BASE CLOSURE AND REALIGNMENT ACTIVI-*
10 *TIES.—Section 2405(a)(7) of that Act (120 Stat. 2460) is*
11 *amended by striking “\$191,220,000” and inserting*
12 *“\$252,279,000”.*

13 (c) *MODIFICATION OF CERTAIN INSIDE THE UNITED*
14 *STATES PROJECT.—Section 2405(a)(15) of that Act (120*
15 *Stat. 2461) is amended by striking “\$99,157,000” and in-*
16 *serting “\$89,157,000”.*

17 (d) *CONFORMING AMENDMENTS.—Section 2405(a) of*
18 *that Act, as amended by subsections (a) through (c), is fur-*
19 *ther amended—*

20 (1) *in the matter preceding paragraph (1), by*
21 *striking “\$7,163,431,000” and inserting*
22 *“\$7,197,390,000”; and*

23 (2) *in paragraph (1), by striking*
24 *“\$533,099,000” and inserting “\$515,999,000”.*

1 **SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2005 PROJECTS.**

3 (a) *EXTENSION AND RENEWAL.*—Notwithstanding sec-
 4 tion 2701 of the Military Construction Authorization Act
 5 for Fiscal Year 2005 (division B of Public Law 108–375;
 6 118 Stat. 2116), authorizations set forth in the table in sub-
 7 section (b), as provided in section 2401 of that Act, shall
 8 remain in effect until October 1, 2008, or the date of the
 9 enactment of an Act authorizing funds for military con-
 10 struction for fiscal year 2009, whichever is later.

11 (b) *TABLE.*—The table referred to in subsection (a) is
 12 as follows:

Defense Wide: Extension of 2005 Project Authorizations

<i>Installation or Location</i>	<i>Agency and Project</i>	<i>Amount</i>
<i>Naval Air Station, Oceana, Virginia</i>	<i>DLA bulk fuel storage tank</i>	<i>\$3,589,000</i>
<i>Naval Air Station, Jacksonville, Florida</i>	<i>TMA hospital project</i>	<i>\$28,438,000</i>

13 **SEC. 2406. MUNITIONS DEMILITARIZATION FACILITIES,**
 14 **BLUE GRASS ARMY DEPOT, KENTUCKY, AND**
 15 **PUEBLO CHEMICAL ACTIVITY, COLORADO.**

16 (a) *AUTHORITY TO INCREASE AMOUNT FOR CON-*
 17 *STRUCTION OF MUNITIONS DEMILITARIZATION FACILITY,*
 18 *BLUE GRASS ARMY DEPOT, KENTUCKY.*—Pursuant to the
 19 authority granted for this project by section 2401(a) of the
 20 Military Construction Authorization Act for Fiscal Year
 21 2000 (division B of Public Law 106–65; 113 Stat. 836),
 22 as amended by section 2405 of the Military Construction

1 *Authorization Act for Fiscal Year 2002 (division B of Pub-*
2 *lic Law 107–107; 115 Stat. 1298) and section 2405 of the*
3 *Military Construction Authorization Act for Fiscal Year*
4 *2003 (division B of Public Law 107–314; 116 Stat. 2698),*
5 *the amount authorized to be appropriated by section*
6 *2403(14) of this Act for the construction of increment 8 of*
7 *a munitions demilitarization facility at Blue Grass Army*
8 *Depot, Kentucky, may, subject to the approval of the Sec-*
9 *retary of Defense, be increased by up to \$17,300,000 using*
10 *funds from the amounts authorized to be appropriated by*
11 *section 2403(1) of this Act.*

12 (b) *AUTHORITY TO INCREASE AMOUNT FOR CON-*
13 *STRUCTION OF MUNITIONS DEMILITARIZATION FACILITY,*
14 *PUEBLO CHEMICAL ACTIVITY, COLORADO.—Pursuant to*
15 *the authority granted for this project by section 2401(a) of*
16 *the Military Construction Authorization Act for Fiscal Year*
17 *1997 (Public Law 104–201; 110 Stat. 2775), as amended*
18 *by section 2406 of the Military Construction Authorization*
19 *Act for Fiscal Year 2000 (division B of Public Law 106–*
20 *65; 113 Stat. 839) and section 2407 of the Military Con-*
21 *struction Authorization Act for Fiscal Year 2003 (division*
22 *B of Public Law 107–314; 116 Stat. 2698), the amount au-*
23 *thorized to be appropriated by section 2403(14) of this Act*
24 *for the construction of increment 9 of a munitions demili-*
25 *tarization facility at Pueblo Chemical Activity, Colorado*

1 *may, subject to the approval of the Secretary of Defense,*
2 *be increased by up to \$32,000,000 using funds from the*
3 *amounts authorized to be appropriated by section 2403(1)*
4 *of this Act.*

5 *(c) CERTIFICATION REQUIREMENT.—Prior to exer-*
6 *cising the authority provided in subsection (a) or (b), the*
7 *Secretary of Defense shall provide to the congressional de-*
8 *fense committees the following:*

9 *(1) Certification that the increase in the amount*
10 *authorized to be appropriated—*

11 *(A) is in the best interest of national secu-*
12 *rity; and*

13 *(B) will facilitate compliance with the*
14 *deadline set forth in subsection (d)(1).*

15 *(2) A statement that the increased amount au-*
16 *thorized to be appropriated will be used to carry out*
17 *authorized military construction activities.*

18 *(3) A notification of the action in accordance*
19 *with section 2811.*

20 *(d) DEADLINE FOR DESTRUCTION OF CHEMICAL*
21 *AGENTS AND MUNITIONS STOCKPILE.—*

22 *(1) DEADLINE.—Notwithstanding any other pro-*
23 *vision of law, the Department of Defense shall com-*
24 *plete work on the destruction of the entire United*
25 *States stockpile of lethal chemical agents and muni-*

1 *tions, including those stored at Blue Grass Army*
2 *Depot, Kentucky, and Pueblo Chemical Depot, Colo-*
3 *rado, by the deadline established by the Chemical*
4 *Weapons Convention, and in no circumstances later*
5 *than December 31, 2017.*

6 (2) *REPORT.—*

7 (A) *IN GENERAL.—Not later than December*
8 *31, 2007, and every 180 days thereafter, the Sec-*
9 *retary of Defense shall submit to the parties de-*
10 *scribed in paragraph (2) a report on the progress*
11 *of the Department of Defense toward compliance*
12 *with this subsection.*

13 (B) *PARTIES RECEIVING REPORT.—The*
14 *parties referred to in paragraph (1) are the*
15 *Speaker of the House of the Representatives, the*
16 *Majority and Minority Leaders of the House of*
17 *Representatives, the Majority and Minority*
18 *Leaders of the Senate, and the congressional de-*
19 *fense committees.*

20 (C) *CONTENT.—Each report submitted*
21 *under subparagraph (A) shall include the up-*
22 *dated and projected annual funding levels nec-*
23 *essary to achieve full compliance with this sub-*
24 *section. The projected funding levels for each re-*
25 *port shall include a detailed accounting of the*

1 *complete life-cycle costs for each of the chemical*
2 *disposal projects.*

3 (3) *CHEMICAL WEAPONS CONVENTION DE-*
4 *FINED.—In this subsection, the term “Chemical*
5 *Weapons Convention” means the Convention on the*
6 *Prohibition of Development, Production, Stockpiling*
7 *and Use of Chemical Weapons and on Their Destruc-*
8 *tion, with annexes, done at Paris, January 13, 1993,*
9 *and entered into force April 29, 1997 (T. Doc. 103–*
10 *21).*

11 (4) *APPLICABILITY; RULE OF CONSTRUCTION.—*
12 *This subsection shall apply to fiscal year 2008 and*
13 *each fiscal year thereafter, and shall not be modified*
14 *or repealed by implication.*

15 **TITLE XXV—NORTH ATLANTIC**
16 **TREATY ORGANIZATION SE-**
17 **CURITY INVESTMENT PRO-**
18 **GRAM**

19 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
20 **ACQUISITION PROJECTS.**

21 *The Secretary of Defense may make contributions for*
22 *the North Atlantic Treaty Organization Security Invest-*
23 *ment Program as provided in section 2806 of title 10,*
24 *United States Code, in an amount not to exceed the sum*
25 *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 construc-
 3 tion previously financed by the United States.

4 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

5 Funds are hereby authorized to be appropriated for fis-
 6 cal years beginning after September 30, 2007, for contribu-
 7 tions by the Secretary of Defense under section 2806 of title
 8 10, United States Code, for the share of the United States
 9 of the cost of projects for the North Atlantic Treaty Organi-
 10 zation Security Investment Program authorized by section
 11 2501, in the amount of \$201,400,000.

12 **TITLE XXVI—GUARD AND**
 13 **RESERVE FORCES FACILITIES**

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-
 19 retary of the Army may acquire real property and carry
 20 out military construction projects for the Army National
 21 Guard locations, and in the amounts, set forth in the fol-
 22 lowing table:

Army National Guard

State	Location	Amount
Alabama	Springville	\$3,300,000
Arkansas	Camp Robinson	\$23,923,000
Arizona	Florence	\$10,870,000
California	Sacramento Army Depot	\$21,000,000

Army National Guard—Continued

State	Location	Amount
	<i>Camp Roberts</i>	\$2,850,000
<i>Connecticut</i>	<i>Niantic</i>	\$13,600,000
<i>Florida</i>	<i>Jacksonville</i>	\$12,200,000
<i>Idaho</i>	<i>Gowen Field</i>	\$7,615,000
	<i>Orchard Training Area</i>	\$1,700,000
<i>Illinois</i>	<i>St. Clair County</i>	\$8,100,000
<i>Iowa</i>	<i>Iowa City</i>	\$13,186,000
<i>Michigan</i>	<i>Camp Grayling</i>	\$2,450,000
	<i>Lansing</i>	\$4,239,000
<i>Minnesota</i>	<i>Camp Ripley</i>	\$4,850,000
<i>Mississippi</i>	<i>Camp Shelby</i>	\$4,000,000
<i>Missouri</i>	<i>Whiteman Air Force Base</i>	\$30,000,000
<i>North Dakota</i>	<i>Camp Grafton</i>	\$33,416,000
<i>Oregon</i>	<i>Ontario</i>	\$11,000,000
<i>Pennsylvania</i>	<i>Carlisle</i>	\$7,800,000
	<i>East Fallowfield Township</i>	\$8,300,000
	<i>Fort Indiantown Gap</i>	\$9,500,000
	<i>Gettysburg</i>	\$6,300,000
	<i>Graterford</i>	\$7,300,000
	<i>Hanover</i>	\$5,500,000
	<i>Hazelton</i>	\$5,600,000
	<i>Holidaysburg</i>	\$9,400,000
	<i>Huntingdon</i>	\$7,500,000
	<i>Kutztown</i>	\$6,800,000
	<i>Lebanon</i>	\$7,800,000
	<i>Philadelphia</i>	\$13,650,000
<i>Rhode Island</i>	<i>East Greenwich</i>	\$8,200,000
	<i>North Kingstown</i>	\$33,000,000
<i>Texas</i>	<i>Camp Bowie</i>	\$1,500,000
	<i>Fort Wolters</i>	\$2,100,000
<i>Utah</i>	<i>North Salt Lake</i>	\$12,200,000
<i>Vermont</i>	<i>Ethan Allen Range</i>	\$1,996,000
<i>Virginia</i>	<i>Fort Pickett</i>	\$26,211,000
	<i>Winchester</i>	\$3,113,000
<i>West Virginia</i>	<i>Camp Dawson</i>	\$4,500,000
<i>Wyoming</i>	<i>Camp Guernsey</i>	\$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 lo-*
7 *cations, and in the amounts, set forth in the following table:*

Army Reserve

State	Location	Amount
<i>California</i>	<i>Fort Hunter Liggett</i>	\$7,035,000
	<i>Garden Grove</i>	\$25,440,000

Army Reserve—Continued

<i>State</i>	<i>Location</i>	<i>Amount</i>
<i>Montana</i>	<i>Butte</i>	\$7,629,000
<i>New Jersey</i>	<i>Fort Dix</i>	\$17,000,000
<i>New York</i>	<i>Fort Drum</i>	\$15,923,000
<i>Texas</i>	<i>Ellington Field</i>	\$15,000,000
	<i>Fort Worth</i>	\$15,076,000
<i>Wisconsin</i>	<i>Ellsworth</i>	\$9,100,000
	<i>Fort McCoy</i>	\$8,523,000

1 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
2 **CORPS RESERVE CONSTRUCTION AND LAND**
3 **ACQUISITION PROJECTS.**

4 *Using amounts appropriated pursuant to the author-*
5 *ization of appropriations in section 2606(a)(2), the Sec-*
6 *retary of the Navy may acquire real property and carry*
7 *out military construction projects for the Navy Reserve and*
8 *Marine Corps Reserve locations, and in the amounts, set*
9 *forth in the following table:*

Navy Reserve and Marine Corps Reserve

<i>State</i>	<i>Location</i>	<i>Amount</i>
<i>California</i>	<i>Miramar</i>	\$5,580,000
<i>Michigan</i>	<i>Selfridge</i>	\$4,030,000
<i>Ohio</i>	<i>Wright-Patterson Air Force Base</i>	\$10,277,000
<i>Oregon</i>	<i>Portland</i>	\$1,900,000
<i>South Dakota</i>	<i>Sioux Falls</i>	\$3,730,000
<i>Texas</i>	<i>Austin</i>	\$6,490,000
	<i>Fort Worth</i>	\$22,514,000
<i>Virginia</i>	<i>Quantico</i>	\$2,410,000

10 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
11 **TION AND LAND ACQUISITION PROJECTS.**

12 *Using amounts appropriated pursuant to the author-*
13 *ization of appropriations in section 2606(3)(A), the Sec-*
14 *retary of the Air Force may acquire real property and*
15 *carry out military construction projects for the Air Na-*

1 tional Guard locations, and in the amounts, set forth in
 2 the following table:

Air National Guard

State	Location	Amount
Colorado	Buckley Air National Guard Base	\$7,300,000
Delaware	New Castle	\$10,800,000
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
New Hampshire	Pease Air National Guard Base	\$8,900,000
Nebraska	Lincoln	\$8,900,000
Nevada	Reno-Tahoe International Airport	\$5,200,000
New York	Gabreski Airport	\$8,400,000
Pennsylvania	Fort Indiantown Gap	\$12,700,000
Rhode Island	Quonset State Airport	\$5,000,000
South Dakota	Joe Foss Field	\$7,900,000
Tennessee	McGhee-Tyson Airport	\$3,200,000
	Memphis International Airport	\$11,376,000
Vermont	Burlington	\$6,600,000
West Virginia	Eastern West Virginia Regional Airport- Shepherd Field.	\$50,776,000
	Yeager	\$17,300,000
Wisconsin	Truax Field	\$7,300,000

3 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
 4 **TION AND LAND ACQUISITION PROJECTS.**

5 Using amounts appropriated pursuant to the author-
 6 ization of appropriations in section 2606(3)(B), the Sec-
 7 retary of the Air Force may acquire real property and
 8 carry out military construction projects for the Air Force
 9 Reserve locations, and in the amounts, set forth in the fol-
 10 lowing table:

Air Force Reserve

State	Location	Amount
Alaska	Elmendorf Air Force Base	\$14,950,000
Utah	Hill Air Force Base	\$3,200,000

1 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD**
2 **AND RESERVE.**

3 *Funds are hereby authorized to be appropriated for fis-*
4 *cal years beginning after September 30, 2007, for the costs*
5 *of acquisition, architectural and engineering services, and*
6 *construction of facilities for the Guard and Reserve Forces,*
7 *and for contributions therefor, under chapter 1803 of title*
8 *10, United States Code (including the cost of acquisition*
9 *of land for those facilities), in the following amounts:*

10 (1) *For the Department of the Army—*

11 (A) *for the Army National Guard of the*
12 *United States, \$458,515,000; and*

13 (B) *for the Army Reserve, \$134,684,000.*

14 (2) *For the Department of the Navy, for the*
15 *Navy and Marine Corps Reserve, \$59,150,000.*

16 (3) *For the Department of the Air Force—*

17 (A) *for the Air National Guard of the*
18 *United States, \$216,417,000; and*

19 (B) *for the Air Force Reserve, \$26,559,000.*

20 **SEC. 2607. TERMINATION OF AUTHORITY TO CARRY OUT**
21 **FISCAL YEAR 2007 GUARD AND RESERVE**
22 **PROJECTS FOR WHICH FUNDS WERE NOT AP-**
23 **PROPRIATED.**

24 *Section 2601 of the Military Construction Authoriza-*
25 *tion Act for Fiscal Year 2007 (division B of Public Law*
26 *109–364; 120 Stat. 2463) is amended—*

1 (1) in paragraph (1)—

2 (A) in subparagraph (A), by striking
3 “\$561,375,000” and inserting “\$476,697,000”;

4 and

5 (B) in subparagraph (B), by striking
6 “\$190,617,000” and inserting “\$167,987,000”;

7 (2) in paragraph (2), by striking “49,998,000”
8 and inserting “\$43,498,000”; and

9 (3) in paragraph (3)—

10 (A) in subparagraph (A), by striking
11 “\$294,283,000” and inserting “\$133,983,000”;

12 and

13 (B) in subparagraph (B), by striking
14 “\$56,836,000” and inserting “\$47,436,000”.

15 **SEC. 2608. MODIFICATION OF AUTHORITY TO CARRY OUT**
16 **FISCAL YEAR 2006 AIR FORCE RESERVE CON-**
17 **STRUCTION AND ACQUISITION PROJECTS.**

18 *Section 2601(3)(B) of the Military Construction Au-*
19 *thorization Act for Fiscal Year 2006 (division B of Public*
20 *Law 109–163; 119 Stat. 3501) is amended by striking*
21 *“\$105,883,000” and inserting “\$102,783,000”.*

22 **SEC. 2609. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
23 **FISCAL YEAR 2005 PROJECTS.**

24 (a) *EXTENSION AND RENEWAL.—Notwithstanding sec-*
25 *tion 2701 of the Military Construction Authorization Act*

1 *for Fiscal Year 2005 (division B of Public Law 108–375;*
 2 *118 Stat. 2116), the authorizations set forth in the tables*
 3 *in subsection (b), as provided in section 2601 of that Act,*
 4 *shall remain in effect until October 1, 2008, or the date*
 5 *of the enactment of an Act authorizing funds for military*
 6 *construction for fiscal year 2009, whichever is later.*

7 (b) *TABLES.—The tables referred to in subsection (a)*
 8 *are as follows:*

Army National Guard: Extension of 2005 Project Authorizations

<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Dublin, California</i>	<i>Readiness center</i>	<i>\$11,318,000</i>
<i>Gary, Indiana</i>	<i>Reserve center</i>	<i>\$9,380,000</i>

Army Reserve: Extension of 2005 Project Authorization

<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Corpus Christi (Robstown), Texas</i>	<i>Storage facility</i>	<i>\$9,038,000</i>

9 ***SEC. 2610. EXTENSION OF AUTHORIZATIONS OF CERTAIN***
 10 ***FISCAL YEAR 2004 PROJECTS.***

11 (a) *EXTENSION.—Notwithstanding section 2701 of the*
 12 *Military Construction Authorization Act for Fiscal Year*
 13 *2004 (division B of Public Law 108–136; 117 Stat. 1716),*
 14 *the authorizations set forth in the table in subsection (b),*
 15 *as provided in section 2601 of that Act and extended by*
 16 *section 2702 of the Military Construction Authorization Act*
 17 *for Fiscal Year 2007 (division B of Public Law 109–364;*
 18 *120 Stat. 2464), shall remain in effect until October 1,*
 19 *2008, or the date of the enactment of an Act authorizing*

1 *funds for military construction for fiscal year 2009, which-*
 2 *ever is later.*

3 (b) *TABLE.—The table referred to in subsection (a) is*
 4 *as follows:*

Army National Guard: Extension of 2004 Project Authorizations

<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Albuquerque, New Mexico</i>	<i>Readiness center</i>	<i>\$2,533,000</i>
<i>Fort Indiantown Gap, Pennsylvania</i>	<i>Multipurpose training range ...</i>	<i>\$15,338,000</i>

5 ***SEC. 2611. RELOCATION OF UNITS FROM ROBERTS UNITED***
 6 ***STATES ARMY RESERVE CENTER AND NAVY-***
 7 ***MARINE CORPS RESERVE CENTER, BATON***
 8 ***ROUGE, LOUISIANA.***

9 *For the purpose of siting an Army Reserve Center and*
 10 *Navy-Marine Corps Reserve Center for which funds are au-*
 11 *thorized to be appropriated in this Act in Baton Rouge,*
 12 *Louisiana, the Secretary of the Army may use land under*
 13 *the control of the State of Louisiana adjacent to, or in the*
 14 *vicinity of the Baton Rouge airport, Baton Rouge, Lou-*
 15 *isiana at a location determined by the Secretary to be in*
 16 *the best interest of national security and in the public inter-*
 17 *est.*

1 **TITLE XXVII—BASE CLOSURE**
2 **AND REALIGNMENT ACTIVITIES**

3 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE**
4 **CLOSURE AND REALIGNMENT ACTIVITIES**
5 **FUNDED THROUGH DEPARTMENT OF DE-**
6 **FENSE BASE CLOSURE ACCOUNT 1990.**

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal years beginning after September 30, 2007, for base clo-*
9 *sure and realignment activities, including real property ac-*
10 *quisition and military construction projects, as authorized*
11 *by the Defense Base Closure and Realignment Act of 1990*
12 *(part A of title XXIX of Public Law 101–510; 10 U.S.C.*
13 *2687 note) and funded through the Department of Defense*
14 *Base Closure Account 1990 established by section 2906 of*
15 *such Act, in the total amount of \$220,689,000, as follows:*

16 (1) *For the Department of the Army,*
17 *\$73,716,000.*

18 (2) *For the Department of the Air Force,*
19 *\$143,260,000.*

20 (3) *For the Defense Agencies, \$3,713,000.*

1 **SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN-**
2 **MENT ACTIVITIES FUNDED THROUGH DE-**
3 **PARTMENT OF DEFENSE BASE CLOSURE AC-**
4 **COUNT 2005.**

5 *Using amounts appropriated pursuant to the author-*
6 *ization of appropriations in section 2703, the Secretary of*
7 *Defense may carry out base closure and realignment activi-*
8 *ties, including real property acquisition and military con-*
9 *struction projects, as authorized by the Defense Base Closure*
10 *and Realignment Act of 1990 (part A of title XXIX of Pub-*
11 *lic Law 101–510; 10 U.S.C. 2687 note) and funded through*
12 *the Department of Defense Base Closure Account 2005 es-*
13 *tablished by section 2906A of such Act, in the amount of*
14 *\$8,718,988,000.*

15 **SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE**
16 **CLOSURE AND REALIGNMENT ACTIVITIES**
17 **FUNDED THROUGH DEPARTMENT OF DE-**
18 **FENSE BASE CLOSURE ACCOUNT 2005.**

19 *Funds are hereby authorized to be appropriated for fis-*
20 *cal years beginning after September 30, 2007, for base clo-*
21 *sure and realignment activities, including real property ac-*
22 *quisition and military construction projects, as authorized*
23 *by the Defense Base Closure and Realignment Act of 1990*
24 *(part A of title XXIX of Public Law 101–510; 10 U.S.C.*
25 *2687 note) and funded through the Department of Defense*

1 *Base Closure Account 2005 established by section 2906A of*
2 *such Act, in the total amount of \$8,174,315,000, as follows:*

3 (1) *For the Department of the Army,*
4 *\$4,015,746,000.*

5 (2) *For the Department of the Navy,*
6 *\$733,695,000.*

7 (3) *For the Department of the Air Force,*
8 *\$1,183,812,000.*

9 (4) *For the Defense Agencies, \$2,241,062,000.*

10 **SEC. 2704. AUTHORIZED COST AND SCOPE OF WORK VARI-**
11 **ATIONS.**

12 *For military construction projects carried out using*
13 *amounts appropriated pursuant to the authorization of ap-*
14 *propriations in sections 2701 and 2703 of this title and*
15 *section 2405(a)(8) of the Military Construction Authoriza-*
16 *tion Act for Fiscal Year 2007 (division B of Public Law*
17 *109–364; 120 Stat. 2460), section 2853 of title 10, United*
18 *States Code, shall apply for variations to the cost and scope*
19 *of work for each military construction project requested to*
20 *the congressional defense committees as part of the budget*
21 *justification materials submitted to Congress in support of*
22 *the Department of Defense budget for fiscal year 2007 and*
23 *2008 (as submitted with the budget of the President under*
24 *section 1105(a) of title 31, United States Code).*

1 **TITLE XXVIII—MILITARY CON-**
2 **STRUCTION GENERAL PROVI-**
3 **SIONS**

4 ***Subtitle A—Effective Date and***
5 ***Expiration of Authorizations***

6 **SEC. 2801. EFFECTIVE DATE.**

7 *Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII,*
8 *and XXIX shall take effect on the later of—*

9 *(1) October 1, 2007; or*

10 *(2) the date of the enactment of this Act.*

11 **SEC. 2802. EXPIRATION OF AUTHORIZATIONS AND**
12 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
13 **LAW.**

14 *(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE*
15 *YEARS.—Except as provided in subsection (b), all author-*
16 *izations contained in titles XXI through XXVI and title*
17 *XXIX for military construction projects, land acquisition,*
18 *family housing projects and facilities, and contributions to*
19 *the North Atlantic Treaty Organization Security Invest-*
20 *ment Program (and authorizations of appropriations there-*
21 *for) shall expire on the later of—*

22 *(1) October 1, 2010; or*

23 *(2) the date of the enactment of an Act author-*
24 *izing funds for military construction for fiscal year*
25 *2011.*

1 (b) *EXCEPTION.*—*Subsection (a) shall not apply to au-*
2 *thorizations for military construction projects, land acqui-*
3 *sition, family housing projects and facilities, and contribu-*
4 *tions to the North Atlantic Treaty Organization Security*
5 *Investment Program (and authorizations of appropriations*
6 *therefor), for which appropriated funds have been obligated*
7 *before the later of—*

8 (1) *October 1, 2010; or*

9 (2) *the date of the enactment of an Act author-*
10 *izing funds for fiscal year 2011 for military construc-*
11 *tion projects, land acquisition, family housing*
12 *projects and facilities, or contributions to the North*
13 *Atlantic Treaty Organization Security Investment*
14 *Program.*

15 ***Subtitle B—Military Construction***
16 ***Program and Military Family***
17 ***Housing Changes***

18 ***SEC. 2811. GENERAL MILITARY CONSTRUCTION TRANSFER***

19 ***AUTHORITY.***

20 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.*—

21 (1) *AUTHORITY.*—*Upon a determination by the*
22 *Secretary of a military department, or with respect*
23 *to the Defense Agencies, the Secretary of Defense, that*
24 *such action is necessary in the national interest, the*
25 *Secretary concerned may transfer amounts of author-*

1 *izations made available to that military department*
2 *or Defense Agency in this division for fiscal year*
3 *2008 between any such authorizations for that mili-*
4 *tary department or Defense Agency for that fiscal*
5 *year. Amounts of authorizations so transferred shall*
6 *be merged with and be available for the same pur-*
7 *poses as the authorization to which transferred.*

8 (2) *AGGREGATE LIMIT.—The aggregate amount*
9 *of authorizations that the Secretaries concerned may*
10 *transfer under the authority of this section may not*
11 *exceed \$200,000,000.*

12 (b) *LIMITATION.—The authority provided by this sec-*
13 *tion to transfer authorizations may only be used to fund*
14 *increases in the cost or scope of military construction*
15 *projects that have been authorized by law.*

16 (c) *EFFECT ON AUTHORIZATION AMOUNTS.—A trans-*
17 *fer made from one account to another under the authority*
18 *of this section shall be deemed to increase the amount au-*
19 *thorized for the account to which the amount is transferred*
20 *by an amount equal to the amount transferred.*

21 (d) *NOTICE TO CONGRESS.—The Secretary concerned*
22 *shall promptly notify Congress of each transfer made by*
23 *that Secretary under subsection (a).*

1 **SEC. 2812. 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, United*
6 *States Code, is amended—*

7 (1) *in paragraph (2), by striking “paragraphs*
8 *(3) and (4)” and inserting “paragraphs (3), (4), and*
9 *(7)”;*

10 (2) *in paragraph (5), by striking “paragraphs*
11 *(2) and (3)” and inserting “paragraphs (2), (3), and*
12 *(7)”;* and

13 (3) *by adding at the end the following new para-*
14 *graph:*

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) may*
2 *not exceed 2 years.*”.

3 (b) *INCREASED MAXIMUM LEASE AMOUNT APPLICA-*
4 *BLE TO FOREIGN MILITARY FAMILY HOUSING LEASES.—*
5 *Subsection (e) of such section is amended—*

6 (1) *in paragraph (1)—*

7 (A) *by striking “(1)” and inserting*
8 *“(1)(A)”;*

9 (B) *by striking the second sentence; and*

10 (C) *by adding at the end the following new*
11 *subparagraph:*

12 “(B)(i) *Subject to clause (ii), the maximum lease*
13 *amounts in subparagraph (A) may be waived and increased*
14 *up to a maximum of \$100,000 per unit per year.*

15 “(ii) *The Secretary concerned may not exercise the*
16 *waiver authority under clause (i) until the Secretary has*
17 *notified the congressional defense committees of such pro-*
18 *posed waiver and the reasons therefor and a period of 21*
19 *days has elapsed or, if over sooner, 14 days after such notice*
20 *is provided in an electronic medium pursuant to section*
21 *480 of this title.*”;

22 (2) *in paragraph (2), by striking “the Secretary*
23 *of the Navy may lease not more than 2,800 units of*
24 *family housing in Italy, and the Secretary of the*
25 *Army may lease not more than 500 units of family*

1 *housing in Italy*” and inserting “*the Secretaries of*
2 *the military departments may lease not more than*
3 *3,300 units of family housing in Italy*”; and

4 (3) in paragraph (4), by striking “\$35,000” and
5 inserting “\$35,050”.

6 (c) *INCREASED THRESHOLD FOR CONGRESSIONAL NO-*
7 *TIFICATION FOR FOREIGN MILITARY FAMILY HOUSING*
8 *LEASES.*—Subsection (f) of such section is amended by
9 striking “\$500,000” and inserting “\$1,000,000”.

10 **SEC. 2813. INCREASE IN THRESHOLDS FOR UNSPECIFIED**
11 **MINOR MILITARY CONSTRUCTION PROJECTS.**

12 (a) *INCREASE.*—Section 2805(a)(1) of title 10, United
13 States Code, is amended—

14 (1) by striking “\$1,500,000” and inserting
15 “\$2,500,000”; and

16 (2) by striking “\$3,000,000” and inserting
17 “\$4,000,000”.

18 (b) *EFFECTIVE DATE.*—The amendments made by sub-
19 section (a) shall take effect on October 1, 2007.

1 **SEC. 2814. MODIFICATION AND EXTENSION OF TEMPORARY,**
2 **LIMITED AUTHORITY TO USE OPERATION**
3 **AND MAINTENANCE FUNDS FOR CONSTRUC-**
4 **TION PROJECTS OUTSIDE THE UNITED**
5 **STATES.**

6 *Section 2808 of the Military Construction Authoriza-*
7 *tion Act for Fiscal Year 2004 (division B of Public Law*
8 *108–136; 117 Stat. 1723), as amended by section 2810 of*
9 *the Military Construction Authorization Act for Fiscal Year*
10 *2005 (division B of Public Law 108–375; 118 Stat. 2128),*
11 *section 2809 of the Military Construction Authorization Act*
12 *for Fiscal Year 2006 (division B of Public Law 109–163;*
13 *119 Stat. 3508), and section 2802 of the Military Construc-*
14 *tion Authorization Act for Fiscal Year 2007 (division B*
15 *of Public Law 109–364; 120 Stat. 2466), is further*
16 *amended—*

17 *(1) in subsection (a), by striking “2007” and in-*
18 *serting “2008”; and*

19 *(2) in subsection (c)—*

20 *(A) in paragraph (1), by striking “(1) The*
21 *total” and inserting “The total”; and*

22 *(B) by striking paragraphs (2) and (3).*

1 **SEC. 2815. 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.*—For the revital-
6 ization and recapitalization of laboratories owned by the
7 United States and under the jurisdiction of the Secretary
8 concerned, the Secretary concerned may obligate and
9 expend—

10 (1) from appropriations available to the Sec-
11 retary concerned for operation and maintenance,
12 amounts necessary to carry out an unspecified minor
13 military construction project costing not more than
14 \$1,000,000; or

15 (2) from appropriations available to the Sec-
16 retary concerned for military construction not other-
17 wise authorized by law, amounts necessary to carry
18 out an unspecified minor military construction
19 project costing not more than \$2,500,000.

20 (b) *FISCAL YEAR LIMITATION APPLICABLE TO INDI-*
21 *VIDUAL LABORATORIES.*—For purposes of this section, the
22 total amount allowed to be applied in any one fiscal year
23 to projects at any one laboratory shall be limited to the
24 larger of the amounts applicable under subsection (a).

25 (c) *LABORATORY DEFINED.*—In this section, the term
26 “laboratory” includes—

1 (1) a research, engineering, and development
2 center;

3 (2) a test and evaluation activity; and

4 (3) any buildings, structures, or facilities located
5 at and supporting such center or activity.

6 (d) *SUNSET*.—The authority to carry out a project
7 under this section expires on September 30, 2012.

8 **SEC. 2816. TWO-YEAR EXTENSION OF TEMPORARY PRO-**
9 **GRAM TO USE MINOR MILITARY CONSTRUC-**
10 **TION AUTHORITY FOR CONSTRUCTION OF**
11 **CHILD DEVELOPMENT CENTERS.**

12 (a) *EXTENSION*.—Subsection (e) of section 2810 of the
13 *Military Construction Authorization Act for Fiscal Year*
14 *2006 (division B of Public Law 109–163; 119 Stat. 3510)*
15 *is amended by striking “September 30, 2007” and inserting*
16 *“September 30, 2009”.*

17 (b) *REPORT REQUIRED*.—Subsection (d) of such sec-
18 *tion is amended to read as follows:*

19 “(d) *REPORTS REQUIRED*.—Not later than March 1,
20 2007, and March 1, 2009, the Secretary of Defense shall
21 submit to the congressional committees reports on the pro-
22 gram authorized by this section. Each report shall include
23 a list and description of the construction projects carried
24 out under the program, including the location and cost of
25 each project.”.

1 **SEC. 2817. EXTENSION OF AUTHORITY TO ACCEPT EQUALI-**
2 **ZATION PAYMENTS FOR FACILITY EX-**
3 **CHANGES.**

4 *Section 2809(c)(5) of the Military Construction Au-*
5 *thorization Act for Fiscal Year 2005 (division B of Public*
6 *Law 108–375; 118 Stat. 2127) is amended by striking*
7 *“September 30, 2007” and inserting “September 30, 2010”.*

8 **SEC. 2818. CLARIFICATION OF REQUIREMENT FOR AUTHOR-**
9 **IZATION OF MILITARY CONSTRUCTION.**

10 *(a) CLARIFICATION OF REQUIREMENT FOR AUTHOR-*
11 *IZATION.—Section 2802(a) of title 10, United States Code,*
12 *is amended by inserting after “military construction*
13 *projects” the following: “, land acquisitions, and defense ac-*
14 *cess road projects (as described under section 210 of title*
15 *23)”.*

16 *(b) CLARIFICATION OF DEFINITION.—Section 2801(a)*
17 *of such title is amended by inserting after “permanent re-*
18 *quirements” the following: “, or any acquisition of land or*
19 *construction of a defense access road (as described in section*
20 *210 of title 23)”.*

1 ***Subtitle C—Real Property and***
2 ***Facilities Administration***

3 ***SEC. 2831. REQUIREMENT TO REPORT TRANSACTIONS RE-***
4 ***SULTING IN ANNUAL COSTS OF MORE THAN***
5 ***\$750,000.***

6 *Section 2662(a)(1) of title 10, United States Code, is*
7 *amended—*

8 (1) *by striking “or his designee” and inserting*
9 *“or the Secretary’s designee, or with respect to a De-*
10 *fense Agency, the Secretary of Defense or the Sec-*
11 *retary’s designee”; and*

12 (2) *by adding at the end the following new sub-*
13 *paragraph:*

14 “(G) *Any transaction or contract action that re-*
15 *sults in, or includes, the acquisition or use by, or the*
16 *lease or license to, the United States of real property,*
17 *if the estimated annual rental or cost for the use of*
18 *the real property is more than \$750,000.”.*

19 ***SEC. 2832. MODIFICATION OF AUTHORITY TO LEASE NON-***
20 ***EXCESS PROPERTY.***

21 (a) *INCREASED USE OF COMPETITIVE PROCEDURES*
22 *FOR SELECTION OF CERTAIN LESSEES.—Section*
23 *2667(h)(1) of title 10, United States Code, is amended by*
24 *striking “exceeds one year, and the fair market value of the*

1 lease” and inserting “exceeds one year, or the fair market
2 value of the lease”.

3 (b) *MODIFICATION OF AUTHORITIES RELATED TO FA-*
4 *CILITIES OPERATION SUPPORT.*—

5 (1) *ELIMINATION OF AUTHORITY TO ACCEPT FA-*
6 *CILITIES OPERATION SUPPORT AS IN-KIND CONSIDER-*
7 *ATION.*—Section 2667(c)(1) of title 10, United States
8 Code, is amended—

9 (A) by striking subparagraph (D); and

10 (B) by redesignating subparagraph (E) as
11 subparagraph (D).

12 (2) *ELIMINATION OF AUTHORITY TO USE RENTAL*
13 *AND CERTAIN OTHER PROCEEDS FOR FACILITIES OP-*
14 *ERATION SUPPORT.*—Section 2667(e)(1)(C) of title 10,
15 United States Code, is amended by striking clause
16 (iv).

17 (c) *TECHNICAL AMENDMENTS.*—Section 2667(e) of
18 title 10, United States Code, is further amended—

19 (1) in paragraph (1)(B)(ii), by striking “para-

20 graph (4), (5), or (6)” and inserting “paragraph (3),
21 (4), or (5)”; and

22 (2) by redesignating paragraphs (4), (5), and (6)
23 as paragraphs (3), (4), and (5).

1 **SEC. 2833. ENHANCED FLEXIBILITY TO CREATE OR EXPAND**
2 **BUFFER ZONES.**

3 *Section 2684a(d) of title 10, United States Code, is*
4 *amended—*

5 *(1) by redesignating paragraphs (3), (4), (5),*
6 *and (6) as paragraphs (4), (5), (6), and (7), respec-*
7 *tively;*

8 *(2) by inserting after paragraph (2) the fol-*
9 *lowing new paragraph:*

10 *“(3) Subject to the availability of appropriations*
11 *for such purpose, an agreement with an eligible entity*
12 *under subsection (a)(2) may provide for the manage-*
13 *ment of natural resources and the contribution by the*
14 *United States towards natural resource management*
15 *costs on any real property in which a military de-*
16 *partment has acquired any right title or interest in*
17 *accordance with paragraph (1)(A) where there is a*
18 *demonstrated need to preserve or restore habitat for*
19 *purposes of subsection (a)(2).”;* and

20 *(3) in paragraph (4)(C), as redesignated by*
21 *paragraph (1), by striking “paragraph (4)” and in-*
22 *serting “paragraph (5), unless the Secretary con-*
23 *cerned certifies in writing to the Committees on*
24 *Armed Services of the Senate and the House of Rep-*
25 *resentatives that the military value to the United*
26 *States as a result of the acquisition of such property*

1 or interest in property justifies the payment of costs
2 in excess of the fair market value of such property or
3 interest. Such certification shall include a detailed de-
4 scription of the military value to be obtained in each
5 such case. The Secretary concerned may not acquire
6 such property or interest until 14 days after the date
7 on which the certification is provided to the Commit-
8 tees or, if earlier, 10 days after the date on which a
9 copy of such certification is provided in an electronic
10 medium pursuant to section 480 of this title”.

11 **SEC. 2834. REPORTS ON ARMY AND MARINE CORPS OPER-**
12 **ATIONAL RANGES.**

13 (a) *REPORT ON UTILIZATION AND POTENTIAL EXPAN-*
14 *SION OF ARMY OPERATIONAL RANGES.*—Section 2827(c) of
15 *the Military Construction Authorization Act for Fiscal Year*
16 *2007 (division B of Public Law 109–364; 120 Stat. 2479)*
17 *is amended—*

18 (1) *in paragraph (1), by striking “February 1,*
19 *2007” and inserting “December 31, 2007”; and*

20 (2) *in paragraph (2)—*

21 (A) *in subparagraph (B), by amending*
22 *clauses (iv) and (v) to read as follows:*

23 “(iv) *the proposal contained in the*
24 *budget justification materials submitted in*
25 *support of the Department of Defense budget*

1 *for fiscal year 2008 to increase the size of*
2 *the active component of the Army to*
3 *547,400 personnel by the end of fiscal year*
4 *2012; or*

5 *“(v) high operational tempos or surge*
6 *requirements.”; and*

7 *(B) by adding at the end the following new*
8 *subparagraphs:*

9 *“(F) An analysis of the cost of, potential*
10 *military value of, and potential legal or prac-*
11 *tical impediments to, the expansion of the Joint*
12 *Readiness Training Center at Fort Polk, Lou-*
13 *isiana, through the acquisition of additional*
14 *land adjacent to or in the vicinity of the instal-*
15 *lation that is under the control of the United*
16 *States Forest Service.*

17 *“(G) An analysis of the impact of the pro-*
18 *posal described in subparagraph (B)(iv) on the*
19 *plan developed prior to such proposal to relocate*
20 *forces from Germany to the United States and*
21 *vacate installations in Germany as part of the*
22 *Integrated Global Presence and Basing Strategy,*
23 *including a comparative analysis of—*

24 *“(i) the projected utilization of the*
25 *Army’s three combat training centers if all*

1 *of the six light infantry brigades proposed*
2 *to be added to the active component of the*
3 *Army would be based in the United States;*
4 *and*

5 *“(ii) the projected utilization of such*
6 *ranges if at least one of those six brigades*
7 *would be based in Germany.*

8 *“(H) If the analysis required by subpara-*
9 *graph (G) indicates that the Joint Multi-Na-*
10 *tional Readiness Center in Hohenfels, Germany,*
11 *or the Army’s training complex at Grafenwoehr,*
12 *Germany, would not be fully utilized under the*
13 *basing scenarios analyzed, an estimate of the cost*
14 *to replicate the training capability at that center*
15 *in another location.”.*

16 ***(b) REPORT ON POTENTIAL EXPANSION OF MARINE***
17 ***CORPS OPERATIONAL RANGES.—***

18 ***(1) REPORT REQUIRED.—Not later than Decem-***
19 ***ber 31, 2007, the Secretary of the Navy shall submit***
20 ***to the congressional defense committees a report con-***
21 ***taining an assessment of the operational ranges used***
22 ***to support training and range activities of the Ma-***
23 ***rine Corps.***

24 ***(2) CONTENT.—The report required under para-***
25 ***graph (1) shall include the following information:***

1 (A) *The size, description, and mission-essen-*
2 *tial tasks supported by each major Marine Corps*
3 *operational range during fiscal year 2003.*

4 (B) *A description of the projected changes*
5 *in Marine Corps operational range requirements,*
6 *including the size, characteristics, and attributes*
7 *for mission-essential activities at each range and*
8 *the extent to which any changes in requirements*
9 *are a result of the proposal contained in the fis-*
10 *cal year 2008 budget request to increase the size*
11 *of the active component of the Marine Corps to*
12 *202,000 personnel by the end of fiscal year 2012.*

13 (C) *The projected deficit or surplus of land*
14 *at each major Marine Corps operational range,*
15 *and a description of the Secretary's plan to ad-*
16 *dress that projected deficit or surplus of land as*
17 *well as the upgrade of range attributes at each*
18 *existing Marine Corps operational range.*

19 (D) *A description of the Secretary's*
20 *prioritization process and investment strategy to*
21 *address the potential expansion or upgrade of*
22 *Marine Corps operational ranges.*

23 (E) *An analysis of alternatives to the ex-*
24 *pansion of Marine Corps operational ranges, in-*
25 *cluding an assessment of the joint use of oper-*

1 *ational ranges under the jurisdiction, custody, or*
2 *control of the Secretary of another military de-*
3 *partment.*

4 *(F) An analysis of the cost of, potential*
5 *military value of, and potential legal or prac-*
6 *tical impediments to, the expansion of Marine*
7 *Corps Base, Twentynine Palms, California,*
8 *through the acquisition of additional land adja-*
9 *cent to or in the vicinity of that installation that*
10 *is under the control of the Bureau of Land Man-*
11 *agement.*

12 (3) *DEFINITIONS.—In this subsection:*

13 *(A) The term “Marine Corps operational*
14 *range” has the meaning given the term “oper-*
15 *ational range” in section 101(e)(3) of title 10,*
16 *United States Code, except that the term is lim-*
17 *ited to operational ranges under the jurisdiction,*
18 *custody, or control of the Secretary of the Navy*
19 *that are used by or available to the United*
20 *States Marine Corps.*

21 *(B) The term “range activities” has the*
22 *meaning given that term in section 101(e)(2) of*
23 *such title.*

1 **SEC. 2835. CONSOLIDATION OF REAL PROPERTY PROVI-**
2 **SIONS WITHOUT SUBSTANTIVE CHANGE.**

3 (a) *CONSOLIDATION.*—Section 2663 of title 10, United
4 States Code, is amended by adding at the end the following
5 new subsection:

6 “(h) *OPTIONS FOR MILITARY CONSTRUCTION*
7 *PROJECTS.*—

8 “(1) *AUTHORITY.*—The Secretary of a military
9 department may acquire an option on a parcel of real
10 property before or after its acquisition is authorized
11 by law, if the Secretary considers it suitable and like-
12 ly to be needed for a military project of the depart-
13 ment.

14 “(2) *CONSIDERATION.*—As consideration for an
15 option acquired under paragraph (1), the Secretary
16 may pay, from funds available to the department for
17 real property activities, an amount that is not more
18 than 12 percent of the appraised fair market value of
19 the property.”.

20 (b) *CONFORMING AMENDMENTS.*—

21 (1) *REPEAL OF SUPERSEDED AUTHORITY.*—Sec-
22 tion 2677 of such title is repealed.

23 (2) *CLERICAL AMENDMENT.*—The table of sec-
24 tions at the beginning of chapter 159 of such title is
25 amended by striking the item relating to section 2677.

1 **Subtitle D—Base Closure and**
2 **Realignment**

3 **SEC. 2841. NIAGARA AIR RESERVE BASE, NEW YORK, BASING**
4 **REPORT.**

5 *Not later than December 1, 2007, the Secretary of the*
6 *Air Force shall submit to the congressional defense commit-*
7 *tees a report containing a detailed plan of the current and*
8 *future aviation assets that the Secretary expects will be*
9 *based at Niagara Air Reserve Base, New York. The report*
10 *shall include a description of all of the aviation assets that*
11 *will be impacted by the series of relocations to be made to*
12 *or from Niagara Air Reserve Base and the timeline for such*
13 *relocations.*

14 **SEC. 2842. COMPREHENSIVE ACCOUNTING OF FUNDING RE-**
15 **QUIRED TO ENSURE TIMELY IMPLEMENTA-**
16 **TION OF 2005 DEFENSE BASE CLOSURE AND**
17 **REALIGNMENT COMMISSION RECOMMENDA-**
18 **TIONS.**

19 *The Secretary of Defense shall submit to Congress with*
20 *the budget materials for fiscal year 2009 a comprehensive*
21 *accounting of the funding required to ensure that the plan*
22 *for implementing the final recommendations of the 2005*
23 *Defense Base Closure and Realignment Commission re-*
24 *mains on schedule.*

1 **SEC. 2843. AUTHORITY TO RELOCATE THE JOINT SPEC-**
2 **TRUM CENTER TO FORT MEADE, MARYLAND.**

3 (a) *AUTHORITY TO CARRY OUT RELOCATION AGREE-*
4 *MENT.—If deemed to be in the best interest of national secu-*
5 *urity and to the physical protection of personnel and mis-*
6 *sions of the Department of Defense, the Secretary of Defense*
7 *may carry out an agreement to relocate the Joint Spectrum*
8 *Center, a geographically separated unit of the Defense In-*
9 *formation Systems Agency, from Annapolis, Maryland to*
10 *Fort Meade, Maryland or another military installation,*
11 *subject to an agreement between the lease holder and the*
12 *Department of Defense for equitable and appropriate terms*
13 *to facilitate the relocation.*

14 (b) *AUTHORIZATION.—Any facility, road or infra-*
15 *structure constructed or altered on a military installation*
16 *as a result of the agreement must be authorized in accord-*
17 *ance with section 2802 of title 10, United States Code.*

18 (c) *TERMINATION OF EXISTING LEASE.—Upon com-*
19 *pletion of the relocation of the Joint Spectrum Center, all*
20 *right, title, and interest of the United States in and to the*
21 *existing lease for the Joint Spectrum Center shall be termi-*
22 *nated, as contemplated under Condition 29.B of the lease.*

1 ***Subtitle E—Land Conveyances***

2 ***SEC. 2851. LAND CONVEYANCE, LYNN HAVEN FUEL DEPOT,***
3 ***LYNN HAVEN, FLORIDA.***

4 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
5 *Air Force may convey to Florida State University (in this*
6 *section referred to as the “University”) all right, title, and*
7 *interest of the United States in and to a parcel of real prop-*
8 *erty, including improvements thereon, consisting of ap-*
9 *proximately 40 acres located at the Lynn Haven Fuel Depot*
10 *in Lynn Haven, Florida, as a public benefit conveyance*
11 *for the purpose of permitting the University to develop the*
12 *property as a new satellite campus.*

13 (b) *CONSIDERATION.*—

14 (1) *IN GENERAL.*—*For the conveyance of the*
15 *property under subsection (a), the University shall*
16 *provide the United States with consideration in an*
17 *amount that is acceptable to the Secretary, whether in*
18 *the form of cash payment, in-kind consideration, or*
19 *a combination thereof.*

20 (2) *REDUCED TUITION RATES.*—*The Secretary*
21 *may accept as in-kind consideration under paragraph*
22 *(1) reduced tuition rates or scholarships for military*
23 *personnel at the University.*

24 (c) *PAYMENT OF COSTS OF CONVEYANCES.*—

1 (1) *PAYMENT REQUIRED.*—*The Secretary shall*
2 *require the University to cover costs to be incurred by*
3 *the Secretary, or to reimburse the Secretary for costs*
4 *incurred by the Secretary, to carry out the convey-*
5 *ance under subsection (a), including survey costs, re-*
6 *lated to the conveyance. If amounts are collected from*
7 *the University in advance of the Secretary incurring*
8 *the actual costs, and the amount collected exceeds the*
9 *costs actually incurred by the Secretary to carry out*
10 *the conveyance, the Secretary shall refund the excess*
11 *amount to the University.*

12 (2) *TREATMENT OF AMOUNTS RECEIVED.*—
13 *Amounts received under paragraph (1) as reimburse-*
14 *ment for costs incurred by the Secretary to carry out*
15 *the conveyance under subsection (a) shall be credited*
16 *to the fund or account that was used to cover the costs*
17 *incurred by the Secretary in carrying out the convey-*
18 *ance. Amounts so credited shall be merged with*
19 *amounts in such fund or account and shall be avail-*
20 *able for the same purposes, and subject to the same*
21 *conditions and limitations, as amounts in such fund*
22 *or account.*

23 (d) *REVERSIONARY INTEREST.*—*If the Secretary deter-*
24 *mines at any time that the real property conveyed under*
25 *subsection (a) is not being used in accordance with the pur-*

1 *pose of the conveyance specified in such subsection, all right,*
2 *title, and interest in and to all or any portion of the prop-*
3 *erty shall revert, at the option of the Secretary, to the*
4 *United States, and the United States shall have the right*
5 *of immediate entry onto the property. Any determination*
6 *of the Secretary under this subsection shall be made on the*
7 *record after an opportunity for a hearing.*

8 *(e) DESCRIPTION OF PROPERTY.—The exact acreage*
9 *and legal description of the real property to be conveyed*
10 *under subsection (a) shall be determined by a survey satis-*
11 *factory to the Secretary.*

12 *(f) ADDITIONAL TERM AND CONDITIONS.—The Sec-*
13 *retary may require such additional terms and conditions*
14 *in connection with the conveyance under subsections (a) as*
15 *the Secretary considers appropriate to protect the interests*
16 *of the United States.*

17 **SEC. 2852. MODIFICATION TO LAND CONVEYANCE AUTHOR-**
18 **ITY, FORT BRAGG, NORTH CAROLINA.**

19 *(a) REQUIREMENT TO CONVEY TRACT NO. 404-1*
20 *PROPERTY WITHOUT CONSIDERATION.—Section 2836 of the*
21 *Military Construction Authorization Act for Fiscal Year*
22 *1998 (111 Stat. 2005) is amended—*

23 *(1) in subsection (a)(3), by striking “at fair*
24 *market value” and inserting “without consideration”;*

1 (2) by amending subsection (b)(2) to read as fol-
2 lows:

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) by amending subsection (c)(2) to read as fol-
9 lows:

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 the
14 property conveyed under such paragraph, including any
15 improvements thereon, shall revert to the United States, and
16 the United States shall have the right of immediate entry
17 thereon.”.

18 (b) *PAYMENT OF COSTS OF CONVEYANCE.*—Such sec-
19 tion is further amended by inserting 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 shall
24 require the County to cover costs to be incurred by the
25 Secretary, or to reimburse the Secretary for costs in-

1 *curred by the Secretary, to carry out the conveyance*
2 *under subsection (a)(3), including survey costs, costs*
3 *related to environmental documentation, and other*
4 *administrative costs related to the conveyance. If*
5 *amounts are collected from the County in advance of*
6 *the Secretary incurring the actual costs, and the*
7 *amount collected exceeds the costs actually incurred*
8 *by the Secretary to carry out the conveyance, the Sec-*
9 *retary shall refund the excess amount to the County.*

10 *“(2) TREATMENT OF AMOUNTS RECEIVED.—*
11 *Amounts received as reimbursement under paragraph*
12 *(1) shall be credited to the fund or account that was*
13 *used to cover the costs incurred by the Secretary in*
14 *carrying out the conveyance. Amounts so credited*
15 *shall be merged with amounts in such fund or ac-*
16 *count, and shall be available for the same purposes,*
17 *and subject to the same conditions and limitations, as*
18 *amounts in such fund or account.”.*

19 **SEC. 2853. TRANSFER OF ADMINISTRATIVE JURISDICTION,**
20 **GSA PROPERTY, SPRINGFIELD, VIRGINIA.**

21 *(a) TRANSFER AUTHORIZED.—The Administrator of*
22 *General Services (in this section referred to as “the Admin-*
23 *istrator”) may transfer to the administrative jurisdiction*
24 *of the Secretary of the Army a parcel of real property con-*
25 *sisting of approximately 69.5 acres and containing ware-*

1 *house facilities in Springfield, Virginia, known as the*
2 *“GSA Property” for the purpose of permitting the Secretary*
3 *to construct facilities on the property to support adminis-*
4 *trative functions to be located at Fort Belvoir, Virginia.*

5 (b) *CONSIDERATION.*—

6 (1) *IN GENERAL.*—*As consideration for the prop-*
7 *erty to be transferred by the Administrator, the Sec-*
8 *retary of the Army shall—*

9 (A) *pay all reasonable costs to move fur-*
10 *nishings, equipment, and other material related*
11 *to the relocation of functions identified by the*
12 *Administrator;*

13 (B) *if deemed necessary by the Adminis-*
14 *trator, transfer to the administrative jurisdiction*
15 *of the Administrator a parcel of property in the*
16 *National Capital Region determined to be suit-*
17 *able to the Administrator;*

18 (C) *if deemed necessary by the Adminis-*
19 *trator, design and construct storage facilities,*
20 *utilities, security measures, and access to a road*
21 *infrastructure on the parcel to meet the require-*
22 *ments of the Administrator; and*

23 (D) *if deemed necessary by the Adminis-*
24 *trator, enter into a memorandum of agreement*
25 *with the Administrator for support services and*

1 *security at the new facilities constructed pursu-*
2 *ant to subsection (a).*

3 (2) *FAIR MARKET VALUE LIMITATION.*—*The con-*
4 *sideration provided by the Secretary under paragraph*
5 *(1) may not exceed the fair market value of the prop-*
6 *erty transferred by the Administrator under sub-*
7 *section (a).*

8 (c) *ADMINISTRATION OF TRANSFERRED PROPERTY.*—
9 *Upon completion of the transfer under subsection (a), the*
10 *transferred property shall be administered by the Secretary*
11 *as a part of Fort Belvoir, Virginia.*

12 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
13 *and legal description of the property or properties to be con-*
14 *veyed under this section shall be determined by surveys sat-*
15 *isfactory to the Administrator and the Secretary.*

16 (e) *STATUS REPORT.*—*Not later than November 30,*
17 *2007, the Administrator and the Secretary shall jointly sub-*
18 *mit to the congressional defense committees a report on the*
19 *status and estimated costs of the transfer under subsection*
20 *(a).*

21 **SEC. 2854. LAND CONVEYANCE, LEWIS AND CLARK UNITED**
22 **STATES ARMY RESERVE CENTER, BISMARCK,**
23 **NORTH DAKOTA.**

24 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
25 *Army may convey, without consideration, to the United*

1 *Tribes Technical College all right, title, and interest of the*
2 *United States in and to a parcel of real property, including*
3 *improvements thereon, consisting of approximately 2 acres*
4 *located at the Lewis and Clark United States Army Reserve*
5 *Center, 3319 University Drive, Bismarck, North Dakota,*
6 *for the purpose of supporting Native American education*
7 *and training.*

8 (b) *REVERSIONARY INTEREST.*—

9 (1) *IN GENERAL.*—Subject to paragraph (2), if
10 the Secretary determines at any time that the real
11 property conveyed under subsection (a) is not being
12 used in accordance with the purposes of the convey-
13 ance specified in such subsection, all right, title, and
14 interest in and to the property shall revert, at the op-
15 tion of the Secretary, to the United States, and the
16 United States shall have the right of immediate entry
17 onto the property. Any determination of the Secretary
18 under this subsection shall be made on the record
19 after an opportunity for a hearing.

20 (2) *EXPIRATION.*—The reversionary interest
21 under paragraph (1) shall expire upon satisfaction of
22 the following conditions:

23 (A) *The real property conveyed under sub-*
24 *section (a) is used in accordance with the pur-*
25 *poses of the conveyance specified in such sub-*

1 *section for a period of not less than 30 years fol-*
2 *lowing the date of the conveyance.*

3 *(B) The United Tribes Technical College*
4 *applies to the Secretary for the release of the re-*
5 *versionary interest.*

6 *(C) The Secretary certifies, in a manner*
7 *that can be filed with the appropriate land rec-*
8 *ordation office, that the condition under sub-*
9 *paragraph (A) has been satisfied.*

10 *(c) PAYMENT OF COSTS OF CONVEYANCE.—*

11 *(1) PAYMENT REQUIRED.—The Secretary shall*
12 *require the United Tribes Technical College to cover*
13 *costs to be incurred by the Secretary, or to reimburse*
14 *the Secretary for costs incurred by the Secretary, to*
15 *carry out the conveyance under subsection (a), includ-*
16 *ing survey costs, costs related to environmental docu-*
17 *mentation, and other administrative costs related to*
18 *the conveyance. If amounts are collected from the*
19 *United Tribes Technical College in advance of the*
20 *Secretary incurring the actual costs, and the amount*
21 *collected exceeds the costs actually incurred by the*
22 *Secretary to carry out the conveyance, the Secretary*
23 *shall refund the excess amount to the United Tribes*
24 *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 that*
4 *was used to cover the costs incurred by the Secretary*
5 *in carrying out the conveyance. Amounts so credited*
6 *shall be merged with amounts in such fund or account*
7 *and shall be available for the same purposes, and sub-*
8 *ject to the same conditions and limitations, as*
9 *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 con-*
12 *veyed under subsection (a) shall be determined by a survey*
13 *satisfactory to the Secretary.*

14 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
15 *retary may require such additional terms and conditions*
16 *in connection with the conveyance under subsection (a) as*
17 *the Secretary considers appropriate to protect the interests*
18 *of the United States.*

19 **SEC. 2855. LAND EXCHANGE, DETROIT, MICHIGAN.**

20 (a) *DEFINITIONS.*—*In this section:*

21 (1) *ADMINISTRATOR.*—*The term “Adminis-*
22 *trator” means the Administrator of General Services.*

23 (2) *CITY.*—*The term “City” means the city of*
24 *Detroit, Michigan.*

1 (3) *CITY LAND.*—The term “City land” means
2 the approximately 0.741 acres of real property, in-
3 cluding any improvement thereon, as depicted on the
4 exchange maps, that is commonly identified as 110
5 Mount Elliott Street, Detroit, Michigan.

6 (4) *COMMANDANT.*—The term “Commandant”
7 means the Commandant of the United States Coast
8 Guard.

9 (5) *EDC.*—The term “EDC” means the Eco-
10 nomic Development Corporation of the City of De-
11 troit.

12 (6) *EXCHANGE MAPS.*—The term “exchange
13 maps” means the maps entitled “Atwater Street Land
14 Exchange Maps” prepared pursuant to subsection (h).

15 (7) *FEDERAL LAND.*—The term “Federal land”
16 means approximately 1.26 acres of real property, in-
17 cluding any improvements thereon, as depicted on the
18 exchange maps, that is commonly identified as 2660
19 Atwater Street, Detroit, Michigan, and under the ad-
20 ministrative control of the United States Coast
21 Guard.

22 (8) *SECTOR DETROIT.*—The term “Sector De-
23 troit” means Coast Guard Sector Detroit of the Ninth
24 Coast Guard District.

1 **(b) CONVEYANCE AUTHORIZED.**—*The Commandant of*
2 *the Coast Guard, in coordination with the Administrator,*
3 *may convey to the EDC all right, title, and interest in and*
4 *to the Federal land.*

5 **(c) CONSIDERATION.**—

6 **(1) IN GENERAL.**—*As consideration for the con-*
7 *veyance under subsection (b)—*

8 **(A)** *the City shall convey to the United*
9 *States all right, title, and interest in and to the*
10 *City land; and*

11 **(B)** *the EDC shall construct a facility and*
12 *parking lot acceptable to the Commandant of the*
13 *Coast Guard.*

14 **(2) EQUALIZATION PAYMENT OPTION.**—

15 **(A) IN GENERAL.**—*The Commandant of the*
16 *Coast Guard may, upon the agreement of the*
17 *City and the EDC, waive the requirement to*
18 *construct a facility and parking lot under para-*
19 *graph (1)(B) and accept in lieu thereof an*
20 *equalization payment from the City equal to the*
21 *difference between the value, as determined by*
22 *the Administrator at the time of transfer, of the*
23 *Federal land and the City land.*

24 **(B) AVAILABILITY OF FUNDS.**—*Any*
25 *amounts received pursuant to subparagraph (A)*

1 *shall be available without further appropriation*
2 *and shall remain available until expended to*
3 *construct, expand, or improve facilities related to*
4 *Sector Detroit's aids to navigation or vessel*
5 *maintenance.*

6 (d) *CONDITIONS OF EXCHANGE.—*

7 (1) *COVENANTS.—All conditions placed within*
8 *the deeds of title shall be construed as covenants run-*
9 *ning with the land.*

10 (2) *AUTHORITY TO ACCEPT QUITCLAIM DEED.—*

11 *The Commandant may accept a quitclaim deed for*
12 *the City land and may convey the Federal land by*
13 *quitclaim deed.*

14 (3) *ENVIRONMENTAL REMEDIATION.—Prior to*

15 *the time of the exchange, the Coast Guard and the*
16 *City shall remediate any and all contaminants exist-*
17 *ing on their respective properties to levels required by*
18 *applicable state and Federal law.*

19 (e) *AUTHORITY TO ENTER INTO LICENSE OR LEASE.—*

20 *The Commandant may enter into a license or lease agree-*
21 *ment with the Detroit Riverfront Conservancy for the use*
22 *of a portion of the Federal land for the Detroit Riverfront*
23 *Walk. Such license or lease shall be at no cost to the City*
24 *and upon such other terms that are acceptable to the Com-*
25 *mandant, and shall terminate upon the exchange author-*

1 ized by this section, or the date specified in subsection (h),
2 whichever occurs earlier.

3 (f) *MAP AND LEGAL DESCRIPTIONS OF LAND.*—

4 (1) *IN GENERAL.*—As soon as practicable after
5 the date of enactment of this Act, the Commandant
6 shall file with the Committee on Commerce, Science
7 and Transportation of the Senate and the Committee
8 on Transportation and Infrastructure of the House of
9 Representatives maps, entitled “Atwater Street Land
10 Exchange Maps,” which depict the Federal land and
11 the City lands and provide a legal description of each
12 property to be exchanged.

13 (2) *FORCE OF LAW.*—The maps and legal de-
14 scriptions filed under paragraph (1) shall have the
15 same force and effect as if included in this Act, except
16 that the Commandant may correct typographical er-
17 rors in the maps and each legal description.

18 (3) *PUBLIC AVAILABILITY.*—Each map and legal
19 description filed under paragraph (1) shall be on file
20 and available for public inspection in the appropriate
21 offices of the Coast Guard and the City of Detroit.

22 (g) *ADDITIONAL TERMS AND CONDITIONS.*—The Com-
23 mandant may require such additional terms and conditions
24 in connection with the exchange under this section as the

1 *Commandant considers appropriate to protect the interests*
 2 *of the United States.*

3 *(h) EXPIRATION OF AUTHORITY TO CONVEY.—The au-*
 4 *thority to enter into an exchange authorized by this section*
 5 *shall expire 3 years after the date of enactment of this Act.*

6 **SEC. 2856. TRANSFER OF JURISDICTION, FORMER NIKE MIS-**
 7 **SILE SITE, GROSSE ILE, MICHIGAN.**

8 *(a) TRANSFER.—Administrative jurisdiction over the*
 9 *property described in subsection (b) is hereby transferred*
 10 *from the Administrator of the Environmental Protection*
 11 *Agency to the Secretary of the Interior.*

12 *(b) PROPERTY DESCRIBED.—The property referred to*
 13 *in subsection (a) is the former Nike missile site, consisting*
 14 *of approximately 50 acres located at the southern end of*
 15 *Grosse Ile, Michigan, as depicted on the map entitled “07–*
 16 *CE” on file with the Environmental Protection Agency and*
 17 *dated May 16, 1984.*

18 *(c) ADMINISTRATION OF PROPERTY.—Subject to sub-*
 19 *section (d), the Secretary of the Interior shall administer*
 20 *the property described in subsection (b)—*

21 *(1) acting through the United States Fish and*
 22 *Wildlife Service;*

23 *(2) as part of the Detroit River International*
 24 *Wildlife Refuge; and*

1 (3) *for use as a habitat for fish and wildlife and*
2 *as a recreational property for outdoor education and*
3 *environmental appreciation.*

4 (d) *MANAGEMENT RESPONSE.—The Secretary of De-*
5 *fense shall manage and carry out environmental response*
6 *activities with respect to the property described in sub-*
7 *section (b) as expeditiously as possible, consistent with the*
8 *Department’s prioritization of formerly used Defense sites*
9 *based on risk and the requirements of the Comprehensive*
10 *Environmental Response, Compensation, and Liability Act*
11 *of 1980 and the Solid Waste Disposal Act, using amounts*
12 *made available from the account established by section*
13 *2703(a)(5) of title 10, United States Code.*

14 (e) *SAVINGS PROVISION.—Nothing in this section shall*
15 *be construed to affect or limit the application of, or any*
16 *obligation to comply with, any environmental law, includ-*
17 *ing the Comprehensive Environmental Response, Com-*
18 *ensation, and Liability Act of 1980 (42 U.S.C. 9601 et*
19 *seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901*
20 *et seq.).*

1 **SEC. 2857. MODIFICATION OF LEASE OF PROPERTY, NA-**
 2 **TIONAL FLIGHT ACADEMY AT THE NATIONAL**
 3 **MUSEUM OF NAVAL AVIATION, NAVAL AIR**
 4 **STATION, PENSACOLA, FLORIDA.**

5 *Section 2850(a) of the Military Construction Author-*
 6 *ization Act for Fiscal Year 2001 (division B of the Floyd*
 7 *D. Spence National Defense Authorization Act for Fiscal*
 8 *Year 2001 (as enacted into law by Public Law 106–398;*
 9 *114 Stat. 1654A–428)) is amended—*

10 *(1) by striking “naval aviation and” and insert-*
 11 *ing “naval aviation,”; and*

12 *(2) by inserting before the period at the end the*
 13 *following: “, and, as of January 1, 2008, to teach the*
 14 *science, technology, engineering, and mathematics dis-*
 15 *ciplines that have an impact on and relate to avia-*
 16 *tion”.*

17 ***Subtitle F—Other Matters***

18 **SEC. 2861. REPORT ON CONDITION OF SCHOOLS UNDER JU-**
 19 **RISDICTION OF DEPARTMENT OF DEFENSE**
 20 **EDUCATION ACTIVITY.**

21 *(a) REPORT REQUIRED.—Not later than March 1,*
 22 *2008, the Secretary of Defense shall submit to the congres-*
 23 *sional defense committees a report on the conditions of*
 24 *schools under the jurisdiction of the Department of Defense*
 25 *Education Activity.*

1 (b) *CONTENT.*—*The report required under subsection*
2 *(a) shall include the following:*

3 (1) *A description of each school under the control*
4 *of the Secretary, including the location, year con-*
5 *structed, grades of attending children, maximum ca-*
6 *capacity, and current capacity of the school.*

7 (2) *A description of the standards and processes*
8 *used by the Secretary to assess the adequacy of the*
9 *size of school facilities, the ability of facilities to sup-*
10 *port school programs, and the current condition of fa-*
11 *ilities.*

12 (3) *A description of the conditions of the facility*
13 *or facilities at each school, including the level of com-*
14 *pliance with the standards described in paragraph*
15 *(2), any existing or projected facility deficiencies or*
16 *inadequate conditions at each facility, and whether*
17 *any of the facilities listed are temporary structures.*

18 (4) *An investment strategy planned for each*
19 *school to correct deficiencies identified in paragraph*
20 *(3), including a description of each project to correct*
21 *such deficiencies, cost estimates, and timelines to com-*
22 *plete each project.*

23 (5) *A description of requirements for new schools*
24 *to be constructed over the next 10 years as a result*
25 *of changes to the population of military personnel.*

1 (c) *USE OF REPORT AS MASTER PLAN FOR REPAIR,*
 2 *UPGRADE, AND CONSTRUCTION OF SCHOOLS.—The Sec-*
 3 *retary shall use the report required under subsection (a) as*
 4 *a master plan for the repair, upgrade, and construction of*
 5 *schools in the Department of Defense system that support*
 6 *dependants of members of the Armed Forces and civilian*
 7 *employees of the Department of Defense.*

8 **SEC. 2862. MODIFICATION OF LAND MANAGEMENT RE-**
 9 **STRICTIONS APPLICABLE TO UTAH NATIONAL**
 10 **DEFENSE LANDS.**

11 *Section 2815 of the National Defense Authorization*
 12 *Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.*
 13 *852) is amended—*

14 (1) *in subsection (a), by striking “that are adja-*
 15 *cent to or near the Utah Test and Training Range*
 16 *and Dugway Proving Ground or beneath” and insert-*
 17 *ing “that are beneath”; and*

18 (2) *by adding at the end the following new sub-*
 19 *section:*

20 “(e) *SUNSET DATE.—This section shall expire on Oc-*
 21 *tober 1, 2013.”.*

22 **SEC. 2863. ADDITIONAL PROJECT IN RHODE ISLAND.**

23 *In carrying out section 2866 of the John Warner Na-*
 24 *tional Defense Authorization Act for Fiscal Year 2007 (Pub-*
 25 *lic Law 109–364; 120 Stat. 2499), the Secretary of the*

1 *Army, acting through the Chief of Engineers, shall assume*
2 *responsibility for the annual operation and maintenance*
3 *of the Woonsocket local protection project authorized by sec-*
4 *tion 10 of the Act of December 22, 1944 (commonly known*
5 *as the “Flood Control Act of 1944”) (58 Stat. 892, chapter*
6 *665), including by acquiring any interest of the State of*
7 *Rhode Island in and to land and structures required for*
8 *the continued operation and maintenance, repair, replace-*
9 *ment, rehabilitation, and structural integrity of the project,*
10 *as identified by the State, in coordination with the Sec-*
11 *retary.*

12 **SEC. 2864. SENSE OF CONGRESS ON DEPARTMENT OF DE-**
13 **FENSE ACTIONS TO ADDRESS ENCROACH-**
14 **MENT OF MILITARY INSTALLATIONS.**

15 (a) *FINDINGS.*—*In light of the initial report of the De-*
16 *partment of Defense submitted pursuant to section 2684a(g)*
17 *of title 10, United States Code, and of the RAND Corpora-*
18 *tion report entitled “The Thin Green Line: An Assessment*
19 *of DoD’s Readiness and Environmental Protection Initia-*
20 *tive to Buffer Installation Encroachment”, Congress makes*
21 *the following findings:*

22 (1) *Development and loss of habitat in the vicin-*
23 *ity of, or in areas ecologically related to, military in-*
24 *stallations, ranges, and airspace pose a continuing*

1 *and significant threat to the readiness of the Armed*
2 *Forces.*

3 (2) *The Range Sustainability Program (RSP) of*
4 *the Department of Defense, and in particular the*
5 *Readiness and Environmental Protection Initiative*
6 *(REPI) involving agreements pursuant to section*
7 *2684a of title 10, United States Code, have been effec-*
8 *tive in addressing this threat to readiness with regard*
9 *to a number of important installations, ranges, and*
10 *airspace.*

11 (3) *The opportunities to take effective action to*
12 *protect installations, ranges, and airspace from en-*
13 *croachment is in many cases transient, and delay in*
14 *taking action will result in either higher costs or per-*
15 *manent loss of the opportunity effectively to address*
16 *encroachment.*

17 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
18 *that the Department of Defense should—*

19 (1) *develop additional policy guidance on the*
20 *further implementation of the Range and Environ-*
21 *mental Protection Initiative (REPI), to include addi-*
22 *tional emphasis on protecting biodiversity and on*
23 *further refining procedures;*

24 (2) *give greater emphasis to effective cooperation*
25 *and collaboration on matters of mutual concern with*

1 *other Federal agencies charged with managing Fed-*
2 *eral land;*

3 (3) *ensure that each military department takes*
4 *full advantage of the authorities provided by section*
5 *2684a of title 10, United States Code, in addressing*
6 *encroachment adversely affecting, or threatening to*
7 *adversely affect, the installations, ranges, and mili-*
8 *tary airspace of the department; and*

9 (4) *provide significant additional resources to*
10 *the program, to include dedicated staffing at the in-*
11 *stallation level and additional emphasis on outreach*
12 *programs at all levels.*

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 review Chapter 6 of the initial report*
16 *submitted to Congress under section 2684a(g) of title 10,*
17 *United States Code, and report to the congressional defense*
18 *committees on the specific steps, if any, that the Secretary*
19 *plans to take, or recommends that Congress take, to address*
20 *the issues raised in such chapter.*

21 **SEC. 2865. REPORT ON WATER CONSERVATION PROJECTS.**

22 (a) *REPORT REQUIRED.*—*Not later than April 1,*
23 *2008, the Secretary of Defense shall submit to the congres-*
24 *sional defense committees a report on the funding and effec-*

1 *tiveness of water conservation projects at Department of De-*
2 *fense facilities.*

3 (b) *CONTENT.*—*The report required under subsection*
4 *(a) shall include—*

5 (1) *a description, by type, of the amounts in-*
6 *vested or budgeted for water conservation projects by*
7 *the Department of Defense in fiscal years 2006, 2007,*
8 *and 2008;*

9 (2) *an assessment of the investment levels re-*
10 *quired to meet the water conservation requirements of*
11 *the Department of Defense under Executive Order No.*
12 *13423 (January 24, 2007);*

13 (3) *an assessment of whether water conservation*
14 *projects should continue to be funded within the En-*
15 *ergy Conservation Investment Program or whether the*
16 *water conservation efforts of the Department would be*
17 *more effective if a separate water conservation invest-*
18 *ment program were established;*

19 (4) *an assessment of the demonstrated or poten-*
20 *tial reductions in water usage and return on invest-*
21 *ment of various types of water conservation projects,*
22 *including the use of metering or control systems,*
23 *xeriscaping, waterless urinals, utility system up-*
24 *grades, and water efficiency standards for appliances*
25 *used in Department of Defense facilities; and*

1 (5) *recommendations for any legislation, includ-*
2 *ing any changes to the authority provided under sec-*
3 *tion 2866 of title 10, United States Code, that would*
4 *facilitate the water conservation goals of the Depart-*
5 *ment, including the water conservation requirements*
6 *of Executive Order No. 13423 and DoD Instruction*
7 *4170.11.*

8 **SEC. 2866. REPORT ON HOUSING PRIVATIZATION INITIA-**
9 **TIVES.**

10 (a) *REPORT REQUIRED.*—*Not later than 180 days*
11 *after the date of the enactment of this Act, the Comptroller*
12 *General of the United States shall submit to the Committees*
13 *on Armed Services of the Senate and the House of Rep-*
14 *resentatives a report on housing privatization transactions*
15 *carried out by the Department of Defense that are behind*
16 *schedule or in default.*

17 (b) *ELEMENTS.*—*The report required by subsection (a)*
18 *shall include the following:*

19 (1) *A list of current housing privatization trans-*
20 *actions carried out by the Department of Defense that*
21 *are behind schedule or in default.*

22 (2) *In each case in which a transaction is behind*
23 *schedule or in default, a description of—*

24 (A) *the reasons for schedule delays, cost*
25 *overruns, or default;*

1 (B) how solicitations and competitions were
2 conducted for the project;

3 (C) how financing, partnerships, legal ar-
4 rangements, leases, or contracts in relation to the
5 project were structured;

6 (D) which entities, including Federal enti-
7 ties, are bearing financial risk for the project,
8 and to what extent;

9 (E) the remedies available to the Federal
10 Government to restore the transaction to schedule
11 or ensure completion of the terms of the trans-
12 action in question at the earliest possible time;

13 (F) 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 (G) remedies available to subcontractors to
17 recoup liens in the case of default, non-payment
18 by the developer or other party to the transaction
19 or lease agreement, or re-structuring;

20 (H) remedies available to the Federal Gov-
21 ernment to affect receivership actions or transfer
22 of ownership of the project; and

23 (I) names of the developers for the project
24 and any history of previous defaults or bank-
25 ruptcies by these developers or their affiliates.

1 (3) *In each case in which a project is behind*
2 *schedule or in default, recommendations regarding the*
3 *opportunities for the Federal Government to ensure*
4 *that all terms of the transaction are completed ac-*
5 *ording to the original schedule and budget.*

6 **SEC. 2867. REPORT ON THE PINON CANYON MANEUVER**
7 **SITE, COLORADO.**

8 (a) *REPORT ON THE PINON CANYON MANEUVER*
9 *SITE.—*

10 (1) *REPORT REQUIRED.—Not later than 180*
11 *days after the date of the enactment of this Act, the*
12 *Secretary of the Army shall submit to the congres-*
13 *sional defense committees a report on the Pinon Can-*
14 *yon Maneuver Site (referred to in this section as “the*
15 *Site”).*

16 (2) *CONTENT.—The report required under para-*
17 *graph (1) shall include the following:*

18 (A) *An analysis of whether existing train-*
19 *ing facilities at Fort Carson, Colorado, and the*
20 *Site are sufficient to support the training needs*
21 *of units stationed or planned to be stationed at*
22 *Fort Carson, including the following:*

23 (i) *A description of any new training*
24 *requirements or significant developments af-*
25 *fecting training requirements for units sta-*

1 *tioned or planned to be stationed at Fort*
2 *Carson since the 2005 Defense Base Closure*
3 *and Realignment Commission found that*
4 *the base has “sufficient capacity” to support*
5 *four brigade combat teams and associated*
6 *support units at Fort Carson.*

7 *(ii) A study of alternatives for enhanc-*
8 *ing training facilities at Fort Carson and*
9 *the Site within their current geographic*
10 *footprint, including whether these addi-*
11 *tional investments or measures could sup-*
12 *port additional training activities.*

13 *(iii) A description of the current train-*
14 *ing calendar and training load at the Site,*
15 *including—*

16 *(I) the number of brigade-sized*
17 *and battalion-sized military exercises*
18 *held at the Site since its establishment;*

19 *(II) an analysis of the maximum*
20 *annual training load at the Site, with-*
21 *out expanding the Site; and*

22 *(III) an analysis of the training*
23 *load and projected training calendar*
24 *at the Site when all brigades stationed*

1 or planned to be stationed at Fort Car-
2 son are at home station.

3 (B) A report of need for any proposed addi-
4 tion of training land to support units stationed
5 or planned to be stationed at Fort Carson, in-
6 cluding the following:

7 (i) A description of additional training
8 activities, and their benefits to operational
9 readiness, which would be conducted by
10 units stationed at Fort Carson if, through
11 leases or acquisition from consenting land-
12 owners, the Site were expanded to include—

13 (I) the parcel of land identified as
14 “Area A” in the Potential PCMS Land
15 expansion map;

16 (II) the parcel of land identified
17 as “Area B” in the Potential PCMS
18 Land expansion map;

19 (III) the parcels of land identified
20 as “Area A” and “Area B” in the Po-
21 tential PCMS Land expansion map;

22 (IV) acreage sufficient to allow si-
23 multaneous exercises of a light infan-
24 try brigade and a heavy infantry bri-
25 gade at the Site;

1 (V) acreage sufficient to allow si-
2 multaneous exercises of two heavy in-
3 fantry brigades at the Site;

4 (VI) acreage sufficient to allow si-
5 multaneous exercises of a light infan-
6 try brigade and a battalion at the Site;
7 and

8 (VII) acreage sufficient to allow
9 simultaneous exercises of a heavy in-
10 fantry brigade and a battalion at the
11 Site.

12 (ii) An analysis of alternatives for ac-
13 quiring or utilizing training land at other
14 installations in the United States to sup-
15 port training activities of units stationed at
16 Fort Carson.

17 (iii) An analysis of alternatives for
18 utilizing other federally owned land to sup-
19 port training activities of units stationed at
20 Fort Carson.

21 (C) An analysis of alternatives for enhanc-
22 ing economic development opportunities in
23 southeastern Colorado at the current Site or
24 through any proposed expansion, including the
25 consideration of the following alternatives:

1 (i) *The leasing of land on the Site or*
2 *any expansion of the Site to ranchers for*
3 *grazing.*

4 (ii) *The leasing of land from private*
5 *landowners for training.*

6 (iii) *The procurement of additional*
7 *services and goods, including biofuels and*
8 *beef, from local businesses.*

9 (iv) *The creation of an economic devel-*
10 *opment fund to benefit communities, local*
11 *governments, and businesses in southeastern*
12 *Colorado.*

13 (v) *The establishment of an outreach*
14 *office to provide technical assistance to local*
15 *businesses that wish to bid on Department*
16 *of Defense contracts.*

17 (vi) *The establishment of partnerships*
18 *with local governments and organizations to*
19 *expand regional tourism through expanded*
20 *access to sites of historic, cultural, and envi-*
21 *ronmental interest on the Site.*

22 (vii) *An acquisition policy that allows*
23 *willing sellers to minimize the tax impact of*
24 *a sale.*

1 *(viii) Additional investments in Army*
2 *missions and personnel, such as stationing*
3 *an active duty unit at the Site, including—*

4 *(I) an analysis of anticipated*
5 *operational benefits; and*

6 *(II) an analysis of economic im-*
7 *pacts to surrounding communities.*

8 *(3) POTENTIAL PCMS LAND EXPANSION MAP DE-*
9 *FINED.—In this subsection, the term “Potential*
10 *PCMS Land expansion map” means the June 2007*
11 *map entitled “Potential PCMS Land expansion”.*

12 *(b) COMPTROLLER GENERAL REVIEW OF REPORT.—*
13 *Not later than 180 days after the Secretary of Defense sub-*
14 *mits the report required under subsection (a), the Comp-*
15 *troller General of the United States shall submit to Congress*
16 *a review of the report and of the justification of the Army*
17 *for expansion at the Site.*

18 *(c) PUBLIC COMMENT.—After the report required*
19 *under subsection (b) is submitted to Congress, the Army*
20 *shall solicit public comment on the report for a period of*
21 *not less than 90 days. Not later than 30 days after the pub-*
22 *lic comment period has closed, the Secretary shall submit*
23 *to Congress a written summary of comments received.*

1 **SEC. 2868. REPEAL OF MORATORIUM ON IMPROVEMENTS AT**
 2 **FORT BUCHANAN, PUERTO RICO.**

3 *Section 1507 of the Floyd D. Spence National Defense*
 4 *Authorization Act for Fiscal Year 2001 (Public Law 106–*
 5 *398; 114 Stat. 1654A–355) is repealed.*

6 **TITLE XXIX—WAR-RELATED MILI-**
 7 **TARY CONSTRUCTION AU-**
 8 **THORIZATIONS**

9 **SEC. 2901. AUTHORIZED WAR-RELATED ARMY CONSTRUC-**
 10 **TION AND LAND ACQUISITION PROJECTS.**

11 *Using amounts appropriated pursuant to the author-*
 12 *ization of appropriations in section 2902(1), the Secretary*
 13 *of the Army may acquire real property and carry out mili-*
 14 *tary construction projects for the installations or locations*
 15 *outside the United States, and in the amounts set forth in*
 16 *the following table:*

Army: Outside the United States

Country	Installation or Location	Amount
<i>Afghanistan</i>	<i>Bagram Air Base</i>	<i>\$116,800,000</i>
<i>Iraq</i>	<i>Camp Adder</i>	<i>\$80,650,000</i>
	<i>Al Asad</i>	<i>\$86,100,000</i>
	<i>Camp Anaconda</i>	<i>\$88,200,000</i>
	<i>Fallujah</i>	<i>\$880,000</i>
	<i>Camp Marez</i>	<i>\$880,000</i>
	<i>Mosul</i>	<i>\$43,000,000</i>
	<i>Q-West</i>	<i>\$26,000,000</i>
	<i>Camp Ramadi</i>	<i>\$880,000</i>
	<i>Scania</i>	<i>\$5,000,000</i>
	<i>Camp Speicher</i>	<i>\$103,700,000</i>
	<i>Camp Taggadum</i>	<i>\$880,000</i>
	<i>Tikrit</i>	<i>\$43,000,000</i>
	<i>Camp Victory</i>	<i>\$34,400,000</i>
	<i>Camp Warrior</i>	<i>\$880,000</i>
	<i>Various Locations</i>	<i>\$102,000,000</i>

1 **SEC. 2902. AUTHORIZATION OF WAR-RELATED MILITARY**
2 **CONSTRUCTION APPROPRIATIONS, ARMY.**

3 *Funds are hereby authorized to be appropriated for fis-*
4 *cal years beginning after September 30, 2007, for military*
5 *construction, land acquisition, and military family housing*
6 *functions of the Department of the Army in the total*
7 *amount of \$752,650,000 as follows:*

8 (1) *For military construction projects outside the*
9 *United States authorized by section 2901(a),*
10 *\$733,250,000.*

11 (2) *For architectural and engineering services*
12 *and construction design under section 2807 of title*
13 *10, United States Code, \$19,400,000.*

14 **DIVISION C—DEPARTMENT OF**
15 **ENERGY NATIONAL SECURITY**
16 **AUTHORIZATIONS AND**
17 **OTHER AUTHORIZATIONS**
18 **TITLE XXXI—DEPARTMENT OF**
19 **ENERGY NATIONAL SECURITY**
20 **PROGRAMS**
21 **Subtitle A—National Security**
22 **Programs Authorizations**

23 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
24 **TION.**

25 (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*
26 *hereby authorized to be appropriated to the Department of*

1 *Energy for fiscal year 2008 for the activities of the National*
2 *Nuclear Security Administration in carrying out programs*
3 *necessary for national security in the amount of*
4 *\$9,539,693,000, to be allocated as follows:*

5 (1) *For weapons activities, \$6,472,172,000.*

6 (2) *For defense nuclear nonproliferation activi-*
7 *ties, \$1,809,646,000.*

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 (5) *For the International Atomic Energy Agency*
12 *Nuclear Fuel Bank, \$50,000,000.*

13 (b) *AUTHORIZATION OF NEW PLANT PROJECTS.—*
14 *From funds referred to in subsection (a) that are available*
15 *for carrying out plant projects, the Secretary of Energy*
16 *may carry out new plant projects for the National Nuclear*
17 *Security Administration as follows:*

18 (1) *For readiness in technical base and facilities,*
19 *the following new plant projects:*

20 *Project 08–D–801, High pressure fire loop,*
21 *Pantex Plant, Amarillo, Texas, \$7,000,000.*

22 *Project 08–D–802, High explosive pressing*
23 *facility, Pantex Plant, Amarillo, Texas,*
24 *\$25,300,000.*

1 *Project 08–D–804, Technical Area 55 rein-*
2 *vestment project, Los Alamos National Labora-*
3 *tory, Los Alamos, New Mexico, \$6,000,000.*

4 *(2) For facilities and infrastructure recapitaliza-*
5 *tion, 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 up-*
9 *grades, 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 and*
24 *design, Expeded Core Facility M–290 Recov-*

1 *ering Discharge Station, Naval Reactors Facil-*
2 *ity, Idaho Falls, Idaho, \$550,000.*

3 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

4 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
5 *hereby authorized to be appropriated to the Department of*
6 *Energy for fiscal year 2008 for defense environmental*
7 *cleanup activities in carrying out programs necessary for*
8 *national security in the amount of \$5,410,905,000.*

9 *(b) AUTHORIZATION FOR NEW PLANT PROJECT.—*
10 *From funds referred to in subsection (a) that are available*
11 *for carrying out plant projects, the Secretary of Energy*
12 *may carry out, for defense environmental cleanup activities,*
13 *the following new plant project:*

14 *Project 08–D–414, Project engineering and de-*
15 *sign, Plutonium Vitrification Facility, various loca-*
16 *tions, \$15,000,000.*

17 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

18 *Funds are hereby authorized to be appropriated to the*
19 *Department of Energy for fiscal year 2008 for other defense*
20 *activities in carrying out programs necessary for national*
21 *security in the amount of \$663,074,000.*

22 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

23 *Funds are hereby authorized to be appropriated to the*
24 *Department of Energy for fiscal year 2008 for defense nu-*
25 *clear waste disposal for payment to the Nuclear Waste Fund*

1 *established in section 302(c) of the Nuclear Waste Policy*
2 *Act of 1982 (42 U.S.C. 10222(c)) in the amount of*
3 *\$242,046,000.*

4 ***Subtitle B—Program Authoriza-***
5 ***tions, Restrictions, and Limita-***
6 ***tions***

7 ***SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.***

8 *(a) LIMITATION ON AVAILABILITY OF FUNDS.—Of the*
9 *amount authorized to be appropriated under section*
10 *3101(a)(1) for weapons activities for fiscal year 2008, not*
11 *more than \$195,069,000 may be obligated or expended for*
12 *the Reliable Replacement Warhead program under section*
13 *4204a of the Atomic Energy Defense Act (50 U.S.C. 2524a).*

14 *(b) PROHIBITION ON AVAILABILITY OF FUNDS FOR*
15 *CERTAIN ACTIVITIES.—No funds referred to in subsection*
16 *(a) may be obligated or expended for activities under the*
17 *Reliable Replacement Warhead program beyond phase 2A*
18 *activities.*

19 ***SEC. 3112. LIMITATION ON AVAILABILITY OF FUNDS FOR***
20 ***FISSILE MATERIALS DISPOSITION PROGRAM.***

21 *(a) LIMITATION PENDING REPORT ON USE OF PRIOR*
22 *FISCAL YEAR FUNDS.—No fiscal year 2008 Fissile Mate-*
23 *rials Disposition program funds may be obligated or ex-*
24 *pended for the Fissile Materials Disposition program until*
25 *the Secretary of Energy, in consultation with the Adminis-*

1 *trator for Nuclear Security, submits to the congressional de-*
2 *fense committees a report setting forth a plan for obligating*
3 *and expending funds made available for that program in*
4 *fiscal years before fiscal year 2008 that remain available*
5 *for obligation or expenditure as of October 1, 2007.*

6 (b) *LIMITATION PENDING CERTIFICATION ON USE OF*
7 *CURRENT FISCAL YEAR FUNDS.—*

8 (1) *IN GENERAL.—*Within fiscal year 2008
9 *Fissile Materials Disposition program funds, the ag-*
10 *gregate amount that may be obligated for the Fissile*
11 *Materials Disposition program may not exceed such*
12 *amount as the Secretary, in consultation with the Ad-*
13 *ministrator, certifies to the congressional defense com-*
14 *mittees will be obligated for that program in fiscal*
15 *years 2008 and 2009.*

16 (2) *AVAILABILITY OF UNUTILIZED FUNDS AB-*
17 *SENT CERTIFICATION.—*If the Secretary does not make
18 *a certification under paragraph (1), fiscal year 2008*
19 *Fissile Materials Disposition program funds shall not*
20 *be available for the Fissile Materials Disposition pro-*
21 *gram, but shall be available instead for any defense*
22 *nuclear nonproliferation activities (other than the*
23 *Fissile Materials Disposition program) for which*
24 *amounts are authorized to be appropriated by section*
25 *3101(a)(2).*

1 (3) *AVAILABILITY OF UNUTILIZED FUNDS UNDER*
2 *CERTIFICATION OF PARTIAL USE.*—*If the aggregate*
3 *amount of funds certified under paragraph (1) as to*
4 *be obligated for the Fissile Materials Disposition pro-*
5 *gram in fiscal years 2008 and 2009 is less than the*
6 *amount of the fiscal year 2008 Fissile Materials Dis-*
7 *position program funds, an amount within fiscal*
8 *year 2008 Fissile Materials Disposition program*
9 *funds that is equal to the difference between the*
10 *amount of fiscal year 2008 Fissile Materials Disposi-*
11 *tion program funds and such aggregate amount shall*
12 *not be available for the Fissile Materials Disposition*
13 *program, but shall be available instead for any de-*
14 *fense nuclear nonproliferation activities (other than*
15 *the Fissile Materials Disposition program) for which*
16 *amounts are authorized to be appropriated by section*
17 *3101(a)(2).*

18 (c) *FISCAL YEAR 2008 FISSILE MATERIALS DISPOSI-*
19 *TION PROGRAM FUNDS DEFINED.*—*In this section, the term*
20 *“fiscal year 2008 Fissile Materials Disposition program*
21 *funds” means amounts authorized to be appropriated by*
22 *section 3101(a)(2) and available for the Fissile Materials*
23 *Disposition program.*

1 **SEC. 3113. MODIFICATION OF LIMITATIONS ON AVAIL-**
 2 **ABILITY OF FUNDS FOR WASTE TREATMENT**
 3 **AND IMMOBILIZATION PLANT.**

4 *Paragraph (2) of section 3120(a) of the John Warner*
 5 *National Defense Authorization Act for Fiscal Year 2007*
 6 *(Public Law 109–364; 120 Stat. 2510) is amended—*

7 *(1) by striking “the Defense Contract Manage-*
 8 *ment Agency has recommended for acceptance” and*
 9 *inserting “an independent entity has reviewed”; and*

10 *(2) by inserting “and that the system has been*
 11 *certified by the Secretary for use by a construction*
 12 *contractor at the Waste Treatment and Immobiliza-*
 13 *tion Plant” after “Waste Treatment and Immobiliza-*
 14 *tion Plant”.*

15 ***Subtitle C—Other Matters***

16 **SEC. 3121. NUCLEAR TEST READINESS.**

17 *(a) REPEAL OF REQUIREMENTS ON READINESS POS-*
 18 *TURE.—Section 3113 of the National Defense Authorization*
 19 *Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.*
 20 *1743; 50 U.S.C. 2528a) is repealed.*

21 *(b) REPORTS ON NUCLEAR TEST READINESS POS-*
 22 *TURES.—*

23 *(1) IN GENERAL.—Section 4208 of the Atomic*
 24 *Energy Defense Act (50 U.S.C. 2528) is amended to*
 25 *read as follows:*

1 **“SEC. 4208. REPORTS ON NUCLEAR TEST READINESS.**

2 “(a) *IN GENERAL.*—Not later than March 1, 2009, and
3 every odd-numbered year thereafter, the Secretary of En-
4 ergy shall submit to the congressional defense committees
5 a report on the nuclear test readiness of the United States.

6 “(b) *ELEMENTS.*—Each report under subsection (a)
7 shall include, current as of the date of such report, the fol-
8 lowing:

9 “(1) *An estimate of the period of time that would*
10 *be necessary for the Secretary of Energy to conduct*
11 *an underground test of a nuclear weapon once di-*
12 *rected by the President to conduct such a test.*

13 “(2) *A description of the level of test readiness*
14 *that the Secretary of Energy, in consultation with the*
15 *Secretary of Defense, determines to be appropriate.*

16 “(3) *A list and description of the workforce skills*
17 *and capabilities that are essential to carrying out an*
18 *underground nuclear test at the Nevada Test Site.*

19 “(4) *A list and description of the infrastructure*
20 *and physical plant that are essential to carrying out*
21 *an underground nuclear test at the Nevada Test Site.*

22 “(5) *An assessment of the readiness status of the*
23 *skills and capabilities described in paragraph (3) and*
24 *the infrastructure and physical plant described in*
25 *paragraph (4).*

1 “(c) *FORM.*—Each report under subsection (a) shall be
2 submitted in unclassified form, but may include a classified
3 annex.”.

4 (2) *CLERICAL AMENDMENT.*—The item relating
5 to section 4208 in the table of contents for such Act
6 is amended to read as follows:

“Sec. 4208. Reports on nuclear test readiness.”.

7 **SEC. 3122. SENSE OF CONGRESS ON THE NUCLEAR NON-**
8 **PROLIFERATION POLICY OF THE UNITED**
9 **STATES AND THE RELIABLE REPLACEMENT**
10 **WARHEAD PROGRAM.**

11 *It is the sense of Congress that—*

12 (1) *the United States should reaffirm its commit-*
13 *ment to Article VI of the Treaty on the Non-Prolifera-*
14 *tion of Nuclear Weapons, done at Washington, Lon-*
15 *don, and Moscow July 1, 1968, and entered into force*
16 *March 5, 1970 (in this section referred to as the “Nu-*
17 *clear Non-Proliferation Treaty”);*

18 (2) *the United States should initiate talks with*
19 *Russia to reduce the number of nonstrategic nuclear*
20 *weapons and further reduce the number of strategic*
21 *nuclear weapons in the respective nuclear weapons*
22 *stockpiles of the United States and Russia in a trans-*
23 *parent and verifiable fashion and in a manner con-*
24 *sistent with the security of the United States;*

1 (3) *the United States and other declared nuclear*
2 *weapons state parties to the Nuclear Non-Prolifera-*
3 *tion Treaty, together with weapons states that are not*
4 *parties to the treaty, should work to reduce the total*
5 *number of nuclear weapons in the respective stock-*
6 *piles and related delivery systems of such states;*

7 (4) *the United States, Russia, and other states*
8 *should work to negotiate, and then sign and ratify, a*
9 *treaty setting forth a date for the cessation of the pro-*
10 *duction of fissile material;*

11 (5) *the Senate should ratify the Comprehensive*
12 *Nuclear-Test-Ban Treaty, opened for signature at*
13 *New York September 10, 1996;*

14 (6) *the United States should commit to dis-*
15 *mantle as soon as possible all retired warheads or*
16 *warheads that are planned to be retired from the*
17 *United States nuclear weapons stockpile;*

18 (7) *the United States, along with the other de-*
19 *clared nuclear weapons state parties to the Nuclear*
20 *Non-Proliferation Treaty, should participate in trans-*
21 *parent discussions regarding their nuclear weapons*
22 *programs and plans, and how such programs and*
23 *plans, including plans for any new weapons or war-*
24 *heads, relate to their obligations as nuclear weapons*
25 *state parties under the Treaty;*

1 (8) *the United States and the declared nuclear*
2 *weapons state parties to the Nuclear Non-Prolifera-*
3 *tion Treaty should work to decrease reliance on, and*
4 *the importance of, nuclear weapons; and*

5 (9) *the United States should formulate any deci-*
6 *sion on whether to manufacture or deploy a reliable*
7 *replacement warhead within the broader context of*
8 *the progress made by the United States toward*
9 *achieving each of the goals described in paragraphs*
10 *(1) through (8).*

11 **SEC. 3123. REPORT ON STATUS OF ENVIRONMENTAL MAN-**
12 **AGEMENT INITIATIVES TO ACCELERATE THE**
13 **REDUCTION OF ENVIRONMENTAL RISKS AND**
14 **CHALLENGES POSED BY THE LEGACY OF THE**
15 **COLD WAR.**

16 (a) *IN GENERAL.*—*On the date described in subsection*
17 *(d), the Secretary of Energy shall submit to the congres-*
18 *sional defense committees and the Comptroller General of*
19 *the United States a report on the status of the environ-*
20 *mental management initiatives described in subsection (c)*
21 *undertaken to accelerate the reduction of the environmental*
22 *risks and challenges that, as a result of the legacy of the*
23 *Cold War, are faced by the Department of Energy, contrac-*
24 *tors of the Department, and applicable Federal and State*
25 *agencies with regulatory jurisdiction.*

1 (b) *ELEMENTS.*—*The report required by subsection (a)*
2 *shall include the following:*

3 (1) *A discussion of the progress made in reduc-*
4 *ing the environmental risks and challenges described*
5 *in subsection (a) in each of the following areas:*

6 (A) *Acquisition strategy and contract man-*
7 *agement.*

8 (B) *Regulatory agreements.*

9 (C) *Interim storage and final disposal of*
10 *high-level waste, spent nuclear fuel, transuranic*
11 *waste, and low-level waste.*

12 (D) *Closure and transfer of environmental*
13 *remediation sites.*

14 (E) *Achievements in innovation by contrac-*
15 *tors of the Department with respect to acceler-*
16 *ated risk reduction and cleanup.*

17 (F) *Consolidation of special nuclear mate-*
18 *rials and improvements in safeguards and secu-*
19 *rity.*

20 (2) *An assessment of the progress made in*
21 *streamlining risk reduction processes of the environ-*
22 *mental management program of the Department.*

23 (3) *An assessment of the progress made in im-*
24 *proving the responsiveness and effectiveness of the en-*
25 *vironmental management program of the Department.*

1 (4) *Any proposals for legislation that the Sec-*
2 *retary considers necessary to carry out the environ-*
3 *mental management initiatives described in sub-*
4 *section (c) and the justification for each such pro-*
5 *posal.*

6 (5) *A list of the mandatory milestones and com-*
7 *mitments set forth in each enforceable cleanup agree-*
8 *ment or other type of agreement covering or applica-*
9 *ble to environmental management and cleanup activi-*
10 *ties at any site of the Department, the status of the*
11 *efforts of the Department to meet such milestones and*
12 *commitments, and if the Secretary determines that*
13 *the Department will be unable to achieve any such*
14 *milestone or commitment, a statement setting forth*
15 *the reasons the Department will be unable to achieve*
16 *such milestone or commitment.*

17 (6) *An estimate of the life cycle cost of the envi-*
18 *ronmental management program, including the fol-*
19 *lowing:*

20 (A) *A list of the environmental projects*
21 *being reviewed for potential inclusion in the en-*
22 *vironmental management program as of October*
23 *1, 2007, and an estimated date by which a deter-*
24 *mination will be made to include or exclude each*
25 *such project.*

1 (B) *A list of environmental projects not*
2 *being considered for potential inclusion in the*
3 *environmental management program as of Octo-*
4 *ber 1, 2007, but that are likely to be included in*
5 *the next five years, and an estimated date by*
6 *which a determination will be made to include*
7 *or exclude each such project.*

8 (C) *A list of projects in the environmental*
9 *management program as of October 1, 2007, for*
10 *which an audit of the cost estimate of the project*
11 *has been completed, and the estimated date by*
12 *which such an audit will be completed for each*
13 *such project for which such an audit has not*
14 *been completed.*

15 (D) *The estimated schedule for production*
16 *of a revised life cycle cost estimate for the envi-*
17 *ronmental management program incorporating*
18 *the information described in subparagraphs (A),*
19 *(B), and (C).*

20 (c) *INITIATIVES DESCRIBED.—The environmental*
21 *management initiatives described in this subsection are the*
22 *initiatives arising out of the report titled “Top-to-Bottom*
23 *Review of the Environmental Management Program” and*
24 *dated February 4, 2002, with respect to the environmental*
25 *restoration and waste management activities of the Depart-*

1 *ment in carrying out programs necessary for national secu-*
2 *urity.*

3 (d) *DATE OF SUBMITTAL.*—*The date described in this*
4 *subsection is the date on which the budget justification ma-*
5 *terials in support of the Department of Energy budget for*
6 *fiscal year 2009 (as submitted with the budget of the Presi-*
7 *dent under section 1105(a) of title 31, United States Code)*
8 *are submitted to Congress.*

9 (e) *REVIEW BY COMPTROLLER GENERAL.*—*Not later*
10 *than 180 days after the date described in subsection (d),*
11 *the Comptroller General shall submit to the congressional*
12 *defense committees a report containing a review of the re-*
13 *port required by subsection (a).*

14 **SEC. 3124. COMPTROLLER GENERAL REPORT ON DEPART-**
15 **MENT OF ENERGY PROTECTIVE FORCE MAN-**
16 **AGEMENT.**

17 (a) *IN GENERAL.*—*Not later than 180 days after the*
18 *date of the enactment of this Act, the Comptroller General*
19 *of the United States shall submit to the Committee on*
20 *Armed Services of the Senate and the Committee on Armed*
21 *Services of the House of Representatives a report on the*
22 *management of the protective forces of the Department of*
23 *Energy.*

24 (b) *CONTENTS.*—*The report shall include the following:*

1 (1) *A description of the management and con-*
2 *tractual structure for protective forces at each Depart-*
3 *ment of Energy site with Category I nuclear mate-*
4 *rials.*

5 (2) *A statement of the number and category of*
6 *protective force members at each site described in*
7 *paragraph (1) and an assessment of whether the pro-*
8 *TECTIVE force at each such site is adequately staffed,*
9 *trained, and equipped to comply with the require-*
10 *ments of the Design Basis Threat issued by the De-*
11 *partment of Energy in November 2005.*

12 (3) *A description of the manner in which each*
13 *site described in paragraph (1) is moving to a tac-*
14 *tical response force as required by the policy of the*
15 *Department of Energy and an assessment of the*
16 *issues or problems, if any, involved in the moving to*
17 *a tactical response force at such site.*

18 (4) *A description of the extent to which the pro-*
19 *TECTIVE force at each site described in paragraph (1)*
20 *has been assigned or is responsible for law enforce-*
21 *ment or law-enforcement related activities.*

22 (5) *An analysis comparing the management,*
23 *training, pay, benefits, duties, responsibilities, and*
24 *assignments of the protective force at each site de-*
25 *scribed in paragraph (1) with the management,*

1 *training, pay, benefits, duties, responsibilities, and*
2 *assignments of the Federal transportation security*
3 *force of the Department of Energy.*

4 (6) *A statement of options for managing the pro-*
5 *TECTIVE force at sites described in paragraph (1) in a*
6 *more uniform manner, an analysis of the advantages*
7 *and disadvantages of each option, and an assessment*
8 *of the approximate cost of each option when compared*
9 *with the costs associated with the existing manage-*
10 *ment of the protective force at such sites.*

11 (c) *FORM.—The report shall be submitted in unclassi-*
12 *fied form, but may include a classified annex.*

13 **SEC. 3125. TECHNICAL AMENDMENTS.**

14 *The Atomic Energy Defense Act (50 U.S.C. 2521 et*
15 *seq.) is amended as follows:*

16 (1) *The heading of section 4204a (50 U.S.C.*
17 *2524a) is amended to read as follows:*

18 **“SEC. 4204A. RELIABLE REPLACEMENT WARHEAD PRO-**
19 **GRAM.”.**

20 (2) *The table of contents for that Act is amended*
21 *by inserting after the item relating to section 4204 the*
22 *following new item:*

“Sec. 4204A. Reliable Replacement Warhead program.”.

1 **Subtitle D—Nuclear Terrorism**
2 **Prevention**

3 **SEC. 3131. DEFINITIONS.**

4 *In this subtitle:*

5 (1) *The term “Convention on the Physical Pro-*
6 *tection of Nuclear Material” means the Convention on*
7 *the Physical Protection of Nuclear Material, signed at*
8 *New York and Vienna March 3, 1980.*

9 (2) *The term “formula quantities of strategic*
10 *special nuclear material” means uranium–235 (con-*
11 *tained in uranium enriched to 20 percent or more in*
12 *the U–235 isotope), uranium–233, or plutonium in*
13 *any combination in a total quantity of 5,000 grams*
14 *or more computed by the formula, grams = (grams*
15 *contained U–235) + 2.5 (grams U–233 + grams plu-*
16 *tonium), as set forth in the definitions of “formula*
17 *quantity” and “strategic special nuclear material” in*
18 *section 73.2 of title 10, Code of Federal Regulations.*

19 (3) *The term “Nuclear Non-Proliferation Trea-*
20 *ty” means the Treaty on the Non-Proliferation of Nu-*
21 *clear Weapons, done at Washington, London, and*
22 *Moscow July 1, 1968, and entered into force March*
23 *5, 1970 (21 UST 483).*

24 (4) *The term “nuclear weapon” means any de-*
25 *vice utilizing atomic energy, exclusive of the means*

1 *for transporting or propelling the device (where such*
2 *means is a separable and divisible part of the device),*
3 *the principal purpose of which is for use as, or for*
4 *the development of, a weapon, a weapon prototype, or*
5 *a weapon test device.*

6 **SEC. 3132. FINDINGS.**

7 *Congress makes the following findings:*

8 (1) *The possibility that terrorists may acquire*
9 *and use a nuclear weapon against the United States*
10 *is the most horrific threat that our Nation faces.*

11 (2) *The September 2006 “National Strategy for*
12 *Combating Terrorism” issued by the White House*
13 *states, “Weapons of mass destruction in the hands of*
14 *terrorists is one of the gravest threats we face.”*

15 (3) *Former Senator and cofounder of the Nuclear*
16 *Threat Initiative Sam Nunn has stated, “Stockpiles*
17 *of loosely guarded nuclear weapons material are scat-*
18 *tered around the world, offering inviting targets for*
19 *theft or sale. We are working on this, but I believe*
20 *that the threat is outrunning our response.”.*

21 (4) *Existing programs intended to secure, mon-*
22 *itor, and reduce nuclear stockpiles, redirect nuclear*
23 *scientists, and interdict nuclear smuggling have made*
24 *substantial progress, but additional efforts are needed*

1 *to reduce the threat of nuclear terrorism as much as*
2 *possible.*

3 (5) *Former United Nations Secretary-General*
4 *Kofi Annan has said that a nuclear terror attack*
5 *“would not only cause widespread death and destruc-*
6 *tion, but would stagger the world economy and thrust*
7 *tens of millions of people into dire poverty”.*

8 (6) *United Nations Security Council Resolution*
9 *1540 (2004) reaffirms the need to combat by all*
10 *means, in accordance with the Charter of the United*
11 *Nations, threats to international peace and security*
12 *caused by terrorist acts, and directs all countries, in*
13 *accordance with their national procedures, to adopt*
14 *and enforce effective laws that prohibit any non-state*
15 *actor from manufacturing, acquiring, possessing, de-*
16 *veloping, transporting, transferring, or using nuclear,*
17 *chemical, or biological weapons and their means of*
18 *delivery, in particular for terrorist purposes, and to*
19 *prohibit attempts to engage in any of the foregoing*
20 *activities, participate in them as an accomplice, or*
21 *assist or finance them.*

22 (7) *The Director General of the International*
23 *Atomic Energy Agency, Dr. Mohammed ElBaradei,*
24 *has said that it is a “race against time” to prevent*
25 *a terrorist attack using a nuclear weapon.*

1 (8) *The International Atomic Energy Agency*
2 *plays a vital role in coordinating efforts to protect*
3 *nuclear materials and to combat nuclear smuggling.*

4 (9) *Legislation sponsored by Senator Richard*
5 *Lugar, Senator Pete Domenici, and former Senator*
6 *Sam Nunn has resulted in groundbreaking programs*
7 *to secure nuclear weapons and materials and to help*
8 *ensure that such weapons and materials do not fall*
9 *into the hands of terrorists.*

10 **SEC. 3133. SENSE OF CONGRESS ON THE PREVENTION OF**
11 **NUCLEAR TERRORISM.**

12 *It is the sense of Congress that—*

13 (1) *the President should make the prevention of*
14 *a nuclear terrorist attack on the United States of the*
15 *highest priority;*

16 (2) *the President should accelerate programs, re-*
17 *questing additional funding as appropriate, to pre-*
18 *vent nuclear terrorism, including combating nuclear*
19 *smuggling, securing and accounting for nuclear weap-*
20 *ons, and eliminating, removing, or securing and ac-*
21 *counting for formula quantities of strategic special*
22 *nuclear material wherever such quantities may be;*

23 (3) *the United States, together with the inter-*
24 *national community, should take a comprehensive ap-*
25 *proach to reducing the danger of nuclear terrorism,*

1 *including by making additional efforts to identify*
2 *and eliminate terrorist groups that aim to acquire*
3 *nuclear weapons, to ensure that nuclear weapons*
4 *worldwide are secure and accounted for and that for-*
5 *mula quantities of strategic special nuclear material*
6 *worldwide are eliminated, removed, or secure and ac-*
7 *counted for to a degree sufficient to defeat the threat*
8 *that terrorists and criminals have shown they can*
9 *pose, and to increase the ability to find and stop ter-*
10 *rorist efforts to manufacture nuclear explosives or to*
11 *transport nuclear explosives and materials anywhere*
12 *in the world;*

13 *(4) within such a comprehensive approach, a*
14 *high priority must be placed on ensuring that all nu-*
15 *clear weapons worldwide are secure and accounted for*
16 *and that all formula quantities of strategic special*
17 *nuclear material worldwide are eliminated, removed,*
18 *or secure and accounted for; and*

19 *(5) the International Atomic Energy Agency*
20 *should be funded appropriately to fulfill its role in co-*
21 *ordinating international efforts to protect nuclear*
22 *material and to combat nuclear smuggling.*

1 **SEC. 3134. MINIMUM SECURITY STANDARD FOR NUCLEAR**
2 **WEAPONS AND FORMULA QUANTITIES OF**
3 **STRATEGIC SPECIAL NUCLEAR MATERIAL.**

4 (a) *POLICY.*—*It is the policy of the United States to*
5 *work with the international community to take all possible*
6 *steps to ensure that all nuclear weapons around the world*
7 *are secure and accounted for and that all formula quan-*
8 *tities of strategic special nuclear material are eliminated,*
9 *removed, or secure and accounted for to a level sufficient*
10 *to defeat the threats posed by terrorists and criminals.*

11 (b) *INTERNATIONAL NUCLEAR SECURITY STAND-*
12 *ARD.*—*In furtherance of the policy described in subsection*
13 *(a), and consistent with the requirement for “appropriate*
14 *effective” physical protection contained in United Nations*
15 *Security Council Resolution 1540 (2004), as well as the Nu-*
16 *clear Non-Proliferation Treaty and the Convention on the*
17 *Physical Protection of Nuclear Material, the President, in*
18 *consultation with relevant Federal departments and agen-*
19 *cies, shall seek the broadest possible international agreement*
20 *on a global standard for nuclear security that—*

21 (1) *ensures that nuclear weapons and formula*
22 *quantities of strategic special nuclear material are se-*
23 *ecure and accounted for to a sufficient level to defeat*
24 *the threats posed by terrorists and criminals;*

25 (2) *takes into account the limitations of equip-*
26 *ment and human performance; and*

1 (3) includes steps to provide confidence that the
2 needed measures have in fact been implemented.

3 (c) *INTERNATIONAL EFFORTS.*—In furtherance of the
4 policy described in subsection (a), the President, in con-
5 sultation with relevant Federal departments and agencies,
6 shall—

7 (1) work with other countries and the Inter-
8 national Atomic Energy Agency to assist as appro-
9 priate, and if necessary, work to convince, the govern-
10 ments of any and all countries in possession of nu-
11 clear weapons or formula quantities of strategic spe-
12 cial nuclear material to ensure that security is up-
13 graded to meet the standard described in subsection
14 (b) as rapidly as possible and in a manner that—

15 (A) accounts for the nature of the terrorist
16 and criminal threat in each such country; and

17 (B) ensures that any measures to which the
18 United States and any such country agree are
19 sustained after United States and other inter-
20 national assistance ends;

21 (2) ensure that United States financial and tech-
22 nical assistance is available as appropriate to coun-
23 tries for which the provision of such assistance would
24 accelerate the implementation of, or improve the effec-
25 tiveness of, such security upgrades; and

1 (3) *work with the governments of other countries*
2 *to ensure that effective nuclear security rules, accom-*
3 *panied by effective regulation and enforcement, are*
4 *put in place to govern all nuclear weapons and for-*
5 *mula quantities of strategic special nuclear material*
6 *around the world.*

7 **SEC. 3135. ANNUAL REPORT.**

8 (a) *IN GENERAL.*—*Not later than September 1 of each*
9 *year, the President, in consultation with relevant Federal*
10 *departments and agencies, shall submit to Congress a report*
11 *on the security of nuclear weapons, formula quantities of*
12 *strategic special nuclear material, radiological materials,*
13 *and related equipment worldwide.*

14 (b) *ELEMENTS.*—*The report required under subsection*
15 *(a) shall include the following:*

16 (1) *A section on the programs for the security*
17 *and accounting of nuclear weapons and the elimi-*
18 *nation, removal, and security and accounting of for-*
19 *mula quantities of strategic special nuclear material*
20 *and radiological materials, established under section*
21 *3132(b) of the Ronald W. Reagan National Defense*
22 *Authorization Act for Fiscal Year 2005 (50 U.S.C.*
23 *2569(b)), which shall include the following:*

24 (A) *A survey of the facilities and sites*
25 *worldwide that contain nuclear weapons or re-*

1 *lated equipment, formula quantities of strategic*
2 *special nuclear material, or radiological mate-*
3 *rials.*

4 *(B) A list of such facilities and sites deter-*
5 *mined to be of the highest priority for security*
6 *and accounting of nuclear weapons and related*
7 *equipment, or the elimination, removal, or secu-*
8 *rity and accounting of formula quantities of*
9 *strategic special nuclear material and radio-*
10 *logical materials, taking into account risk of*
11 *theft from such facilities and sites, and organized*
12 *by level of priority.*

13 *(C) A prioritized diplomatic and technical*
14 *plan, including measurable milestones, metrics,*
15 *estimated timetables, and estimated costs of im-*
16 *plementation, on the following:*

17 *(i) The security and accounting of nu-*
18 *clear weapons and related equipment and*
19 *the elimination, removal, or security and*
20 *accounting of formula quantities of strategic*
21 *special nuclear material and radiological*
22 *materials at such facilities and sites world-*
23 *wide.*

24 *(ii) Ensuring that security upgrades*
25 *and accounting reforms implemented at*

1 *such facilities and sites worldwide using the*
2 *financial and technical assistance of the*
3 *United States are effectively sustained after*
4 *such assistance ends.*

5 *(iii) The role that international agen-*
6 *cies and the international community have*
7 *committed to play, together with a plan for*
8 *securing contributions.*

9 *(D) An assessment of the progress made in*
10 *implementing the plan described in subpara-*
11 *graph (C), including a description of the efforts*
12 *of foreign governments to secure and account for*
13 *nuclear weapons and related equipment and to*
14 *eliminate, remove, or secure and account for for-*
15 *mula quantities of strategic special nuclear ma-*
16 *terial and radiological materials.*

17 *(2) A section on efforts to establish and imple-*
18 *ment the international nuclear security standard de-*
19 *scribed in section 3134(b) and related policies.*

20 *(c) FORM.—The report may be submitted in classified*
21 *form but shall include a detailed unclassified summary.*

22 **SEC. 3136. MODIFICATION OF REPORTING REQUIREMENT.**

23 *Section 3111 of the National Defense Authorization*
24 *Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.*
25 *3539) is amended—*

1 (1) *in subsection (b), by striking “March 1,*
2 *2007” and inserting “March 1 of 2007, 2009, 2011,*
3 *and 2013”;*

4 (2) *by redesignating subsections (c) and (d) as*
5 *subsections (d) and (e), respectively;*

6 (3) *by inserting after subsection (b) the following*
7 *new subsection (c):*

8 “*(c) FORM.—The report required by subsection (b) to*
9 *be submitted not later than March 1 of 2009, 2011, or 2013,*
10 *shall be submitted in classified form, and shall include a*
11 *detailed unclassified summary.”; and*

12 (4) *in subsection (e), as redesignated, by striking*
13 “*(c)*” *and inserting “(d)”.*

14 **SEC. 3137. MODIFICATION OF SUNSET DATE OF THE OFFICE**
15 **OF THE OMBUDSMAN OF THE ENERGY EM-**
16 **PLOYEES OCCUPATIONAL ILLNESS COM-**
17 **PENSATION PROGRAM.**

18 *Section 3686(g) of the Energy Employees Occupa-*
19 *tional Illness Compensation Program Act of 2000 (42*
20 *U.S.C. 7385s–15(g)) is amended by striking “on the date*
21 *that is 3 years after the date of the enactment of this sec-*
22 *tion” and inserting “October 28, 2012”.*

1 **SEC. 3138. EVALUATION OF NATIONAL NUCLEAR SECURITY**
2 **ADMINISTRATION STRATEGIC PLAN FOR AD-**
3 **VANCED COMPUTING.**

4 (a) *IN GENERAL.*—*The Secretary of Energy shall—*

5 (1) *enter into an agreement with an independent*
6 *entity to conduct an evaluation of the strategic plan*
7 *for advanced computing of the National Nuclear Se-*
8 *curity Administration; and*

9 (2) *not later than 180 days after the date of the*
10 *enactment of this Act, submit to the congressional de-*
11 *fense committees a report containing the results of*
12 *evaluation described in paragraph (1).*

13 (b) *ELEMENTS.*—*The evaluation described in sub-*
14 *section (a)(1) shall include the following:*

15 (1) *An assessment of—*

16 (A) *the role of research into, and develop-*
17 *ment of, high-performance computing supported*
18 *by the National Nuclear Security Administra-*
19 *tion in maintaining the leadership of the United*
20 *States in high-performance computing; and*

21 (B) *any impact of reduced investment by*
22 *the National Nuclear Security Administration in*
23 *such research and development.*

24 (2) *An assessment of the ability of the National*
25 *Nuclear Security Administration to utilize the high-*
26 *performance computing capability of the Department*

1 *of Energy and National Nuclear Security Adminis-*
2 *tration national laboratories to support the Stockpile*
3 *Stewardship Program and nonweapons modeling and*
4 *calculations.*

5 *(3) An assessment of the effectiveness of the De-*
6 *partment of Energy and the National Nuclear Secu-*
7 *rity Administration in sharing high-performance*
8 *computing developments with private industry and*
9 *capitalizing on innovations in private industry in*
10 *high-performance computing.*

11 *(4) A description of the strategy of the Depart-*
12 *ment of Energy for developing an exaflop computing*
13 *capability.*

14 *(5) An assessment of the efforts of the Depart-*
15 *ment of Energy to—*

16 *(A) coordinate high-performance computing*
17 *work within the Department, in particular*
18 *among the Office of Science, the National Nu-*
19 *clear Security Administration, and the Office of*
20 *Energy Efficiency and Renewable Energy; and*

21 *(B) develop joint strategies with other Fed-*
22 *eral Government agencies and private industry*
23 *groups for the development of high-performance*
24 *computing.*

1 **SEC. 3139. AGREEMENTS AND REPORTS ON NUCLEAR**
2 **FORENSICS CAPABILITIES.**

3 (a) *INTERNATIONAL AGREEMENTS ON NUCLEAR*
4 *WEAPONS DATA.*—*The Secretary of Energy may, with the*
5 *concurrence of the Secretary of State and in coordination*
6 *with the Secretary of Defense, the Secretary of Homeland*
7 *Security, and the Director of National Intelligence, enter*
8 *into agreements with countries or international organiza-*
9 *tions to conduct data collection and analysis to determine*
10 *accurately and in a timely manner the source of any com-*
11 *ponents of, or fissile material used or attempted to be used*
12 *in, a nuclear device or weapon.*

13 (b) *INTERNATIONAL AGREEMENTS ON INFORMATION*
14 *ON RADIOACTIVE MATERIALS.*—*The Secretary of Energy*
15 *may, with the concurrence of the Secretary of State and*
16 *in coordination with the Secretary of Defense, the Secretary*
17 *of Homeland Security, and the Director of National Intel-*
18 *ligence, enter into agreements with countries or inter-*
19 *national organizations—*

20 (1) *to acquire for the materials information pro-*
21 *gram of the Department of Energy validated informa-*
22 *tion on the physical characteristics of radioactive ma-*
23 *terial produced, used, or stored at various locations,*
24 *in order to facilitate the ability to determine accu-*
25 *ately and in a timely manner the source of any com-*

1 ponents of, or fissile material used or attempted to be
2 used in, a nuclear device or weapon; and

3 (2) to obtain access to information described in
4 paragraph (1) in the event of—

5 (A) a nuclear detonation; or

6 (B) the interdiction or discovery of a nu-
7 clear device or weapon or nuclear material.

8 (c) *REPORT ON AGREEMENTS.*—Not later than one
9 year after the date of the enactment of this Act, the Sec-
10 retary of Energy shall, in coordination with the Secretary
11 of State, submit to Congress a report identifying—

12 (1) the countries or international organizations
13 with which the Secretary has sought to make agree-
14 ments pursuant to subsections (a) and (b);

15 (2) any countries or international organizations
16 with which such agreements have been finalized and
17 the measures included in such agreements; and

18 (3) any major obstacles to completing such agree-
19 ments with other countries and international organi-
20 zations.

21 (d) *REPORT ON STANDARDS AND CAPABILITIES.*—Not
22 later than 180 days after the date of the enactment of this
23 Act, the President shall submit to Congress a report—

24 (1) setting forth standards and procedures to be
25 used in determining accurately and in a timely man-

1 *ner any country or group that knowingly or neg-*
2 *ligently provides to another country or group—*

3 *(A) a nuclear device or weapon;*

4 *(B) a major component of a nuclear device*
5 *or weapon; or*

6 *(C) fissile material that could be used in a*
7 *nuclear device or weapon;*

8 *(2) assessing the capability of the United States*
9 *to collect and analyze nuclear material or debris in*
10 *a manner consistent with the standards and proce-*
11 *dures described in paragraph (1); and*

12 *(3) including a plan and proposed funding for*
13 *rectifying any shortfalls in the nuclear forensics capa-*
14 *bilities of the United States by September 30, 2010.*

15 **TITLE XXXII—DEFENSE NU-**
16 **CLEAR FACILITIES SAFETY**
17 **BOARD**

18 **SEC. 3201. AUTHORIZATION.**

19 *There are authorized to be appropriated for fiscal year*
20 *2008, \$27,499,000 for the operation of the Defense Nuclear*
21 *Facilities Safety Board under chapter 21 of the Atomic En-*
22 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

1 ***DIVISION D—VETERAN SMALL***
2 ***BUSINESSES***

3 ***SEC. 4001. SHORT TITLE.***

4 *This division may be cited as the “Military Reservist*
5 *and Veteran Small Business Reauthorization and Oppor-*
6 *tunity Act of 2007”.*

7 ***SEC. 4002. DEFINITIONS.***

8 *In this division—*

9 (1) *the term “activated” means receiving an*
10 *order placing a Reservist on active duty;*

11 (2) *the term “active duty” has the meaning*
12 *given that term in section 101 of title 10, United*
13 *States Code;*

14 (3) *the terms “Administration” and “Adminis-*
15 *trator” mean the Small Business Administration and*
16 *the Administrator thereof, respectively;*

17 (4) *the term “Reservist” means a member of a*
18 *reserve component of the Armed Forces, as described*
19 *in section 10101 of title 10, United States Code;*

20 (5) *the term “Service Corps of Retired Execu-*
21 *tives” means the Service Corps of Retired Executives*
22 *authorized by section 8(b)(1) of the Small Business*
23 *Act (15 U.S.C. 637(b)(1));*

1 (6) the terms “service-disabled veteran” and
2 “small business concern” have the meaning as in sec-
3 tion 3 of the Small Business Act (15 U.S.C. 632);

4 (7) the term “small business development center”
5 means a small business development center described
6 in section 21 of the Small Business Act (15 U.S.C.
7 648); and

8 (8) the term “women’s business center” means a
9 women’s business center described in section 29 of the
10 Small Business Act (15 U.S.C. 656).

11 **TITLE XLI—VETERANS BUSINESS**
12 **DEVELOPMENT**

13 **SEC. 4101. INCREASED FUNDING FOR THE OFFICE OF VET-**
14 **ERANS BUSINESS DEVELOPMENT.**

15 (a) *IN GENERAL.*—There are authorized to be appro-
16 priated to the Office of Veterans Business Development of
17 the Administration, to remain available until expended—

18 (1) \$2,100,000 for fiscal year 2008;

19 (2) \$2,300,000 for fiscal year 2009; and

20 (3) \$2,500,000 for fiscal year 2010.

21 (b) *FUNDING OFFSET.*—Amounts necessary to carry
22 out subsection (a) shall be offset and made available through
23 the reduction of the authorization of funding under section
24 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631
25 note).

1 (c) *SENSE OF CONGRESS.*—*It is the sense of Congress*
2 *that any amounts provided pursuant to this section that*
3 *are in excess of amounts provided to the Administration*
4 *for the Office of Veterans Business Development in fiscal*
5 *year 2007, should be used to support Veterans Business Out-*
6 *reach Centers.*

7 **SEC. 4102. INTERAGENCY TASK FORCE.**

8 *Section 32 of the Small Business Act (15 U.S.C. 657b)*
9 *is amended by adding at the end the following:*

10 “(d) *INTERAGENCY TASK FORCE.*—

11 “(1) *ESTABLISHMENT.*—*Not later than 90 days*
12 *after the date of enactment of this subsection, the*
13 *President shall establish an interagency task force to*
14 *coordinate the efforts of Federal agencies necessary to*
15 *increase capital and business development opportuni-*
16 *ties for, and increase the award of Federal con-*
17 *tracting and subcontracting opportunities to, small*
18 *business concerns owned and controlled by service-dis-*
19 *abled veterans and small business concerns owned and*
20 *controlled by veterans (in this section referred to as*
21 *the ‘task force’).*

22 “(2) *MEMBERSHIP.*—*The members of the task*
23 *force shall include—*

24 “(A) *the Administrator, who shall serve as*
25 *chairperson of the task force;*

1 “(B) a representative from—

2 “*(i) the Department of Veterans Af-*
3 *fairs;*

4 “*(ii) the Department of Defense;*

5 “*(iii) the Administration (in addition*
6 *to the Administrator);*

7 “*(iv) the Department of Labor;*

8 “*(v) the Department of the Treasury;*

9 “*(vi) the General Services Administra-*
10 *tion; and*

11 “*(vii) the Office of Management and*
12 *Budget; and*

13 “*(C) 4 representatives from a veterans serv-*
14 *ice organization or military organization or as-*
15 *sociation, selected by the President.*

16 “(3) *DUTIES.*—*The task force shall coordinate*
17 *administrative and regulatory activities and develop*
18 *proposals relating to—*

19 “*(A) increasing capital access and capacity*
20 *of small business concerns owned and controlled*
21 *by service-disabled veterans and small business*
22 *concerns owned and controlled by veterans*
23 *through loans, surety bonding, and franchising;*

24 “*(B) increasing access to Federal con-*
25 *tracting and subcontracting for small business*

1 *concerns owned and controlled by service-dis-*
2 *abled veterans and small business concerns*
3 *owned and controlled by veterans through ex-*
4 *panded mentor-protégé assistance and matching*
5 *such small business concerns with contracting*
6 *opportunities;*

7 “(C) *increasing the integrity of certifi-*
8 *cations of status as a small business concern*
9 *owned and controlled by service-disabled veterans*
10 *or a small business concern owned and controlled*
11 *by veterans;*

12 “(D) *reducing paperwork and administra-*
13 *tive burdens on veterans in accessing business*
14 *development and entrepreneurship opportunities;*
15 *and*

16 “(E) *making other improvements relating to*
17 *the support for veterans business development by*
18 *the Federal Government.*

19 “(4) *REPORTING.—The task force shall submit*
20 *an annual report regarding its activities and pro-*
21 *posals to—*

22 “(A) *the Committee on Small Business and*
23 *Entrepreneurship and the Committee on Vet-*
24 *erans’ Affairs of the Senate; and*

1 “(B) the Committee on Small Business and
2 the Committee on Veterans’ Affairs of the House
3 of Representatives.”.

4 **SEC. 4103. PERMANENT EXTENSION OF SBA ADVISORY COM-**
5 **MITTEE ON VETERANS BUSINESS AFFAIRS.**

6 (a) *ASSUMPTION OF DUTIES.*—Section 33 of the Small
7 *Business Act (15 U.S.C. 657c) is amended—*

8 (1) *by striking subsection (h); and*

9 (2) *by redesignating subsections (i) through (k)*
10 *as subsections (h) through (j), respectively.*

11 (b) *PERMANENT EXTENSION OF AUTHORITY.*—Section
12 *203 of the Veterans Entrepreneurship and Small Business*
13 *Development Act of 1999 (15 U.S.C. 657b note) is amended*
14 *by striking subsection (h).*

15 **TITLE XLII—NATIONAL RESERV-**
16 **IST ENTERPRISE TRANSITION**
17 **AND SUSTAINABILITY**

18 **SEC. 4201. SHORT TITLE.**

19 *This title may be cited as the “National Reservist En-*
20 *terprise Transition and Sustainability Act of 2007”.*

21 **SEC. 4202. PURPOSE.**

22 *The purpose of this title is to establish a program to—*

23 (1) *provide managerial, financial, planning, de-*
24 *velopment, technical, and regulatory assistance to*

1 *small business concerns owned and operated by Re-*
2 *servists;*

3 (2) *provide managerial, financial, planning, de-*
4 *velopment, technical, and regulatory assistance to the*
5 *temporary heads of small business concerns owned*
6 *and operated by Reservists;*

7 (3) *create a partnership between the Small Busi-*
8 *ness Administration, the Department of Defense, and*
9 *the Department of Veterans Affairs to assist small*
10 *business concerns owned and operated by Reservists;*

11 (4) *utilize the service delivery network of small*
12 *business development centers, women's business cen-*
13 *ters, Veterans Business Outreach Centers, and centers*
14 *operated by the National Veterans Business Develop-*
15 *ment Corporation to expand the access of small busi-*
16 *ness concerns owned and operated by Reservists to*
17 *programs providing business management, develop-*
18 *ment, financial, procurement, technical, regulatory,*
19 *and marketing assistance;*

20 (5) *utilize the service delivery network of small*
21 *business development centers, women's business cen-*
22 *ters, Veterans Business Outreach Centers, and centers*
23 *operated by the National Veterans Business Develop-*
24 *ment Corporation to quickly respond to an activation*

1 of Reservists that own and operate small business
2 concerns; and

3 (6) utilize the service delivery network of small
4 business development centers, women’s business cen-
5 ters, Veterans Business Outreach Centers, and centers
6 operated by the National Veterans Business Develop-
7 ment Corporation to assist Reservists that own and
8 operate small business concerns in preparing for fu-
9 ture military activations.

10 **SEC. 4203. NATIONAL GUARD AND RESERVE BUSINESS AS-**
11 **SISTANCE.**

12 (a) *IN GENERAL.*—Section 21(a)(1) of the Small Busi-
13 ness Act (15 U.S.C. 648(a)(1)) is amended by inserting
14 “any small business development center, women’s business
15 center, Veterans Business Outreach Center, or center oper-
16 ated by the National Veterans Business Development Cor-
17 poration providing enterprise transition and sustainability
18 assistance to Reservists under section 37,” after “any wom-
19 en’s business center operating pursuant to section 29,”.

20 (b) *PROGRAM.*—The Small Business Act (15 U.S.C.
21 631 et seq.) is amended—

22 (1) by redesignating section 37 (15 U.S.C. 631
23 note) as section 38; and

24 (2) by inserting after section 36 the following:

1 **“SEC. 37. RESERVIST ENTERPRISE TRANSITION AND SUS-**
2 **TAINABILITY.**

3 “(a) *IN GENERAL.*—*The Administrator shall establish*
4 *a program to provide business planning assistance to small*
5 *business concerns owned and operated by Reservists.*

6 “(b) *DEFINITIONS.*—*In this section—*

7 “(1) *the terms ‘activated’ and ‘activation’ mean*
8 *having received an order placing a Reservists on ac-*
9 *tive duty, as defined by section 101(1) of title 10,*
10 *United States Code;*

11 “(2) *the term ‘Administrator’ means the Admin-*
12 *istrator of the Small Business Administration, acting*
13 *through the Associate Administrator for Small Busi-*
14 *ness Development Centers;*

15 “(3) *the term ‘Association’ means the association*
16 *established under section 21(a)(3)(A);*

17 “(4) *the term ‘eligible applicant’ means—*

18 “(A) *a small business development center*
19 *that is accredited under section 21(k);*

20 “(B) *a women’s business center;*

21 “(C) *a Veterans Business Outreach Center*
22 *that receives funds from the Office of Veterans*
23 *Business Development; or*

24 “(D) *an information and assistance center*
25 *operated by the National Veterans Business De-*
26 *velopment Corporation under section 33;*

1 “(5) the term ‘enterprise transition and sustain-
2 ability assistance’ means assistance provided by an
3 eligible applicant to a small business concern owned
4 and operated by a Reservist, who has been activated
5 or is likely to be activated in the next 12 months, to
6 develop and implement a business strategy for the pe-
7 riod while the owner is on active duty and 6 months
8 after the date of the return of the owner;

9 “(6) the term ‘Reservist’ means any person who
10 is—

11 “(A) a member of a reserve component of
12 the Armed Forces, as defined by section 10101 of
13 title 10, United States Code; and

14 “(B) on active status, as defined by section
15 101(d)(4) of title 10, United States Code;

16 “(7) the term ‘small business development center’
17 means a small business development center as de-
18 scribed in section 21 of the Small Business Act (15
19 U.S.C. 648);

20 “(8) the term ‘State’ means each of the several
21 States of the United States, the District of Columbia,
22 the Commonwealth of Puerto Rico, the Virgin Islands,
23 American Samoa, and Guam; and

1 “(9) the term ‘women’s business center’ means a
2 women’s business center described in section 29 of the
3 *Small Business Act* (15 U.S.C. 656).

4 “(c) *AUTHORITY.*—The Administrator may award
5 grants, in accordance with the regulations developed under
6 subsection (d), to eligible applicants to assist small business
7 concerns owned and operated by Reservists by—

8 “(1) providing management, development, fi-
9 nancing, procurement, technical, regulatory, and
10 marketing assistance;

11 “(2) providing access to information and re-
12 sources, including Federal and State business assist-
13 ance programs;

14 “(3) distributing contact information provided
15 by the Department of Defense regarding activated Re-
16 servists to corresponding State directors;

17 “(4) offering free, one-on-one, in-depth counseling
18 regarding management, development, financing, pro-
19 curement, regulations, and marketing;

20 “(5) assisting in developing a long-term plan for
21 possible future activation; and

22 “(6) providing enterprise transition and sustain-
23 ability assistance.

24 “(d) *RULEMAKING.*—

1 “(1) *IN GENERAL.*—*The Administrator, in con-*
2 *sultation with the Association and after notice and*
3 *an opportunity for comment, shall promulgate regula-*
4 *tions to carry out this section.*

5 “(2) *DEADLINE.*—*The Administrator shall pro-*
6 *mulgate final regulations not later than 180 days of*
7 *the date of enactment of the Military Reservist and*
8 *Veteran Small Business Reauthorization and Oppor-*
9 *tunity Act of 2007.*

10 “(3) *CONTENTS.*—*The regulations developed by*
11 *the Administrator under this subsection shall*
12 *establish—*

13 “(A) *procedures for identifying, in consulta-*
14 *tion with the Secretary of Defense, States that*
15 *have had a recent activation of Reservists;*

16 “(B) *priorities for the types of assistance to*
17 *be provided under the program authorized by*
18 *this section;*

19 “(C) *standards relating to educational, tech-*
20 *anical, and support services to be provided by a*
21 *grantee;*

22 “(D) *standards relating to any national*
23 *service delivery and support function to be pro-*
24 *vided by a grantee;*

1 “(E) standards relating to any work plan
2 that the Administrator may require a grantee to
3 develop; and

4 “(F) standards relating to the educational,
5 technical, and professional competency of any ex-
6 pert or other assistance provider to whom a
7 small business concern may be referred for assist-
8 ance by a grantee.

9 “(e) APPLICATION.—

10 “(1) IN GENERAL.—Each eligible applicant de-
11 siring a grant under this section shall submit an ap-
12 plication to the Administrator at such time, in such
13 manner, and accompanied by such information as the
14 Administrator may reasonably require.

15 “(2) CONTENTS.—Each application submitted
16 under paragraph (1) shall describe—

17 “(A) the activities for which the applicant
18 seeks assistance under this section; and

19 “(B) how the applicant plans to allocate
20 funds within its network.

21 “(f) AWARD OF GRANTS.—

22 “(1) DEADLINE.—The Administrator shall
23 award grants not later than 60 days after the pro-
24 mulgation of final rules and regulations under sub-
25 section (d).

1 “(2) *AMOUNT.*—*Each eligible applicant awarded*
2 *a grant under this section shall receive a grant in an*
3 *amount not greater than \$300,000 per fiscal year.*

4 “(g) *REPORT.*—

5 “(1) *IN GENERAL.*—*The Comptroller General of*
6 *the United States shall—*

7 “(A) *initiate an evaluation of the program*
8 *not later than 30 months after the disbursement*
9 *of the first grant under this section; and*

10 “(B) *submit a report not later than 6*
11 *months after the initiation of the evaluation*
12 *under paragraph (1) to—*

13 “(i) *the Administrator;*

14 “(ii) *the Committee on Small Business*
15 *and Entrepreneurship of the Senate; and*

16 “(iii) *the Committee on Small Busi-*
17 *ness of the House of Representatives.*

18 “(2) *CONTENTS.*—*The report under paragraph*
19 *(1) shall—*

20 “(A) *address the results of the evaluation*
21 *conducted under paragraph (1); and*

22 “(B) *recommend changes to law, if any,*
23 *that it believes would be necessary or advisable*
24 *to achieve the goals of this section.*

25 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—

1 “(1) *IN GENERAL.*—*There are authorized to be*
2 *appropriated to carry out this section—*

3 “(A) \$5,000,000 for the first fiscal year be-
4 *ginning after the date of enactment of the Mili-*
5 *tary Reservist and Veteran Small Business Re-*
6 *authorization and Opportunity Act of 2007; and*

7 “(B) \$5,000,000 for each of the 3 fiscal
8 *years following the fiscal year described in sub-*
9 *paragraph (A).*

10 “(2) *FUNDING OFFSET.*—*Amounts necessary to*
11 *carry out this section shall be offset and made avail-*
12 *able through the reduction of the authorization of*
13 *funding under section 20(e)(1)(B)(iv) of the Small*
14 *Business Act (15 U.S.C. 631 note).”.*

15 ***TITLE XLIII—RESERVIST***
16 ***PROGRAMS***

17 ***SEC. 4301. RESERVIST PROGRAMS.***

18 (a) *APPLICATION PERIOD.*—*Section 7(b)(3)(C) of the*
19 *Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended*
20 *by striking “90 days” and inserting “1 year”.*

21 (b) *PRE-CONSIDERATION PROCESS.*—

22 (1) *DEFINITION.*—*In this subsection, the term*
23 *“eligible Reservist” means a Reservist who—*

24 (A) *has not been ordered to active duty;*

1 (B) expects to be ordered to active duty dur-
2 ing a period of military conflict; and

3 (C) can reasonably demonstrate that the
4 small business concern for which that Reservist
5 is a key employee will suffer economic injury in
6 the absence of that Reservist.

7 (2) *ESTABLISHMENT.*—Not later than 6 months
8 after the date of enactment of this Act, the Adminis-
9 trator shall establish a pre-consideration process,
10 under which the Administrator—

11 (A) may collect all relevant materials nec-
12 essary for processing a loan to a small business
13 concern under section 7(b)(3) of the Small Busi-
14 ness Act (15 U.S.C. 636(b)(3)) before an eligible
15 Reservist employed by that small business con-
16 cern is activated; and

17 (B) shall distribute funds for any loan ap-
18 proved under subparagraph (A) if that eligible
19 Reservist is activated.

20 (c) *OUTREACH AND TECHNICAL ASSISTANCE PRO-*
21 *GRAM.*—

22 (1) *IN GENERAL.*—Not later than 6 months after
23 the date of enactment of this Act, the Administrator,
24 in consultation with the Secretary of Veterans Affairs
25 and the Secretary of Defense, shall develop a com-

1 *prehensive outreach and technical assistance program*
2 *(in this subsection referred to as the “program”) to—*

3 *(A) market the loans available under section*
4 *7(b)(3) of the Small Business Act (15 U.S.C.*
5 *636(b)(3)) to Reservists, and family members of*
6 *Reservists, that are on active duty and that are*
7 *not on active duty; and*

8 *(B) provide technical assistance to a small*
9 *business concern applying for a loan under that*
10 *section.*

11 *(2) COMPONENTS.—The program shall—*

12 *(A) incorporate appropriate websites main-*
13 *tained by the Administration, the Department of*
14 *Veterans Affairs, and the Department of Defense;*
15 *and*

16 *(B) require that information on the pro-*
17 *gram is made available to small business con-*
18 *cerns directly through—*

19 *(i) the district offices and resource*
20 *partners of the Administration, including*
21 *small business development centers, women’s*
22 *business centers, and the Service Corps of*
23 *Retired Executives; and*

1 (ii) other Federal agencies, including
2 the Department of Veterans Affairs and the
3 Department of Defense.

4 (3) REPORT.—

5 (A) IN GENERAL.—Not later than 6 months
6 after the date of enactment of this Act, and every
7 6 months thereafter until the date that is 30
8 months after such date of enactment, the Admin-
9 istrator shall submit to Congress a report on the
10 status of the program.

11 (B) CONTENTS.—Each report submitted
12 under subparagraph (A) shall include—

13 (i) for the 6-month period ending on
14 the date of that report—

15 (I) the number of loans approved
16 under section 7(b)(3) of the Small
17 Business Act (15 U.S.C. 636(b)(3));

18 (II) the number of loans disbursed
19 under that section; and

20 (III) the total amount disbursed
21 under that section; and

22 (ii) recommendations, if any, to make
23 the program more effective in serving small
24 business concerns that employ Reservists.

1 **SEC. 4302. RESERVIST LOANS.**

2 (a) *IN GENERAL.*—Section 7(b)(3)(E) of the Small
3 Business Act (15 U.S.C. 636(b)(3)(E)) is amended by strik-
4 ing “\$1,500,000” each place such term appears and insert-
5 ing “\$2,000,000”.

6 (b) *LOAN INFORMATION.*—

7 (1) *IN GENERAL.*—The Administrator and the
8 Secretary of Defense shall develop a joint website and
9 printed materials providing information regarding
10 any program for small business concerns that is
11 available to veterans or Reservists.

12 (2) *MARKETING.*—The Administrator is
13 authorized—

14 (A) to advertise and promote the program
15 under section 7(b)(3) of the Small Business Act
16 jointly with the Secretary of Defense and vet-
17 erans’ service organizations; and

18 (B) to advertise and promote participation
19 by lenders in such program jointly with trade
20 associations for banks or other lending institu-
21 tions.

22 **SEC. 4303. NONCOLLATERALIZED LOANS.**

23 Section 7(b)(3) of the Small Business Act (15 U.S.C.
24 636(b)(3)) is amended by adding at the end the following:

25 “(G)(i) Notwithstanding any other provi-
26 sion of law, the Administrator may make a loan

1 under this paragraph of not more than \$50,000
2 without collateral.

3 “(i) The Administrator may defer payment
4 of principal and interest on a loan described in
5 clause (i) during the longer of—

6 “(I) the 1-year period beginning on the
7 date of the initial disbursement of the loan;
8 and

9 “(II) the period during which the rel-
10 evant essential employee is on active duty.”.

11 **SEC. 4304. LOAN PRIORITY.**

12 Section 7(b)(3) of the Small Business Act (15 U.S.C.
13 636(b)(3)), as amended by this Act, is amended by adding
14 at the end the following:

15 “(H) The Administrator shall give priority
16 to any application for a loan under this para-
17 graph and shall process and make a determina-
18 tion regarding such applications prior to proc-
19 essing or making a determination on other loan
20 applications under this subsection, on a rolling
21 basis.”.

22 **SEC. 4305. RELIEF FROM TIME LIMITATIONS FOR VETERAN-**
23 **OWNED SMALL BUSINESSES.**

24 Section 3(q) of the Small Business Act (15 U.S.C.
25 632(q)) is amended by adding at the end the following:

1 “(5) *RELIEF FROM TIME LIMITATIONS.*—

2 “(A) *IN GENERAL.*—*Any time limitation on*
3 *any qualification, certification, or period of par-*
4 *ticipation imposed under this Act on any pro-*
5 *gram available to small business concerns shall*
6 *be extended for a small business concern that—*

7 “(i) *is owned and controlled by—*

8 “(I) *a veteran who was called or*
9 *ordered to active duty under a provi-*
10 *sion of law specified in section*
11 *101(a)(13)(B) of title 10, United*
12 *States Code, on or after September 11,*
13 *2001; or*

14 “(II) *a service-disabled veteran*
15 *who became such a veteran due to an*
16 *injury or illness incurred or aggra-*
17 *vated in the active military, naval, or*
18 *air service during a period of active*
19 *duty pursuant to a call or order to ac-*
20 *tive duty under a provision of law re-*
21 *ferred to in subclause (I) on or after*
22 *September 11, 2001; and*

23 “(ii) *was subject to the time limitation*
24 *during such period of active duty.*

1 “(B) *DURATION.*—Upon submission of
2 proper documentation to the Administrator, the
3 extension of a time limitation under subpara-
4 graph (A) shall be equal to the period of time
5 that such veteran who owned or controlled such
6 a concern was on active duty as described in
7 that subparagraph.”.

8 **SEC. 4306. SERVICE-DISABLED VETERANS.**

9 Not later than 180 days after the date of enactment
10 of this Act, the Comptroller General of the United States
11 shall submit to the Committee on Small Business and En-
12 trepreneurship of the Senate and the Committee on Small
13 Business of the House of Representatives a report
14 describing—

15 (1) the types of assistance needed by service-dis-
16 abled veterans who wish to become entrepreneurs; and

17 (2) any resources that would assist such service-
18 disabled veterans.

19 **SEC. 4307. STUDY ON OPTIONS FOR PROMOTING POSITIVE**
20 **WORKING RELATIONS BETWEEN EMPLOYERS**
21 **AND THEIR RESERVE COMPONENT EMPLOY-**
22 **EES.**

23 (a) *STUDY REQUIRED.*—The Comptroller General of
24 the United States shall conduct a study on options for pro-
25 moting positive working relations between employers and

1 *Reserve component employees of such employers, including*
2 *assessing options for improving the time in which employ-*
3 *ers of Reservists are notified of the call or order of such*
4 *members to active duty other than for training.*

5 (b) *REPORT.*—

6 (1) *IN GENERAL.*—*Not later than 180 days after*
7 *the date of enactment of this Act, the Comptroller*
8 *General of the United States shall submit to the ap-*
9 *propriate committees of Congress a report on the*
10 *study conducted under subsection (a).*

11 (2) *CONTENTS.*—*The report submitted under*
12 *paragraph (1) shall—*

13 (A) *provide a quantitative and qualitative*
14 *assessment of—*

15 (i) *what measures, if any, are being*
16 *taken to inform Reservists of the obligations*
17 *and responsibilities of such members to*
18 *their employers;*

19 (ii) *how effective such measures have*
20 *been; and*

21 (iii) *whether there are additional*
22 *measures that could be taken to promote*
23 *positive working relations between Reserv-*
24 *ists and their employers, including any*
25 *steps that could be taken to ensure that em-*

1 *employers are timely notified of a call to ac-*
 2 *tive duty; and*

3 *(B) assess whether there has been a reduc-*
 4 *tion in the hiring of Reservists by business con-*
 5 *cerns because of—*

6 *(i) any increase in the use of Reservists*
 7 *after September 11, 2001; or*

8 *(ii) any change in any policy of the*
 9 *Department of Defense relating to Reservists*
 10 *after September 11, 2001.*

11 *(c) APPROPRIATE COMMITTEES OF CONGRESS DE-*
 12 *FINED.—In this section, the term “appropriate committees*
 13 *of Congress” means—*

14 *(1) the Committee on Armed Services and the*
 15 *Committee on Small Business and Entrepreneurship*
 16 *of the Senate; and*

17 *(2) the Committee on Armed Services and the*
 18 *Committee on Small Business of the House of Rep-*
 19 *resentatives.*

20 ***DIVISION E—MARITIME***
 21 ***ADMINISTRATION***

22 ***SEC. 5001. SHORT TITLE.***

23 *(a) SHORT TITLE.—This division may be cited as the*
 24 *“Maritime Administration Authorities Act of 2007”.*

1 **TITLE LI—GENERAL**

2 **SEC. 5101. COMMERCIAL VESSEL CHARTERING AUTHORITY.**

3 (a) *IN GENERAL.*—Subchapter III of chapter 575 of
4 title 46, United States Code, is amended by adding at the
5 end the following:

6 **“§ 57533. Vessel chartering authority**

7 “The Secretary of Transportation may enter into con-
8 tracts or other agreements on behalf of the United States
9 to purchase, charter, operate, or otherwise acquire the use
10 of any vessels documented under chapter 121 of this title
11 and any other related real or personal property. The Sec-
12 retary is authorized to use this authority as the Secretary
13 deems appropriate.”.

14 (b) *CONFORMING AMENDMENT.*—The chapter analysis
15 for chapter 575 of such title is amended by adding at the
16 end the following:

“57533. Vessel chartering authority.”.

17 **SEC. 5102. MARITIME ADMINISTRATION VESSEL CHAR-**

18 **TERING AUTHORITY.**

19 Section 50303 of title 46, United States Code, is
20 amended by—

21 (1) inserting “vessels,” after “piers,”; and

22 (2) by striking “control;” in subsection (a)(1)
23 and inserting “control, except that the prior consent
24 of the Secretary of Defense for such use shall be re-

1 *quired with respect to any vessel in the Ready Reserve*
2 *Force or in the National Defense Reserve Fleet which*
3 *is maintained in a retention status for the Depart-*
4 *ment of Defense;”.*

5 **SEC. 5103. CHARTERING TO STATE AND LOCAL GOVERN-**
6 **MENTAL INSTRUMENTALITIES.**

7 *Section 11(b) of the Merchant Ship Sales Act of 1946*
8 *(50 U.S.C. App. 1744(b)), is amended—*

9 *(1) by striking “or” after the semicolon in para-*
10 *graph (3);*

11 *(2) by striking “Defense.” in paragraph (4) and*
12 *inserting “Defense; or”; and*

13 *(3) by adding at the end thereof the following:*

14 *“(5) on a reimbursable basis, for charter to the*
15 *government of any State, locality, or Territory of the*
16 *United States, except that the prior consent of the*
17 *Secretary of Defense for such use shall be required*
18 *with respect to any vessel in the Ready Reserve Force*
19 *or in the National Defense Reserve Fleet which is*
20 *maintained in a retention status for the Department*
21 *of Defense.”.*

22 **SEC. 5104. DISPOSAL OF OBSOLETE GOVERNMENT VESSELS.**

23 *Section 6(c)(1) of the National Maritime Heritage Act*
24 *of 1994 (16 U.S.C. 5405(c)(1)) is amended—*

1 (1) by inserting “(either by sale or purchase of
2 disposal services)” after “shall dispose”; and

3 (2) by striking subparagraph (A) of paragraph
4 (1) and inserting the following:

5 “(A) in accordance with a priority system
6 for disposing of vessels, as determined by the Sec-
7 retary, which shall include provisions requiring
8 the Maritime Administration to—

9 “(i) dispose of all deteriorated high
10 priority ships that are available for dis-
11 posal, within 12 months of their designation
12 as such; and

13 “(ii) give priority to the disposition of
14 those vessels that pose the most significant
15 danger to the environment or cost the most
16 to maintain;”.

17 **SEC. 5105. VESSEL TRANSFER AUTHORITY.**

18 Section 50304 of title 46, United States Code, is
19 amended by adding at the end thereof the following:

20 “(d) **VESSEL CHARTERS TO OTHER DEPARTMENTS.**—
21 On a reimbursable or nonreimbursable basis, as determined
22 by the Secretary of Transportation, the Secretary may
23 charter or otherwise make available a vessel under the juris-
24 diction of the Secretary to any other department, upon the
25 request by the Secretary of the department that receives the

1 vessel. The prior consent of the Secretary of Defense for such
2 use shall be required with respect to any vessel in the Ready
3 Reserve Force or in the National Defense Reserve Fleet
4 which is maintained in a retention status for the Depart-
5 ment of Defense.”.

6 **SEC. 5106. SEA TRIALS FOR READY RESERVE FORCE.**

7 Section 11(c)(1)(B) of the Merchant Ship Sales Act of
8 1946 (50 U.S.C. App. 1744(c)(1)(B)) is amended to read
9 as follows:

10 “(B) activate and conduct sea trials on each
11 vessel at least once every 30 months;”.

12 **SEC. 5107. REVIEW OF APPLICATIONS FOR LOANS AND**
13 **GUARANTEES.**

14 (a) *PLAN*.—Within 180 days after the date of enact-
15 ment of this Act, the Administrator of the Maritime Admin-
16 istration shall develop a comprehensive plan for the review
17 of traditional applications and non-traditional applica-
18 tions.

19 (b) *INCLUSIONS*.—The comprehensive plan shall in-
20 clude a description of the application review process that
21 shall not exceed 90 days for review of traditional applica-
22 tions.

23 (c) *REPORT TO CONGRESS*.—The Administrator shall
24 submit a report describing the comprehensive plan to the
25 Senate Committee on Commerce, Science, and Transpor-

1 *tation and the House of Representatives Committee on*
2 *Armed Forces.*

3 *(d) DEFINITIONS.—In this section:*

4 *(1) NONTRADITIONAL APPLICATION.—The term*
5 *“nontraditional application” means an application*
6 *for a loan, guarantee, or a commitment to guarantee*
7 *submitted pursuant to chapter 537 of title 46, United*
8 *States Code, that is not a traditional application, as*
9 *determined by the Administrator.*

10 *(2) TRADITIONAL APPLICATION.—The term “tra-*
11 *ditional application” means an application for a*
12 *loan, guarantee, or a commitment to guarantee sub-*
13 *mitted pursuant to chapter 537 of title 46, United*
14 *States Code, that involves a market, technology, and*
15 *financial structure of a type that has been approved*
16 *in such an application multiple times before the date*
17 *of enactment of this Act without default or unreason-*
18 *able risk to the United States, as determined by the*
19 *Administrator.*

20 **TITLE LII—TECHNICAL**
21 **CORRECTIONS**

22 **SEC. 5201. STATUTORY CONSTRUCTION.**

23 *The amendments made by this title make no sub-*
24 *stantive change in existing law and may not be construed*
25 *as making a substantive change in existing law.*

1 **SEC. 5202. PERSONAL INJURY TO OR DEATH OF SEAMEN.**

2 (a) *AMENDMENT.*—Section 30104 of title 46, United
3 States Code, is amended by striking subsections (a) and (b)
4 and inserting the following:

5 “(a) *CAUSE OF ACTION.*—A seaman injured in the
6 course of employment or, if the seaman dies from the injury,
7 the personal representative of the seaman may bring an ac-
8 tion against the employer. In such an action, the laws of
9 the United States regulating recovery for personal injury
10 to, or death of, a railway employee shall apply. Such an
11 action may be maintained in admiralty or, at the plain-
12 tiff’s election, as an action at law, with the right of trial
13 by jury.

14 “(b) *VENUE.*—When the plaintiff elects to maintain an
15 action at law, venue shall be in the judicial district in
16 which the employer resides or the employer’s principal office
17 is located.”.

18 (b) *EFFECTIVE DATE.*—The amendment made by sub-
19 section (a) shall be effective as if included in the enactment
20 of Public Law 109–304.

21 **SEC. 5203. AMENDMENTS TO CHAPTER 537 BASED ON PUB-**
22 **LIC LAW 109–163.**

23 (a) *AMENDMENTS.*—Title 46, United States Code, is
24 amended as follows:

25 (1) Section 53701 is amended by—

1 (A) redesignating paragraphs (2) through
2 (13) as paragraphs (3) through (14), respec-
3 tively;

4 (B) inserting after paragraph (1) the fol-
5 lowing:

6 “(2) *ADMINISTRATOR.*—The term ‘Adminis-
7 trator’ means the Administrator of the Maritime Ad-
8 ministration.”; and

9 (C) striking paragraph (13) (as redesign-
10 ated) and inserting the following:

11 “(13) *SECRETARY.*—The term ‘Secretary’ means
12 the Secretary of Commerce with respect to fishing ves-
13 sels and fishery facilities.”.

14 (2) Section 53706(c) is amended to read as fol-
15 lows:

16 “(c) *PRIORITIES FOR CERTAIN VESSELS.*—

17 “(1) *VESSELS.*—In guaranteeing or making a
18 commitment to guarantee an obligation under this
19 chapter, the Administrator shall give priority to—

20 “(A) a vessel that is otherwise eligible for a
21 guarantee and is constructed with assistance
22 under subtitle D of the Maritime Security Act of
23 2003 (46 U.S.C. 53101 note); and

1 “(B) after applying subparagraph (A), a
2 vessel that is otherwise eligible for a guarantee
3 and that the Secretary of Defense determines—

4 “(i) is suitable for service as a naval
5 auxiliary in time of war or national emer-
6 gency; and

7 “(ii) meets a shortfall in sealfift capaci-
8 ty or capability.

9 “(2) *TIME FOR DETERMINATION.*—The Secretary
10 of Defense shall determine whether a vessel satisfies
11 paragraph (1)(B) not later than 30 days after receipt
12 of a request from the Administrator for such a deter-
13 mination.”.

14 (3) Section 53707 is amended—

15 (A) by inserting “or Administrator” in sub-
16 sections (a) and (d) after “Secretary” each place
17 it appears;

18 (B) by striking “Secretary of Transpor-
19 tation” in subsection (b) and inserting “Admin-
20 istrator”;

21 (C) by striking “of Commerce” in subsection
22 (c); and

23 (D) in subsection (d)(2), by—

1 (i) inserting “if the Secretary or Ad-
2 ministrators considers necessary,” before “the
3 waiver”; and

4 (ii) striking “the increased” and in-
5 serting “any significant increase in”.

6 (4) Section 53708 is amended—

7 (A) by striking “SECRETARY OF TRANSPOR-
8 TATION” in the heading of subsection (a) and in-
9 serting “ADMINISTRATOR”;

10 (B) by striking “Secretary” and “Secretary
11 of Transportation” each place they appear in
12 subsection (a) and inserting “Administrator”;

13 (C) by striking “OF COMMERCE” in the
14 heading of subsection (b);

15 (D) by striking “of Commerce” in sub-
16 sections (b) and (c);

17 (E) in subsection (d), by—

18 (i) inserting “or Administrator” after
19 “Secretary” the first place it appears; and

20 (ii) striking “financial structures, or
21 other risk factors identified by the Sec-
22 retary. Any independent analysis conducted
23 under this subsection shall be performed by
24 a party chosen by the Secretary.” and in-
25 serting “or financial structures. A third

1 *party independent analysis conducted under*
2 *this subsection shall be performed by a pri-*
3 *vate sector expert in assessing such risk fac-*
4 *tors who is selected by the Secretary or Ad-*
5 *ministrator.”; and*

6 *(F) in subsection (e), by—*

7 *(i) inserting “or Administrator” after*
8 *“Secretary” the first place it appears; and*

9 *(ii) striking “financial structures, or*
10 *other risk factors identified by the Sec-*
11 *retary” and inserting “or financial struc-*
12 *tures”.*

13 *(5) Section 53710(b)(1) is amended by striking*
14 *“Secretary’s” and inserting “Administrator’s”.*

15 *(6) Section 53712(b) is amended by striking the*
16 *last sentence and inserting “If the Secretary or Ad-*
17 *ministrator has waived a requirement under section*
18 *53707(d) of this title, the loan agreement shall include*
19 *requirements for additional payments, collateral, or*
20 *equity contributions to meet the waived requirement*
21 *upon the occurrence of verifiable conditions indi-*
22 *cating that the obligor’s financial condition enables*
23 *the obligor to meet the waived requirement.”.*

24 *(7) Subsections (c) and (d) of section 53717 are*
25 *each amended—*

1 (A) by striking “OF COMMERCE” in the sub-
2 section heading; and

3 (B) by striking “of Commerce” each place it
4 appears.

5 (8) Section 53732(e)(2) is amended by inserting
6 “of Defense” after “Secretary” the second place it ap-
7 pears.

8 (9) The following provisions are amended by
9 striking “Secretary” and “Secretary of Transpor-
10 tation” and inserting “Administrator”:

11 (A) Section 53710(b)(2)(A)(i).

12 (B) Section 53717(b) each place it appears
13 in a heading and in text.

14 (C) Section 53718.

15 (D) Section 53731 each place it appears, ex-
16 cept where “Secretary” is followed by “of En-
17 ergy”.

18 (E) Section 53732 (as amended by para-
19 graph (8)) each place it appears, except where
20 “Secretary” is followed by “of the Treasury”, “of
21 State”, or “of Defense”.

22 (F) Section 53733 each place it appears.

23 (10) The following provisions are amended by
24 inserting “or Administrator” after “Secretary” each
25 place it appears in headings and text, except where

1 “Secretary” is followed by “of Transportation” or “of
2 the Treasury”:

3 (A) The items relating to sections 53722
4 and 53723 in the chapter analysis for chapter
5 537.

6 (B) Sections 53701(1), (4), and (9) (as re-
7 designated by paragraph (1)(A)), 53702(a),
8 53703, 53704, 53706(a)(3)(B)(iii), 53709(a)(1),
9 (b)(1) and (2)(A), and (d), 53710(a) and (c),
10 53711, 53712 (except in the last sentence of sub-
11 section (b) as amended by paragraph (6)), 53713
12 to 53716, 53721 to 53725, and 53734.

13 (11) Sections 53715(d)(1), 53716(d)(3),
14 53721(c), 53722(a)(1) and (b)(1)(B), and 53724(b)
15 are amended by inserting “or Administrator’s” after
16 “Secretary’s”.

17 (b) *REPEAL OF SUPERSEDED AMENDMENTS.*—Section
18 3507 (except subsection (c)(4)) of the National Defense Au-
19 thorization Act for Fiscal Year 2006 (Public Law 109–163)
20 is repealed.

21 **SEC. 5204. ADDITIONAL AMENDMENTS BASED ON PUBLIC**
22 **LAW 109–163.**

23 (a) *AMENDMENTS.*—Title 46, United States Code, is
24 amended as follows:

1 (1) Chapters 513 and 515 are amended by strik-
2 ing “Naval Reserve” each place it appears in anal-
3 yses, headings, and text and inserting “Navy Re-
4 serve”.

5 (2) Section 51504(f) is amended to read as fol-
6 lows:

7 “(f) *FUEL COSTS.*—

8 “(1) *IN GENERAL.*—Subject to the availability of
9 appropriations, the Secretary shall pay to each State
10 maritime academy the costs of fuel used by a vessel
11 provided under this section while used for training.

12 “(2) *MAXIMUM AMOUNTS.*—The amount of the
13 payment to a State maritime academy under para-
14 graph (1) may not exceed—

15 “(A) \$100,000 for fiscal year 2006;

16 “(B) \$200,000 for fiscal year 2007; and

17 “(C) \$300,000 for fiscal year 2008 and each
18 fiscal year thereafter.”.

19 (3) Section 51505(b)(2)(B) is amended by strik-
20 ing “\$200,000” and inserting “\$300,000 for fiscal
21 year 2006, \$400,000 for fiscal year 2007, and
22 \$500,000 for fiscal year 2008 and each fiscal year
23 thereafter”.

24 (4) Section 51701(a) is amended by striking “of
25 the United States.” and inserting “of the United

1 *States and to perform functions to assist the United*
 2 *States merchant marine, as determined necessary by*
 3 *the Secretary.”.*

4 (5)(A) *Section 51907 is amended to read as fol-*
 5 *lows:*

6 **“§51907. Provision of decorations, medals, and re-**
 7 **placements**

8 *“The Secretary of Transportation may provide—*

9 *“(1) the decorations and medals authorized by*
 10 *this chapter and replacements for those decorations*
 11 *and medals; and*

12 *“(2) replacements for decorations and medals*
 13 *issued under a prior law.”.*

14 (B) *The item relating to section 51907 in the*
 15 *chapter analysis for chapter 519 is amended to read*
 16 *as follows:*

“51907. Provision of decorations, medals, and replacements.”.

17 (6)(A) *The following new chapter is inserted*
 18 *after chapter 539:*

19 **“CHAPTER 541—MISCELLANEOUS**

“Sec.

“54101. Assistance for small shipyards and maritime communities.”.

20 (B) *Section 3506 of the National Defense Author-*
 21 *ization Act for Fiscal Year 2006 (46 U.S.C. 53101*
 22 *note) is transferred to and redesignated as section*
 23 *54101 of title 46, United States Code, to appear at*

1 *the end of chapter 541 of title 46, as inserted by sub-*
 2 *paragraph (A).*

3 (C) *The heading of such section, as transferred*
 4 *by subparagraph (B), is amended to read as follows:*
 5 **“§ 54101. Assistance for small shipyards and maritime**
 6 **communities”.**

7 (D) *Paragraph (1) of subsection (h) of such sec-*
 8 *tion, as transferred by subparagraph (B), is amended*
 9 *by striking “(15 U.S.C. 632);” and inserting “(15*
 10 *U.S.C. 632));”.*

11 (E) *The table of chapters at the beginning of sub-*
 12 *title V is amended by inserting after the item relating*
 13 *to chapter 539 the following new item:*

“541. Miscellaneous 54101”.

14 (b) *REPEAL OF SUPERSEDED AMENDMENTS.—Sec-*
 15 *tions 515(g)(2), 3502, 3509, and 3510 of the National De-*
 16 *fense Authorization Act for Fiscal Year 2006 (Public Law*
 17 *109–163) are repealed.*

18 **SEC. 5205. AMENDMENTS BASED ON PUBLIC LAW 109–171.**

19 (a) *AMENDMENTS.—Section 60301 of title 46, United*
 20 *States Code, is amended—*

21 (1) *by striking “2 cents per ton (but not more*
 22 *than a total of 10 cents per ton per year)” in sub-*
 23 *section (a) and inserting “4.5 cents per ton, not to ex-*
 24 *ceed a total of 22.5 cents per ton per year, for fiscal*
 25 *years 2006 through 2010, and 2 cents per ton, not to*

1 *exceed a total of 10 cents per ton per year, for each*
 2 *fiscal year thereafter,”; and*

3 (2) *by striking “6 cents per ton (but not more*
 4 *than a total of 30 cents per ton per year)” in sub-*
 5 *section (b) and inserting “13.5 cents per ton, not to*
 6 *exceed a total of 67.5 cents per ton per year, for fiscal*
 7 *years 2006 through 2010, and 6 cents per ton, not to*
 8 *exceed a total of 30 cents per ton per year, for each*
 9 *fiscal year thereafter,”.*

10 (b) *REPEAL OF SUPERSEDED AMENDMENTS.—Section*
 11 *4001 of the Deficit Reduction Act of 2005 (Public Law 109–*
 12 *171) is repealed.*

13 **SEC. 5206. AMENDMENTS BASED ON PUBLIC LAW 109–241.**

14 (a) *AMENDMENTS.—Title 46, United States Code, is*
 15 *amended as follows:*

16 (1) *Section 12111 is amended by adding at the*
 17 *end the following:*

18 “(d) *ACTIVITIES INVOLVING MOBILE OFFSHORE*
 19 *DRILLING UNITS.—*

20 “(1) *IN GENERAL.—Only a vessel for which a*
 21 *certificate of documentation with a registry endorse-*
 22 *ment is issued may engage in—*

23 “(A) *the setting, relocation, or recovery of*
 24 *the anchors or other mooring equipment of a mo-*
 25 *bile offshore drilling unit that is located over the*

1 *outer Continental Shelf (as defined in section*
2 *2(a) of the Outer Continental Shelf Lands Act*
3 *(43 U.S.C. 1331(a))*); or

4 “(B) *the transportation of merchandise or*
5 *personnel to or from a point in the United*
6 *States from or to a mobile offshore drilling unit*
7 *located over the outer Continental Shelf that is*
8 *not attached to the seabed.*

9 “(2) *COASTWISE TRADE NOT AUTHORIZED.—*
10 *Nothing in paragraph (1) authorizes the employment*
11 *in the coastwise trade of a vessel that does not meet*
12 *the requirements of section 12112 of this title.”.*

13 (2) *Section 12139(a) is amended by striking*
14 *“and charterers” and inserting “charterers, and mort-*
15 *gagees”.*

16 (3) *Section 51307 is amended—*

17 (A) *by striking “and” at the end of para-*
18 *graph (2);*

19 (B) *by striking “organizations.” in para-*
20 *graph (3) and inserting “organizations; and”;*
21 *and*

22 (C) *by adding at the end the following:*

23 “(4) *on any other vessel considered by the Sec-*
24 *retary to be necessary or appropriate or in the na-*
25 *tional interest.”.*

1 (4) Section 55105(b)(3) is amended by striking
2 “Secretary of the department in which the Coast
3 Guard is operating” and inserting “Secretary of
4 Homeland Security”.

5 (5) Section 70306(a) is amended by striking
6 “Not later than February 28 of each year, the Sec-
7 retary shall submit a report” and inserting “The Sec-
8 retary shall submit an annual report”.

9 (6) Section 70502(d)(2) is amended to read as
10 follows:

11 “(2) *RESPONSE TO CLAIM OF REGISTRY.*—The
12 response of a foreign nation to a claim of registry
13 under paragraph (1)(A) or (C) may be made by
14 radio, telephone, or similar oral or electronic means,
15 and is proved conclusively by certification of the Sec-
16 retary of State or the Secretary’s designee.”.

17 (b) *REPEAL OF SUPERSEDED AMENDMENTS.*—Sec-
18 tions 303, 307, 308, 310, 901(q), and 902(o) of the Coast
19 Guard and Maritime Transportation Act of 2006 (Public
20 Law 109–241) are repealed.

21 **SEC. 5207. AMENDMENTS BASED ON PUBLIC LAW 109–364.**

22 (a) *UPDATING OF CROSS REFERENCES.*—Section
23 1017(b)(2) of the John Warner National Defense Authoriza-
24 tion Act for Fiscal Year 2007 (Public Law 109–364, 10
25 U.S.C. 2631 note) is amended by striking “section 27 of

1 *the Merchant Marine Act, 1920 (46 U.S.C. 883), section*
2 *12106 of title 46, United States Code, and section 2 of the*
3 *Shipping Act, 1916 (46 U.S.C. App. 802)” and inserting*
4 *“sections 12112, 50501, and 55102 of title 46, United States*
5 *Code”.*

6 (b) *SECTION 51306(e).*—

7 (1) *IN GENERAL.*—*Section 51306 of title 46,*
8 *United States Code, is amended by adding at the end*
9 *the following:*

10 “(e) *ALTERNATIVE SERVICE.*—

11 “(1) *SERVICE AS COMMISSIONED OFFICER.*—*An*
12 *individual who, for the 5-year period following grad-*
13 *uation from the Academy, serves as a commissioned*
14 *officer on active duty in an armed force of the United*
15 *States or as a commissioned officer of the National*
16 *Oceanic and Atmospheric Administration or the Pub-*
17 *lic Health Service shall be excused from the require-*
18 *ments of paragraphs (3) through (5) of subsection (a).*

19 “(2) *MODIFICATION OR WAIVER.*—*The Secretary*
20 *may modify or waive any of the terms and conditions*
21 *set forth in subsection (a) through the imposition of*
22 *alternative service requirements.”.*

23 (2) *APPLICATION.*—*Section 51306(e) of title 46,*
24 *United States Code, as added by paragraph (1), ap-*
25 *plies only to an individual who enrolls as a cadet at*

1 *the United States Merchant Marine Academy, and*
2 *signs an agreement under section 51306(a) of title 46,*
3 *after October 17, 2006.*

4 *(c) SECTION 51306(f).—*

5 *(1) IN GENERAL.—Section 51306 of title 46,*
6 *United States Code, is further amended by adding at*
7 *the end the following:*

8 *“(f) SERVICE OBLIGATION PERFORMANCE REPORTING*
9 *REQUIREMENT.—*

10 *“(1) IN GENERAL.—Subject to any otherwise ap-*
11 *plicable restrictions on disclosure in section 552a of*
12 *title 5, the Secretary of Defense, the Secretary of the*
13 *department in which the Coast Guard is operating,*
14 *the Administrator of the National Oceanic and At-*
15 *mospheric Administration, and the Surgeon General*
16 *of the Public Health Service—*

17 *“(A) shall report the status of obligated*
18 *service of an individual graduate of the Academy*
19 *upon request of the Secretary; and*

20 *“(B) may, in their discretion, notify the*
21 *Secretary of any failure of the graduate to per-*
22 *form the graduate’s duties, either on active duty*
23 *or in the Ready Reserve component of their re-*
24 *spective service, or as a commissioned officer of*
25 *the National Oceanic and Atmospheric Adminis-*

1 *tration or the Public Health Service, respec-*
2 *tively.*

3 “(2) *INFORMATION TO BE PROVIDED.*—*A report*
4 *or notice under paragraph (1) shall identify any*
5 *graduate determined to have failed to comply with*
6 *service obligation requirements and provide all re-*
7 *quired information as to why such graduate failed to*
8 *comply.*

9 “(3) *CONSIDERED AS IN DEFAULT.*—*Upon re-*
10 *ceipt of such a report or notice, such graduate may*
11 *be considered to be in default of the graduate’s service*
12 *obligations by the Secretary, and subject to all rem-*
13 *edies the Secretary may have with respect to such a*
14 *default.”.*

15 “(2) *APPLICATION.*—*Section 51306(f) of title 46,*
16 *United States Code, as added by paragraph (1), does*
17 *not apply with respect to an agreement entered into*
18 *under section 51306(a) of title 46, United States*
19 *Code, before October 17, 2006.*

20 “(d) *SECTION 51509(c).*—*Section 51509(c) of title 46,*
21 *United States Code, is amended—*

22 (1) *by striking “MIDSHIPMAN AND” in the sub-*
23 *section heading and “midshipman and” in the text;*
24 *and*

1 (2) inserting “or the Coast Guard Reserve” after
2 “Reserve”).

3 (e) SECTION 51908(a).—Section 51908(a) of title 46,
4 United States Code, is amended by striking “under this
5 chapter” and inserting “by this chapter or the Secretary
6 of Transportation”.

7 (f) SECTION 53105(e)(2).—Section 53105(e)(2) of title
8 46, United States Code, is amended by striking “section 2
9 of the Shipping Act, 1916 (46 U.S.C. App. 802),” and in-
10 serting “section 50501 of this title”.

11 (g) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
12 tions 3505, 3506, 3508, and 3510(a) and (b) of the John
13 Warner National Defense Authorization Act for Fiscal Year
14 2007 (Public Law 109–364) are repealed.

15 **SEC. 5208. MISCELLANEOUS AMENDMENTS.**

16 (a) DELETION OF OBSOLETE REFERENCE TO CANTON
17 ISLAND.—Section 55101(b) of title 46, United States Code,
18 is amended—

19 (1) by inserting “or” after the semicolon at the
20 end of paragraph (2);

21 (2) by striking paragraph (3); and

22 (3) by redesignating paragraph (4) as para-
23 graph (3).

24 (b) IMPROVEMENT OF HEADING.—Title 46, United
25 States Code, is amended as follows:

1 (1) *The heading of section 55110 is amended by*
2 *inserting “**valueless material or**” before*
3 *“**dredged material**”.*

4 (2) *The item for section 55110 in the analysis*
5 *for chapter 551 is amended by inserting “valueless*
6 *material or” before “dredged material”.*

7 (c) *OCEANOGRAPHIC RESEARCH VESSELS AND SAIL-*
8 *ING SCHOOL VESSELS.—*

9 (1) *Section 10101(3) of title 46, United States*
10 *Code, is amended by inserting “on an oceanographic*
11 *research vessel” after “scientific personnel”.*

12 (2) *Section 50503 of title 46, United States*
13 *Code, is amended by striking “An oceanographic re-*
14 *search vessel” and all that follows and inserting the*
15 *following:*

16 “(a) *DEFINITIONS.—In this section, the terms ‘ocean-*
17 *ographic research vessel’ and ‘scientific personnel’ have the*
18 *meaning given those terms in section 2101 of this title.*

19 “(b) *NOT SEAMEN.—Scientific personnel on an ocean-*
20 *ographic research vessel are deemed not to be seamen under*
21 *part G of subtitle II, section 30104, or chapter 303 of this*
22 *title.*

23 “(c) *NOT ENGAGED IN TRADE OR COMMERCE.—An*
24 *oceanographic research vessel is deemed not to be engaged*
25 *in trade or commerce.”.*

1 (3) *Section 50504(b)(1) of title 46, United States*
2 *Code, is amended by striking “parts B, F, and G of*
3 *subtitle II” and inserting “part B, F, or G of subtitle*
4 *II, section 30104, or chapter 303”.*

5 **SEC. 5209. APPLICATION OF SUNSET PROVISION TO CODI-**
6 **FIED PROVISION.**

7 *For purposes of section 303 of the Jobs and Growth*
8 *Tax Relief Reconciliation Act of 2003 (Public Law 108–*
9 *27, 26 U.S.C. 1 note), the amendment made by section*
10 *301(a)(2)(E) of that Act shall be deemed to have been made*
11 *to section 53511(f)(2) of title 46, United States Code.*

12 **SEC. 5210. 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 (33)(A)
22 through (D)(i), and 16(c)(2) of Public Law 109–304
23 are repealed.

24 (2) *INTENDED EFFECT.*—The provisions repealed
25 by paragraph (1) shall be treated as if never enacted.

1 (d) *LARGE PASSENGER VESSEL CREW REQUIRE-*
2 *MENTS.—Section 8103(k)(3)(C)(iv) of title 46, United*
3 *States Code, is amended by inserting “and section 252 of*
4 *the Immigration and Nationality Act (8 U.S.C. 1282)”*
5 *after “of such section”.*

Attest:

Secretary.

110TH CONGRESS
1ST SESSION

H. R. 1585

AMENDMENT

October 4, 2007

Ordered to be printed as passed