

110TH CONGRESS
1ST SESSION

H. R. 1585

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.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
 5 thorization Act for Fiscal Year 2008”.

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

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 11 thorizations.

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 13 izations.

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

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Subtitle D—Other Matters

- Sec. 1241. Cooperative research and development agreements: NATO organizations; allied and friendly foreign countries.
- Sec. 1242. Extension of Counterproliferation Program Review Committee.
- Sec. 1243. Sense of Congress concerning the Western Hemisphere Institute for Security Cooperation.
- Sec. 1244. Sense of Congress concerning the strategic military capabilities and intentions of the People's Republic of China.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES
OF THE FORMER SOVIET UNION

- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
- Sec. 1302. Funding allocations.
- Sec. 1303. New initiatives for the Cooperative Threat Reduction Program.
- Sec. 1304. Requirements relating to chemical weapons destruction at Shchuch'ye, Russia.
- Sec. 1305. Repeal of restrictions on Cooperative Threat Reduction Program.
- Sec. 1306. Authority to use Cooperative Threat Reduction funds outside the former Soviet Union.
- Sec. 1307. Clarification of amounts for Cooperative Threat Reduction programs.

TITLE XIV—WOUNDED WARRIOR ASSISTANCE

- Sec. 1401. Definitions.

Subtitle A—Improved Assistance for Wounded Warriors

- Sec. 1411. Improvements to medical and dental care for members of the Armed Forces assigned to hospitals in an outpatient status.
- Sec. 1412. Establishment of a Department of Defense-wide Ombudsman Office.
- Sec. 1413. Establishment of toll-free hot line for reporting deficiencies in medical-related support facilities and expedited response to reports of deficiencies.
- Sec. 1414. Notification to Congress of hospitalization of combat wounded service members.
- Sec. 1415. Independent medical advocate for members before medical evaluation boards.
- Sec. 1416. Training and workload for physical evaluation board liaison officers.
- Sec. 1417. Standardized training program and curriculum for Department of Defense disability evaluation system.
- Sec. 1418. Improved training for health care professionals, medical care case managers, and service member advocates on particular conditions of recovering service members.
- Sec. 1419. Pilot program to establish an Army Wounded Warrior Battalion at an appropriate active duty base.
- Sec. 1420. Criteria for removal of member from temporary disability retired list.
- Sec. 1421. Improved transition of members of the Armed Forces to Department of Veterans Affairs upon retirement or separation.

- Sec. 1422. Establishment of Medical Support Fund for support of members of the Armed Forces returning to military service or civilian life.
- Sec. 1423. Oversight Board for Wounded Warriors.
- Sec. 1424. Option for members of reserve components to use military medical treatment facilities closest to home for certain injuries.
- Sec. 1425. Plans and research for reducing post traumatic stress disorder.

Subtitle B—Studies and Reports

- Sec. 1431. Annual report on military medical facilities.
- Sec. 1432. Access of recovering service members to adequate outpatient residential facilities.
- Sec. 1433. Evaluation and report on Department of Defense and Department of Veterans Affairs disability evaluation systems.
- Sec. 1434. Study and report on support services for families of recovering service members.
- Sec. 1435. Report on traumatic brain injury classifications.
- Sec. 1436. Evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer Program.
- Sec. 1437. Study and report on standard soldier patient tracking system.
- Sec. 1438. Study and report on waiting periods for appointments at Department of Veterans Affairs medical facilities.
- Sec. 1439. Department of Defense study on the feasibility of measuring family member satisfaction with health care services.

Subtitle C—General Provisions

- Sec. 1451. Moratorium on conversion to contractor performance of Department of Defense functions at military medical facilities.
- Sec. 1452. Prohibition on transfer of resources from medical care.
- Sec. 1453. Increase in physicians at hospitals of the Department of Veterans Affairs.
- Sec. 1454. Transportation of remains of deceased members of the Armed Forces and certain other persons.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

- Sec. 1501. Purpose and statement of congressional policy.
- Sec. 1502. Army procurement.
- Sec. 1503. Navy and Marine Corps procurement.
- Sec. 1504. Air Force procurement.
- Sec. 1505. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1506. Defense-wide activities procurement.
- Sec. 1507. Research, development, test, and evaluation.
- Sec. 1508. Operation and maintenance.
- Sec. 1509. Working capital funds.
- Sec. 1510. Other Department of Defense programs.
- Sec. 1511. Iraq Freedom Fund.
- Sec. 1512. Iraq Security Forces Fund.
- Sec. 1513. Afghanistan Security Forces Fund.
- Sec. 1514. Military personnel.
- Sec. 1515. Authorized Army construction and land acquisition projects.
- Sec. 1516. Authorized Navy construction and land acquisition projects.
- Sec. 1517. National Nuclear Security Administration.

Sec. 1518. Treatment as additional authorizations.

TITLE XVI—NATIONAL GUARD ENHANCEMENT

Sec. 1601. Short title.

Subtitle A—National Guard Bureau

Sec. 1611. Enhancement of duties and position of Chief of the National Guard Bureau.

Sec. 1612. Establishment of National Guard Bureau as joint activity of Department of Defense.

Sec. 1613. Enhancement of functions of National Guard Bureau.

Sec. 1614. Requirement for Secretary of Defense to prepare annual plan for response to natural disasters and terrorist events.

Sec. 1615. Determination of Department of Defense civil support requirements.

Sec. 1616. Conforming and clerical amendments.

Subtitle B—Additional Reserve Component Enhancement

Sec. 1621. United States Northern Command.

Sec. 1622. Council of Governors.

Sec. 1623. Reserve Components Policy Board.

Sec. 1624. Requirements for certain high-level positions to be held by reserve component general or flag officers.

Sec. 1625. Retirement age and years of service limitations on certain reserve general and flag officers.

Sec. 1626. Additional reporting requirements relating to National Guard equipment.

TITLE XVII—DEFENSE READINESS PRODUCTION BOARD

Sec. 1701. Purpose.

Sec. 1702. Establishment of Defense Readiness Production Board.

Sec. 1703. Defense Production Industry Advisory Council.

Sec. 1704. Role of Chairman of Board in certain reporting processes.

Sec. 1705. Authority to use multiyear contracts.

Sec. 1706. Transfer authority.

Sec. 1707. Special authority for use of working capital funds for critical readiness requirements.

Sec. 1708. Strategic Readiness Fund.

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. Modification of authority to carry out certain fiscal year 2006 project.

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. Repeal of authorization for construction of Navy Outlying Landing Field, Washington County, North Carolina.

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. Modification of authority to carry out certain fiscal year 2006 project.

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2404. Authorization of appropriations, Defense Agencies.
- Sec. 2405. Wounded warrior facility support.

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 Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2702. Extension of authorizations of certain fiscal year 2005 projects.
- Sec. 2703. Extension of authorizations of certain fiscal year 2004 projects.
- Sec. 2704. Effective date.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Temporary authority to support revitalization of Department of Defense laboratories through unspecified minor military construction projects.
- Sec. 2802. Increased threshold for congressional notification of leases for military family housing facilities in foreign countries.
- Sec. 2803. Limitation on use of alternative authority for acquisition and improvement of military housing for privatization of temporary lodging facilities.

- Sec. 2804. Expansion of authority to exchange reserve component facilities.
- Sec. 2805. Extension of authority to accept cash equalization payments for reserve component facility exchanges.
- Sec. 2806. Authority to use operation and maintenance funds for construction projects outside the United States.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Continued consolidation of real property provisions without substantive change.
- Sec. 2812. Cooperative agreement authority for management of cultural resources on certain sites outside military installations.
- Sec. 2813. Agreements to limit encroachments and other constraints on military training, testing, and operations.
- Sec. 2814. Expansion to all military departments of Army pilot program for purchase of certain municipal services for military installations.
- Sec. 2815. Retention of proceeds from enhanced use leases at Selfridge Air National Guard Base.
- Sec. 2816. Prohibition on commercial flights into Selfridge Air National Guard Base.
- Sec. 2817. Niagara Air Reserve Base, New York, basing report.

Subtitle C—Base Closure and Realignment

- Sec. 2821. Transfer of funds from Department of Defense Base Closure Account 2005 to Department of Defense Housing Funds.
- Sec. 2822. Conditions on transfer of military personnel and civilian employees to Fort Belvoir, Virginia, as part of realignment of the installation.

Subtitle D—Land Conveyances

- Sec. 2831. Conditions on acquisition of land for expansion of Pinon Canyon Maneuver Site, Colorado.
- Sec. 2832. Grant of easement, Eglin Air Force Base, Florida.
- Sec. 2833. Land conveyance, Lynn Haven Fuel Depot, Lynn Haven, Florida.
- Sec. 2834. Additional conditions on lease of property for headquarters facility for United States Southern Command, Florida.
- Sec. 2835. Transfer of jurisdiction, former Nike missile site, Grosse Isle, Michigan.
- Sec. 2836. Land Exchange, Fort Hood, Texas.
- Sec. 2837. Exchange of jurisdiction over real property involving Fort Belvoir, Virginia.
- Sec. 2838. Modification of conveyance authority, Marine Corps Base, Camp Pendleton, California.

Subtitle E—Energy Security

- Sec. 2851. Repeal of congressional notification requirement regarding cancellation ceiling for Department of Defense energy savings performance contracts.
- Sec. 2852. Report on opportunities for leveraging funds of the Department of Defense and States to prevent disruption in event of electric grid or pipeline failures.
- Sec. 2853. Use of energy efficient lighting fixtures and bulbs in Department of Defense facilities.

- Sec. 2854. Department of Defense requirements regarding use of renewable energy to meet at least 25 percent of Department electricity needs.

Subtitle F—Other Matters

- Sec. 2861. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
- Sec. 2862. Transfer of jurisdiction over Air Force Memorial to Department of the Air Force.
- Sec. 2863. Establishment of national military working dog teams monument on suitable military installation.
- Sec. 2864. Naming housing facility at Fort Carson, Colorado, in honor of the Honorable Joel Hefley, a former member of the United States House of Representatives.
- Sec. 2865. Naming Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of the Honorable Lane Evans, a former member of the United States House of Representatives.
- Sec. 2866. Naming of research laboratory at Air Force Rome Research Site, Rome, New York, in honor of the Honorable Sherwood L. Boehlert, a former member of the United States House of Representatives.
- Sec. 2867. Naming of administration building at Joint Systems Manufacturing Center, Lima, Ohio, in honor of the Honorable Michael G. Oxley, a former member of the United States House of Representatives.
- Sec. 2868. Naming of Logistics Automation Training Facility, Army Quartermaster Center and School, Fort Lee, Virginia, in honor of General Richard H. Thompson.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY
PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.
- Sec. 3105. Other atomic energy defense activities.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Study on using existing pits for the Reliable Replacement Warhead program.
- Sec. 3112. National Nuclear Security Administration study on nuclear weapons complex protective forces.
- Sec. 3113. Report on retirement and dismantlement of nuclear warheads.
- Sec. 3114. Assessment of security risks posed to nuclear weapons complex.
- Sec. 3115. Department of Energy report on plan to strengthen and expand International Radiological Threat Reduction program.
- Sec. 3116. Department of Energy report on plan to strengthen and expand Materials Protection, Control, and Accounting program.

- Sec. 3117. Authority to use International Nuclear Materials Protection and Cooperation program funds outside the former Soviet Union.
- Sec. 3118. Increased authority for ombudsman under Energy Employees Occupational Illness Compensation Program.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Authorized uses of National Defense Stockpile funds.
- Sec. 3302. Revisions to required receipt objectives for previously authorized disposals from the national defense stockpile.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

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

TITLE XXXV—MARITIME ADMINISTRATION

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

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

2 For purposes of this Act, the term “congressional de-

3 fense committees” has the meaning given that term in sec-

4 tion 101(a)(16) of title 10, United States Code.

5 **DIVISION A—DEPARTMENT OF**

6 **DEFENSE AUTHORIZATIONS**

7 **TITLE I—PROCUREMENT**

Subtitle A—Authorization of Appropriations

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

Subtitle B—Army Programs

- Sec. 111. Multiyear procurement authority for M1A2 Abrams System Enhancement Package vehicles.
- Sec. 112. Multiyear procurement authority for M2A3 Bradley Fighting Vehicles, M3A3 Cavalry Fighting Vehicles, and M2A3 Bradley Fire Support Team Vehicles.

- Sec. 113. Multiyear procurement authority for conversion of CH-47D helicopters to CH-47F configuration.
- Sec. 114. Multiyear procurement authority for CH-47F helicopters.
- Sec. 115. Limitation on use of funds for Joint Network Node program pending certification to Congress.
- Sec. 116. Prohibition on closure of Army Tactical Missile System production line pending report.

Subtitle C—Navy Programs

- Sec. 121. Authority to transfer funds for submarine engineered refueling overhauls and conversions and for aircraft carrier refueling complex overhauls.
- Sec. 122. Multiyear procurement authority for Virginia-class submarine program.
- Sec. 123. Limitation on final assembly of VH-71 Presidential transport helicopters.
- Sec. 124. Limitation on operational deployment of weapons system that uses Trident missiles converted to carry conventional payloads.
- Sec. 125. Program to provide contractors with capital expenditure incentives.
- Sec. 126. Limitation on use of shipbuilding and conversion, Navy, funds for employment of nonimmigrant workers.
- Sec. 127. Limitation on concurrent design and construction on first ship of a shipbuilding program.

Subtitle D—Air Force Programs

- Sec. 131. Limitation on retiring C-5 aircraft.
- Sec. 132. Limitation on Joint Cargo Aircraft.
- Sec. 133. Clarification of limitation on retirement of U-2 aircraft.
- Sec. 134. Repeal of requirement to maintain retired C-130E tactical airlift aircraft.

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

3 **SEC. 101. ARMY.**

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

6 (1) For aircraft, \$3,928,139,000.

7 (2) For missiles, \$2,114,902,000.

8 (3) For weapons and tracked combat vehicles,
9 \$3,311,117,000.

10 (4) For ammunition, \$2,238,176,000.

11 (5) For other procurement, \$11,465,456,000.

1 (6) For the Joint Improvised Explosive Device
2 Defeat Fund, \$500,000,000.

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

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

7 (1) For aircraft, \$12,750,767,000.

8 (2) For weapons, including missiles and tor-
9 pedoes, \$3,058,387,000.

10 (3) For shipbuilding and conversion,
11 \$15,744,120,000.

12 (4) For other procurement, \$5,443,612,000.

13 (b) MARINE CORPS.—Funds are hereby authorized to
14 be appropriated for fiscal year 2008 for procurement for
15 the Marine Corps in the amount of \$2,580,257,000.

16 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
17 are hereby authorized to be appropriated for fiscal year
18 2008 for procurement of ammunition for the Navy and
19 the Marine Corps in the amount of \$1,060,484,000.

20 **SEC. 103. AIR FORCE.**

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

24 (1) For aircraft, \$12,356,270,000.

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

1 (3) For missiles, \$5,138,002,000.

2 (4) For other procurement, \$15,441,762,000.

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

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2008 for Defense-wide procurement in the
6 amount of \$3,537,834,000.

7 **SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.**

8 Funds are hereby authorized to be appropriated for
9 fiscal year 2008 for the procurement of aircraft, missiles,
10 wheeled and tracked combat vehicles, tactical wheeled ve-
11 hicles, ammunition, other weapons, and other procurement
12 for the reserve components of the Armed Forces in the
13 amount of \$1,131,850,000.

14 **Subtitle B—Army Programs**

15 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**
16 **M1A2 ABRAMS SYSTEM ENHANCEMENT PACK-**
17 **AGE VEHICLES.**

18 (a) **AUTHORITY.**—The Secretary of the Army may,
19 in accordance with section 2306b of title 10, United States
20 Code, enter into a multiyear contract, beginning with the
21 fiscal year 2008 program year, for procurement of M1A2
22 Abrams System Enhancement Package vehicles.

23 (b) **LIMITATION ON TERM OF CONTRACT.**—Notwith-
24 standing subsection (k) of section 2306b of title 10,

1 United States Code, a contract under this section may not
2 be for a period in excess of five program years.

3 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR**
4 **M2A3 BRADLEY FIGHTING VEHICLES, M3A3**
5 **CAVALRY FIGHTING VEHICLES, AND M2A3**
6 **BRADLEY FIRE SUPPORT TEAM VEHICLES.**

7 (a) **AUTHORITY.**—The Secretary of the Army may,
8 in accordance with section 2306b of title 10, United States
9 Code, enter into a multiyear contract, beginning with the
10 fiscal year 2008 program year, for procurement of M2A3
11 Bradley Fighting Vehicles, M3A3 Cavalry Fighting Vehi-
12 cles, and M2A3 Bradley Fire Support Team Vehicles.

13 (b) **LIMITATION ON TERM OF CONTRACT.**—Notwith-
14 standing subsection (k) of section 2306b of title 10,
15 United States Code, a contract under this section may not
16 be for a period in excess of four program years.

17 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR**
18 **CONVERSION OF CH-47D HELICOPTERS TO**
19 **CH-47F CONFIGURATION.**

20 (a) **AUTHORITY.**—The Secretary of the Army may,
21 in accordance with section 2306b of title 10, United States
22 Code, enter into a multiyear contract, beginning with the
23 fiscal year 2008 program year, for conversion of CH-47D
24 helicopters to the CH-47F configuration.

1 (b) LIMITATION ON TERM OF CONTRACT.—Notwith-
2 standing subsection (k) of section 2306b of title 10,
3 United States Code, a contract under this section may not
4 be for a period in excess of five program years.

5 **SEC. 114. MULTIYEAR PROCUREMENT AUTHORITY FOR CH-**
6 **47F HELICOPTERS.**

7 (a) AUTHORITY.—The Secretary of the Army may,
8 in accordance with section 2306b of title 10, United States
9 Code, enter into a multiyear contract, beginning with the
10 fiscal year 2008 program year, for procurement of CH-
11 47F helicopters.

12 (b) LIMITATION ON TERM OF CONTRACT.—Notwith-
13 standing subsection (k) of section 2306b of title 10,
14 United States Code, a contract under this section may not
15 be for a period in excess of five program years.

16 **SEC. 115. LIMITATION ON USE OF FUNDS FOR JOINT NET-**
17 **WORK NODE PROGRAM PENDING CERTIFI-**
18 **CATION TO CONGRESS.**

19 Of the amounts authorized to be appropriated for fis-
20 cal year 2008 for Other Procurement, Army, that are
21 available for the Joint Network Node program, not more
22 than 50 percent may be obligated or expended until the
23 Secretary of the Army submits to the congressional de-
24 fense committees the Secretary's certification, in writing,
25 that—

1 (1) the Joint Network Node program is a pro-
2 gram of record in accordance with Department of
3 Defense Instruction 5000.2, “Operation of the De-
4 fense Acquisition System”, dated May 12, 2003;

5 (2) the Director of Operational Test and Eval-
6 uation has approved a plan for an operational test
7 and evaluation of the Joint Network Node system;
8 and

9 (3) the Army plans to procure all future lots of
10 equipment for the Joint Network Node program
11 through a competitive bid process.

12 **SEC. 116. PROHIBITION ON CLOSURE OF ARMY TACTICAL**
13 **MISSILE SYSTEM PRODUCTION LINE PEND-**
14 **ING REPORT.**

15 (a) PROHIBITION.—Amounts appropriated pursuant
16 to the authorization of appropriations in section 101(2)
17 for missiles, Army, and in section 1502(4) for missile pro-
18 curement, Army, and any other appropriated funds avail-
19 able to the Secretary of the Army may not be used to com-
20 mence, continue, or complete the closure of the production
21 line for the Army Tactical Missile System program until
22 at least 120 days after the date on which the Secretary
23 of the Army submits to the congressional defense commit-
24 tees a report that contains—

1 (1) the certification of the Secretary that the
2 long range surface-to-surface strike and counter bat-
3 tery mission of the Army can be adequately per-
4 formed by other elements of the Armed Forces;

5 (2) a plan to mitigate any shortfalls in the in-
6 dustrial base that would be created by the closure of
7 the production line; and

8 (3) a plan to replace the Army's capability to
9 perform long range surface-to-surface strike and
10 counter battery missions.

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

13 **Subtitle C—Navy Programs**

14 **SEC. 121. AUTHORITY TO TRANSFER FUNDS FOR SUB-**
15 **MARINE ENGINEERED REFUELING OVER-**
16 **HAULS AND CONVERSIONS AND FOR AIR-**
17 **CRAFT CARRIER REFUELING COMPLEX**
18 **OVERHAULS.**

19 (a) IN GENERAL.—Chapter 633 of title 10, United
20 States Code, is amended by adding at the end the fol-
21 lowing:

1 **“§ 7317. Transfer of funds for submarine engineered**
2 **refueling overhauls and conversions and**
3 **for aircraft carrier refueling complex**
4 **overhauls**

5 “(a) **AUTHORITY.**—From amounts made available to
6 the Department of Defense for fiscal year 2008 or any
7 fiscal year thereafter, the Secretary of Defense may trans-
8 fer, to the account for procurement, Navy, for shipbuilding
9 and conversion, such amounts as the Secretary determines
10 necessary to cover the costs of submarine engineered re-
11 fueling overhauls and conversions or aircraft carrier re-
12 fueling complex overhauls. Amounts so transferred shall
13 be merged with and be available for the same purposes
14 and for the same time period as the appropriation to which
15 transferred. This transfer authority is in addition to any
16 other transfer authority available to the Secretary.

17 “(b) **DETERMINATION.**—The authority under this
18 section may be exercised only where the Secretary deter-
19 mines that the transfer of funds is required because of
20 the discovery, during the overhaul or conversion con-
21 cerned, of unanticipated and emergent maintenance or re-
22 pair.

23 “(c) **NOTIFICATION.**—A transfer may be made under
24 this section if—

25 “(1) the Secretary determines that the overhaul
26 or conversion concerned can be completed, so as to

1 return the submarine or aircraft carrier to a full
 2 operational status, with that transfer; and

3 “(2) the Secretary submits to the congressional
 4 defense committees a written notification of the de-
 5 termination required by subsection (b) and the de-
 6 termination required by paragraph (1), together with
 7 explanations of the basis for each such determina-
 8 tion.

9 “(d) LIMITATION OF \$20,000,000.—An overhaul or
 10 conversion may receive one or more transfers under this
 11 section, but may not receive more than \$20,000,000 in
 12 such transfers, regardless of fiscal year.”.

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

“7317. Transfer of funds for submarine engineered refueling overhauls and con-
 versions and for aircraft carrier refueling complex overhauls.”.

16 **SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-**
 17 **GINIA-CLASS SUBMARINE PROGRAM.**

18 (a) AUTHORITY.—The Secretary of the Navy may, in
 19 accordance with section 2306b of title 10, United States
 20 Code, enter into a multiyear contract, beginning with the
 21 fiscal year 2009 program year, for the procurement of Vir-
 22 ginia-class submarines and Government-furnished equip-
 23 ment associated with the Virginia-class submarine pro-
 24 gram.

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

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

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

10 **SEC. 123. LIMITATION ON FINAL ASSEMBLY OF VH-71 PRES-**
11 **IDENTIAL TRANSPORT HELICOPTERS.**

12 (a) IN GENERAL.—No funds appropriated pursuant
13 to an authorization of appropriations or otherwise made
14 available for aircraft procurement, Navy, may be obligated
15 or expended for the final assembly of more than five VH-
16 71 Presidential transport helicopters.

17 (b) EXCEPTION.—The limitation in subsection (a)
18 does not apply to a helicopter if the final assembly of the
19 helicopter is carried out in the United States.

20 **SEC. 124. LIMITATION ON OPERATIONAL DEPLOYMENT OF**
21 **WEAPONS SYSTEM THAT USES TRIDENT MIS-**
22 **SILES CONVERTED TO CARRY CONVEN-**
23 **TIONAL PAYLOADS.**

24 (a) LIMITATION.—No funds appropriated or other-
25 wise available to the Department of Defense for fiscal year

1 2008 may be obligated or expended for operational deploy-
2 ment of a weapons system that uses Trident missiles con-
3 verted to carry conventional payloads.

4 (b) NOTIFICATION.—Within 30 days after the date
5 on which the Secretary of Defense determines that the
6 weapons system referred to in subsection (a) is fully func-
7 tional and that fielding the weapons system is necessary
8 to meet military requirements, the Secretary shall submit
9 to the congressional defense committees notification, in
10 writing, of that determination.

11 **SEC. 125. PROGRAM TO PROVIDE CONTRACTORS WITH CAP-**
12 **ITAL EXPENDITURE INCENTIVES.**

13 (a) IN GENERAL.—From amounts made available for
14 procurement, Navy, for shipbuilding and conversion, for
15 fiscal year 2008 or any fiscal year thereafter, the Sec-
16 retary of the Navy may carry out a program under which
17 the Secretary provides contractors with capital expendi-
18 ture incentives to support investment in facilities and
19 process improvements for current and future Navy vessel
20 construction contracts.

21 (b) USE OF FUNDS.—Amounts provided to a con-
22 tractor under the program may be used for improvements
23 that benefit any one or more of the shipbuilding programs
24 in the contractor's facilities.

1 (c) ANALYSIS REQUIRED.—Amounts may be provided
2 to a contractor under the program only if the contractor
3 presents a proposal containing a fully supported analysis
4 that demonstrates that the investment would lead to ship
5 construction or life cycle savings to the Federal Govern-
6 ment by—

7 (1) improvements in design, material, tech-
8 nology, or manufacturing process;

9 (2) investing in shipyard infrastructure that
10 would support construction process improvement;

11 (3) investing in specialized workforce training,
12 including apprenticeship training programs; or

13 (4) investing in construction process that would
14 reduce life cycle maintenance costs of the vessels
15 under construction at the contractor’s facilities.

16 (d) APPROVAL.—The Secretary shall not provide
17 amounts to a contractor under the program unless the
18 Secretary determines that—

19 (1) the analysis contained in the proposal is
20 sound; and

21 (2) providing those amounts is in the best inter-
22 ests of the United States.

23 (e) DEMONSTRATION OF SAVINGS TO THE FEDERAL
24 GOVERNMENT.—The Secretary shall not provide amounts
25 to a contractor under the program unless the Secretary

1 and the contractor, as part of the approval process for
2 a proposal, agree to measures, benchmarks, and
3 recoupment provisions in the event the investment fails to
4 demonstrate savings to the Federal Government.

5 (f) REPORT.—At the end of each fiscal year, begin-
6 ning with fiscal year 2008, the Secretary shall submit to
7 the congressional defense committees a report on the ac-
8 tivities carried out under this section during that fiscal
9 year. The report shall describe each incentive approved
10 during that fiscal year and, for each such incentive, in-
11 clude an estimate of the costs of providing the incentive
12 and an analysis of the potential savings to the Federal
13 Government from the investment.

14 (g) REGULATIONS.—The Secretary shall prescribe
15 regulations to carry out this section. The initial regula-
16 tions shall be prescribed not later than 180 days after the
17 date of the enactment of this Act.

18 **SEC. 126. LIMITATION ON USE OF SHIPBUILDING AND CON-**
19 **VERSION, NAVY, FUNDS FOR EMPLOYMENT**
20 **OF NONIMMIGRANT WORKERS.**

21 (a) LIMITATION ON THE USE OF FUNDS.—

22 (1) IN GENERAL.—Except as provided in sub-
23 section (c), funds appropriated or otherwise available
24 to the Department of Defense for Shipbuilding and
25 Conversion, Navy, for fiscal year 2008 or any fiscal

1 year thereafter may not be used for the purpose of
2 ship construction at the facility of a contractor who,
3 for the purposes of United States Navy ship con-
4 struction, employs or contracts for foreign workers
5 who are legally present in the United States under
6 a H2B visa.

7 (2) CONTRACTORS COVERED.—Paragraph (1)
8 applies to prime contractors and subcontracts at any
9 tier under such contracts.

10 (b) ANALYSIS OF SHIPYARD LABOR.—

11 (1) IN GENERAL.—The Assistant Secretary of
12 the Navy for Research, Development, and Acquisi-
13 tion shall maintain a five-year forecast of potential
14 labor surplus, by shipyard, for each of the shipyards
15 that construct ships for the Navy based on the
16 Navy's annual naval vessel construction plan re-
17 quired by section 231 of title 10, United States
18 Code.

19 (2) INCLUSION IN PLAN.—The forecast required
20 by paragraph (1) shall be included in each plan sub-
21 mitted in accordance with section 231 of title 10,
22 United States Code.

23 (c) EXCEPTION FOR SHORTAGE OF UNITED STATES
24 WORKERS.—The Secretary of the Navy may waive the re-
25 striction in subsection (a) for a contractor for a fiscal year

1 if the contractor certifies to the Secretary for that fiscal
2 year that—

3 (1) the contractor has fully complied with all
4 existing laws and regulations regarding labor certifi-
5 cations in support of an application for alien employ-
6 ment via the H2B visa process;

7 (2) a Department of Labor regional certifying
8 officer has issued a determination approving such an
9 application, in accordance with existing laws and
10 regulations; and

11 (3) the contractor has attempted to recruit
12 United States shipyard workers in the geographical
13 area surrounding shipyards identified in the most re-
14 cent Navy annual naval vessel construction plan as
15 having potential labor surpluses, in a manner that is
16 consistent with procedures which shall be prescribed
17 by the Secretary and that—

18 (A) is appropriate for the occupation;

19 (B) offers, at a minimum, the same trans-
20 portation and housing benefits to be offered to
21 alien employees; and

22 (C) is most likely to bring responses.

1 **SEC. 127. LIMITATION ON CONCURRENT DESIGN AND CON-**
2 **STRUCTION ON FIRST SHIP OF A SHIP-**
3 **BUILDING PROGRAM.**

4 (a) IN GENERAL.—For any shipbuilding program
5 that is a major defense acquisition program under section
6 2430 of title 10, United States Code, the start of construc-
7 tion of a first ship (as defined in subsection (b)) may not
8 occur until the Secretary of the Navy certifies to the con-
9 gressional defense committees that the detailed design of
10 the ship is completed and approved by the relevant design
11 certification agents, to a level determined by the Secretary
12 to be acceptable for commencement of construction, via
13 a report described in subsection (d).

14 (b) FIRST SHIP.—For purposes of subsection (a), a
15 ship is a first ship if—

16 (1) the ship is the first ship to be constructed
17 under that shipbuilding program;

18 (2) the shipyard at which the ship is to be con-
19 structed has not previously started construction on
20 a ship under that shipbuilding program; or

21 (3) the ship is the first ship to be constructed
22 following a major design change, characterized as a
23 change in flight, under that shipbuilding program.

24 (c) START OF CONSTRUCTION.—For purposes of sub-
25 section (a), start of construction means the beginning of
26 fabrication of the hull and superstructure of the ship.

1 (d) REPORT.—The Secretary of the Navy shall pro-
2 vide the certification required by subsection (a) in a report
3 that provides an assessment of each of the following:

4 (1) The degree of completion of the detailed de-
5 sign drawings and specifications for the ship.

6 (2) The readiness of the shipyard facilities and
7 workforce to begin construction.

8 (3) The maturity level of research and develop-
9 ment efforts of any new technologies that will be
10 used in the ship's command and control systems,
11 weapons systems, sensor systems, mechanical or
12 electrical systems, or hull.

13 (4) The ability to meet cost and schedule esti-
14 mates within the applicable program baseline.

15 (e) APPLICABILITY.—

16 (1) NEW SHIPBUILDING PROGRAMS.—This sec-
17 tion applies to each shipbuilding program beginning
18 after the date of the enactment of this Act.

19 (2) MAJOR DESIGN CHANGES FOR EXISTING
20 SHIPBUILDING PROGRAMS.—In addition, subsection
21 (b)(3) applies to any major design change occurring
22 after the date of the enactment of this Act to any
23 shipbuilding program in existence as of the date of
24 the enactment of this Act.

1 **Subtitle D—Air Force Programs**

2 **SEC. 131. LIMITATION ON RETIRING C-5 AIRCRAFT.**

3 (a) CERTIFICATION AND COST ANALYSIS RE-
4 QUIRED.—The Secretary of the Air Force may not proceed
5 with a decision to retire C-5A aircraft from the inventory
6 of the Air Force in any number that would reduce the
7 total number of such aircraft in the inventory below 111
8 until 45 days after the Secretary of the Air Force submits
9 to the congressional defense committees the following:

10 (1) The Secretary’s certification that—

11 (A) the Secretary is able to comply with
12 subsection (g) of section 8062 of title 10,
13 United States Code; and

14 (B) retiring the aircraft will not signifi-
15 cantly increase operational risk of not meeting
16 the National Military Strategy.

17 (2) A cost analysis with respect to the aircraft
18 to be retired that—

19 (A) evaluates which alternative is more
20 prudent in meeting strategic airlift mobility re-
21 quirements—

22 (i) to retire the aircraft; or

23 (ii) to perform the Avionics Mod-
24 ernization Program (AMP) and the Reli-

1 ability Enhancement and Re-engining Pro-
2 gram (RERP) on the aircraft; and

3 (B) evaluates the cost of C-17 aircraft to
4 replace the capability of the aircraft to be re-
5 tired.

6 (b) ADDITIONAL REQUIREMENTS FOR COST ANAL-
7 YSIS.—The cost analysis required by subsection (a)(2)
8 shall be performed by a Federally Funded Research and
9 Development Center selected by the Air Force and shall
10 conform to the following requirements:

11 (1) The cost analysis shall include one analysis
12 that uses “constant year dollars” and one analysis
13 that uses “then year dollars”.

14 (2) For each such analysis, the time period cov-
15 ered by the analysis shall be the expected service life
16 of the aircraft concerned.

17 (3) For each such analysis, the ownership costs
18 evaluated shall include costs for—

19 (A) planned technology insertions or up-
20 grades over the service life of the aircraft to
21 meet emerging requirements;

22 (B) research and development;

23 (C) testing;

24 (D) procurement;

25 (E) production;

- 1 (F) production termination;
- 2 (G) operations;
- 3 (H) training;
- 4 (I) maintenance;
- 5 (J) sustainment;
- 6 (K) military construction;
- 7 (L) personnel;
- 8 (M) cost of replacement due to attrition;
- 9 and
- 10 (N) disposal.

11 (4) The cost analysis shall include each of the
12 following:

13 (A) An assessment of the quality of each
14 cost analysis.

15 (B) A discussion of each of the following:

16 (i) The assumptions used.

17 (ii) The benefits to be realized from
18 each alternative.

19 (iii) Adverse impacts to be realized
20 from each alternative.

21 (iv) Cargo capacity, operational avail-
22 ability, departure reliability, and mission
23 capability.

24 (v) Aircraft basing.

1 (vi) Aircrew ratios and associated
2 training requirements.

3 (vii) Performing AMP and RERP on
4 only C-5B and C5C aircraft.

5 (C) A summary table that compares and
6 contrasts each alternative with respect to each
7 of the requirements of this subsection.

8 (c) CONFORMING REPEAL.—Section 132 of the Na-
9 tional Defense Authorization Act for Fiscal Year 2004
10 (Public Law 108–136; 117 Stat. 1411) is repealed.

11 **SEC. 132. LIMITATION ON JOINT CARGO AIRCRAFT.**

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

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

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

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

1 (4) The Joint Cargo Aircraft Functional Area
2 Series Analysis.

3 (5) The Joint Cargo Aircraft Analysis of Alter-
4 natives.

5 (6) The Secretary's certification that—

6 (A) there is, within the Department of the
7 Army, Department of the Air Force, Army Na-
8 tional Guard, or Air National Guard, a capa-
9 bility gap or shortfall with respect to intra-the-
10 ater airlift; and

11 (B) validated requirements exist to fill that
12 gap or shortfall through procurement of the
13 Joint Cargo Aircraft.

14 **SEC. 133. CLARIFICATION OF LIMITATION ON RETIREMENT**
15 **OF U-2 AIRCRAFT.**

16 Section 133(b) of the John Warner National Defense
17 Authorization Act for Fiscal Year 2007 (Public Law 109–
18 364; 120 Stat. 2112) is amended—

19 (1) in paragraph (1)—

20 (A) by striking “After fiscal year 2007”
21 and inserting “For each fiscal year after fiscal
22 year 2007”; and

23 (B) by inserting after “Secretary of De-
24 fense” the following: “, in that fiscal year,”;
25 and

1 (2) in paragraph (2)—

2 (A) by inserting after “Department of De-
3 fense” the following: “in a fiscal year”; and

4 (B) by inserting after “Congress” the fol-
5 lowing: “in that fiscal year”.

6 **SEC. 134. REPEAL OF REQUIREMENT TO MAINTAIN RE-**
7 **TIRED C-130E TACTICAL AIRLIFT AIRCRAFT.**

8 Section 137(b) of the John Warner National Defense
9 Authorization Act for Fiscal Year 2007 (Public Law 109–
10 364; 120 Stat. 2114) is repealed.

11 **TITLE II—RESEARCH, DEVELOP-**
12 **MENT, TEST, AND EVALUA-**
13 **TION**

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Operational test and evaluation of Future Combat Systems network.

Sec. 212. Limitation on systems development and demonstration of Joint Light
Tactical Vehicle program.

Sec. 213. Requirement to obligate funds for development and procurement of
a competitive propulsion system for the Joint Strike Fighter.

Sec. 214. Limitation on use of funds for manufacturing science and technology
program.

Subtitle C—Ballistic Missile Defense

Sec. 221. Oversight of Missile Defense Agency programs by Director of Oper-
ational Test and Evaluation.

Sec. 222. Fielding of ballistic missile defense capabilities and future roles and
missions of Missile Defense Agency.

Sec. 223. Limitation on use of funds for replacing warhead on SM-3 Block IIA
missile.

Sec. 224. Two-year extension of Comptroller General assessments of ballistic
missile defense programs.

Sec. 225. Independent study on deploying missile defense system in Europe.

Sec. 226. Sense of Congress concerning full support for development and field-
ing of a layered ballistic missile defense.

Sec. 227. Increased funds for X Lab battlespace laboratory.

Sec. 228. Expand United States ballistic missile defense system integration with Israel.

Subtitle D—Other Matters

Sec. 231. Responsibility for human systems integration activities.

Sec. 232. Expansion of authority for encouragement of technology transfer.

Sec. 233. Reduction of amounts for Army Venture Capital Fund demonstration.

Sec. 234. Independent tests for combat helmet pad suspension systems.

Sec. 235. Report on implementation of Manufacturing Technology Program.

Sec. 236. Assessment of sufficiency of test and evaluation personnel.

Sec. 237. Repeal of requirement for separate reports on technology area review and assessment summaries.

Sec. 238. Modeling, analysis, and simulation of military and non-military operations in complex urban environments.

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

3 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2008 for the use of the Department of Defense
6 for research, development, test, and evaluation as follows:

7 (1) For the Army, \$10,082,498,000.

8 (2) For the Navy, \$17,333,601,000.

9 (3) For the Air Force, \$25,738,960,000.

10 (4) For Defense-wide activities,
11 \$20,141,264,000, of which \$180,264,000 is author-
12 ized for the Director of Operational Test and Eval-
13 uation.

14 **SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECH-** 15 **NOLOGY.**

16 (a) FISCAL YEAR 2008.—Of the amounts authorized
17 to be appropriated by section 201, \$11,504,291,000 shall

1 be available for the Defense Science and Technology Pro-
 2 gram, including basic research, applied research, and ad-
 3 vanced technology development projects.

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

11 **Subtitle B—Program Require-** 12 **ments, Restrictions, and Limita-** 13 **tions**

14 **SEC. 211. OPERATIONAL TEST AND EVALUATION OF FU-** 15 **TURE COMBAT SYSTEMS NETWORK.**

16 (a) OPERATIONAL TEST AND EVALUATION RE-
 17 QUIRED.—The Secretary of the Army, in cooperation with
 18 the Director, Operational Test and Evaluation, shall com-
 19 plete an operational test and evaluation (as defined in sec-
 20 tion 139(a)(2)(A) of title 10, United States Code), of the
 21 FCS network in a realistic environment simulating oper-
 22 ational conditions. The operational test and evaluation
 23 shall—

24 (1) be conducted and approved by the Director,
 25 Operational Test and Evaluation;

1 (2) be conducted using production representa-
2 tive equipment, sensors, and software for the FCS
3 network;

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

6 (4) be conducted, to the maximum extent pos-
7 sible, using actual communications equipment in-
8 stead of computer simulations;

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

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

15 (b) FCS NETWORK DEFINED.—In this section, the
16 term “FCS network” includes all sensors, information sys-
17 tems, computers, and communications systems necessary
18 to support Future Combat Systems brigade operations.

19 (c) REPORT.—Not later than 120 days after com-
20 pleting the operational test and evaluation required by
21 subsection (a), the Director, Operational Test and Evalua-
22 tion shall submit to the congressional defense committees
23 a report on the outcome of the operational test and evalua-
24 tion. The report shall include, at a minimum—

1 (1) an evaluation of the overall operational ef-
2 fectiveness of the FCS network, including—

3 (A) an evaluation of the FCS network's ca-
4 pability to transmit the volume and classes of
5 data required by Future Combat Systems ap-
6 proved requirements; and

7 (B) an evaluation of the FCS network's
8 performance in a degraded condition due to
9 enemy network attack, sophisticated enemy
10 electronic warfare, adverse weather conditions,
11 and terrain variability;

12 (2) an evaluation of the FCS network's ability
13 to improve friendly force knowledge of the location
14 and capability of enemy forces and combat systems;
15 and

16 (3) an evaluation of the overall operational suit-
17 ability of the FCS network.

18 (d) LIMITATION PENDING SUBMISSION OF RE-
19 PORT.—

20 (1) IN GENERAL.—No funds appropriated pur-
21 suant to an authorization of appropriations or other-
22 wise made available to the Department of the Army
23 for any fiscal year may be obligated for low-rate ini-
24 tial production or full-rate production of Future
25 Combat Systems manned ground vehicles until 60

1 days after the date on which the report is submitted
2 under subsection (c).

3 (2) WAIVER AUTHORITY.—The Secretary of De-
4 fense may waive the limitation in paragraph (1) if
5 the Secretary determines that such a waiver is crit-
6 ical for national security. Such a waiver shall not be-
7 come effective until 14 days after the date on which
8 the Secretary submits to the congressional defense
9 committees a written notice of the waiver.

10 (3) INAPPLICABILITY TO THE NON LINE OF
11 SIGHT CANNON VEHICLE.—The limitation in para-
12 graph (1) does not apply to the Non Line of Sight
13 Cannon vehicle.

14 **SEC. 212. LIMITATION ON SYSTEMS DEVELOPMENT AND**
15 **DEMONSTRATION OF JOINT LIGHT TACTICAL**
16 **VEHICLE PROGRAM.**

17 No funds appropriated pursuant to an authorization
18 of appropriations or otherwise made available for any fis-
19 cal year may be obligated or expended for the Joint Light
20 Tactical Vehicle program beyond the Design Readiness
21 Review for the acquisition program phase of systems de-
22 velopment and demonstration until after the certification
23 for the Joint Light Tactical Vehicle program is made and
24 submitted as required by section 2366a of title 10, United

1 States Code, and a progress report is received for review
2 by the congressional defense committees.

3 **SEC. 213. REQUIREMENT TO OBLIGATE FUNDS FOR DEVEL-**
4 **OPMENT AND PROCUREMENT OF A COMPETI-**
5 **TIVE PROPULSION SYSTEM FOR THE JOINT**
6 **STRIKE FIGHTER.**

7 Of the funds appropriated pursuant to an authoriza-
8 tion of appropriations or otherwise made available, for fis-
9 cal year 2008 or any fiscal year thereafter, for research,
10 development, test, and evaluation and procurement for the
11 Joint Strike Fighter program, the Secretary of Defense
12 shall obligate sufficient annual amounts to develop and
13 procure a competitive propulsion system for the Joint
14 Strike Fighter in order to conduct a competitive propul-
15 sion source selection.

16 **SEC. 214. LIMITATION ON USE OF FUNDS FOR MANUFAC-**
17 **TURING SCIENCE AND TECHNOLOGY PRO-**
18 **GRAM.**

19 (a) IN GENERAL.—No funds available to the Office
20 of the Secretary of Defense for any fiscal year may be
21 obligated or expended for a manufacturing science and
22 technology project unless the Director, Defense Research
23 and Engineering, ensures that—

1 (1) the project is awarded using competitive
2 procedures in accordance with section 2304 of title
3 10, United States Code;

4 (2) the project is carried out—

5 (A) under the Manufacturing Technology
6 Program established by section 2521 of title 10,
7 United States Code; and

8 (B) in compliance with all requirements of
9 any directive that applies to manufacturing
10 technology; and

11 (3) a technology transition agreement has been
12 fully executed between the Director and a prospec-
13 tive technology user.

14 (b) DEFINITIONS.—In this subsection:

15 (1) The term “technology transition agree-
16 ment” means an agreement signed by officials of the
17 Department of Defense that includes—

18 (A) a description of the prospective tech-
19 nology user’s relevant technology needs in pri-
20 ority order;

21 (B) a description of the minimum incre-
22 ment of capability that must be developed in
23 order for the prospective technology user to
24 consider implementing the technology;

1 (C) a schedule of technology transition
2 windows for each technology need;

3 (D) a description of discrete technology
4 deliverables that specifically identifies which
5 user need would be fulfilled by each deliverable;

6 (E) a schedule for technology deliverables
7 that aligns with user defined technology transi-
8 tion opportunities; and

9 (F) a commitment by the prospective tech-
10 nology user to program for advanced develop-
11 ment or procurement funding, as appropriate,
12 upon successful delivery of the technology, in
13 accordance with the other terms of the agree-
14 ment.

15 (2) The term “prospective technology user” has
16 the meaning given that term in section 2521(c)(6) of
17 title 10, United States Code.

18 **Subtitle C—Ballistic Missile** 19 **Defense**

20 **SEC. 221. OVERSIGHT OF MISSILE DEFENSE AGENCY PRO-** 21 **GRAMS BY DIRECTOR OF OPERATIONAL TEST** 22 **AND EVALUATION.**

23 (a) MDA TO REPORT TO OT&E.—The Director of
24 the Missile Defense Agency shall report promptly to the

1 Director of Operational Test and Evaluation the results
2 of—

3 (1) all operational test and evaluation con-
4 ducted by the Missile Defense Agency with respect
5 to any major defense acquisition program; and

6 (2) all studies conducted in connection with
7 such operational test and evaluation.

8 (b) OT&E OBSERVERS AT MDA TESTS.—The Direc-
9 tor of Operational Test and Evaluation may require that
10 such observers as the Director of Operational Test and
11 Evaluation may designate are present during the prepara-
12 tion for, and the conduct of, the test part of any test and
13 evaluation conducted by the Missile Defense Agency with
14 respect to any major defense acquisition program.

15 (c) OT&E ACCESS TO INFORMATION.—The Director
16 of Operational Test and Evaluation shall have access to
17 all information of the Department of Defense (including
18 information of the Missile Defense Agency) that the Direc-
19 tor considers necessary to review in order to carry out this
20 section.

21 **SEC. 222. FIELDING OF BALLISTIC MISSILE DEFENSE CAPA-**
22 **BILITIES AND FUTURE ROLES AND MISSIONS**
23 **OF MISSILE DEFENSE AGENCY.**

24 (a) AVAILABILITY OF RDT&E FUNDS FOR FISCAL
25 2009.—Upon approval by the Secretary of Defense, funds

1 appropriated pursuant to an authorization of appropria-
2 tions or otherwise made available for fiscal year 2009 for
3 research, development, test, and evaluation for the Missile
4 Defense Agency—

5 (1) may be used for the development and field-
6 ing of ballistic missile defense capabilities; and

7 (2) may not be used for operations and support
8 activities.

9 (b) BUDGETING FOR OPERATIONS AND SUPPORT
10 FOR FISCAL 2009.—For fiscal year 2009, any amount in
11 the budget submitted to Congress under section 1105(a)
12 of title 31, United States Code, for operations and support
13 activities for the Missile Defense Agency shall be set forth
14 under the account of the Department of Defense for oper-
15 ation and maintenance, Defense-wide, and, within that ac-
16 count, under the subaccount (or other budget activity
17 level) for the Missile Defense Agency.

18 (c) PLAN REQUIRED.—Not later than March 1,
19 2008, the Director of the Missile Defense Agency shall
20 submit to the Committee on Armed Services of the Senate
21 and the Committee on Armed Services of the House of
22 Representatives a plan for transitioning the Missile De-
23 fense Agency from using research, development, test, and
24 evaluation funds for missile defense fielding activities to

1 using procurement funds for those activities where prac-
2 ticable.

3 (d) STUDY REQUIRED.—

4 (1) IN GENERAL.—The Secretary of Defense
5 shall enter into an agreement with one of the Feder-
6 ally Funded Research and Development Centers
7 under which the Center will carry out a study to ex-
8 amine, and make recommendations with respect to,
9 the long-term structure, roles, and missions of the
10 Missile Defense Agency.

11 (2) MATTERS INCLUDED.—

12 (A) REVIEW.—The study shall include a
13 full review of the structure, roles, and missions
14 of the Missile Defense Agency.

15 (B) ASSESSMENTS.—The study shall in-
16 clude an examination and assessment of the
17 current and future—

18 (i) structure, roles, and missions of
19 the Missile Defense Agency; and

20 (ii) relationship of the Missile Defense
21 Agency with—

22 (I) the Office of the Under Sec-
23 retary of Defense for Acquisition,
24 Technology, and Logistics;

1 (II) the Office of the Under Sec-
2 retary of Defense for Policy;

3 (III) the Director of Operational
4 Test and Evaluation;

5 (IV) the Commander of the
6 United States Strategic Command
7 and other combatant commanders;
8 and

9 (V) the military departments.

10 (C) RECOMMENDATIONS.—The study shall
11 include recommendations as to how the Missile
12 Defense Agency can be made more effective to
13 support the needs of the warfighter. The rec-
14 ommendations shall include specific rec-
15 ommendations as to whether—

16 (i) the Missile Defense Agency should
17 be maintained in its current configuration;

18 (ii) the scope and nature of the Mis-
19 sile Defense Agency should be changed
20 from an organization focused on research
21 and development to an organization fo-
22 cused on combat support; and

23 (iii) the Missile Defense Agency
24 should be abolished and its responsibilities

1 transferred to the United States Strategic
2 Command and the military departments.

3 (3) COOPERATION FROM GOVERNMENT.—In
4 carrying out the study, the Federally Funded Re-
5 search and Development Center shall receive the full
6 and timely cooperation of the Secretary of Defense
7 and any other United States Government official in
8 providing the Center with analyses, briefings, and
9 other information necessary for the fulfillment of its
10 responsibilities.

11 (4) REPORT.—Not later than September 1,
12 2008, the Federally Funded Research and Develop-
13 ment Center shall submit to the Committees on
14 Armed Services of the Senate and House of Rep-
15 resentatives a report on its findings, conclusions,
16 and recommendations.

17 (5) FUNDING.—Funds for the study shall be
18 provided from amounts appropriated for the Depart-
19 ment of Defense.

20 (e) CLARIFICATION.—Subsection (a)(2) does not pro-
21 hibit the use of such funds to place developmental missile
22 defense systems on operational alert to respond to an im-
23 mediate threat posed by ballistic missiles.

1 **SEC. 223. LIMITATION ON USE OF FUNDS FOR REPLACING**
2 **WARHEAD ON SM-3 BLOCK IIA MISSILE.**

3 None of the funds appropriated or otherwise made
4 available pursuant to an authorization of appropriations
5 in this Act may be obligated or expended to replace the
6 unitary warhead on the SM-3 Block IIA missile with the
7 Multiple Kill Vehicle until after the Secretary of Defense
8 certifies to Congress that—

9 (1) the United States and Japan have reached
10 an agreement to replace the unitary warhead on the
11 SM-3 Block IIA missile; and

12 (2) replacing the unitary warhead on the SM-
13 3 Block IIA missile with the Multiple Kill Vehicle
14 will not delay the expected deployment date of
15 2014–2015 for that missile.

16 **SEC. 224. TWO-YEAR EXTENSION OF COMPTROLLER GEN-**
17 **ERAL ASSESSMENTS OF BALLISTIC MISSILE**
18 **DEFENSE PROGRAMS.**

19 Section 232(g) of the National Defense Authorization
20 Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amend-
21 ed—

22 (1) in paragraph (1), by striking “through
23 2008” and inserting “through 2010”; and

24 (2) in paragraph (2), by striking “through
25 2009” and inserting “through 2011”.

1 **SEC. 225. INDEPENDENT STUDY ON DEPLOYING MISSILE**
2 **DEFENSE SYSTEM IN EUROPE.**

3 (a) STUDY REQUIRED.—The Secretary of Defense
4 shall enter into an agreement with one of the Federally
5 Funded Research and Development Centers under which
6 the Center will carry out a study on the political, technical,
7 operational, force structure, and budgetary implications of
8 deploying a long-range missile defense system in Europe.

9 (b) ANALYSIS OF ADMINISTRATION PROPOSAL.—The
10 study shall provide a full analysis of the Administration's
11 proposal to protect forward-deployed radars, Europe, and
12 the United States by deploying, in Europe, interceptors
13 and radars of the Ground-Based Midcourse Defense
14 (GMD) system. In providing the analysis, the study shall
15 examine each of the following:

16 (1) The technical capabilities of the GMD sys-
17 tem, as so deployed, to effectively protect forward-
18 deployed radars, Europe, and the United States.

19 (2) The political implications of such a deploy-
20 ment on the United States, the North Atlantic Trea-
21 ty Organization, and other interested parties.

22 (3) The operational issues associated with such
23 a deployment.

24 (4) The force structure implications of such a
25 deployment.

1 (5) The budgetary implications of such a de-
2 ployment.

3 (c) ANALYSIS OF ALTERNATIVES.—The study shall
4 also provide a full analysis of alternative systems that
5 could be deployed to fulfill, in whole or in part, the protec-
6 tive purposes of the Administration’s proposal. The alter-
7 native systems shall include a range of feasible combina-
8 tions of other missile defense systems that are available
9 or are expected to be available as of 2020. In providing
10 the analysis, the study shall examine, for each alternative
11 system included, the following:

12 (1) The technical capabilities of the alternative
13 system, as so deployed, to effectively protect for-
14 ward-deployed radars, Europe, and the United
15 States.

16 (2) The political implications of such a deploy-
17 ment on the United States, the North Atlantic Trea-
18 ty Organization, and other interested parties.

19 (3) The operational issues associated with such
20 a deployment.

21 (4) The force structure implications of such a
22 deployment.

23 (5) The budgetary implications of such a de-
24 ployment.

1 (d) COOPERATION REQUIRED.—In carrying out the
2 study, the Federally Funded Research and Development
3 Center shall receive the cooperation of the Secretary of
4 Defense, the Secretary of State, the Director of National
5 Intelligence, and any other United States Government of-
6 ficial in providing the Center with analyses, briefings, and
7 other information necessary for the fulfillment of its re-
8 sponsibilities.

9 (e) REPORT.—Not later than 180 days after the date
10 of the enactment of this Act, the Federally Funded Re-
11 search and Development Center shall submit to the con-
12 gressional defense committees and the Secretary of De-
13 fense a report on the results of the study. The report shall
14 be in unclassified form, but may include a classified annex.

15 (f) FUNDING.—Of the amounts appropriated or oth-
16 erwise made available pursuant to the authorization of ap-
17 propriations in section 201(4), \$1,000,000 is available to
18 carry out the study required by this section.

19 **SEC. 226. SENSE OF CONGRESS CONCERNING FULL SUP-**
20 **PORT FOR DEVELOPMENT AND FIELDING OF**
21 **A LAYERED BALLISTIC MISSILE DEFENSE.**

22 It is the sense of Congress that—

23 (1) the development and proliferation of bal-
24 listic missile and nuclear capabilities by rogue na-
25 tions continues to grow, posing a serious threat to

1 the national security of the United States, United
2 States military forces deployed, and United States
3 national security interests more broadly, as dem-
4 onstrated by—

5 (A) the July 2006 test by North Korea of
6 six short-range missiles and one longer-range
7 Taepo Dong-2 missile, and the October 2006
8 test by North Korea of a nuclear device;

9 (B) the November 2006 and January 2007
10 test by Iran of nearly a dozen missiles and an
11 ongoing effort by Iran to enrich uranium;

12 (C) the reported proliferation of BM-25 in-
13 termediate range ballistic missiles from North
14 Korea to Iran; and

15 (D) the reported January 2007 test by
16 Syria of Scud-D short-range ballistic missiles;

17 (2) the United States must have the capability
18 to defend its homeland and forward-deployed mili-
19 tary forces against the threats highlighted in para-
20 graph (1);

21 (3) the United States is committed to working
22 with its allies to obtain the capability to defend our
23 broader national security interests against ballistic
24 missile threats highlighted in paragraph (1);

1 (4) as specified in the John Warner National
2 Defense Authorization Act for Fiscal Year 2007, “It
3 is the policy of the United States that the Depart-
4 ment of Defense accord priority within the missile
5 defense program to the development, testing, field-
6 ing, and improvement of effective near-term missile
7 defense capabilities, including the ground-based mid-
8 course defense system, the Aegis ballistic missile de-
9 fense system, the Patriot PAC-3 system, the Ter-
10 minal High Altitude Area Defense system, and the
11 sensors necessary to support such systems.”;

12 (5) the Congress fully supports efforts by the
13 Department of Defense to continue development,
14 testing, and fielding of an effective, integrated, ro-
15 bust, layered ballistic missile defense system that is
16 capable of intercepting ballistic missiles as described
17 in paragraph (1) in various phases of flight;

18 (6) a layered defense requires fielding compo-
19 nents on land and sea, space-based and other sen-
20 sors, along with the command and control capability
21 that ties the various components together; and

22 (7) it is in the national security interest of the
23 United States to continue development, testing, and
24 operations of the United States ballistic missile de-
25 fense system to hedge against uncertainty in the de-

1 velopment, test, and fielding of ballistic missile capa-
2 bilities by rogue nations.

3 **SEC. 227. INCREASED FUNDS FOR X LAB BATTLESPACE**
4 **LABORATORY.**

5 (a) INCREASE.—The amount in section 201(4), re-
6 search, development, test, and evaluation, Defense-wide,
7 is hereby increased by \$10,000,000, to be available for the
8 X Lab battlespace laboratory, program element
9 0603175C.

10 (b) OFFSET.—The amount in section 201(2), re-
11 search, development, test, and evaluation, Navy, is hereby
12 reduced by \$10,000,000, to be derived from Littoral Com-
13 bat System Mission Modules.

14 **SEC. 228. EXPAND UNITED STATES BALLISTIC MISSILE DE-**
15 **FENSE SYSTEM INTEGRATION WITH ISRAEL.**

16 (a) REQUIREMENT.—The Secretary of Defense shall
17 expand the ballistic missile defense system of the United
18 States to better integrate with the defenses of Israel to
19 provide robust, layered protection against ballistic missile
20 attack.

21 (b) REPORT.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this section, the
24 Secretary of Defense, in consultation with the Sec-
25 retary of State, shall submit to the appropriate con-

gressional committees a progress report on the status of integrating the ballistic missile defense system of the United States with the defenses of Israel including the status of implementation of those programs identified in subsection (c). This report may be provided in classified form as necessary to protect United States national security interests.

(2) CONTENT.—The report submitted under this subsection shall include the following:

(A) A description of the capabilities needed to fully integrate the ballistic missile defense system of the United States with the ballistic missile defense system of Israel.

(B) A description of systems and capabilities currently providing ballistic missile defense of Israel and the United States, an assessment of the sufficiency of current capabilities; and identification of the Department's actions for addressing any insufficiencies, if required.

(C) A description of the policy, doctrine, operational concepts, tactics, techniques and procedures, exercises, and training that currently support the integrated ballistic missile defense of Israel and the United States, an assessment of the sufficiency of current policy,

1 programs, and processes; and identification of
2 the Department's actions for addressing any
3 insufficiencies, if required.

4 (3) DEFINITION.—In this subsection, the term
5 “appropriate congressional committees” means—

6 (A) the Committee on Appropriations, the
7 Committee on Armed Services, and the Com-
8 mittee on Foreign Affairs of the House of Rep-
9 resentatives; and

10 (B) the Committee on Appropriations, the
11 Committee on Armed Services, and the Com-
12 mittee on Foreign Relations of the Senate.

13 (c) INCREASE.—The amount in section 201(4), re-
14 search, development, test, and evaluation, Defense-wide,
15 is hereby increased by \$205,000,000, of which—

16 (1) \$25,000,000 is to be available to complete
17 accelerated co-production of Arrow missiles and con-
18 tinue integration with the ballistic missile defense
19 system of the United States;

20 (2) \$45,000,000 is to be available to continue
21 system development of the Missile Defense Agency
22 and Israel Missile Defense Organization joint pro-
23 gram to develop a short-range ballistic missile de-
24 fense capability, David's Sling weapon system, and
25 integrate the weapon system with the ballistic mis-

1 sile defense system and force protection efforts of
2 the United States; and

3 (3) \$135,000,000 is to be made available to
4 begin acquisition of a Terminal High Altitude Area
5 Defense (THAAD) fire unit, which would provide
6 Israel with a follow-on missile defense system of
7 greater performance than the current Arrow system
8 and provide a capability which is already fully inte-
9 grated with the ballistic missile defense system of
10 the United States.

11 (d) OFFSET.—The amounts in title I and title II are
12 hereby reduced by an aggregate of \$205,000,000, to be
13 derived from amounts other than amounts for ballistic
14 missile defense, as determined by the Secretary of De-
15 fense.

16 **Subtitle D—Other Matters**

17 **SEC. 231. RESPONSIBILITY FOR HUMAN SYSTEMS INTEGRA-** 18 **TION ACTIVITIES.**

19 (a) IN GENERAL.—The Secretary of Defense, acting
20 through the Under Secretary of Defense for Acquisition,
21 Technology, and Logistics, shall coordinate and manage
22 human systems integration activities throughout the ac-
23 quisition programs of the Department of Defense.

24 (b) ADMINISTRATION.—In carrying out subsection
25 (a), the Secretary shall—

1 (1) designate a senior official to be responsible
2 for the effort; and

3 (2) supervise the planning, management, and
4 coordination of such activities.

5 (c) RESPONSIBILITIES.—In carrying out this section,
6 the Secretary shall—

7 (1) develop a Department of Defense Instruc-
8 tion, and as necessary a Department of Defense Di-
9 rective, specific to human systems integration activi-
10 ties; and

11 (2) identify and recommend, as appropriate, re-
12 source requirements for human systems integration
13 activities.

14 (d) DESIGNATION.—The designation required by sub-
15 section (b)(2) shall be made not later than 60 days after
16 the date of the enactment of this Act.

17 **SEC. 232. EXPANSION OF AUTHORITY FOR ENCOURAGE-**
18 **MENT OF TECHNOLOGY TRANSFER.**

19 Section 2514(c) of title 10, United States Code, is
20 amended—

21 (1) by redesignating paragraphs (3) and (4) as
22 paragraphs (4) and (5), respectively; and

23 (2) by inserting after paragraph (2) the fol-
24 lowing:

1 “(3)(A) Under the Program, the defense laboratories
2 and research centers may, through leases, contracts, or
3 other appropriate arrangements, provide facilities, serv-
4 ices, and equipment to private industry in order to pro-
5 mote accelerated development of critical technologies and
6 technology transfer initiatives that support the Depart-
7 ment of Defense.

8 “(B) The facilities, services, and equipment provided
9 under this paragraph shall be provided on a non-inter-
10 ference basis.

11 “(C) The defense laboratory or research center—

12 “(i) shall charge, accept, and retain fees in
13 amounts necessary to recover the full costs of the fa-
14 cilities, services, and equipment provided, including
15 capital improvement costs, utility and service costs,
16 and equipment depreciation costs; and

17 “(ii) may charge, accept, and retain fees for
18 providing the facilities, services, and equipment.

19 “(D) The defense laboratory or research center may
20 accept payment in cash or in kind for fees charged under
21 subparagraph (C).

22 “(E) Fees accepted under subparagraph (C) shall be
23 credited to the account that was used to cover the costs
24 for which the payment was provided. Amounts so credited
25 shall be merged with amounts in that account, and shall

1 be available for the same purposes, and subject to the
2 same conditions and limitations, as other amounts in that
3 account.”.

4 **SEC. 233. REDUCTION OF AMOUNTS FOR ARMY VENTURE**
5 **CAPITAL FUND DEMONSTRATION.**

6 The amount in section 201(1), research, development,
7 test, and evaluation, Army, is hereby reduced by
8 \$10,000,000, to be derived from the Army Venture Cap-
9 ital Fund demonstration.

10 **SEC. 234. INDEPENDENT TESTS FOR COMBAT HELMET PAD**
11 **SUSPENSION SYSTEMS.**

12 (a) IN GENERAL.—From amounts made available
13 pursuant to the authorization of appropriations in section
14 201(4) for research, development, test, and evaluation,
15 Defense-wide, the Secretary of Defense shall carry out a
16 test and evaluation of combat helmet pad suspension sys-
17 tems. The test and evaluation shall be carried out using
18 verified product representative samples from the five pro-
19 ducers of combat helmet pad suspension systems that are
20 qualified as of the date of the enactment of this Act. The
21 test and evaluation shall include an operational assess-
22 ment of the pad suspension systems, including a field user
23 evaluation.

24 (b) INDEPENDENT LABORATORY.—The test and eval-
25 uation shall be carried out in an objective and transparent

1 manner by a certified and qualified laboratory that is inde-
2 pendent of the Federal Government.

3 (c) REPORT.—Not later than September 30, 2008,
4 the Secretary shall submit to the congressional defense
5 committees a report on the results of the test and evalua-
6 tion.

7 **SEC. 235. REPORT ON IMPLEMENTATION OF MANUFAC-**
8 **TURING TECHNOLOGY PROGRAM.**

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

17 (b) ELEMENTS.—The report shall identify each tech-
18 nology or process implemented and, for each such tech-
19 nology or process, shall identify—

20 (1) the project of the Manufacturing Tech-
21 nology Program through which the technology or
22 process was developed, the Federal and non-Federal
23 participants in that project, and the duration of the
24 project;

1 (2) the organization or program implementing
2 the technology or process, and the type of implemen-
3 tation;

4 (3) the total Federal funding required to imple-
5 ment the technology or process, including—

6 (A) funds provided by military depart-
7 ments and Defense Agencies under the Manu-
8 facturing Technology Program;

9 (B) funds provided by the Department of
10 Defense, or any element of the Department, to
11 co-develop the technology or process;

12 (C) to the maximum extent possible, funds
13 provided by the Department of Defense, or any
14 element of the Department, to—

15 (i) mature the technology or process
16 prior to transition to the Manufacturing
17 Technology Program; and

18 (ii) fully implement the technology or
19 process;

20 (4) the total value of industry cost share, if ap-
21 plicable; and

22 (5) the total value of cost avoidance or cost sav-
23 ings directly attributable to the implementation of
24 the technology or process.

1 (c) DEFINITION.—For purposes of this section, the
2 term “implementation” refers to—

3 (1) the use of a technology or process in the
4 manufacture of defense materiel;

5 (2) the identification of a technology or process
6 in the manufacturing baseline for a program of
7 record that has not yet achieved full rate production;
8 or

9 (3) the use of a technology or process for the
10 manufacture of commercial items.

11 (d) SCOPE.—The report shall include technologies or
12 processes developed with funds appropriated or otherwise
13 made available for Manufacturing Technology for fiscal
14 years 2002 through 2007.

15 **SEC. 236. ASSESSMENT OF SUFFICIENCY OF TEST AND**
16 **EVALUATION PERSONNEL.**

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

23 (b) INCLUSION IN REPORT.—The Director shall in-
24 clude the results of the assessment in the report, required
25 by section 139(g) of title 10, United States Code, summa-

1 rizing the operational test and evaluation activities during
2 fiscal year 2007.

3 **SEC. 237. REPEAL OF REQUIREMENT FOR SEPARATE RE-**
4 **PORTS ON TECHNOLOGY AREA REVIEW AND**
5 **ASSESSMENT SUMMARIES.**

6 Subsection (c) of section 253 of the National Defense
7 Authorization Act for Fiscal Year 2006 (Public Law 109–
8 163; 119 Stat. 3179; 10 U.S.C. 2501 note) is repealed.

9 **SEC. 238. MODELING, ANALYSIS, AND SIMULATION OF MILI-**
10 **TARY AND NON-MILITARY OPERATIONS IN**
11 **COMPLEX URBAN ENVIRONMENTS.**

12 Congress finds the following:

13 (1) Modeling, Analysis, and Simulation Tech-
14 nology has become an essential component in ensur-
15 ing that we meet the defense challenges of the 21st
16 century. It allows us to build and develop models of
17 complex systems, effectively sharpen the tools, proce-
18 dures, and decisions needed to address difficult
19 problems, and determine how certain actions will ef-
20 fect the end result before implementing the plan in
21 real life, thereby providing strategic, tactical and fi-
22 nancial benefits. Every effort should be made to in-
23 clude Modeling, Analysis and Simulation Technology
24 in the training and planning doctrines of the De-
25 partment of Defense.

1 (2) Current and future military operations, and
 2 emergency management of natural and man-made
 3 disasters, do and will continue to involve operations
 4 in highly complex, urban environments. These envi-
 5 ronments include complex geographical, communica-
 6 tions, transportation, informational, social, political,
 7 and public support subsystems. The interdependence
 8 of these subsystems and the cascading effects of
 9 warfare or disasters imposed upon them should be
 10 modeled in a computer simulation environment. It is
 11 important for the security and safety of the Depart-
 12 ment of Defense to study and understand the effects
 13 of warfare and disasters on the resiliency of urban
 14 environments and to develop a computer modeling
 15 and simulation decision-making tool for emergency
 16 consequence management of military, natural and
 17 man-made disasters in complex urban environments.

18 **TITLE III—OPERATION AND** 19 **MAINTENANCE**

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Other Department of Defense Programs.

Subtitle B—Environmental Provisions

- Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
- Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Arctic Surplus Superfund Site, Fairbanks, Alaska.

- Sec. 313. Payment to Environmental Protection Agency of stipulated penalty in connection with Jackson Park Housing Complex, Washington.

Subtitle C—Workplace and Depot Issues

- Sec. 321. Increase in threshold amount for contracts for procurement of capital assets in advance of availability of working-capital funds for the procurement.
- Sec. 322. Authorization of availability of working-capital funds for certain product improvements.
- Sec. 323. Authorization of use of working-capital funds for acquisition of certain items.
- Sec. 324. Modification to public-private competition requirements before conversion to contractor performance.
- Sec. 325. Public-private competition at end of period specified in performance agreement not required.
- Sec. 326. Guidelines on insourcing new and contracted out functions.
- Sec. 327. Additional requirements for annual report on public-private competitions.
- Sec. 328. Restriction on Office of Management and Budget influence over Department of Defense public-private competitions.
- Sec. 329. Bid Protests by Federal Employees in actions under Office of Management Budget Circular A-76.
- Sec. 330. Public-private competition required before conversion to contractor performance.
- Sec. 331. Reauthorization and modification of multi-trades demonstration project.

Subtitle D—Extension of Program Authorities

- Sec. 341. Extension of Arsenal Support Program Initiative.
- Sec. 342. Extension of period for reimbursement for helmet pads purchased by members of the Armed Forces deployed in contingency operations.

Subtitle E—Reports

- Sec. 351. Inclusion of National Guard readiness for civil support missions in quarterly personnel and unit readiness report.
- Sec. 352. Plan to improve readiness of active and reserve component ground forces.
- Sec. 353. Plan for optimal use of strategic ports by commander of Surface Distribution and Deployment Command.
- Sec. 354. Independent assessment of Civil Reserve Air Fleet viability.
- Sec. 355. Annual report on prepositioned materiel and equipment.
- Sec. 356. Conditions on relocation of North American Aerospace Defense command center and related functions from Cheyenne Mountain to Peterson Air Force Base.
- Sec. 357. Report on public-private partnerships.

Subtitle F—Other Matters

- Sec. 361. Authority for Department of Defense to provide support for certain sporting events.

Sec. 362. Reasonable restrictions on payment of full replacement value for lost or damaged personal property transported at Government expense.

Sec. 363. Priority transportation on Department of Defense aircraft of retired members residing in Commonwealths and possessions of the United States for certain health care services.

Sec. 364. Recovery of missing military property.

Sec. 365. Retention of Army combat uniforms by members of Army deployed in support of contingency operations.

Sec. 366. Issue of serviceable material other than to Armed Forces.

Sec. 367. Prohibition on deactivation of 36th Rescue Flight.

Sec. 368. Limitation on expenditure of funds for initial flight screening at Pueblo Memorial Airport.

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

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

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

9 (1) For the Army, \$28,868,671,000.

10 (2) For the Navy, \$33,138,090,000.

11 (3) For the Marine Corps, \$4,923,993,000.

12 (4) For the Air Force, \$33,393,333,000.

13 (5) For Defense-wide activities,
14 \$22,732,978,000.

15 (6) For the Army Reserve, \$2,508,062,000.

16 (7) For the Naval Reserve, \$1,182,883,000.

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

19 (9) For the Air Force Reserve, \$2,692,077,000.

1 (10) For the Army National Guard,
2 \$5,847,609,000.

3 (11) For the Air National Guard,
4 \$5,042,565,000.

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

7 (13) For Environmental Restoration, Army,
8 \$434,879,000.

9 (14) For Environmental Restoration, Navy,
10 \$300,591,000.

11 (15) For Environmental Restoration, Air Force,
12 \$458,428,000.

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

15 (17) For Environmental Restoration, Formerly
16 Used Defense Sites, \$250,249,000.

17 (18) For Overseas Humanitarian, Disaster, and
18 Civic Aid programs, \$103,300,000.

19 (19) For Cooperative Threat Reduction pro-
20 grams, \$398,000,000.

21 (20) For the Overseas Contingency Operations
22 Transfer Fund, \$5,000,000.

23 **SEC. 302. WORKING CAPITAL FUNDS.**

24 Funds are hereby authorized to be appropriated for
25 fiscal year 2008 for the use of the Armed Forces and other

1 activities and agencies of the Department of Defense for
2 providing capital for working capital and revolving funds
3 in amounts as follows:

4 (1) For the Defense Working Capital Funds,
5 \$102,000,000.

6 (2) For the National Defense Sealift Fund,
7 \$1,535,194,000.

8 (3) For the Defense Working Capital Fund,
9 Defense Commissary, \$1,250,000,000.

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

11 (a) DEFENSE HEALTH PROGRAM.—Funds are here-
12 by authorized to be appropriated for the Department of
13 Defense for fiscal year 2008 for expenses, not otherwise
14 provided for, for the Defense Health Program, in the
15 amount of \$22,471,047,000, of which—

16 (1) \$21,974,304,000 is for Operation and
17 Maintenance;

18 (2) \$134,482,000 is for Research, Development,
19 Test, and Evaluation; and

20 (3) \$362,261,000 is for Procurement.

21 (b) CHEMICAL AGENTS AND MUNITIONS DESTRUC-
22 TION, DEFENSE.—(1) Funds are hereby authorized to be
23 appropriated for the Department of Defense for fiscal year
24 2008 for expenses, not otherwise provided for, for Chem-

1 ical Agents and Munitions Destruction, Defense, in the
2 amount of \$1,455,724,000, of which—

3 (A) \$1,162,452,000 is for Operation and Main-
4 tenance;

5 (B) \$274,846,000 is for Research, Develop-
6 ment, Test, and Evaluation; and

7 (C) \$18,426,000 is for Procurement.

8 (2) Amounts authorized to be appropriated under
9 paragraph (1) are authorized for—

10 (A) the destruction of lethal chemical agents
11 and munitions in accordance with section 1412 of
12 the Department of Defense Authorization Act, 1986
13 (50 U.S.C. 1521); and

14 (B) the destruction of chemical warfare mate-
15 rial of the United States that is not covered by sec-
16 tion 1412 of such Act.

17 (c) DRUG INTERDICTION AND COUNTER-DRUG AC-
18 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized
19 to be appropriated for the Department of Defense for fis-
20 cal year 2008 for expenses, not otherwise provided for, for
21 Drug Interdiction and Counter-Drug Activities, Defense-
22 wide, in the amount of \$936,822,000.

23 (d) DEFENSE INSPECTOR GENERAL.—Funds are
24 hereby authorized to be appropriated for the Department
25 of Defense for fiscal year 2008 for expenses, not otherwise

1 provided for, for the Office of the Inspector General of
2 the Department of Defense, in the amount of
3 \$215,995,000, of which—

4 (1) \$214,995,000 is for Operation and Mainte-
5 nance; and

6 (2) \$1,000,000 is for Procurement.

7 **Subtitle B—Environmental** 8 **Provisions**

9 **SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-** 10 **TION AGENCY FOR CERTAIN COSTS IN CON-** 11 **NECTION WITH MOSES LAKE WELLFIELD** 12 **SUPERFUND SITE, MOSES LAKE, WASH-** 13 **INGTON.**

14 (a) **AUTHORITY TO REIMBURSE.**—Notwithstanding
15 section 2215 of title 10, United States Code, the Secretary
16 of Defense may transfer not more than \$91,588.51 to the
17 Moses Lake Wellfield Superfund Site 10–6J Special Ac-
18 count for the purpose described in section 315(a)(2) of
19 the John Warner National Defense Authorization Act for
20 Fiscal Year 2007 (Public Law 110–364; 120 Stat. 2141).

21 (b) **SOURCE OF FUNDS.**—Any payment under sub-
22 section (a) shall be made using funds authorized to be ap-
23 propriated by section 301(16) for environmental restora-
24 tion, defense-wide.

1 **SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**
2 **TION AGENCY FOR CERTAIN COSTS IN CON-**
3 **NECTION WITH ARCTIC SURPLUS SUPER-**
4 **FUND SITE, FAIRBANKS, ALASKA.**

5 (a) **AUTHORITY TO REIMBURSE.**—Notwithstanding
6 section 2215 of title 10, United States Code, the Secretary
7 of Defense may transfer not more than \$186,625.38 to
8 the Hazardous Substance Superfund to reimburse the En-
9 vironmental Protection Agency for costs incurred pursu-
10 ant to the agreement known as “In the Matter of Arctic
11 Surplus Superfund Site, U.S. EPA Docket Number
12 CERCLA–10–2003–0114: Administrative Order on Con-
13 sent for Remedial Design and Remedial Action” and en-
14 tered into by the Department of Defense and the Environ-
15 mental Protection Agency on December 11, 2003.

16 (b) **SOURCE OF FUNDS.**—Any payment under sub-
17 section (a) shall be made using funds authorized to be ap-
18 propriated by section 301(16) for environmental restora-
19 tion, defense-wide.

20 **SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION**
21 **AGENCY OF STIPULATED PENALTY IN CON-**
22 **NECTION WITH JACKSON PARK HOUSING**
23 **COMPLEX, WASHINGTON.**

24 (a) **PAYMENT REQUIRED.**—Notwithstanding section
25 2215 of title 10, United States Code, the Secretary of the
26 Navy may transfer not more than \$40,000.00 to the Haz-

ardous Substance Superfund to pay a stipulated penalty assessed by the Environmental Protection Agency on October 25, 2005, against the Jackson Park Housing Complex, Washington, for the failure of the Department of the Navy to timely submit a draft final Phase II Remedial Investigation Work Plan for the Jackson Park Housing Complex Operable Unit (OU-3T-JPHC) pursuant to a schedule included in an agreement entered into by the Department of the Navy and the Environmental Protection Agency (U.S. EPA Docket Number CERCLA-10-2005-0023).

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(14) for environmental restoration, Navy.

Subtitle C—Workplace and Depot Issues

SEC. 321. INCREASE IN THRESHOLD AMOUNT FOR CONTRACTS FOR PROCUREMENT OF CAPITAL ASSETS IN ADVANCE OF AVAILABILITY OF WORKING-CAPITAL FUNDS FOR THE PROCUREMENT.

Section 2208(k)(2) of title 10, United States Code, is amended by striking “\$100,000” and inserting “\$250,000”.

1 **SEC. 322. AUTHORIZATION OF AVAILABILITY OF WORKING-**
2 **CAPITAL FUNDS FOR CERTAIN PRODUCT IM-**
3 **PROVEMENTS.**

4 Section 2208 of title 10, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(s) PRODUCT IMPROVEMENT.—(1) An engineering
8 service, manufacturing effort, developmental testing, or
9 operational test and evaluation effort for product improve-
10 ment of a weapon system platform, major end item, com-
11 ponent of a major end item, or article that is financed
12 by a working-capital fund may be performed or acquired,
13 if—

14 “(A) the combined cost of the engineering serv-
15 ices, manufacturing efforts, development testings,
16 and operational test and evaluation efforts for the
17 product improvements that are financed by the
18 working-capital fund is less than \$15,000,000;

19 “(B) the unit cost of the platform, item, compo-
20 nent, or article is less than \$1,000,000; and

21 “(C) the product improvement would improve
22 the reliability and maintainability, extend the useful
23 life, enhance safety, lower maintenance costs, pro-
24 vide performance enhancement, or expand the per-
25 formance capability of the weapon system platform
26 or major end item.

1 “(2) Funds described in paragraph (1) may be used
 2 in accordance with that paragraph for a commercial or
 3 industrial type function performed as part of a public-pri-
 4 vate partnership at the Center of Industrial and Technical
 5 Excellence designated under section 2474 of this title.

6 “(3) Each report submitted under subsection (q) for
 7 a working-capital fund shall include a description of any
 8 use of funds described in paragraph (1) that is financed
 9 by that working-capital fund and a description of the an-
 10 ticipated product improvement under subparagraph (C) of
 11 that paragraph.”.

12 **SEC. 323. AUTHORIZATION OF USE OF WORKING-CAPITAL**
 13 **FUNDS FOR ACQUISITION OF CERTAIN**
 14 **ITEMS.**

15 Section 2208 of title 10, United States Code, as
 16 amended by section 332, is further amended by adding
 17 at the end the following new subsection:

18 “(t) ACQUISITION THRESHOLD FOR WEAPONS SYS-
 19 TEM MODIFICATION, IMPROVEMENT AND LIFECYCLE EX-
 20 TENSION.—(1) Any of the following items may be provided
 21 through working-capital funds, if the item has a unit cost
 22 of not more than \$500,000:

23 “(A) An item that is materiel for supplies or
 24 supply chain management, assemblies, spare or re-
 25 pair parts, modification kits, or any other item of

1 equipment to provide maintenance, repair, or over-
2 haul and rework.

3 “(B) An item for continuous technology refresh-
4 ment to provide newer technologies that improve re-
5 liability and maintainability, extend the useful life,
6 enhance safety, lower maintenance costs, provide
7 performance enhancement, or expand the perform-
8 ance capability of a weapons system platform.

9 “(2) With respect to an item described in paragraph
10 (1), the Secretary of each military department may in-
11 crease the acquisition threshold under paragraph (1) to
12 an amount that does not exceed \$1,000,000, if the Sec-
13 retary—

14 “(A) determines the increase is necessary to
15 maintain core logistics capabilities required by sec-
16 tion 2464 of this title; and

17 “(B) not later than 30 days after such an in-
18 crease, notifies Congress of the increase and the rea-
19 sons for the increase.

20 “(3) An item described in paragraph (1) may be an
21 item used for a commercial- or industrial-type function
22 performed at a Center of Industrial and Technical Excel-
23 lence designated under section 2474 of this title.”.

1 **SEC. 324. MODIFICATION TO PUBLIC-PRIVATE COMPETI-**
2 **TION REQUIREMENTS BEFORE CONVERSION**
3 **TO CONTRACTOR PERFORMANCE.**

4 (a) COMPARISON OF RETIREMENT SYSTEM COSTS.—
5 Section 2461(a)(1) of title 10, United States Code, is
6 amended—

7 (1) in subparagraph (F), by striking “and” at
8 the end;

9 (2) by redesignating subparagraph (G) as sub-
10 paragraph (H); and

11 (3) by inserting after subparagraph (F) the fol-
12 lowing new subparagraph (G):

13 “(G) requires that the contractor shall not re-
14 ceive an advantage for a proposal that would reduce
15 costs for the Department of Defense by—

16 “(i) not making an employer-sponsored
17 health insurance plan (or payment that could be
18 used in lieu of such a plan), health savings ac-
19 count, or medical savings account, available to
20 the workers who are to be employed to perform
21 the function under the contract;

22 “(ii) offering to such workers an employer-
23 sponsored health benefits plan that requires the
24 employer to contribute less towards the pre-
25 mium or subscription share than the amount
26 that is paid by the Department of Defense for

1 health benefits for civilian employees of the De-
 2 partment under chapter 89 of title 5; or

3 “(iii) offering to such workers a retirement
 4 benefit that, in any year, costs less than the an-
 5 nual retirement cost factor applicable to civilian
 6 employees of the Department of Defense under
 7 chapter 84 of title 5; and”.

8 (b) CONFORMING AMENDMENTS.—Such title is fur-
 9 ther amended—

10 (1) by striking section 2467; and

11 (2) in section 2461—

12 (A) by redesignating subsections (b)
 13 through (d) as subsections (c) through (e); and

14 (B) by inserting after subsection (a) the
 15 following new subsection (b):

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

22 “(A) shall, at least monthly during the develop-
 23 ment and preparation of the performance work
 24 statement and the management efficiency study used
 25 in making that determination, consult with civilian

1 employees who will be affected by that determination
2 and consider the views of such employees on the de-
3 velopment and preparation of that statement and
4 that study; and

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

7 “(2)(A) In the case of employees represented by a
8 labor organization accorded exclusive recognition under
9 section 7111 of title 5, consultation with representatives
10 of that labor organization shall satisfy the consultation re-
11 quirement in paragraph (1).

12 “(B) In the case of employees other than employees
13 referred to in subparagraph (A), consultation with appro-
14 priate representatives of those employees shall satisfy the
15 consultation requirement in paragraph (1).

16 “(C) The Secretary of Defense shall prescribe regula-
17 tions to carry out this subsection. The regulations shall
18 include provisions for the selection or designation of ap-
19 propriate representatives of employees referred to in para-
20 graph (2)(B) for purposes of consultation required by
21 paragraph (1)”.

22 (c) TECHNICAL AMENDMENTS.—Section 2461 of
23 such title, as amended by subsection (a) is further amend-
24 ed—

25 (1) in subsection (a)(1)—

1 (A) in subparagraph (B), by inserting after
2 “2003” the following: “, or any successor cir-
3 cular”; and

4 (B) in subparagraph (D), by striking “and
5 reliability” and inserting “, reliability, and
6 timeliness”; and

7 (2) in subsection (c)(2), as redesignated under
8 subsection (b)(2), by inserting “of” after “examina-
9 tion”.

10 **SEC. 325. PUBLIC-PRIVATE COMPETITION AT END OF PE-**
11 **RIOD SPECIFIED IN PERFORMANCE AGREE-**
12 **MENT NOT REQUIRED.**

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

16 “(4) A public-private competition may not be
17 required under Office of Management and Budget
18 Circular A–76 or any other provision of law at the
19 end of the period specified in the performance agree-
20 ment for any function of the Department of Defense
21 performed by Department of Defense civilian em-
22 ployees.”.

1 **SEC. 326. GUIDELINES ON INSOURCING NEW AND CON-**
2 **TRACTED OUT FUNCTIONS.**

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

5 (1) IN GENERAL.—Chapter 146 of title 10,
6 United States Code, is amended by inserting after
7 section 2462 the following new section:

8 **“§ 2463. Guidelines for use of civilian employees to**
9 **perform Department of Defense functions**

10 “(a) GUIDELINES REQUIRED.—The Under Secretary
11 of Defense for Personnel and Readiness shall devise and
12 implement guidelines to ensure that consideration is given
13 to using, on a regular basis, civilian employees of the De-
14 partment of Defense to perform new functions and func-
15 tions that are performed by contractors and could be per-
16 formed by such civilian employees. The Secretary of a mili-
17 tary department may prescribe regulations, if the Sec-
18 retary determines such regulations are necessary for im-
19 plementing such guidelines within that military depart-
20 ment.

21 “(b) SPECIAL CONSIDERATION FOR CERTAIN FUNC-
22 TIONS.—The guidelines implemented under subsection (a)
23 shall provide for special consideration to be given to using
24 civilian employees of the Department of Defense to per-
25 form any function that—

1 “(1) was performed by a civilian employee of the De-
2 partment of Defense at any time on or after October 1,
3 1980;

4 “(2) is associated with the performance of an inher-
5 ently governmental function (as that term is defined in
6 section 5 of the Federal Activities Inventory Reform Act
7 of 1998 (31 U.S.C. 501 note));

8 “(3) has been performed by a contractor pursuant to
9 a contract awarded on a non-competitive basis; or

10 “(4) has been performed poorly by a contractor be-
11 cause of excessive costs or inferior quality, as determined
12 by a contracting officer.

13 “(c) EXCLUSION OF CERTAIN FUNCTIONS FROM
14 COMPETITIONS.—No public-private competition may be
15 required under this chapter for any function of the De-
16 partment of Defense that—

17 “(1) is associated with the performance of an inher-
18 ently governmental function;

19 “(2) has been performed by a contractor pursuant to
20 a contract that was awarded on a noncompetitive basis,
21 including a contract awarded without the conduct of a
22 public-private competition under this section; or

23 “(3) has been performed poorly by a contractor be-
24 cause of excessive costs or inferior quality, as determined
25 by a contracting officer.

1 “(d) LIMITATION ON COMPETITIONS FOR NEW AND
 2 EXPANDED FUNCTIONS.—(1) A public-private competi-
 3 tion may not be conducted under this section for any De-
 4 partment of Defense function before—

5 “(A) the commencement of the performance by
 6 civilian employees of the Department of Defense of
 7 a new Department of Defense function;

8 “(B) the commencement of the performance by
 9 civilian employees of the Department of Defense of
 10 any Department of Defense function pursuant to the
 11 guidelines implemented under subsection (a);

12 “(C) the expansion of the scope of any Depart-
 13 ment of Defense function performed by civilian em-
 14 ployees of the Department of Defense.

15 “(2) The Secretary may use the flexible hiring au-
 16 thority available to the Secretary under the National Secu-
 17 rity Personnel System, as established pursuant to section
 18 9902 of title 5 to facilitate the performance by civilian
 19 employees of the Department of Defense of functions de-
 20 scribed in subsection (b).”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
 22 tions at the beginning of such chapter is amended
 23 by inserting after the item relating to section 2462
 24 the following new item:

“2463. Guidelines for use of civilian employees to perform De-
 fense functions.”.

1 (3) DEADLINE FOR ISSUANCE OF GUIDE-
2 LINES.—

3 (A) DEADLINE.—The Secretary of Defense
4 shall implement the guidelines required under
5 section 2463 of title 10, United States Code, as
6 added by paragraph (1), by not later than 60
7 days after the date of the enactment of this
8 Act.

9 (B) MORATORIUM ON COMPETITIONS
10 UNTIL GUIDELINES ARE IMPLEMENTED.—No
11 study or competition may be begun or an-
12 nounced pursuant to section 2461 of title 10,
13 United States Code, or otherwise pursuant to
14 Office of Management and Budget Circular A-
15 76 relating to the possible conversion to per-
16 formance by a contractor of any Department of
17 Defense function until the guidelines required
18 under section 2463 of such title, as added by
19 paragraph (1) are implemented.

20 (b) ESTABLISHMENT OF INVENTORY OF WORK PER-
21 FORMED BY CONTRACTORS.—Section 115a of title 10,
22 United States Code is amended—

23 (1) in subsection (a)—

24 (A) by striking “and” at the end of para-
25 graph (1);

1 (B) by striking the period at the end of
2 paragraph (2) and inserting “; and”; and

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

5 “(3) the estimated manpower requirements of
6 each component of the Department of Defense pro-
7 jected to be met by contractor performance of De-
8 partment of Defense functions and the estimated
9 funding requirements associated with such con-
10 tractor performance for the next fiscal year.”; and

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

13 “(i) In each report, the Secretary shall include for
14 each military department, combatant command, and
15 major defense organization, a separate report describing
16 contractor performance of Department of Defense func-
17 tions during the preceding fiscal year. Chapter 35 of title
18 44 shall not apply to such report. In each such report,
19 the Secretary shall—

20 “(1) specify the number of work-year equiva-
21 lents performed by contractors in performing func-
22 tions for each Department;

23 “(2) identify the contracting organization, the
24 component of the Department of Defense admin-
25 istering the contract, and the organization whose re-

1 quirements are being met through the contractor
2 performance of the function, with an explanation in
3 the event these organizational elements are distinct.

4 “(3) identify each organization specified under
5 paragraph (2) at the unit level of detail, as main-
6 tained in the Department’s manpower documenta-
7 tion systems;

8 “(4) identify the funding source for the con-
9 tract under which the function is performed by ap-
10 propriation and operating agency, and the associated
11 funding levels obligated and disbursed for the re-
12 ported work-year equivalents;

13 “(5) identify the functions and missions per-
14 formed by the contractor;

15 “(6) specify whether the contract for the func-
16 tion was entered into pursuant to a public-private
17 competition; and

18 “(7) describe the process by which the Depart-
19 ment of Defense validates the contractor perform-
20 ance of such functions under section 2463 of this
21 title.”.

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

1 (d) INSPECTOR GENERAL REPORT.—Not later than
2 90 days after the date of the enactment of this Act, the
3 Inspector General of the Department of Defense shall sub-
4 mit to the congressional defense committees a report on
5 the implementation of this section and the amendments
6 made by this section. The report shall contain the assess-
7 ment of the Inspector General of whether—

8 (1) the guidelines required under section
9 2463(a) of title 10, United States Code, as added by
10 subsection (a), have been implemented;

11 (2) such guidelines, if developed, conform to the
12 requirements of that section;

13 (3) a contractor inventory has been established
14 pursuant to subsections (a)(3) and (i) of section
15 115a of such title, as added by subsection (b);

16 (4) functions for which the performance of
17 which the Secretary of Defense has entered into a
18 contract are being reviewed on a regular basis for
19 possible conversion to performance by civilian em-
20 ployees of the Department of Defense; and

21 (5) performance by civilian employees of the
22 Department of Defense is being considered to the
23 maximum extent practicable for all new functions of
24 the Department of Defense.

1 **SEC. 327. ADDITIONAL REQUIREMENTS FOR ANNUAL RE-**
2 **PORT ON PUBLIC-PRIVATE COMPETITIONS.**

3 Paragraph (1) of subsection (b) of section 2462 is
4 amended by adding at the end the following new para-
5 graphs:

6 “(4) For any function converted to performance
7 by a contractor, the effect of such conversion on the
8 quality of the performance of the function.

9 “(5) For any function for which a public-pri-
10 vate competition is anticipated during any subse-
11 quent fiscal year, an assessment of whether any
12 method of business reform or reengineering other
13 than a public-private competition, including a deci-
14 sion to consolidate, restructure, or reengineer an or-
15 ganization, function, or activity covered under sec-
16 tion 2475 of this title, could, if implemented in the
17 future, achieve any anticipated or budgeted sav-
18 ings.”.

19 **SEC. 328. RESTRICTION ON OFFICE OF MANAGEMENT AND**
20 **BUDGET INFLUENCE OVER DEPARTMENT OF**
21 **DEFENSE PUBLIC-PRIVATE COMPETITIONS.**

22 (a) RESTRICTION ON OFFICE OF MANAGEMENT AND
23 BUDGET.—The Office of Management and Budget may
24 not direct or require the Secretary of Defense or the Sec-
25 retary of a military department to prepare for, undertake,
26 continue, or complete a public-private competition or di-

1 rect conversion of a Department of Defense function to
2 performance by a contractor under Office of Management
3 and Budget Circular A-76, or any other successor regula-
4 tion, directive, or policy.

5 (b) RESTRICTION ON SECRETARY OF DEFENSE.—
6 The Secretary of Defense or the Secretary of a military
7 department may not prepare for, undertake, continue, or
8 complete a public-private competition or direct conversion
9 of a Department of Defense function to performance by
10 a contractor under Office of Management and Budget Cir-
11 cular A-76, or any other successor regulation, directive,
12 or policy by reason of any direction or requirement pro-
13 vided by the Office of Management and Budget.

14 (c) SUSPENSION AND REVIEW OF ONGOING PUBLIC-
15 PRIVATE COMPETITIONS.—

16 (1) SUSPENSION.—During the 90-day period
17 that begins on the date of the enactment of this Act,
18 the Secretary of Defense shall suspend any review or
19 public-private competition pursuant to Office of
20 Management and Budget Circular A-76 that is
21 being carried out on the date of the enactment of
22 this Act.

23 (2) REVIEW.—During the 90-day period de-
24 scribed in paragraph (1), the Secretary of Defense
25 shall review each suspended review and public-pri-

1 vate competition and shall determine, wholly inde-
 2 pendently and without regard to direction, guidance,
 3 encouragement, or requirement from the Office of
 4 Management and Budget, whether to cancel or con-
 5 tinue each review or public-private competition.

6 (3) CRITERIA FOR CONTINUATION.—The Sec-
 7 retary of Defense may not continue a review or pub-
 8 lic-private competition pursuant to a determination
 9 under paragraph (2) unless the official responsible
 10 for the performance of the function and the Sec-
 11 retary of the military department concerned or agen-
 12 cy head submits to the congressional defense com-
 13 mittees a certification that the determination was
 14 made wholly independently and without regard to di-
 15 rection, guidance, encouragement, or requirement
 16 from the Office of Management and Budget and
 17 after considering less costly and controversial alter-
 18 natives to such review or public-private competition.

19 **SEC. 329. 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 solici-
2 tation or other request for offers described in
3 paragraph (1), means an actual or prospective
4 bidder or offeror whose direct economic interest
5 would be affected by the award of the contract
6 or by 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 sec-
13 tor performance without a competition under
14 Office of Management and Budget Circular A-
15 76, 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 em-
20 ployees engaged in the performance of the
21 activity or function for which the public-
22 private competition is conducted in a pro-
23 test under this subchapter that relates to
24 such public-private competition, has been

1 designated as the agent of the Federal em-
 2 ployees by a majority of such employees.”.

3 (b) EXPEDITED ACTION.—

4 (1) IN GENERAL.—Subchapter V of chapter 35
 5 of such title is amended by adding at the end the
 6 following 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
 12 function of a Federal agency, the Comptroller General
 13 shall administer the provisions of this subchapter in the
 14 manner best suited for expediting the final resolution of
 15 the protest and the final action in the public-private com-
 16 petition.”.

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

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

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

24 “(5) If an interested party who is a member of
 25 the private sector commences an action described in

1 paragraph (1) with respect to a public-private com-
2 petition conducted under Office of Management and
3 Budget Circular A-76 regarding the performance of
4 an activity or function of a Federal agency, or a de-
5 cision to convert a function performed by Federal
6 employees to private sector performance without a
7 competition under Office of Management and Budg-
8 et Circular A-76, then an interested party described
9 in section 3551(2)(B) of title 31 shall be entitled to
10 intervene in that action.”.

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

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

22 (2) any other protest or civil action that relates
23 to a public-private competition initiated under Office
24 of Management and Budget Circular A-76, or to a
25 decision to convert a function performed by Federal

1 employees to private sector performance without a
2 competition under Office of Management and Budget
3 Circular A-76, on or after the date of the enact-
4 ment of this Act.

5 **SEC. 330. PUBLIC-PRIVATE COMPETITION REQUIRED BE-**
6 **FORE CONVERSION TO CONTRACTOR PER-**
7 **FORMANCE.**

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

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

14 “(a) PUBLIC-PRIVATE COMPETITION.—(1) A func-
15 tion of an executive agency performed by 10 or more agen-
16 cy civilian employees may not be converted, in whole or
17 in part, to performance by a contractor unless the conver-
18 sion is based on the results of a public-private competition
19 that—

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

23 “(B) creates an agency tender, including a most
24 efficient organization plan, in accordance with Office
25 of Management and Budget Circular A-76, as im-

1 plemented on May 29, 2003, or any successor cir-
2 cular;

3 “(C) includes the issuance of a solicitation;

4 “(D) determines whether the submitted offers
5 meet the needs of the executive agency with respect
6 to factors other than cost, including quality, reli-
7 ability, and timeliness;

8 “(E) examines the cost of performance of the
9 function by agency civilian employees and the cost of
10 performance of the function by one or more contrac-
11 tors to demonstrate whether converting to perform-
12 ance by a contractor will result in savings to the
13 Government over the life of the contract, including—

14 “(i) the estimated cost to the Government
15 (based on offers received) for performance of
16 the function by a contractor;

17 “(ii) the estimated cost to the Government
18 for performance of the function by agency civil-
19 ian employees; and

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

23 “(F) requires continued performance of the
24 function by agency civilian employees unless the dif-
25 ference in the cost of performance of the function by

1 a contractor compared to the cost of performance of
2 the function by agency civilian employees would,
3 over all performance periods required by the solicita-
4 tion, be equal to or exceed the lesser of—

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

8 “(ii) \$10,000,000; and

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

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

17 “(3) In no case may a function being performed by
18 executive agency personnel be—

19 “(A) modified, reorganized, divided, or in any
20 way changed for the purpose of exempting the con-
21 version of the function from the requirements of this
22 section; or

23 “(B) converted to performance by a contractor
24 to circumvent a civilian personnel ceiling.

1 “(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1)
2 Each civilian employee of an executive agency responsible
3 for determining under Office of Management and Budget
4 Circular A–76 whether to convert to contractor perform-
5 ance any function of the executive agency—

6 “(A) shall, at least monthly during the develop-
7 ment and preparation of the performance work
8 statement and the management efficiency study used
9 in making that determination, consult with civilian
10 employees who will be affected by that determination
11 and consider the views of such employees on the de-
12 velopment and preparation of that statement and
13 that 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
17 labor organization accorded exclusive recognition under
18 section 7111 of title 5, consultation with representatives
19 of that labor organization shall satisfy the consultation re-
20 quirement in paragraph (1).

21 “(B) In the case of employees other than employees
22 referred 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 head of each executive agency shall pre-
2 scribe regulations to carry out this subsection. The regula-
3 tions shall include provisions for the selection or designa-
4 tion of appropriate representatives of employees referred
5 to in paragraph (2)(B) for purposes of consultation re-
6 quired by paragraph (1).

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

11 “(A) The function for which such public-private
12 competition is to be conducted.

13 “(B) The location at which the function is per-
14 formed by agency civilian employees.

15 “(C) The number of agency civilian employee
16 positions potentially affected.

17 “(D) The anticipated length and cost of the
18 public-private competition, and a specific identifica-
19 tion of the budgetary line item from which funds will
20 be used to cover the cost of the public-private com-
21 petition.

22 “(E) A certification that a proposed perform-
23 ance of the function by a contractor is not a result
24 of a decision by an official of an executive agency to
25 impose predetermined constraints or limitations on

1 such employees in terms of man years, end
2 strengths, full-time equivalent positions, or max-
3 imum number of employees.

4 “(2) The report required under paragraph (1) shall
5 include an examination of the potential economic effect of
6 performance of the function by a contractor on—

7 “(A) agency civilian employees who would be af-
8 fected by such a conversion in performance; and

9 “(B) the local community and the Government,
10 if more than 50 agency civilian employees perform
11 the function.

12 “(3)(A) A representative individual or entity at
13 a facility where a public-private competition is con-
14 ducted may submit to the head of the executive
15 agency an objection to the public private competition
16 on the grounds that the report required by para-
17 graph (1) has not been submitted or that the certifi-
18 cation required by paragraph (1)(E) is not included
19 in the report submitted as a condition for the public
20 private competition. The objection shall be in writing
21 and shall be submitted within 90 days after the fol-
22 lowing date:

23 “(i) In the case of a failure to submit the
24 report when required, the date on which the
25 representative individual or an official of the

1 representative entity authorized to pose the ob-
2 jection first knew or should have known of that
3 failure.

4 “(ii) In the case of a failure to include the
5 certification in a submitted report, the date on
6 which the report was submitted to Congress.

7 “(B) If the head of the executive agency deter-
8 mines that the report required by paragraph (1) was
9 not submitted or that the required certification was
10 not included in the submitted report, the function
11 for which the public-private competition was con-
12 ducted for which the objection was submitted may
13 not be the subject of a solicitation of offers for, or
14 award of, a contract until, respectively, the report is
15 submitted or a report containing the certification in
16 full compliance with the certification requirement is
17 submitted.

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

23 “(1) is included on the procurement list estab-
24 lished pursuant to section 2 of the Javits-Wagner-
25 O’Day Act (41 U.S.C. 47); or

1 “(2) is planned to be changed to performance
 2 by a qualified nonprofit agency for the blind or by
 3 a qualified nonprofit agency for other severely handi-
 4 capped persons in accordance with that Act.

5 “(e) INAPPLICABILITY DURING WAR OR EMER-
 6 GENCY.—The provisions of this section shall not apply
 7 during war or during a period of national emergency de-
 8 clared by the President or Congress.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 in section 1(b) of such Act is amended by adding at the
 11 end the following new item:

“Sec. 43. Public-private competition required before conversion to contractor
 performance.”.

12 **SEC. 331. REAUTHORIZATION AND MODIFICATION OF**
 13 **MULTI-TRADES DEMONSTRATION PROJECT.**

14 (a) REAUTHORIZATION AND EXPANSION.—Section
 15 338 of the National Defense Authorization Act for Fiscal
 16 Year 2004 (10 U.S.C. 5013 note) is amended—

17 (1) in subsection (a)—

18 (A) by striking “shall” and inserting
 19 “may”; and

20 (B) by striking “three Naval Aviation De-
 21 pots” and inserting “the Air Force Air Logis-
 22 tics Centers and the Navy Fleet Readiness Cen-
 23 ters”;

1 (2) in subsection (b), by striking “a Naval
2 Aviation Depot” and inserting “an Air Force Air
3 Logistics Center or Navy Fleet Readiness Center”;

4 (3) by striking subsection (d) and redesignating
5 subsections (e) through (g) as subsections (d)
6 through (f), respectively;

7 (4) in subsection (d), as so redesignated, by
8 striking “2004 through 2006” and inserting “2008
9 through 2013”;

10 (5) in subsection (e), as so redesignated, by
11 striking “2007” and inserting “2014”; and

12 (6) by amending subsection (f), as so redesign-
13 nated, to read as follows:

14 “(f) ANNUAL GAO REPORT.—By not later than 30
15 days after the last day of a fiscal year, the Comptroller
16 General shall submit to the congressional defense commit-
17 tees a report on the demonstration project under this sec-
18 tion.”.

19 (b) CLERICAL AMENDMENTS.—

20 (1) HEADING.—The heading for such section is
21 amended to read as follows: “**AIR FORCE AIR LO-**
22 **GISTICS CENTER AND NAVY FLEET READINESS**
23 **CENTER MULTI-TRADES DEMONSTRATION**
24 **PROJECT**”.

1 (2) TABLE OF CONTENTS.—The items relating
 2 to such section in the table of contents in section
 3 2(b) of such Act and in the table of contents at the
 4 beginning of title III of such Act are each amended
 5 to read as follows:

“Sec. 338. Air Force Logistics Center and Navy Fleet Readiness Center multi-
 trades demonstration project.”.

6 **Subtitle D—Extension of Program** 7 **Authorities**

8 **SEC. 341. EXTENSION OF ARSENAL SUPPORT PROGRAM INI-** 9 **TIATIVE.**

10 Section 343 of the Floyd D. Spence National Defense
 11 Authorization Act for Fiscal Year 2001 (Public Law 106–
 12 398; 10 U.S.C. 4551 note) is amended—

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

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

17 **SEC. 342. EXTENSION OF PERIOD FOR REIMBURSEMENT** 18 **FOR HELMET PADS PURCHASED BY MEM-** 19 **BERS OF THE ARMED FORCES DEPLOYED IN** 20 **CONTINGENCY OPERATIONS.**

21 (a) EXTENSION.—Section 351 of the Ronald W.
 22 Reagan National Defense Authorization Act for Fiscal
 23 Year 2005 (Public Law 108–375; 118 Stat. 1857) is
 24 amended—

1 (1) in subsection (a)(3), by inserting before the
2 period at the end the following: “, or in the case of
3 protective helmet pads purchased by a member from
4 a qualified vendor for that member’s personal use,
5 on September 30, 2007”;

6 (2) in subsection (c)—

7 (A) by inserting after “Armed Forces” the
8 following: “shall comply with regular Depart-
9 ment of Defense procedures for the submission
10 of claims and”; and

11 (B) by inserting before the period at the
12 end the following: “or one year after the date
13 on which the purchase of the protective, safety,
14 or health equipment was made, whichever oc-
15 curs last”; and

16 (3) in subsection (d), by adding at the end the
17 following new sentence: “Subsection (a)(1) shall not
18 apply in the case of the purchase of protective hel-
19 met pads by or on behalf of a member.”.

20 (b) FUNDING.—Amounts for reimbursements made
21 under section 351 of the Ronald W. Reagan National De-
22 fense Authorization Act for Fiscal Year 2005 after the
23 date of the enactment of this Act shall be derived from
24 supplemental appropriations for the Department of De-

1 fense for fiscal year 2008, contingent upon such appro-
 2 priations being enacted.

3 **Subtitle E—Reports**

4 **SEC. 351. INCLUSION OF NATIONAL GUARD READINESS** 5 **FOR CIVIL SUPPORT MISSIONS IN QUAR-** 6 **TERLY PERSONNEL AND UNIT READINESS** 7 **REPORT.**

8 (a) INCLUSION.—Section 482 of title 10, United
 9 States Code, is amended—

10 (1) by redesignating subsection (f) as sub-
 11 section (h);

12 (2) by inserting after subsection (e) the fol-
 13 lowing new subsections (f) and (g):

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

19 “(g) AVAILABILITY OF NATIONAL GUARD READI-
 20 NESS INFORMATION TO STATES.—With respect to the in-
 21 formation required to be included in a report under sub-
 22 section (f) that is relevant to the National Guard of a
 23 State, the Secretary of Defense shall make that informa-
 24 tion available to the Governor of the State.”; and

1 (3) in subsection (a), by striking “subsections
2 (b), (d), and (e)” and inserting “subsections (b), (d),
3 (e), and (f)”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 subsection (a) shall apply with respect to a report sub-
6 mitted after the date of the enactment of this Act.

7 (c) REPORT TO CONGRESS.—As part of the budget
8 justification materials submitted to Congress in support
9 of the President’s budget for fiscal year 2009, the Sec-
10 retary of Defense shall submit to the congressional defense
11 committees a report on any steps the Secretary has taken
12 to prepare to implement the requirement under subsection
13 (f) of section 482 of title 10, United States Code, as added
14 by subsection (a). The report shall include a description
15 of the Secretary’s plans for assessing the personnel, equip-
16 ment, and training readiness of the National Guard, in-
17 cluding the standards and measures that will be applied
18 and mechanisms for sharing information with State Gov-
19 ernors.

20 **SEC. 352. PLAN TO IMPROVE READINESS OF ACTIVE AND**
21 **RESERVE COMPONENT GROUND FORCES.**

22 (a) REPORT REQUIRED.—At the same time that the
23 budget is submitted under section 1105(a) of title 31,
24 United States Code, for a fiscal year, the Secretary of De-
25 fense shall submit to the congressional defense committees

1 a report on improving the readiness of the active and re-
2 serve components of the ground forces of the United
3 States Armed Forces. Each such report shall include—

4 (1) a summary of the readiness of each report-
5 ing unit of the active and reserve components of the
6 ground forces and a summary of the readiness of
7 each major combat unit of each military department
8 by readiness level, as reflected in the Department of
9 Defense status of resources and training system;

10 (2) an identification of the extent to which the
11 actual readiness ratings of the active and reserve
12 components of the United States Armed Forces have
13 been upgraded based on the judgment of com-
14 manders and any efforts of the Secretary of Defense
15 to analyze the trends and implications of such up-
16 grades;

17 (3) the goals of the Secretary of Defense for
18 managing the readiness of the active and reserve
19 components of the ground forces, expressed in terms
20 of the number of units or percentage of the force
21 that the Secretary plans to maintain at each level of
22 readiness, and the Secretary's projected timeframe
23 for achieving each such goal;

24 (4) a prioritized list of items and actions to be
25 accomplished during the fiscal year during which the

1 report is submitted and during the fiscal years cov-
2 ered by the future years defense program that the
3 Secretary of Defense believes are necessary to sig-
4 nificantly improve the readiness of the active and re-
5 serve components of the ground forces and achieve
6 the goals and timeframes described in paragraph
7 (3); and

8 (5) a detailed investment strategy and plan for
9 each fiscal year covered by the future years defense
10 program under section 221 of title 10, United States
11 Code, that outlines the resources required to improve
12 the readiness of the active and reserve components
13 of the ground forces, including a description of how
14 each resource identified in such plan relates to fund-
15 ing requested by the Secretary in the Secretary's an-
16 nual budget, and how each such resource will specifi-
17 cally enable the Secretary to achieve the readiness
18 goals described in paragraph (3) within the pro-
19 jected timeframes.

20 (b) COMPTROLLER GENERAL REVIEW.—By not later
21 than 60 days after the date on which the report is sub-
22 mitted under subsection (a), the Comptroller General shall
23 review the report and, as the Comptroller General deter-
24 mines appropriate, submit to the congressional defense
25 committees any additional information that the Comp-

1 troller General determines will further inform the congres-
2 sional defense committees on issues relating to the readi-
3 ness of the active and reserve components of the ground
4 forces of the United States Armed Forces.

5 **SEC. 353. PLAN FOR OPTIMAL USE OF STRATEGIC PORTS**
6 **BY COMMANDER OF SURFACE DISTRIBUTION**
7 **AND DEPLOYMENT COMMAND.**

8 By not later than January 30, 2008, the Secretary
9 of Defense shall develop and implement a plan to optimize
10 the use of strategic ports by the Surface Distribution and
11 Deployment Command. Such plan shall—

12 (1) address cost effectiveness, manning require-
13 ments, location, and maximization of utilization of
14 resources for each strategic port; and

15 (2) include—

16 (A) an analysis of how each Surface Dis-
17 tribution and Deployment Command strategic
18 port is chosen for the worldwide deployment
19 and distribution of Department of Defense sup-
20 plies, personal property, and personnel; and

21 (B) provisions for consultation with the
22 local port authority for any strategic port at
23 which there is no permanent Surface Distribu-
24 tion and Deployment Command presence.

1 **SEC. 354. INDEPENDENT ASSESSMENT OF CIVIL RESERVE**
2 **AIR FLEET VIABILITY.**

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

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

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

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

20 (B) the extent of charter air carrier par-
21 ticipation in fulfilling increased Department of
22 Defense transportation requirements as a result
23 of the increased global mobility requirements in
24 response to the terrorist attacks of September
25 11, 2001;

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

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

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

23 (A) an examination of the requirements of
24 the Department of Defense for Civil Reserve
25 Air Fleet for the support of operational and

1 contingency plans, including any anticipated
2 changes in the Department's organic airlift ca-
3 pacity, logistics concepts, and personnel and
4 training requirements;

5 (B) an assessment of air carrier participa-
6 tion in the Civil Reserve Air Fleet; and

7 (C) a comparison between the require-
8 ments of the Department needs described in
9 subparagraph (A) and air carrier participation
10 described in subparagraph (B).

11 (3) An examination of any perceived barriers to
12 Civil Reserve Air Fleet viability, including—

13 (A) the operational planning system of the
14 Civil Reserve Air Fleet;

15 (B) the reward system of the Civil Reserve
16 Air Fleet;

17 (C) the long-term affordability of the Avia-
18 tion War Risk Insurance Program;

19 (D) the effect on United States air carriers
20 operating overseas routes during periods of
21 Civil Reserve Air Fleet Activation;

22 (E) increased foreign ownership of United
23 States air carriers;

24 (F) increased operational costs during acti-
25 vation as a result of hazardous duty pay, rout-

1 ing delays, and inefficiencies in cargo handling
2 by the Department of Defense;

3 (G) the effect of policy initiatives by the
4 Secretary of Transportation to encourage inter-
5 national code sharing and alliances; and

6 (H) the effect of limitations imposed by
7 the Secretary of Defense to limit commercial
8 shipping options for certain routes and package
9 sizes.

10 (4) Recommendations for improving the Civil
11 Reserve Air Fleet program.

12 (c) SUBMISSION TO CONGRESS.—Upon the comple-
13 tion of the assessment required under subsection (a) and
14 by not later than April 1, 2008, the Secretary shall submit
15 to the congressional defense committees a report on the
16 assessment.

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

21 **SEC. 355. ANNUAL REPORT ON PREPOSITIONED MATERIEL**
22 **AND EQUIPMENT.**

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

1 **“§ 2229a. Annual report on prepositioned materiel**
2 **and equipment**

3 “(a) ANNUAL REPORT REQUIRED.—Not later than
4 the date of the submission of the President’s budget re-
5 quest for a fiscal year under section 1105 of title 31, the
6 Secretary of Defense shall submit to the congressional de-
7 fense committees a report on the status of the materiel
8 in the prepositioned stocks as of the end of the fiscal year
9 preceding the fiscal year during which the report is sub-
10 mitted. Each report shall be unclassified and may contain
11 a classified annex. Each report shall include the following
12 information:

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

16 “(2) The material condition of equipment in the
17 prepositioned stocks as of the end of such fiscal
18 year, rated based on the Department of Defense
19 Status of Resources and Training system and
20 grouped by category or major end item.

21 “(3) A list of major end items of equipment
22 drawn from the prepositioned stocks during such fis-
23 cal year and a description of how that equipment
24 was used and whether it was returned to the stocks
25 after being used.

1 “(4) A timeline for completely reconstituting
2 any shortfall in the prepositioned stocks.

3 “(5) An estimate of the amount of funds re-
4 quired to completely reconstitute any shortfall in the
5 prepositioned stocks and a description of the Sec-
6 retary’s plan for carrying out such complete recon-
7 stitution.

8 “(6) A list of any operations plan affected by
9 any shortfall in the prepositioned stocks and a de-
10 scription of any action taken to mitigate any risk
11 that such a shortfall may create.

12 “(b) COMPTROLLER GENERAL REVIEW.—By not
13 later than 60 days after the date on which the report is
14 submitted under subsection (a), the Comptroller General
15 shall review the report and, as the Comptroller General
16 determines appropriate, submit to the congressional de-
17 fense committees any additional information that the
18 Comptroller General determines will further inform the
19 congressional defense on issues relating to the status of
20 the materiel in the prepositioned stocks.”.

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

“2229a. Annual report on prepositioned materiel and equipment.”.

1 **SEC. 356. CONDITIONS ON RELOCATION OF NORTH AMER-**
2 **ICAN AEROSPACE DEFENSE COMMAND CEN-**
3 **TER AND RELATED FUNCTIONS FROM CHEY-**
4 **ENNE MOUNTAIN TO PETERSON AIR FORCE**
5 **BASE.**

6 (a) SUBMISSION OF COST-BENEFIT ANALYSIS AND
7 RELOCATION PLAN.—The Secretary of Defense may not
8 commence the relocation of or, if previously commenced,
9 continue the relocation of the North American Aerospace
10 Defense command center and related functions from Chey-
11 enne Mountain to Peterson Air Force Base, Colorado,
12 until after the end of the 180-day period beginning on the
13 date on which the Secretary submits to Congress a report
14 containing—

15 (1) an analysis comparing the total costs associ-
16 ated with the relocation, including costs determined
17 as part of ongoing security-related studies of the re-
18 location, to anticipated operational benefits from the
19 relocation; and

20 (2) the final plans for the relocation of the
21 North American Aerospace Defense command center
22 and related functions.

23 (b) COMPTROLLER GENERAL REVIEW.—Not later
24 than 60 days after the date on which the Secretary of De-
25 fense submits the report required by subsection (a), the
26 Comptroller General shall submit to Congress a review of

1 the report and the final plans of the Secretary for reloca-
2 tion of the North American Aerospace Defense command
3 center and related functions.

4 **SEC. 357. REPORT ON PUBLIC-PRIVATE PARTNERSHIPS.**

5 (a) REPORT REQUIRED.—Not later than April 1,
6 2008, the Secretary of Defense shall submit to the Com-
7 mittee on Armed Services of the House of Representatives
8 and the Committee of Armed Services of the Senate a re-
9 port regarding public-private partnerships at Centers of
10 Industrial and Technical Excellence designated under sec-
11 tion 2474 of title 10, United States Code.

12 (b) CONTENTS OF REPORT.—The report required
13 under paragraph (1) shall include a description of each
14 of the following:

15 (1) Common approaches and procedures for the
16 military departments regarding implementation of
17 public-private partnerships.

18 (2) Consistent cost methodologies and reim-
19 bursement guidance applicable to maintenance and
20 repair workload performed by Federal Government
21 personnel.

22 (3) Implementation procedures for completing
23 contract negotiations for public-private partnerships
24 within 12 months.

1 (4) The Secretary’s utilization of commercial
 2 practices to replace existing inventory and compo-
 3 nent management, technical publication data, docu-
 4 ment management, and equipment maintenance, and
 5 calibration requirements of the Department of De-
 6 fense.

7 (5) Delegation of Class 2 Design authority
 8 based on commercial practices to maintain the form,
 9 fit, and function of a weapon system platform, major
 10 end item, component of a major end item, or article.

11 (6) The Secretary’s plan to expand Department
 12 of Defense core capabilities, as defined in section
 13 2464 of such title.

14 **Subtitle F—Other Matters**

15 **SEC. 361. AUTHORITY FOR DEPARTMENT OF DEFENSE TO** 16 **PROVIDE SUPPORT FOR CERTAIN SPORTING** 17 **EVENTS.**

18 (a) PROVISION OF SUPPORT.—Section 2564 of title
 19 10, United States Code, is amended—

20 (1) in subsection (c), by adding at the end the
 21 following new paragraphs:

22 “(4) A sporting event sanctioned by the United
 23 States Olympic Committee through the Paralympic
 24 Military Program.

1 “(5) Any national or international paralympic
2 sporting event (other than a sporting event described
3 in paragraph (1) through (4))—

4 “(A) that—

5 “(i) is held in the United States or
6 any of its territories or commonwealths;

7 “(ii) is governed by the International
8 Paralympic Committee; and

9 “(iii) is sanctioned by the United
10 States Olympic Committee; and

11 “(B) for which participation exceeds 100
12 amateur athletes.”; and

13 (2) by adding at the end the following new sub-
14 section:

15 “(g) FUNDING FOR SUPPORT OF CERTAIN
16 EVENTS.—(1) Amounts for the provision of support for
17 a sporting event described in paragraph (4) or (5) of sub-
18 section (c) shall be derived from the Support for Inter-
19 national Sporting Competitions, Defense account estab-
20 lished by section 5802 of the Omnibus Consolidated Ap-
21 propriations Act, 1997 (10 U.S.C. 2564 note), notwith-
22 standing any limitation under that section relating to the
23 availability of funds in such account for the provision of
24 support for international sporting competitions.

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

4 (b) SOURCE OF FUNDS.—Section 5802 of the Omni-
5 bus Consolidated Appropriations Act, 1997 (10 U.S.C.
6 2564 note) is amended—

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

12 (2) by striking “45 days” and inserting “15
13 days”.

14 **SEC. 362. REASONABLE RESTRICTIONS ON PAYMENT OF**
15 **FULL REPLACEMENT VALUE FOR LOST OR**
16 **DAMAGED PERSONAL PROPERTY TRANS-**
17 **PORTED AT GOVERNMENT EXPENSE.**

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

1 **SEC. 363. PRIORITY TRANSPORTATION ON DEPARTMENT**
2 **OF DEFENSE AIRCRAFT OF RETIRED MEM-**
3 **BERS RESIDING IN COMMONWEALTHS AND**
4 **POSSESSIONS OF THE UNITED STATES FOR**
5 **CERTAIN HEALTH CARE SERVICES.**

6 (a) AVAILABILITY OF TRANSPORTATION.—Chapter
7 157 of title 10, United States Code, is amended by insert-
8 ing after section 2641a the following new section:

9 **“§ 2641b. Space-available travel on Department of De-**
10 **fense aircraft: retired members residing**
11 **in Commonwealths and possessions of**
12 **the United States for certain health care**
13 **services**

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

23 “(b) ELIGIBLE MEMBERS AND FORMER MEM-
24 BERS.—A member or former member eligible for priority
25 transport under subsection (a) is a covered beneficiary
26 under chapter 55 of this title who—

1 “(1) is entitled to retired or retainer pay or, but
2 for age, would be eligible for retired pay under chap-
3 ter 1223 of this title;

4 “(2) resides in or is located in a Commonwealth
5 or possession of the United States; and

6 “(3) is referred by a primary care physician lo-
7 cated in that Commonwealth or possession to a spe-
8 cialty care provider for services to be provided out-
9 side of that Commonwealth or possession.

10 “(c) SCOPE OF PRIORITY.—The increased priority for
11 space-available transportation required by subsection (a)
12 applies with respect to both—

13 “(1) the travel from the Commonwealth or pos-
14 session of the United States to receive the specialty
15 care services; and

16 “(2) the return travel.

17 “(d) DEFINITIONS.—In this section, the term ‘spe-
18 cialty care provider’ has the meaning given that term in
19 section 1074i(b) of this title.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of such chapter is amended by inserting
22 after the item relating to section 2641a the following new
23 item:

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

1 **SEC. 364. RECOVERY OF MISSING MILITARY PROPERTY.**

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

5 **“§ 2788. Property accountability: regulations**

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

10 **“§ 2789. Individual equipment: unauthorized disposi-**
11 **tion**

12 “(a) PROHIBITION.—No member of the armed forces
13 may sell, lend, pledge, barter, or give any clothing, arms,
14 or equipment furnished to such member by the United
15 States to any person other than a member of the armed
16 forces under the jurisdiction of the Secretary of the same
17 military department as the member to which it is fur-
18 nished, or an officer of the United States who is author-
19 ized to receive it.

20 “(b) SEIZURE OF IMPROPERLY DISPOSED PROP-
21 erty.—If a member of the armed forces has disposed of
22 property in violation of subsection (a) and the property
23 is in the possession of a person who is neither a member
24 of the armed forces under the jurisdiction of the Secretary
25 of the same military department as the member who dis-
26 posed of the property, nor an officer of the United States

1 who is authorized to receive it, that person has no right
 2 to or interest in the property, and any civil or military
 3 officer of the United States may seize the property, wher-
 4 ever found. Possession of such property furnished by the
 5 United States to a member of the armed forces by a per-
 6 son who is neither a member of the armed forces, nor an
 7 officer of the United States, is prima facie evidence that
 8 the property has been disposed of in violation of subsection
 9 (a).

10 “(c) DELIVERY OF SEIZED PROPERTY.—If an officer
 11 who seizes property under subsection (b) is not authorized
 12 to retain it for the United States, the officer shall deliver
 13 the property to a person who is authorized to retain it.”.

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

“2788. Property accountability: regulations.

“2789. Individual equipment: unauthorized disposition.”.

17 (c) CONFORMING AMENDMENTS.—

18 (1) IN GENERAL.—Such title is further amend-
 19 ed by striking the following sections:

20 (A) Section 4832.

21 (B) Section 4836.

22 (C) Section 9832.

23 (D) Section 9836.

24 (2) CLERICAL AMENDMENTS.—

1 (A) CHAPTER 453.—The table of sections
2 at the beginning of chapter 453 of such title is
3 amended by striking the items relating to sec-
4 tions 4832 and 4836.

5 (B) CHAPTER 953.—The table of sections
6 at the beginning of chapter 953 of such title is
7 amended by striking the items relating to sec-
8 tions 9832 and 9836.

9 **SEC. 365. RETENTION OF ARMY COMBAT UNIFORMS BY**
10 **MEMBERS OF ARMY DEPLOYED IN SUPPORT**
11 **OF CONTINGENCY OPERATIONS.**

12 (a) RETENTION OF COMBAT UNIFORMS.—Chapter
13 435 of title 10, United States Code, is amended by adding
14 at the end the following new section:

15 **“§ 4566. Retention of Army combat uniforms by mem-**
16 **bers deployed in support of contingency**
17 **operations**

18 “The Secretary of the Army may authorize a member
19 of the Army who has been deployed in support of a contin-
20 gency operation for at least 30 days to retain, after that
21 member is no longer so deployed, the exterior articles of
22 uniform that were issued to that member as part of an
23 Army combat uniform.”.

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

“4566. Retention of Army combat uniforms by members deployed in support of
 contingency operations.”.

4 (c) EFFECTIVE DATE.—Section 4566 of title 10,
 5 United States Code, as added by subsection (a), shall
 6 apply with respect to a member of the Army who com-
 7 pletes a deployment on or after October 1, 2007.

8 **SEC. 366. ISSUE OF SERVICEABLE MATERIAL OTHER THAN**
 9 **TO ARMED FORCES.**

10 (a) IN GENERAL.—Part IV of subtitle C of title 10,
 11 United States Code, is amended by adding at the end the
 12 following new chapter:

13 **“CHAPTER 667—ISSUE OF SERVICEABLE**
 14 **MATERIAL OTHER THAN TO ARMED**
 15 **FORCES**

“Sec.

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

“7912. Rifles and ammunition for target practice: educational institutions hav-
 ing corps of midshipmen.

“7913. Supplies: military instruction camps.

16 **“§ 7911. Arms, tentage, and equipment: educational**
 17 **institutions not maintaining units of**
 18 **R.O.T.C.**

19 “Under such conditions as he may prescribe, the Sec-
 20 retary of the Navy may issue arms, tentage, and equip-
 21 ment that he considers necessary for proper military train-

1 ing, to any educational institution at which no unit of the
 2 Reserve Officers' Training Corps is maintained, but which
 3 has a course in military training prescribed by the Sec-
 4 retary and which has at least 50 physically fit students
 5 over 14 years of age.

6 **“§ 7912. Rifles and ammunition for target practice:**
 7 **educational institutions having corps of**
 8 **midshipmen**

9 “(a) AUTHORITY TO LEND.—The Secretary of the
 10 Navy may lend, without expense to the United States,
 11 magazine rifles and appendages that are not of the exist-
 12 ing service models in use at the time and that are not
 13 necessary for a proper reserve supply, to any educational
 14 institution having a uniformed corps of midshipmen of
 15 sufficient number for target practice. He may also issue
 16 40 rounds of ball cartridges for each midshipman for each
 17 range at which target practice is held, but not more than
 18 120 rounds each year for each midshipman participating
 19 in target practice.

20 “(b) RESPONSIBILITIES OF INSTITUTIONS.—The in-
 21 stitutions to which property is lent under subsection (a)
 22 shall—

23 “(1) use the property for target practice;

24 “(2) take proper care of the property; and

25 “(3) return the property when required.

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

5 “§ 7913. Supplies: military instruction camps

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

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

“667. Issue of Serviceable Material Other Than to Armed Forces 7910.”

21 SEC. 367. PROHIBITION ON DEACTIVATION OF 36TH RES-
22 CUE FLIGHT.

23 The Secretary of Defense shall ensure that no action
24 is taken to deactivate the Air Force unit known as the
25 36th Rescue Flight that is assigned to Fairchild Air Force

1 Base in Spokane, Washington, or to reassign or reorganize
 2 any of the search and rescue capabilities of that unit.

3 **SEC. 368. LIMITATION ON EXPENDITURE OF FUNDS FOR**
 4 **INITIAL FLIGHT SCREENING AT PUEBLO ME-**
 5 **MORIAL AIRPORT.**

6 Of the amounts authorized to be appropriated for ini-
 7 tial flight screening at Pueblo Memorial Airport, not more
 8 than 50 percent shall be expended until the Secretary of
 9 the Air Force submits to the congressional defense com-
 10 mittees a certification that the Secretary has developed a
 11 plan, together with the City of Pueblo, Colorado, to meet
 12 Air Force crash, fire, and rescue requirements to support
 13 Air Force flight operations at Pueblo Memorial Airport.

14 **TITLE IV—MILITARY**
 15 **PERSONNEL AUTHORIZATIONS**

Subtitle A—Active Forces

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

Subtitle B—Reserve Forces

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

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Sec. 422. Armed Forces Retirement Home.

Sec. 423. Offsetting transfers from National Defense Stockpile Transaction Fund.

1 **Subtitle A—Active Forces**

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

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for active duty personnel as of September 30,
5 2008, as follows:

6 (1) The Army, 525,400.

7 (2) The Navy, 329,098.

8 (3) The Marine Corps, 189,000.

9 (4) The Air Force, 329,651.

10 (b) LIMITATION.—

11 (1) ARMY.—The authorized strength for the
12 Army provided in paragraph (1) of subsection (a)
13 for active duty personnel for fiscal year 2008 is sub-
14 ject to the condition that costs of active duty per-
15 sonnel of the Army for that fiscal year in excess of
16 489,400 shall be paid out of funds authorized to be
17 appropriated for that fiscal year by section 1514.

18 (2) MARINE CORPS.—The authorized strength
19 for the Marine Corps provided in paragraph (3) of
20 subsection (a) for active duty personnel for fiscal
21 year 2008 is subject to the condition that costs of
22 active duty personnel of the Marine Corps for that

1 fiscal year in excess of 180,000 shall be paid out of
2 funds authorized to be appropriated for that fiscal
3 year by section 1514.

4 **SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END**
5 **STRENGTH MINIMUM LEVELS.**

6 Section 691(b) of title 10, United States Code, is
7 amended by striking paragraphs (1) through (4) and in-
8 serting the following new paragraphs:

9 “(1) For the Army, 525,400.

10 “(2) For the Navy, 329,098.

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

12 “(4) For the Air Force, 329,563.”.

13 **SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF**
14 **ARMY AND MARINE CORPS ACTIVE DUTY END**
15 **STRENGTHS FOR FISCAL YEARS 2009 AND**
16 **2010.**

17 (a) **AUTHORITY TO INCREASE ARMY ACTIVE DUTY**
18 **END STRENGTHS.**—For each of fiscal years 2009 and
19 2010, the Secretary of Defense may, as the Secretary de-
20 termines necessary for the purposes described in sub-
21 section (c), establish the active-duty end strength for the
22 Army at a number greater than the number otherwise au-
23 thorized by law up to the number equal to the fiscal-year
24 2008 baseline plus 22,000.

1 (b) MARINE CORPS.—For each of fiscal years 2009
2 and 2010, the Secretary of Defense may, as the Secretary
3 determines necessary for the purposes described in sub-
4 section (c), establish the active-duty end strength for the
5 Marine Corps at a number greater than the number other-
6 wise authorized by law up to the number equal to the fis-
7 cal-year 2008 baseline plus 13,000.

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

- 11 (1) to support operational missions; and
12 (2) to achieve transformational reorganization
13 objectives, including objectives for increased num-
14 bers of combat brigades and battalions, increased
15 unit manning, force stabilization and shaping, and
16 rebalancing of the active and reserve component
17 forces.

18 (d) RELATIONSHIP TO PRESIDENTIAL WAIVER AU-
19 THORITY.—Nothing in this section shall be construed to
20 limit the President's authority under section 123a of title
21 10, United States Code, to waive any statutory end
22 strength in a time of war or national emergency.

23 (e) RELATIONSHIP TO OTHER VARIANCE AUTHOR-
24 ITY.—The authority under this section is in addition to
25 the authority to vary authorized end strengths that is pro-

1 vided in subsections (e) and (f) of section 115 of title 10,
2 United States Code.

3 (f) BUDGET TREATMENT.—

4 (1) FISCAL YEARS 2009 AND 2010 BUDGETS.—

5 The budget for the Department of Defense for fiscal
6 years 2009 and 2010 as submitted to Congress shall
7 comply, with respect to funding, with subsections (c)
8 and (d) of section 691 of title 10, United States
9 Code.

10 (2) OTHER INCREASES.—If the Secretary of
11 Defense plans to increase the Army or Marine Corps
12 active duty end strength for a fiscal year under this
13 section, then the budget for the Department of De-
14 fense for that fiscal year as submitted to Congress
15 shall include the amounts necessary for funding that
16 active duty end strength in excess of the fiscal year
17 2008 active duty end strength authorized for that
18 service under section 401.

19 (g) DEFINITIONS.—In this section:

20 (1) FISCAL-YEAR 2008 BASELINE.—The term
21 “fiscal-year 2008 baseline”, with respect to the
22 Army and Marine Corps, means the active-duty end
23 strength authorized for those services in section 401.

24 (2) ACTIVE-DUTY END STRENGTH.—In this
25 subsection, the term “active-duty end strength”

1 means the strength for active-duty personnel of one
 2 of the Armed Forces as of the last day of a fiscal
 3 year.

4 (h) REPEAL OF OTHER DISCRETIONARY AUTHORITY
 5 TO TEMPORARILY INCREASE ARMY AND MARINE CORPS
 6 ACTIVE DUTY END STRENGTHS.—

7 (1) BASE LAW.—Section 403 of the Ronald W.
 8 Reagan National Defense Authorization Act for Fis-
 9 cal Year 2005 (Public Law 108–375; 10 U.S.C. 115
 10 note) is repealed.

11 (2) DELAYED AMENDMENT.—Section 403 of
 12 the John Warner National Defense Authorization
 13 Act for Fiscal Year 2007 (Public Law 109–364; 120
 14 Stat. 2169) is repealed.

15 **SEC. 404. INCREASE IN AUTHORIZED STRENGTHS FOR**
 16 **ARMY OFFICERS ON ACTIVE DUTY IN THE**
 17 **GRADE OF MAJOR.**

18 The portion of the table in section 523(a)(1) of title
 19 10, United States Code, relating to the Army is amended
 20 to read as follows:

Total number of commissioned offi- cers (excluding officers in cat- egories specified in subsection (b)) on active duty	Number of officers who may be serving on active duty in grade of:		
	Major	Lieutenant Colonel	Colonel
Army:			
20,000	7,768	5,253	1,613
25,000	8,689	5,642	1,796
30,000	9,611	6,030	1,980
35,000	10,532	6,419	2,163

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

1 **SEC. 405. INCREASE IN AUTHORIZED STRENGTHS FOR**
2 **NAVY OFFICERS ON ACTIVE DUTY IN THE**
3 **GRADES OF LIEUTENANT COMMANDER, COM-**
4 **MANDER, AND CAPTAIN.**

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

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty	Number of officers who may be serving on active duty in grade of:		
	Lieutenant Commander	Commander	Captain
Navy:			
30,000	7,698	5,269	2,222
33,000	8,189	5,501	2,334
36,000	8,680	5,733	2,447
39,000	9,172	5,965	2,559
42,000	9,663	6,197	2,671
45,000	10,155	6,429	2,784
48,000	10,646	6,660	2,896
51,000	11,136	6,889	3,007
54,000	11,628	7,121	3,120
57,000	12,118	7,352	3,232
60,000	12,609	7,583	3,344

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty	Number of officers who may be serving on active duty in grade of:		
	Lieutenant Commander	Commander	Captain
63,000	13,100	7,813	3,457
66,000	13,591	8,044	3,568
69,000	14,245	8,352	3,718
72,000	17,517	9,890	4,467".

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
5 components 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) END STRENGTH REDUCTIONS.—The end
16 strengths prescribed by subsection (a) for the Selected Re-
17 serve of any reserve component shall be proportionately
18 reduced by—

19 (1) the total authorized strength of units orga-
20 nized to serve as units of the Selected Reserve of

1 such component which are on active duty (other
2 than for training) at the end of the fiscal year; and
3 (2) the total number of individual members not
4 in units organized to serve as units of the Selected
5 Reserve of such component who are on active duty
6 (other than for training or for unsatisfactory partici-
7 pation in training) without their consent at the end
8 of the fiscal year.

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

17 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
18 **DUTY IN SUPPORT OF THE RESERVES.**

19 Within the end strengths prescribed in section
20 411(a), the reserve components of the Armed Forces are
21 authorized, as of September 30, 2008, the following num-
22 ber of Reserves to be serving on full-time active duty or
23 full-time duty, in the case of members of the National
24 Guard, for the purpose of organizing, administering, re-
25 cruiting, instructing, or training the reserve components:

1 (1) The Army National Guard of the United
2 States, 29,240.

3 (2) The Army Reserve, 15,870.

4 (3) The Navy Reserve, 11,579.

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

6 (5) The Air National Guard of the United
7 States, 13,944.

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

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

11 The minimum number of military technicians (dual
12 status) as of the last day of fiscal year 2008 for the re-
13 serve components of the Army and the Air Force (notwith-
14 standing section 129 of title 10, United States Code) shall
15 be the following:

16 (1) For the Army Reserve, 8,249.

17 (2) For the Army National Guard of the United
18 States, 26,502.

19 (3) For the Air Force Reserve, 9,909.

20 (4) For the Air National Guard of the United
21 States, 22,553.

22 **SEC. 414. FISCAL YEAR 2008 LIMITATION ON NUMBER OF**
23 **NON-DUAL STATUS TECHNICIANS.**

24 (a) LIMITATIONS.—

1 (1) NATIONAL GUARD.—Within the limitation
2 provided in section 10217(c)(2) of title 10, United
3 States Code, the number of non-dual status techni-
4 cians employed by the National Guard as of Sep-
5 tember 30, 2008, may not exceed the following:

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

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

10 (2) ARMY RESERVE.—The number of non-dual
11 status technicians employed by the Army Reserve as
12 of September 30, 2008, may not exceed 595.

13 (3) AIR FORCE RESERVE.—The number of non-
14 dual status technicians employed by the Air Force
15 Reserve as of September 30, 2008, may not exceed
16 90.

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

21 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
22 **THORIZED TO BE ON ACTIVE DUTY FOR**
23 **OPERATIONAL SUPPORT.**

24 During fiscal year 2008, the maximum number of
25 members of the reserve components of the Armed Forces

1 who may be serving at any time on full-time operational
2 support duty under section 115(b) of title 10, United
3 States Code, is the following:

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

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

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

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

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

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

12 **SEC. 416. FUTURE AUTHORIZATIONS AND ACCOUNTING**
13 **FOR CERTAIN RESERVE COMPONENT PER-**
14 **SONNEL AUTHORIZED TO BE ON ACTIVE**
15 **DUTY OR FULL-TIME NATIONAL GUARD DUTY**
16 **TO PROVIDE OPERATIONAL SUPPORT.**

17 (a) REVIEW OF OPERATIONAL SUPPORT MISSIONS
18 PERFORMED BY CERTAIN RESERVE COMPONENT PER-
19 SONNEL.—

20 (1) REVIEW REQUIRED.—The Secretary of De-
21 fense shall conduct a review of the long-term oper-
22 ational support missions performed by members of
23 the reserve components authorized under section
24 115(b) of title 10, United States Code, to be on ac-
25 tive duty or full-time National Guard duty for the

1 purpose of providing operational support, with the
2 objectives of such review being—

3 (A) minimizing the number of reserve com-
4 ponent members who perform such service for
5 a period greater than 1095 consecutive days, or
6 cumulatively for 1095 days out of the previous
7 1460 days; and

8 (B) determining which long-term oper-
9 ational support missions being performed by
10 such members would more appropriately be per-
11 formed by members of the Armed Forces on ac-
12 tive duty under other provisions of title 10,
13 United States Code, or by full-time support per-
14 sonnel of reserve components.

15 (2) SUBMISSION OF RESULTS.—Not later than
16 March 1, 2008, the Secretary shall submit to Con-
17 gress the results of the review, including a descrip-
18 tion of the adjustments in Department of Defense
19 policy to be implemented as a result of the review
20 and such recommendations for changes in statute, as
21 the Secretary considers to be appropriate.

22 (b) IMPROVED ACCOUNTING FOR RESERVE COMPO-
23 NENT PERSONNEL PROVIDING OPERATIONAL SUP-
24 PORT.—Section 115(b) of title 10, United States Code, is

1 amended by adding at the end the following new para-
2 graph:

3 “(4) As part of the budget justification materials sub-
4 mitted by the Secretary of Defense to Congress in support
5 of the end strength authorizations required under sub-
6 paragraphs (A) and (B) of subsection (a)(1) for fiscal year
7 2009 and each fiscal year thereafter, the Secretary shall
8 provide the following:

9 “(A) The number of members, specified by re-
10 serve component, authorized under subparagraphs
11 (A) and (B) of paragraph (1) who were serving on
12 active duty or full-time National Guard duty for
13 operational support beyond each of the limits speci-
14 fied under subparagraphs (A) and (B) of paragraph
15 (2) at the end of the fiscal year preceding the fiscal
16 year for which the budget justification materials are
17 submitted.

18 “(B) The number of members, specified by re-
19 serve component, on active duty for operational sup-
20 port who, at the end of the fiscal year for which the
21 budget justification materials are submitted, are
22 projected to be serving on active duty or full-time
23 National Guard duty for operational support beyond
24 such limits.

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

7 “(D) A summary of the missions being per-
8 formed by members identified under subparagraphs
9 (A) and (B).”.

10 **SEC. 417. REVISION OF VARIANCES AUTHORIZED FOR SE-**
11 **LECTED RESERVE END STRENGTHS.**

12 Section 115(f)(3) of title 10, United States Code, is
13 amended by striking “2 percent” and inserting “3 per-
14 cent”.

15 **Subtitle C—Authorization of**
16 **Appropriations**

17 **SEC. 421. MILITARY PERSONNEL.**

18 There is hereby authorized to be appropriated to the
19 Department of Defense for military personnel for fiscal
20 year 2008 a total of \$115,439,889,000. The authorization
21 in the preceding sentence supersedes any other authoriza-
22 tion of appropriations (definite or indefinite) for such pur-
23 pose for fiscal year 2008.

1 **SEC. 422. ARMED FORCES RETIREMENT HOME.**

2 There is authorized to be appropriated for fiscal year
3 2008 from the Armed Forces Retirement Home Trust
4 Fund the sum of \$61,624,000 for the operation of the
5 Armed Forces Retirement Home.

6 **SEC. 423. OFFSETTING TRANSFERS FROM NATIONAL DE-**
7 **FENSE STOCKPILE TRANSACTION FUND.**

8 Not later than 60 days after the date of the enact-
9 ment of this Act, the Secretary of Defense shall transfer
10 \$150,000,000 from the unobligated balances of the Na-
11 tional Defense Stockpile Transaction Fund to the Mis-
12 cellaneous Receipts Fund of the United States Treasury
13 to offset estimated costs arising from section 702 and the
14 amendments made by such section.

15 **TITLE V—MILITARY PERSONNEL**
16 **POLICY**

Subtitle A—Officer Personnel Policy

Sec. 501. Assignment of officers to designated positions of importance and responsibility.

Sec. 502. Increase in years of commissioned service threshold for discharge of probationary officers and for use of force shaping authority.

Sec. 503. Special promotion authority for Navy career military professors.

Subtitle B—Reserve Component Matters

Sec. 511. Mandatory separation of Reserve officers in the grade of lieutenant general or vice admiral after completion of 38 years of commissioned service.

Sec. 512. Constructive service credit upon original appointment of reserve officers in certain health care professions.

Sec. 513. Maximum period of temporary Federal recognition of person as Army National Guard officer or Air Force Reserve officer.

Sec. 514. Military technicians (dual status) in the Selected Reserve.

Sec. 515. Working group on reintegration of reserve component members returning from deployment.

Sec. 516. National Guard yellow ribbon reintegration program.

Sec. 517. Advance notice to members of reserve components of deployment in support of contingency operations.

Subtitle C—Education and Training

- Sec. 521. Reduction or elimination of service obligation in an Army Reserve or Army National Guard troop program unit for certain persons selected as medical students at Uniformed Services University of the Health Sciences.
- Sec. 522. Increase in annual limit on number of ROTC scholarships under Army Reserve and Army National Guard program.
- Sec. 523. Revisions to authority to pay tuition for off-duty training or education.
- Sec. 524. National Defense University master's degree programs.
- Sec. 525. Recodification in title 38, United States Code, of certain educational assistance programs for members of the reserve components.
- Sec. 526. Secretary of Defense evaluation of the adequacy of the degree-granting authorities of certain military universities and educational institutions.
- Sec. 527. Navy Junior Reserve Officers' Training Corps unit for Southold, Mattituck, and Greenport high schools.
- Sec. 528. Navy Senior Reserve Officers' Training Corps program at University of Miami, Coral Gables, Florida.
- Sec. 529. Intensified efforts to publicize and award scholarships to students attending historically Black colleges and universities and Hispanic-serving institutions.
- Sec. 530. Sense of Congress with respect to extension of time limitation for use of entitlement to education benefits by members of Selected Reserve and members of reserve component supporting contingency operations.

Subtitle D—General Service Authorities

- Sec. 531. Authority to reduce required service obligation for initial appointment of qualified health professionals as officers in critical specialties.
- Sec. 532. Reenlistment in former enlisted grade after service as an officer.

Subtitle E—Military Justice and Legal Assistance Matters

- Sec. 541. Authority to designate certain civilian employees of the Federal Government as eligible for legal assistance from Department of Defense legal staff resources.

Subtitle F—Decorations and Awards

- Sec. 551. Authorization and request for award of Medal of Honor to Leslie H. Sabo, Jr., for acts of valor during the Vietnam War.
- Sec. 552. Authorization and request for award of Medal of Honor to Henry Svehla for acts of valor during the Korean War.
- Sec. 553. Authorization and request for award of Medal of Honor to Woodrow W. Keeble for acts of valor during the Korean War.
- Sec. 554. Authorization and request for award of Medal of Honor to Private Philip G. Shadrach for acts of valor during the Civil War.
- Sec. 555. Authorization and request for award of Medal of Honor to Private George D. Wilson for acts of valor as one of Andrews Raiders during the Civil War.

- Sec. 556. Cold War Victory Medal.
- Sec. 557. Establishment of Combat Medevac Badge.

Subtitle G—Impact Aid and Defense Dependents Education System

- Sec. 561. Tuition assistance for military dependents in overseas areas where schools operated by Defense Dependents' Education System are not reasonably available.
- Sec. 562. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Subtitle H—Other Matters

- Sec. 571. Extension of authority to accept gifts, devises, or bequests to benefit members of the Armed Forces, dependents, and civilian employees of the Department of Defense.
- Sec. 572. Uniform performance policies for military bands and other musical units.
- Sec. 573. Repeal of limitation on number of academies of Department of Defense STARBASE Program in a single State.
- Sec. 574. Combat veterans mentoring program for current members of the Armed Forces.
- Sec. 575. Recognition of members of the Monuments, Fine Arts, and Archives program of the Civil Affairs and Military Government Sections of the Armed Forces during and following World War II.
- Sec. 576. Program to commemorate 50th anniversary of the Vietnam War.
- Sec. 577. Protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.
- Sec. 578. Limitation on simultaneous deployment to combat zones of dual-military couples who have minor dependents.
- Sec. 579. Prohibition against members of the Armed Forces participating in criminal street gangs.
- Sec. 580. Study of feasibility of establishing a pilot program on family-to-family support for families of members of the National Guard and Reserves undergoing deployment.
- Sec. 581. Study regarding improving support services for children, infants, and toddlers of members of the National Guard and Reserve undergoing deployment.
- Sec. 582. Prohibition on the unauthorized use of names and images of members of the Armed Forces.

**Subtitle A—Officer Personnel
Policy**

SEC. 501. ASSIGNMENT OF OFFICERS TO DESIGNATED POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

(a) CONTINUATION IN GRADE WHILE AWAITING ORDERS.—Section 601(b) of title 10, United States Code, is amended by striking paragraph (4) and inserting the following new paragraph:

“(4) at the discretion of the Secretary of Defense, while the officer is awaiting orders after being relieved from the position designated under subsection (a) or by law to carry one of those grades, but not for more than 60 days beginning on the day the officer is relieved from the position, unless, during such period, the officer is placed under orders to another position designated under subsection (a) or by law to carry one of those grades, in which case paragraph (2) will also apply to the officer.”.

(b) CONFORMING AMENDMENT REGARDING GENERAL AND FLAG OFFICER CEILINGS.—Section 525(e) of such title is amended by striking paragraph (2) and inserting the following new paragraph:

“(2) At the discretion of the Secretary of Defense, an officer of that armed force who has been

1 relieved from a position designated under section
 2 601(a) of this title or by law to carry one of the
 3 grades specified in such section, but only during the
 4 60-day period beginning on the date on which the
 5 assignment of the officer to the first position is ter-
 6 minated or until the officer is assigned to a second
 7 such position, whichever occurs first.”.

8 **SEC. 502. INCREASE IN YEARS OF COMMISSIONED SERVICE**
 9 **THRESHOLD FOR DISCHARGE OF PROBA-**
 10 **TIONARY OFFICERS AND FOR USE OF FORCE**
 11 **SHAPING AUTHORITY.**

12 (a) ACTIVE-DUTY LIST OFFICERS.—

13 (1) EXTENDED PROBATIONARY PERIOD.—Para-
 14 graph (1)(A) of section 630 of title 10, United
 15 States Code, is amended by striking “five years”
 16 and inserting “six years”.

17 (2) SECTION HEADING.—The heading of such
 18 section is amended by striking “**five years**” and
 19 inserting “**six years**”.

20 (3) TABLE OF SECTIONS.—The item relating to
 21 such section in the table of sections at the beginning
 22 of subchapter III of chapter 36 of such title is
 23 amended to read as follows:

“630. Discharge of commissioned officers with less than six years of active com-
 missioned service or found not qualified for promotion for first
 lieutenant or lieutenant (junior grade).”.

1 (b) OFFICER FORCE SHAPING AUTHORITY.—Section
 2 647(b)(1) of such title is amended by striking “5 years”
 3 both places it appears and inserting “six years”.

4 (c) RESERVE OFFICERS.—

5 (1) EXTENDED PROBATIONARY PERIOD.—Sub-
 6 section (a)(1)(A) of section 14503 of such title is
 7 amended by striking “five years” and inserting “six
 8 years”.

9 (2) SECTION HEADING.—The heading of such
 10 section is amended by striking “**five years**” and
 11 inserting “**six years**”.

12 (3) TABLE OF SECTIONS.—The item relating to
 13 such section in the table of sections at the beginning
 14 of chapter 1407 of such title is amended to read as
 15 follows:

“14503. Discharge of officers with less than six years of commissioned service
 or found not qualified for promotion to first lieutenant or lieu-
 tenant (junior grade).”.

16 **SEC. 503. SPECIAL PROMOTION AUTHORITY FOR NAVY CA-**
 17 **REER MILITARY PROFESSORS.**

18 (a) REMOVAL FROM CHAPTER 36 PROMOTION PROC-
 19 ESS.—Paragraph (2) of section 641 of title 10, United
 20 States Code, is amended to read as follows:

21 “(2) The director of admissions, dean, and per-
 22 manent professors at the United States Military
 23 Academy, the registrar, dean, and permanent profes-
 24 sors at the United States Air Force Academy, and

1 permanent professors at the United States Naval
2 Academy.”.

3 (b) ESTABLISHMENT OF SPECIAL PROMOTION PROC-
4 ESS.—Chapter 603 of such title is amended by inserting
5 after section 6970 the following new section:

6 **“§ 6970a. Permanent professors: promotion**

7 “(a) PROMOTION AUTHORITY.—An officer of the
8 Navy or Marine Corps serving as a permanent professor
9 at the Naval Academy in the grade of commander or lieu-
10 tenant colonel may be recommended for promotion to the
11 grade of captain or colonel, as the case may be.

12 “(b) ELIGIBILITY FOR PROMOTION.—An officer de-
13 scribed in subsection (a) is not eligible for promotion
14 under this section until after the date on which the officer
15 completes six years of service as a permanent professor
16 or career military professor.

17 “(c) ACTUAL PROMOTION.—The promotion of an of-
18 ficer recommended for promotion under this section is
19 subject to appointment of the officer to the higher grade
20 by the President, by and with the advice and consent of
21 the Senate.”.

22 (c) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by inserting
24 after the item relating to section 6970 the following new
25 item:

“6970a. Permanent professors: promotion.”.

Subtitle B—Reserve Component Matters

SEC. 511. MANDATORY SEPARATION OF RESERVE OFFICERS IN THE GRADE OF LIEUTENANT GENERAL OR VICE ADMIRAL AFTER COMPLETION OF 38 YEARS OF COMMISSIONED SERVICE.

(a) MANDATORY SEPARATION.—Section 14508 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively; and

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

“(c) THIRTY-EIGHT YEARS OF SERVICE FOR LIEUTENANT GENERALS AND VICE ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of lieutenant general and each reserve officer of the Navy in the grade of vice admiral shall, 30 days after completion of 38 years of commissioned service, be separated in accordance with section 14514 of this title.”.

(b) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “FOR BRIGADIER GENERALS AND REAR ADMIRALS (LOWER

1 HALF)” after “GRADE” in the subsection heading;
2 and

3 (2) in subsection (b), by inserting “FOR MAJOR
4 GENERALS AND REAR ADMIRALS” after “GRADE”
5 in the subsection heading.

6 **SEC. 512. CONSTRUCTIVE SERVICE CREDIT UPON ORIGI-**
7 **NAL APPOINTMENT OF RESERVE OFFICERS**
8 **IN CERTAIN HEALTH CARE PROFESSIONS.**

9 (a) INCLUSION OF ADDITIONAL HEALTH CARE PRO-
10 FESSIONS.—Paragraph (2) of section 12207(b) of title 10,
11 United States Code, is amended to read as follows:

12 “(2)(A) If the Secretary of Defense determines that
13 the number of officers in a health profession described in
14 subparagraph (B) who are serving in an active status in
15 a reserve component of the Army, Navy, or Air Force in
16 grades below major or lieutenant commander is critically
17 below the number needed in such health profession by
18 such reserve component in such grades, the Secretary of
19 Defense may authorize the Secretary of the military de-
20 partment concerned to credit any person who is receiving
21 an original appointment as an officer for service in such
22 health profession with a period of constructive credit in
23 such amount (in addition to any amount credited such
24 person under paragraph (1)) as will result in the grade

1 of such person being that of captain or, in the case of
2 the Navy Reserve, lieutenant.

3 “(B) The types of health professions referred to in
4 subparagraph (A) include the following:

5 “(i) Any health profession performed by officers
6 in the Medical Corps of the Army or the Navy or by
7 officers of the Air Force designated as a medical of-
8 ficer.

9 “(ii) Any health profession performed by offi-
10 cers in the Dental Corps of the Army or the Navy
11 or by officers of the Air Force designated as a den-
12 tal officer.

13 “(iii) Any health profession performed by offi-
14 cers in the Medical Service Corps of the Army or the
15 Navy or by officers of the Air Force designated as
16 a medical service officer or biomedical sciences offi-
17 cer.

18 “(iv) Any health profession performed by offi-
19 cers in the Army Medical Specialist Corps.

20 “(v) Any health profession performed by offi-
21 cers of the Nurse Corps of the Army or the Navy
22 or by officers of the Air Force designated as a
23 nurse.

1 “(vi) Any health profession performed by offi-
2 cers in the Veterinary Corps of the Army or by offi-
3 cers designated as a veterinary officer.”.

4 (b) CONFORMING AMENDMENT.—Paragraph (3) of
5 such section is amended by striking “a medical or dental
6 officer” and inserting “officers covered by paragraph (2)”.

7 **SEC. 513. MAXIMUM PERIOD OF TEMPORARY FEDERAL**
8 **RECOGNITION OF PERSON AS ARMY NA-**
9 **TIONAL GUARD OFFICER OR AIR FORCE RE-**
10 **SERVE OFFICER.**

11 Section 308(a) of title 32, United States Code, is
12 amended in the last sentence by striking “six months” and
13 inserting “one year”.

14 **SEC. 514. MILITARY TECHNICIANS (DUAL STATUS) IN THE**
15 **SELECTED RESERVE.**

16 (a) RETENTION OF MILITARY TECHNICIANS WHO
17 LOSE DUAL STATUS DUE TO COMBAT-RELATED DIS-
18 ABILITY.—Section 10216 of title 10, United States Code,
19 is amended by inserting after subsection (f) the following
20 new subsection:

21 “(g) RETENTION OF MILITARY TECHNICIANS WHO
22 LOSE DUAL STATUS DUE TO COMBAT-RELATED DIS-
23 ABILITY.—(1) Notwithstanding subsection (d) of this sec-
24 tion or subsections (a)(3) and (b) of section 10218 of this
25 title, if a military technician (dual status) loses such dual

1 status as the result of a combat-related disability (as de-
2 fined in section 1413a of this title), the person may be
3 retained as a non-dual status technician so long as—

4 “(A) the combat-related disability does not pre-
5 vent the person from performing the non-dual status
6 functions or position; and

7 “(B) the person, while a non-dual status techni-
8 cian, is not disqualified from performing the non-
9 dual status functions or position because of perform-
10 ance, medical, or other reasons.

11 “(2) A person so retained shall be removed not later
12 than 30 days after becoming eligible for an unreduced an-
13 nuity and becoming 60 years of age.

14 “(3) Persons retained under the authority of this sub-
15 section do not count against the limitations of section
16 10217(c) of this title.”.

17 (b) TEMPORARY EMPLOYMENT AUTHORITY.—Sub-
18 section (a) of such section is amended by adding at the
19 end the following new paragraph:

20 “(4) The secretary of a military department may
21 temporarily waive the requirements of subsection
22 (a)(1)(B) in order to fill a military technician (dual status)
23 position while that position is vacant as a result of the
24 mobilization of the technician normally assigned to that
25 position under a call to active duty for a period of more

1 than 30 days under section 12301, 12302, or 12304 of
2 this title in support of a contingency operation. In no case
3 may the waiver authority be used in connection with any
4 position for more than two years. The Secretary of De-
5 fense shall prescribe regulations to carry out this para-
6 graph.”.

7 (c) DEFERRAL OF MANDATORY SEPARATION.—Sub-
8 section (f) of such section is amended—

9 (1) by striking “The Secretary of the Army”
10 and inserting “(1) The Secretary of the Army and
11 the Secretary of the Air Force”;

12 (2) by striking “the military technician (dual
13 status) reaches age 60 and attains eligibility for an
14 unreduced annuity (as defined in section 10218(c) of
15 this title).” and inserting the following: “the military
16 technician (dual status)—

17 “(A) reaches age 60 and attains eligibility for
18 an unreduced annuity; or

19 “(B) attains eligibility for an unreduced annu-
20 ity after age 60, but in no case may the separation
21 be deferred for more than 30 days after the person
22 reaches age 62.”; and

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

1 “(2) For purposes of this subsection, the determina-
2 tion of whether a technician is eligible for an unreduced
3 annuity shall be made in the manner provided by section
4 10218(d) of this title.”.

5 **SEC. 515. WORKING GROUP ON REINTEGRATION OF RE-**
6 **SERVE COMPONENT MEMBERS RETURNING**
7 **FROM DEPLOYMENT.**

8 (a) WORKING GROUP REQUIRED.—The Secretary of
9 Defense shall establish within the Department of Defense
10 a working group to identify and assess the reintegration
11 needs of members of the reserve components who return
12 from overseas operational deployment.

13 (b) MEMBERS.—The working group shall consist of
14 16 members, to be appointed by the Secretary of Defense.
15 The Secretary shall attempt to achieve a balance of mem-
16 bers on the working group from, at a minimum, the fol-
17 lowing:

18 (1) The Department of Defense.

19 (2) The Department of Veterans Affairs.

20 (3) One member each from the Army National
21 Guard of the United States, the Army Reserve, the
22 Navy Reserve, the Marine Corps Reserve, the Air
23 National Guard of the United States, and the Air
24 Force Reserve.

1 (4) At least one dependent of a member of the
2 Army National Guard or Air National Guard who
3 has been deployed overseas.

4 (5) At least one dependent of a member of the
5 Army Reserve, Navy Reserve, Marine Corps Reserve,
6 or Air Force Reserve who has been deployed over-
7 seas.

8 (6) One State adjutant general.

9 (7) Representatives of other Federal agencies
10 and non-Federal members, as considered appropriate
11 by the Secretary.

12 (c) RESPONSIBILITIES.—The working group shall—

13 (1) identify and assess the needs of members of
14 the reserve components returning from deployment
15 in making the transition to civilian life, including
16 members who have experienced multiple recent de-
17 ployments and members who have been wounded or
18 injured during deployment, and identify and assess
19 the needs of the families of such members;

20 (2) develop recommendations on means of im-
21 proving assistance to such members in meeting the
22 needs identified in paragraph (1) on their return
23 from deployment and in meeting the need of their
24 families identified in paragraph (1); and

1 (3) assess the current transition and reintegra-
2 tion programs employed by the reserve components
3 for members and their families following redeploy-
4 ment.

5 (d) ELEMENTS OF ASSESSMENT.—The assessment
6 required by subsection (c)(3) shall include—

7 (1) a comparison of existing reintegration pro-
8 grams by service, State, or command;

9 (2) an analysis of participation of other Federal
10 agencies in current programs;

11 (3) the costs associated with different pro-
12 grams;

13 (4) identification of best practices from existing
14 programs; and

15 (5) a recommended plan for incorporating the
16 best practices into current reserve component demo-
17 bilization activities.

18 (e) CONSULTATION.—In carrying out its responsibil-
19 ities under subsection (c), the working group shall consult
20 with the following:

21 (1) Representatives of organizations that assist
22 wounded or injured members of the reserve compo-
23 nents.

1 (2) Representatives of organizations that assist
2 family members of members of the reserve compo-
3 nents.

4 (3) Representatives of such other public or pri-
5 vate organizations and entities as the working group
6 considers appropriate.

7 (f) REPORT.—

8 (1) REPORT REQUIRED.—Not later than 180
9 days after the date of the enactment of this Act, the
10 working group shall submit to the Secretary of De-
11 fense and Congress a report on its activities under
12 subsection (c).

13 (2) ELEMENTS.—The report shall include the
14 following:

15 (A) The results of the identifications and
16 assessments required under subsection (c).

17 (B) The recommendations developed under
18 subsection (c)(2), including recommendations
19 regarding the following:

20 (i) The provision of outreach and as-
21 sistance to members of the reserve compo-
22 nents returning from deployment and the
23 provision of outreach and assistance to
24 their families.

1 (ii) The improvement of collaboration
2 between the public and private sectors in
3 order to ensure the successful transition of
4 such members and their families upon the
5 return of such members from deployment.

6 (3) AVAILABILITY TO PUBLIC.—The Secretary
7 shall take appropriate actions to make the report
8 available to the public, including through the inter-
9 net web site of the Department of Defense.

10 **SEC. 516. NATIONAL GUARD YELLOW RIBBON REINTEGRA-**
11 **TION PROGRAM.**

12 (a) ESTABLISHMENT.—The Secretary of Defense, in
13 coordination with the Chief of the National Guard Bureau,
14 shall establish a national combat veteran reintegration
15 program to provide National Guard members and their
16 families with sufficient information, services, referral, and
17 proactive outreach opportunities throughout the entire de-
18 ployment cycle. This program shall be known as the Yel-
19 low Ribbon Reintegration Program. The Secretary may
20 also use funds made available to carry out this section to
21 support reintegration programs for members of the Army
22 Reserve, Marine Corps Reserve, Navy Reserve, and Air
23 Force Reserve and their families.

24 (b) PURPOSE.—The Yellow Ribbon Reintegration
25 Program shall consist of informational events and activi-

1 ties for reserve component members, their families, and
2 community members through the four phases of the de-
3 ployment cycle:

4 (1) Pre-deployment.

5 (2) Deployment.

6 (3) Demobilization.

7 (4) Post-deployment-reconstitution.

8 (c) CONSULTATION.—The National Guard Bureau
9 Chief shall consult with the following parties during estab-
10 lishment of the program:

11 (1) The Adjutant General of the Minnesota Na-
12 tional Guard and officials associated with the State’s
13 “Beyond the Yellow Ribbon” Reintegration Pro-
14 gram, the Adjutant General of New Hampshire, the
15 Adjutant General of Oregon, and the Adjutant Gen-
16 eral of Washington.

17 (2) Adjutants General of the remaining States
18 and territories.

19 (d) ORGANIZATION.—

20 (1) EXECUTIVE AGENT.—The Secretary shall
21 designate the National Guard Bureau as the Depart-
22 ment of Defense executive agent for the Yellow Rib-
23 bon Reintegration Program.

24 (2) ESTABLISHMENT OF THE OFFICE FOR RE-
25 INTEGRATION PROGRAMS.—

1 (A) IN GENERAL.—The National Guard
2 Bureau shall establish the Office for Reintegra-
3 tion Programs within the National Guard Bu-
4 reau Joint Staff. This office shall administer all
5 reintegration programs in coordination with
6 State National Guard organizations. The office
7 shall be responsible for coordination with exist-
8 ing National Guard family and support pro-
9 grams. The Directors of the Army National
10 Guard and Air National Guard may appoint li-
11 aison officers to work with the permanent office
12 staff. The office shall closely coordinate with
13 the Army National Guard and Air National
14 Guard Directorates for Manpower and Per-
15 sonnel with respect to existing family support
16 structure, mobilization schedules, training
17 schedules, training plans and programs, and
18 any other personnel issues.

19 (B) ESTABLISHMENT OF A CENTER FOR
20 EXCELLENCE IN REINTEGRATION.—The Office
21 for Reintegration Programs shall establish a
22 Center for Excellence in Reintegration within
23 the office. The Center shall collect and analyze
24 “lessons learned” and suggestions from State
25 National Guard organizations with existing or

1 developing reintegration programs. The Center
2 shall also assist in developing training aids and
3 briefing materials and training representatives
4 from State National Guard organizations. Rep-
5 resentatives from State National Guard organi-
6 zations with successful reintegration programs
7 may augment the Office staff.

8 (3) ADVISORY BOARD.—

9 (A) APPOINTMENT.—The Chief of the Na-
10 tional Guard Bureau shall appoint an advisory
11 board to analyze and report areas of success
12 and areas for necessary improvements. The ad-
13 visory board shall include, but is not limited to,
14 the Director of the Army National Guard, the
15 Director of the Air National Guard, the Assist-
16 ant Secretary of Defense for Reserve Affairs,
17 an Adjutant General on a rotational basis as
18 determined by the Chief of the National Guard
19 Bureau, the Director of the National Guard
20 Bureau Manpower and Personnel Directorate
21 (J-1), and any other Department of Defense,
22 Federal Government agency, or outside organi-
23 zation as determined by the Chief of the Na-
24 tional Guard Bureau. The members of the advi-

1 sory board may designate representatives in
2 their stead.

3 (B) SCHEDULE.—The advisory board shall
4 meet on a schedule as determined by the Chief
5 of the National Guard Bureau.

6 (C) INITIAL REPORTING REQUIREMENT.—
7 The advisory board shall issue internal reports
8 as necessary and shall submit an initial report
9 to the Committees on Armed Services not later
10 than 180 days after the end of a one-year pe-
11 riod from establishment of the Office for Re-
12 integration Programs. This report shall con-
13 tain—

14 (i) an evaluation of the reintegration
15 program’s implementation by State Na-
16 tional Guard organizations;

17 (ii) an assessment of any unmet re-
18 source requirements;

19 (iii) an assessment of the reintegra-
20 tion program’s further inclusion of other
21 reserve component members and the neces-
22 sity for further expansion to incorporate all
23 the reserve components; and

24 (iv) recommendations regarding closer
25 coordination between the Office of Re-

1 integration Programs and State National
2 Guard organizations.

3 (D) ANNUAL REPORTS.—The advisory
4 board shall submit annual reports to the Com-
5 mittees on Armed Services of the Senate and
6 House of Representatives following the initial
7 report by the first week in March of subsequent
8 years following the initial report.

9 (4) STATE DEPLOYMENT CYCLE SUPPORT
10 TEAMS.—The Office for Reintegration Programs
11 shall employ personnel to administer the Yellow Rib-
12 bon Reintegration Program at the State level. The
13 Chief of the National Guard Bureau shall assign
14 State Deployment Cycle Support Team members
15 based on State need, geographical dispersion, and
16 military population. The Office for Reintegration
17 Programs is encouraged to employ wounded service
18 members and returning combat veterans whenever
19 possible. The primary function of team members
20 shall be—

21 (A) developing and managing the re-
22 integration curriculum;

23 (B) contracting and recruiting for nec-
24 essary service providers; and

1 (C) ensuring that providers' skills adapt to
2 the unique military nature of the reintegration
3 program.

4 (e) PROGRAM.—

5 (1) IN GENERAL.—The Office for Reintegration
6 Programs shall analyze the demographics, placement
7 of State Family Assistance Centers (FAC), and
8 FAC resources before a mobilization alert is issued
9 to affected State National Guard organizations. The
10 Office of Reintegration Programs shall consult with
11 affected State National Guard organizations fol-
12 lowing the issuance of a mobilization alert and im-
13 plement the reintegration events in accordance with
14 the Reintegration Program phase model.

15 (2) PRE-DEPLOYMENT PHASE.—The pre-de-
16 ployment phase shall constitute the time from first
17 notification of mobilization until deployment of the
18 mobilized National Guard unit. Events and activities
19 shall focus on providing education and ensuring the
20 readiness of service members, families, and commu-
21 nities for the rigors of a combat deployment.

22 (3) DEPLOYMENT PHASE.—The deployment
23 phase shall constitute the period from deployment of
24 the mobilized National Guard unit until the unit ar-
25 rives at a demobilization station inside the conti-

1 mental United States. Events and services provided
2 shall focus on the challenges and stress associated
3 with separation and having a member in a combat
4 zone. Information sessions shall utilize State Na-
5 tional Guard resources in coordination with the Em-
6 ployer Support of Guard and Reserve Office, Transi-
7 tion Assistance Advisors, and the State Family Pro-
8 grams Director.

9 (4) DEMOBILIZATION PHASE.—

10 (A) IN GENERAL.—The demobilization
11 phase shall constitute the period from arrival of
12 the National Guard unit at the demobilization
13 station until its departure for home station. In
14 the interest of returning members as soon as
15 possible to their home stations, reintegration
16 briefings during the demobilization phase shall
17 be minimized. State Deployment Cycle Support
18 Teams are encouraged, however, to assist de-
19 mobilizing members in enrolling in the Depart-
20 ment of Veterans Affairs system using form
21 1010EZ during the Demobilization Phase.
22 State Deployment Cycle Support Teams may
23 provide other events from the initial reintegra-
24 tion activity as determined by the State Na-
25 tional Guard organizations. Remaining events

1 shall be conducted during the post-deployment-
2 reconstitution phase.

3 (B) INITIAL REINTEGRATION ACTIVITY.—

4 The purpose of this reintegration program is to
5 educate service members about the resources
6 that are available to them and to connect mem-
7 bers to service providers who can assist them in
8 overcoming the challenges of reintegration

9 (5) POST-DEPLOYMENT-RECONSTITUTION
10 PHASE.—

11 (A) IN GENERAL.—The post-deployment-
12 reconstitution phase shall constitute the period
13 from arrival at home station until 180 days fol-
14 lowing demobilization. Activities and services
15 provided shall focus on reconnecting service
16 members with their families and communities
17 and providing resources and information nec-
18 essary for successful reintegration. Reintegra-
19 tion events shall begin with elements of the Ini-
20 tial Reintegration Activity program that were
21 not completed during the demobilization phase.

22 (B) 30-DAY, 60-DAY, AND 90-DAY RE-
23 INTEGRATION ACTIVITIES.—The State National
24 Guard organizations shall hold reintegration ac-
25 tivities at the 30-day, 60-day, and 90-day inter-

1 val following demobilization. These activities
2 shall focus on reconnecting service members
3 and family members with the service providers
4 from initial reintegration activity to ensure
5 service members and their families understand
6 what benefits they are entitled to and what re-
7 sources are available to help them overcome the
8 challenges of reintegration. The reintegration
9 activities shall also provide a forum for service
10 members and families to address negative be-
11 haviors related to combat stress and transition.

12 (C) SERVICE MEMBER PAY.—Service mem-
13 bers shall receive appropriate pay for days
14 spent attending the Reintegration Activities at
15 the 30-day, 60-day, and 90-day interval.

16 (D) MONTHLY INDIVIDUAL REINTEGRA-
17 TION PROGRAM.—The Office for Reintegration
18 Programs, in coordination with State National
19 Guard organizations, shall offer a monthly re-
20 integration program for individual service mem-
21 bers released from active duty or formerly in a
22 medical hold status. The program shall focus on
23 the special needs of this service member subset
24 and the Office for Reintegration Programs shall

1 develop an appropriate program of services and
2 information.

3 (f) FUNDING INCREASE AND OFFSETTING REDUC-
4 TION.—

5 (1) FUNDING.—The amount otherwise provided
6 by section 421 for the Army National Guard mili-
7 tary personnel account is hereby increased by
8 \$50,000,000 to provide funds to carry out this sec-
9 tion.

10 (2) OFFSETTING REDUCTION.—The amount
11 otherwise provided by section 1507(4) for research,
12 development, test, and evaluation for the Air Force
13 is hereby reduced by \$50,000,000, to be derived
14 from the JSTARS program.

15 **SEC. 517. ADVANCE NOTICE TO MEMBERS OF RESERVE**
16 **COMPONENTS OF DEPLOYMENT IN SUPPORT**
17 **OF CONTINGENCY OPERATIONS.**

18 (a) ADVANCE NOTICE REQUIRED.—The Secretary of
19 Defense shall ensure that a member of a reserve compo-
20 nent who will be called or ordered to active duty for a
21 period of more than 30 days in support of a contingency
22 operation (as defined in section 101(a)(13) of title 10,
23 United States Code) receives notice in advance of the mo-
24 bilization date. At a minimum the notice shall be provided

1 not less than 30 days before the mobilization date, but
 2 with a goal of 90 days before the mobilization date.

3 (b) REDUCTION OR WAIVER OF NOTICE REQUIRE-
 4 MENT.—The Secretary of Defense may waive the require-
 5 ment of subsection (a), or authorize shorter notice than
 6 the minimum specified in such subsection, during a war
 7 or national emergency declared by the President or Con-
 8 gress or to meet mission requirements. If the waiver or
 9 reduction is made on account of mission requirements, the
 10 Secretary shall submit to Congress a report detailing the
 11 reasons for the waiver or reduction and the mission re-
 12 quirements at issue.

13 **Subtitle C—Education and** 14 **Training**

15 **SEC. 521. REDUCTION OR ELIMINATION OF SERVICE OBLI-**
 16 **GATION IN AN ARMY RESERVE OR ARMY NA-**
 17 **TIONAL GUARD TROOP PROGRAM UNIT FOR**
 18 **CERTAIN PERSONS SELECTED AS MEDICAL**
 19 **STUDENTS AT UNIFORMED SERVICES UNI-**
 20 **VERSITY OF THE HEALTH SCIENCES.**

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

23 “(3)(A) Subject to subparagraph (C), in the case of
 24 a person described in subparagraph (B), the Secretary
 25 may, at any time and with the consent of the person, mod-

1 ify an agreement described in paragraph (1)(F) submitted
2 by the person for the purpose of reducing or eliminating
3 the troop program unit service obligation specified in the
4 agreement and to establish, in lieu of that obligation, an
5 active duty service obligation.

6 “(B) Subparagraph (A) applies with respect to the
7 following persons:

8 “(i) A cadet under this section at a military
9 junior college.

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

14 “(iii) A cadet or former cadet under this section
15 who signs an agreement under section 2122 of this
16 title for participation in the Armed Forces Health
17 Professions Scholarship and Financial Assistance
18 program.

19 “(C) The modification of an agreement described in
20 paragraph (1)(F) may be made only if the Secretary deter-
21 mines that it is in the best interests of the United States
22 to do so.”.

1 **SEC. 522. INCREASE IN ANNUAL LIMIT ON NUMBER OF**
2 **ROTC SCHOLARSHIPS UNDER ARMY RESERVE**
3 **AND ARMY NATIONAL GUARD PROGRAM.**

4 Subsection (h) of section 2107a of title 10, United
5 States Code, is amended by striking “416” and inserting
6 “424”.

7 **SEC. 523. REVISIONS TO AUTHORITY TO PAY TUITION FOR**
8 **OFF-DUTY TRAINING OR EDUCATION.**

9 (a) INCLUSION OF COAST GUARD.—Section 2007(a)
10 of title 10, United States Code, is amended by striking
11 “Subject to subsection (b), the Secretary of a military de-
12 partment” and inserting “Subject to subsections (b) and
13 (c), the Secretary concerned”.

14 (b) COMMISSIONED OFFICERS ON ACTIVE DUTY.—
15 Section 2007(b) of title 10, United States Code, is amend-
16 ed—

17 (1) in paragraph (1)—

18 (A) by inserting after “commissioned offi-
19 cer on active duty” the following: “(other than
20 a member of the Ready Reserve)”; and

21 (B) by striking “the Secretary of the mili-
22 tary department concerned” and inserting “the
23 Secretary concerned”; and

24 (C) by striking “or full-time National
25 Guard duty” both places it appears; and

26 (2) in paragraph (2)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “the Secretary of the military
3 department” and inserting “the Secretary con-
4 cerned”;

5 (B) in subparagraph (B), by inserting
6 after “active duty service” the following: “for
7 which the officer was ordered to active duty”;
8 and

9 (C) in subparagraph (C), by striking “Sec-
10 retary” and inserting “Secretary concerned”.

11 (c) AUTHORITY TO PAY TUITION ASSISTANCE TO
12 MEMBERS OF THE READY RESERVE.—Section 2007(c) of
13 title 10, United States Code, is amended to read as fol-
14 lows:

15 “(c) In the case of a member of the Ready Reserve,
16 the following provisions apply:

17 “(1) If the member is an officer of the Selected
18 Reserve, or of the Ready Reserve but not of the Se-
19 lected Reserve, the Secretary concerned may not pay
20 charges under subsection (a) unless the officer
21 agrees to remain a member of the Selected Reserve
22 or of the Ready Reserve (as applicable) for at least
23 four years after completion of the education or train-
24 ing for which the charges are paid.

1 “(2) If the member is an enlisted member in
2 the Selected Reserve, or in the Ready Reserve but
3 not in the Selected Reserve, the Secretary concerned
4 may order the member to serve, after completion of
5 the education or training for which the charges are
6 paid, in the Selected Reserve or in the Ready Re-
7 serve (as applicable) for such period of time as the
8 Secretary concerned prescribes, but not for more
9 than four years.

10 “(3) In addition, if the member is a member of
11 the Individual Ready Reserve, the Secretary con-
12 cerned may not pay charges under subsection (a)
13 unless the Secretary concerned, based upon the
14 needs of the service and the military skills or special-
15 ties of the member, selects the member for participa-
16 tion under this section. The Secretary concerned
17 shall designate the military skills or specialties of
18 members to be eligible for selection under this sec-
19 tion.”.

20 (d) CONFORMING AMENDMENT.—Section 2007 of
21 title 10, United States Code, is further amended—

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

23 (2) by redesignating subsections (e) and (f) as
24 subsections (d) and (e), respectively.

1 (e) REPAYMENT.—Subsection (e) of such section, as
2 so redesignated by subsection (d), is amended—

3 (1) by striking “an officer” and inserting “a
4 member”;

5 (2) by striking “subsection (b)” and inserting
6 “this section”;

7 (3) by striking “of active duty”; and

8 (4) by striking “the officer” and inserting “the
9 member”.

10 (f) REGULATIONS.—Such section is further amended
11 by adding at the end the following new subsection:

12 “(f) This section shall be administered under regula-
13 tions prescribed by the Secretary of Defense or, with re-
14 spect to the Coast Guard when it is not operating as a
15 service in the Navy, the Secretary of Homeland Security.”.

16 (g) STUDY.—

17 (1) IN GENERAL.—The Secretary of Defense
18 shall carry out a study on the tuition assistance pro-
19 gram carried out under section 2007 of title 10,
20 United States Code. The study shall—

21 (A) identify the number of service mem-
22 bers eligible for assistance under the program,
23 and the number who actually receive the assist-
24 ance;

1 (B) assess the extent to which the program
2 affects retention rates; and

3 (C) assess the extent to which State tuition
4 assistance programs affects retention rates in
5 those States.

6 (2) REPORT.—Not later than 9 months after
7 the date of the enactment of this Act, the Secretary
8 shall submit to the Committee on Armed Services of
9 the Senate and the Committee on Armed Services of
10 the House of Representatives a report on the results
11 of the study.

12 **SEC. 524. NATIONAL DEFENSE UNIVERSITY MASTER’S DE-**
13 **GREE PROGRAMS.**

14 (a) IN GENERAL.—Section 2163 of title 10, United
15 States Code, is amended—

16 (1) by striking the heading and inserting the
17 following:

18 **“§ 2163. National Defense University: master’s degree**
19 **programs”;**

20 (2) in subsection (a), by inserting after “master
21 of science” the following: “or master of arts”; and

22 (3) in subsection (b), by adding at the end the
23 following new paragraph:

24 **“(4) MASTER OF ARTS IN STRATEGIC SECURITY**
25 **STUDIES.—**The degree of master of arts in strategic

1 security studies, to graduates of the University who
 2 fulfill the requirements of the program at the School
 3 for National Security Executive Education.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
 5 at the beginning of chapter 108 of such title is amended
 6 by striking the item relating to section 2163 and inserting
 7 the following new item:

“2163. National Defense University: master’s degree programs.”.

8 (c) APPLICABILITY TO 2006-2007 GRADUATES.—
 9 Paragraph (4) of section 2163(b) of title 10, United
 10 States Code (as added by subsection (a) of this section),
 11 applies to any person who becomes a graduate on or after
 12 September 6, 2006.

13 **SEC. 525. RECODIFICATION IN TITLE 38, UNITED STATES**
 14 **CODE, OF CERTAIN EDUCATIONAL ASSIST-**
 15 **ANCE PROGRAMS FOR MEMBERS OF THE RE-**
 16 **SERVE COMPONENTS.**

17 (a) IN GENERAL.—Part III of title 38, United States
 18 Code, is amended by inserting after chapter 32 the fol-
 19 lowing new chapter:

20 **“CHAPTER 33—EDUCATIONAL ASSIST-**
 21 **ANCE FOR MEMBERS OF THE RE-**
 22 **SERVE COMPONENTS**

“SUBCHAPTER I—MEMBERS OF THE SELECTED RESERVE

“Sec.

“3301. Educational assistance program; establishment; amount.

“3302. Eligibility for educational assistance.

- “3303. Time limitation for use of entitlement.
- “3304. Termination of assistance.
- “3305. Failure to participate satisfactorily; penalties.
- “3306. Administration of program
- “3307. Reports to Congress.

“SUBCHAPTER II—RESERVE COMPONENT MEMBERS SUPPORTING
CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS

- “3321. Purpose.
- “3322. Educational assistance program.
- “3323. Eligibility for educational assistance.
- “3324. Time limitation for use of entitlement.
- “3325. Termination of assistance.
- “3326. Administration of program.

1 “SUBCHAPTER I—MEMBERS OF THE SELECTED
2 RESERVE

3 “§ 3301. Educational assistance program: establish-
4 ment; amount

5 “(a) ESTABLISHMENT.—To encourage membership
6 in units of the Selected Reserve of the Ready Reserve, the
7 Secretary of Veterans Affairs, shall establish and maintain
8 a program to provide educational assistance to members
9 of the Selected Reserve of the Ready Reserve of the Armed
10 Forces. The Secretary of each military department shall,
11 under regulations prescribed by the Secretary of Defense,
12 provide to individuals who meet the eligibility require-
13 ments under section 3302 of this title the opportunity to
14 receive educational assistance under this subchapter and
15 shall maintain a program to increase the rate of edu-
16 cational assistance under this subchapter in accordance
17 with subsection (i).

1 “(b) AMOUNT OF PAYMENT.—(1) Each educational
2 assistance program established under subsection (a) shall
3 provide for payment by the Secretary of Veterans Affairs
4 of an educational assistance allowance to each person enti-
5 tled to educational assistance under this subchapter who
6 is pursuing a program of education. Except as provided
7 in subsections (d) through (f), the educational assistance
8 allowance shall be paid at the rates in effect under the
9 former chapter 1606 of title 10, as in effect immediately
10 before the date of the enactment of the National Defense
11 Authorization Act for Fiscal Year 2008, as increased
12 under paragraph (3).

13 “(2) For each month of less than half-time pursuit
14 of a program of education, educational assistance under
15 this subchapter shall be paid at a rate of 25 percent of
16 the amount payable for a month of full-time pursuit of
17 a program of education, except that no payment may be
18 made to a person for less than half-time pursuit if tuition
19 assistance is otherwise available to the person for such
20 pursuit from the military department concerned.

21 “(3) With respect to any fiscal year, the Secretary
22 shall provide a percentage increase (rounded to the near-
23 est dollar) in the rates payable under subparagraphs (A),
24 (B), and (C) of paragraph (1) equal to the percentage by
25 which—

1 “(A) the Consumer Price Index (all items,
2 United States city average) for the 12-month period
3 ending on the June 30 preceding the beginning of
4 the fiscal year for which the increase is made, ex-
5 ceeds

6 “(B) such Consumer Price Index for the 12-
7 month period preceding the 12-month period de-
8 scribed in subparagraph (A).

9 “(c) APPROVED PROGRAMS OF EDUCATION; MAX-
10 IMUM MONTHS OF ASSISTANCE.—(1) Educational assist-
11 ance may be provided under this subchapter for pursuit
12 of any program of education that is an approved program
13 of education for purposes of chapter 30 of this title.

14 “(2) Subject to section 3695 of this title, the max-
15 imum number of months of educational assistance that
16 may be provided to any person under this subchapter is
17 36 (or the equivalent thereof in part-time educational as-
18 sistance).

19 “(3)(A) Notwithstanding any other provision of this
20 subchapter or chapter 36 of this title, any payment of an
21 educational assistance allowance described in subpara-
22 graph (B) of this paragraph shall not—

23 “(i) be charged against the entitlement of any
24 individual under this subchapter; or

1 “(ii) be counted toward the aggregate period for
2 which section 3695 of this title limits an individual’s
3 receipt of assistance.

4 “(B) The payment of the educational assistance al-
5 lowance referred to in subparagraph (A) of this paragraph
6 is the payment of such an allowance to the individual for
7 pursuit of a course or courses under this subchapter if
8 the Secretary of Veterans Affairs finds that the indi-
9 vidual—

10 “(i) had to discontinue such course pursuit as
11 a result of being ordered to serve on active duty
12 under section 12301(a), 12301(d), 12301(g), 12302,
13 or 12304 of title 10; and

14 “(ii) failed to receive credit or training time to-
15 ward completion of the individual’s approved edu-
16 cational, professional, or vocational objective as a re-
17 sult of having to discontinue, as described in clause
18 (i), the individual’s course pursuit.

19 “(C) The period for which, by reason of this sub-
20 section, an educational assistance allowance is not charged
21 against entitlement or counted toward the applicable ag-
22 gregate period under section 3695 of this title shall not
23 exceed the portion of the period of enrollment in the
24 course or courses for which the individual failed to receive

1 credit or with respect to which the individual lost training
2 time, as determined under subparagraph (B)(ii).

3 “(d) PROGRAMS OF APPRENTICESHIP.—(1) Except
4 as provided in paragraph (2), the amount of the monthly
5 educational assistance allowance payable to a person pur-
6 suing a full-time program of apprenticeship or other on-
7 the-job training under this subchapter is—

8 “(A) for each of the first six months of the per-
9 son’s pursuit of such program, 75 percent of the
10 monthly educational assistance allowance otherwise
11 payable to such person under this subchapter;

12 “(B) for each of the second six months of the
13 person’s pursuit of such program, 55 percent of such
14 monthly educational assistance allowance; and

15 “(C) for each of the months following the first
16 12 months of the person’s pursuit of such program,
17 35 percent of such monthly educational assistance
18 allowance.

19 “(2) In any month in which any person pursuing a
20 program of education consisting of a program of appren-
21 ticeship or other on-the-job training fails to complete 120
22 hours of training, the amount of the monthly educational
23 assistance allowance payable under this subchapter to the
24 person shall be limited to the same proportion of the appli-
25 cable full-time rate as the number of hours worked during

1 such month, rounded to the nearest 8 hours, bears to 120
2 hours.

3 “(3)(A) Except as provided in subparagraph (B), for
4 each month that such person is paid a monthly edu-
5 cational assistance allowance under this subchapter, the
6 person’s entitlement under this subchapter shall be
7 charged at the rate of—

8 “(i) 75 percent of a month in the case of pay-
9 ments made in accordance with paragraph (1)(A);

10 “(ii) 55 percent of a month in the case of pay-
11 ments made in accordance with paragraph (1)(B);
12 and

13 “(iii) 35 percent of a month in the case of pay-
14 ments made in accordance with paragraph (1)(C).

15 “(B) Any such charge to the entitlement shall be re-
16 duced proportionately in accordance with the reduction in
17 payment under paragraph (2).

18 “(e) CORRESPONDENCE COURSES.—(1)(A) The
19 amount of the educational assistance allowance payable
20 under this subchapter to a person who enters into an
21 agreement to pursue, and is pursuing, a program of edu-
22 cation exclusively by correspondence is an amount equal
23 to 55 percent of the established charge which the institu-
24 tion requires nonveterans to pay for the course or courses
25 pursued by such person.

1 “(B) For purposes of subparagraph (A), the term ‘es-
2 tablished charge’ means the lesser of—

3 “(i) the charge for the course or courses deter-
4 mined on the basis of the lowest extended time pay-
5 ment plan offered by the institution and approved by
6 the appropriate State approving agency; or

7 “(ii) the actual charge to the person for such
8 course or courses.

9 “(C) Such allowance shall be paid quarterly on a pro
10 rata basis for the lessons completed by the person and
11 serviced by the institution.

12 “(2) In each case in which the amount of educational
13 assistance is determined under paragraph (1), the period
14 of entitlement of the person concerned shall be charged
15 with one month for each amount equal to the amount of
16 the monthly rate payable under subsection (b)(1)(A) for
17 the fiscal year concerned which is paid to the individual
18 as an educational assistance allowance.

19 “(f) FLIGHT TRAINING.—(1) The Secretary of Vet-
20 erans Affairs may approve the pursuit of flight training
21 (in addition to a course of flight training that may be ap-
22 proved under section 3680A(b) of this title) by an indi-
23 vidual entitled to educational assistance under this sub-
24 chapter if—

1 “(A) such training is generally accepted as nec-
2 essary for the attainment of a recognized vocational
3 objective in the field of aviation;

4 “(B) the individual possesses a valid private
5 pilot certificate and meets, on the day the individual
6 begins a course of flight training, the medical re-
7 quirements necessary for a commercial pilot certifi-
8 cate; and

9 “(C) the flight school courses meet Federal
10 Aviation Administration standards for such courses
11 and are approved by the Federal Aviation Adminis-
12 tration and the State approving agency.

13 “(2) Each individual who is pursuing a program of
14 education consisting exclusively of flight training approved
15 as meeting the requirements of paragraph (1) shall be
16 paid an educational assistance allowance under this sub-
17 chapter in the amount equal to 60 percent of the estab-
18 lished charges for tuition and fees which similarly
19 circumstanced nonveterans enrolled in the same flight
20 course are required to pay.

21 “(3) No educational assistance allowance may be paid
22 under this subchapter to an individual for any month dur-
23 ing which such individual is pursuing a program of edu-
24 cation consisting exclusively of flight training until the
25 Secretary has received from that individual and the insti-

1 tuition providing such training a certification of the flight
2 training received by the individual during that month and
3 the tuition and other fees charged for that training.

4 “(4) The period of entitlement of an individual pur-
5 suing a program of education described in paragraph (1)
6 shall be charged with one month for each amount equal
7 to the amount of the monthly rate payable under sub-
8 section (b)(1)(A) for the fiscal year concerned which is
9 paid to that individual as an educational assistance allow-
10 ance for such program.

11 “(5) The number of solo flying hours for which an
12 individual may be paid an educational assistance allowance
13 under this subsection may not exceed the minimum num-
14 ber of solo flying hours required by the Federal Aviation
15 Administration for the flight rating or certification which
16 is the goal of the individual’s flight training.

17 “(g) INDIVIDUALIZED TUTORIAL ASSISTANCE.—
18 (1)(A) Subject to subparagraph (B), the Secretary of Vet-
19 erans Affairs shall approve individualized tutorial assist-
20 ance for any person entitled to educational assistance
21 under this subchapter who—

22 “(i) is enrolled in and pursuing a postsec-
23 ondary course of education on a half-time or
24 more basis at an educational institution; and

1 “(ii) has a deficiency in a subject required
2 as a part of, or which is prerequisite to, or
3 which is indispensable to the satisfactory pur-
4 suit of, the program of education.

5 “(B) The Secretary of Veterans Affairs shall not ap-
6 prove individualized tutorial assistance for a person pur-
7 suing a program of education under this paragraph unless
8 such assistance is necessary for the person to successfully
9 complete the program of education.

10 “(2)(A) Subject to subparagraph (B), the Secretary
11 of Veterans Affairs shall pay to a person receiving individ-
12 ualized tutorial assistance pursuant to paragraph (1) a tu-
13 torial assistance allowance. The amount of the allowance
14 payable under this paragraph may not exceed \$100 for
15 any month, nor aggregate more than \$1,200. The amount
16 of the allowance paid under this paragraph shall be in ad-
17 dition to the amount of educational assistance allowance
18 payable to a person under this subchapter.

19 “(B) A tutorial assistance allowance may not be paid
20 to a person under this paragraph until the educational in-
21 stitution at which the person is enrolled certifies that—

22 “(i) the individualized tutorial assistance is es-
23 sential to correct a deficiency of the person in a sub-
24 ject required as a part of, or which is prerequisite

1 to, or which is indispensable to the satisfactory pur-
2 suit of, an approved program of education;

3 “(ii) the tutor chosen to perform such assist-
4 ance is qualified to provide such assistance and is
5 not the person’s parent, spouse, child (whether or
6 not married or over eighteen years of age), brother,
7 or sister; and

8 “(iii) the charges for such assistance do not ex-
9 ceed the customary charges for such tutorial assist-
10 ance.

11 “(3)(A) A person’s period of entitlement to edu-
12 cational assistance under this subchapter shall be charged
13 only with respect to the amount of tutorial assistance paid
14 to the person under this subsection in excess of \$600.

15 “(B) A person’s period of entitlement to educational
16 assistance under this subchapter shall be charged at the
17 rate of one month for each amount of assistance paid to
18 the individual under this section in excess of \$600 that
19 is equal to the amount of the monthly educational assist-
20 ance allowance which the person is otherwise eligible to
21 receive for full-time pursuit of an institutional course
22 under this subchapter.

23 “(h) COURSES BEYOND BACCALAUREATE DE-
24 GREE.—A program of education in a course of instruction
25 beyond the baccalaureate degree level shall be provided

1 under this subchapter, subject to the availability of appro-
2 priations.

3 “(i) SPECIAL SKILLS.—(1) In the case of a person
4 who has a skill or specialty designated by the Secretary
5 of the military department concerned as a skill or specialty
6 in which there is a critical shortage of personnel or for
7 which it is difficult to recruit or, in the case of critical
8 units, retain personnel, the Secretary of the military de-
9 partment concerned may increase the rate of the edu-
10 cational assistance allowance applicable to that person to
11 such rate in excess of the rate prescribed under subpara-
12 graphs (A) through (D) of subsection (b)(1) as the Sec-
13 retary of Defense considers appropriate, but the amount
14 of any such increase may not exceed \$350 per month.

15 “(2) In the case of a person who has a skill or spe-
16 cialty designated by the Secretary of the military depart-
17 ment concerned as a skill or specialty in which there is
18 a critical shortage of personnel or for which it is difficult
19 to recruit or, in the case of critical units, retain personnel,
20 who is eligible for educational benefits under chapter 30
21 (other than section 3012) of this title and who meets the
22 eligibility criteria specified in subparagraphs (A) and (B)
23 of section 3302(a)(1) of this title, the Secretary of the
24 military department concerned may increase the rate of
25 the educational assistance allowance applicable to that

1 person to such rate in excess of the rate prescribed under
2 section 3015 of this title as the Secretary of Defense con-
3 sidered appropriate, but the amount of any such increase
4 may not exceed \$350 per month.

5 “(3) The authority provided by paragraphs (1) and
6 (2) shall be exercised by the Secretaries of the military
7 departments under regulations prescribed by the Secretary
8 of Defense.

9 “(j) LICENSING AND CERTIFICATION.—(1) Subject
10 to paragraph (3), the amount of educational assistance
11 payable under this subchapter for a licensing or certifi-
12 cation test described in section 3452(b) of this title is the
13 lesser of \$2,000 or the fee charged for the test.

14 “(2) The number of months of entitlement charged
15 in the case of any individual for such licensing or certifi-
16 cation test is equal to the number (including any fraction)
17 determined by dividing the total amount of educational as-
18 sistance paid such individual for such test by the full-time
19 monthly institutional rate of educational assistance which,
20 but for paragraph (1), such individual would otherwise be
21 paid under subsection (b).

22 “(3) In no event shall payment of educational assist-
23 ance under this subsection for such a test exceed the
24 amount of the individual’s available entitlement under this
25 subchapter.

1 **“§ 3302. Eligibility for educational assistance**

2 “(a) ELIGIBILITY.—A person who—

3 “(1) after June 30, 1985—

4 “(A) enlists, reenlists, or extends an enlist-
5 ment as a Reserve for service in the Selected
6 Reserve for a period of not less than six years;
7 or

8 “(B) is appointed as, or is serving as, a re-
9 serve officer and agrees to serve in the Selected
10 Reserve for a period of not less than six years
11 in addition to any other period of obligated
12 service in the Selected Reserve to which the
13 person may be subject; and

14 “(2) before applying for benefits under this sec-
15 tion, has completed the requirements of a secondary
16 school diploma (or an equivalency certificate);
17 is entitled to educational assistance under section 3301
18 of this title.

19 “(b) ACTIVE DUTY FOR TRAINING REQUIRED.—
20 Educational assistance may not be provided to a member
21 under this subchapter until the member has completed the
22 initial period of active duty for training required of the
23 member.

24 “(c) NOTIFICATION.—Each person who becomes enti-
25 tled to educational assistance under subsection (a) shall
26 at the time the person becomes so entitled be given a

1 statement in writing summarizing the provisions of this
2 subchapter and stating clearly and prominently the sub-
3 stance of sections 3304 and 3305 of this title as such sec-
4 tions may apply to the person. At the request of the Sec-
5 retary of Veterans Affairs, the Secretary of Defense shall
6 transmit a notice of entitlement for each such person to
7 that Secretary.

8 “(d) BAR FROM DUAL ELIGIBILITY.—A person who
9 serves in the Selected Reserve may not receive credit for
10 such service under both the program established by chap-
11 ter 30 of this title and the program established by this
12 subchapter but shall elect (in such form and manner as
13 the Secretary of Veterans Affairs may prescribe) the pro-
14 gram to which such service is to be credited. However,
15 a person may not receive credit under the program estab-
16 lished by this subchapter for service (in any grade) on full-
17 time active duty or full-time National Guard duty for the
18 purpose of organizing, administering, recruiting, instruct-
19 ing, or training the reserve components in a position which
20 is included in the end strength required to be authorized
21 each year by section 115(a)(1)(B) of title 10.

22 **“§ 3303. Time limitation for use of entitlement**

23 “(a) TIME LIMITATION.—Except as provided in sub-
24 section (b), the period during which a person entitled to
25 educational assistance under this subchapter may use such

1 person's entitlement expires: (1) at the end of the 14-year
2 period beginning on the date on which such person be-
3 comes entitled to such assistance; or (2) on the date the
4 person is separated from the Selected Reserve, whichever
5 occurs first.

6 “(b) EXCEPTIONS.—(1) In the case of a person—

7 “(A) who is separated from the Selected Re-
8 serve because of a disability which was not the result
9 of the individual's own willful misconduct incurred
10 on or after the date on which such person became
11 entitled to educational assistance under this sub-
12 chapter; or

13 “(B) who, on or after the date on which such
14 person became entitled to educational assistance
15 under this subchapter ceases to be a member of the
16 Selected Reserve during the period beginning on Oc-
17 tober 1, 1991, and ending on December 31, 2001,
18 by reason of the inactivation of the person's unit of
19 assignment or by reason of involuntarily ceasing to
20 be designated as a member of the Selected Reserve
21 pursuant to section 10143(a) of title 10,

22 the period for using entitlement prescribed by subsection
23 (a) shall be determined without regard to clause (2) of
24 such subsection.

1 “(2) The provisions of section 3031(f) of this title
2 shall apply to the period of entitlement prescribed by sub-
3 section (a).

4 “(3) The provisions of section 3031(d) of this title
5 shall apply to the period of entitlement prescribed by sub-
6 section (a) in the case of a disability incurred in or aggra-
7 vated by service in the Selected Reserve.

8 “(4) In the case of a member of the Selected Reserve
9 of the Ready Reserve who serves on active duty pursuant
10 to an order to active duty issued under section 12301(a),
11 12301(d), 12301(g), 12302, or 12304 of title 10—

12 “(A) the period of such active duty service plus
13 four months shall not be considered in determining
14 the expiration date applicable to such member under
15 subsection (a); and

16 “(B) the member may not be considered to
17 have been separated from the Selected Reserve for
18 the purposes of clause (2) of such subsection by rea-
19 son of the commencement of such active duty serv-
20 ice.

21 **“§ 3304. Termination of assistance**

22 “Educational assistance may not be provided under
23 this subchapter—

1 “(1) to a member receiving financial assistance
2 under section 2107 of title 10 as a member of the
3 Senior Reserve Officers’ Training Corps program; or

4 “(2) to a member who fails to participate satis-
5 factorily in required training as a member of the Se-
6 lected Reserve.

7 **“§ 3305. Failure to participate satisfactorily; penalties**

8 “(a) PENALTIES.—At the option of the Secretary of
9 the military department concerned, in consultation with
10 the Secretary of Veterans Affairs, a member of the Se-
11 lected Reserve of an armed force who does not participate
12 satisfactorily in required training as a member of the Se-
13 lected Reserve during a term of enlistment or other period
14 of obligated service that created entitlement of the mem-
15 ber to educational assistance under this subchapter, and
16 during which the member has received such assistance,
17 may—

18 “(1) be ordered to active duty for a period of
19 two years or the period of obligated service the per-
20 son has remaining under section 3302 of this title,
21 whichever is less; or

22 “(2) be subject to repayment requirements pre-
23 scribed by the Secretary of Veterans Affairs that are
24 similar to the repayment provisions under section
25 303a(e) of title 37.

1 “(b) COLLECTION OF FUNDS.—The Secretary of Vet-
2 erans Affairs shall collect any amount required to be re-
3 paid under subsection (a)(2).

4 “(c) EFFECT OF REPAYMENT.—Any repayment
5 under subsection (a)(2) shall not affect the period of obli-
6 gation of a member to serve as a Reserve in the Selected
7 Reserve.

8 **“§ 3306. Administration of program**

9 “(a) PAYMENTS.—(1) Except as provided under
10 paragraph (2), payments for educational assistance under
11 this subchapter shall be made from funds appropriated or
12 otherwise made available to the Department of Veterans
13 Affairs for fiscal year 2009 or any subsequent fiscal year
14 for the payment of readjustment benefits.

15 “(2) Payments for increases in rates of educational
16 assistance under section 3301(i) shall be made from
17 amounts in the Department of Defense Education Bene-
18 fits Fund under section 2006 of title 10. Amounts for such
19 payments shall be made available to the Secretary in ac-
20 cordance with the provisions of section 2006(d) of title 10.

21 “(b) PROGRAM MANAGEMENT.—Except as otherwise
22 provided in this subchapter, the provisions of sections
23 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this
24 title and the provisions of subchapters I and II of chapter
25 36 of this title (with the exception of sections 3686(a) and

1 3687) shall be applicable to the provision of educational
2 assistance under this subchapter. The term ‘eligible vet-
3 eran’ and the term ‘person’, as used in those provisions,
4 shall be deemed for the purpose of the application of those
5 provisions to this subchapter to refer to a person eligible
6 for educational assistance under this subchapter.

7 “(c) APPLICATION OF BENEFITS.—The Secretary of
8 Veterans Affairs may not make a distinction in the appli-
9 cation of educational assistance benefits under this sub-
10 chapter on the basis of whether a person who is eligible
11 for educational assistance under this subchapter first be-
12 came so eligible under former chapter 1606 of title 10,
13 as in effect immediately on September 30, 2008.

14 **“§ 3307. Biennial report to Congress**

15 “The Secretary of Veterans Affairs, in coordination
16 with the Secretary of Defense, shall submit to Congress
17 a report not later than March 1 of each odd-numbered
18 year concerning the operation of the educational assist-
19 ance program established by this subchapter during the
20 preceding two fiscal years. Each such report shall include
21 the number of members of the Selected Reserve of the
22 Ready Reserve of each armed force receiving, and the
23 number entitled to receive, educational assistance under
24 this subchapter during those fiscal years. The Secretary

1 may submit the report more frequently and adjust the pe-
2 riod covered by the report accordingly.

3 “SUBCHAPTER II—RESERVE COMPONENT MEM-
4 BERS SUPPORTING CONTINGENCY OPER-
5 ATIONS AND CERTAIN OTHER OPERATIONS

6 “§ 3321. **Purpose**

7 “The purpose of this subchapter is to provide edu-
8 cational assistance to members of the reserve components
9 called or ordered to active service in response to a war
10 or national emergency declared by the President or Con-
11 gress, in recognition of the sacrifices that those members
12 make in answering the call to duty.

13 “§ 3322. **Educational assistance program**

14 “(a) PROGRAM ESTABLISHMENT.—The Secretary of
15 Veterans Affairs, shall establish and maintain a program
16 as prescribed in this subchapter to provide educational as-
17 sistance to members of the Ready Reserve of the Armed
18 Forces. The Secretary of each military department shall,
19 under regulations prescribed by the Secretary of Defense,
20 provide to individuals who meet the eligibility require-
21 ments under section 3323 of this title the opportunity to
22 receive educational assistance under this subchapter.

23 “(b) AUTHORIZED EDUCATION PROGRAMS.—Edu-
24 cational assistance may be provided under this subchapter
25 for pursuit of any program of education that is an ap-

1 proved program of education for purposes of chapter 30
2 of this title.

3 “(c) BENEFIT AMOUNT.—(1) The educational assist-
4 ance program established under subsection (a) shall pro-
5 vide for payment by the Secretary of Veterans Affairs of
6 an educational assistance allowance to each member enti-
7 tled to educational assistance under this subchapter who
8 is pursuing a program of education authorized under sub-
9 section (b).

10 “(2) The educational assistance allowance provided
11 under this subchapter shall be based on the applicable per-
12 cent under paragraph (4) to the applicable rate provided
13 under section 3015 of this title for a member whose enti-
14 tlement is based on completion of an obligated period of
15 active duty of three years.

16 “(3) The educational assistance allowance provided
17 under this section for a person who is undertaking a pro-
18 gram for which a reduced rate is specified in chapter 30
19 of this title, that rate shall be further adjusted by the ap-
20 plicable percent specified in paragraph (4).

21 “(4) The adjusted educational assistance allowance
22 under paragraph (2) or (3), as applicable, shall be—

23 “(A) 40 percent in the case of a member of a
24 reserve component who performed active service for

1 90 consecutive days but less than one continuous
2 year;

3 “(B) 60 percent in the case of a member of a
4 reserve component who performed active service for
5 one continuous year but less than two continuous
6 years; or

7 “(C) 80 percent in the case of a member of a
8 reserve component who performed active service for
9 two continuous years or more.

10 “(d) MAXIMUM MONTHS OF ASSISTANCE.—(1) Sub-
11 ject to section 3695 of this title, the maximum number
12 of months of educational assistance that may be provided
13 to any member under this subchapter is 36 (or the equiva-
14 lent thereof in part-time educational assistance).

15 “(2)(A) Notwithstanding any other provision of this
16 subchapter or chapter 36 of this title, any payment of an
17 educational assistance allowance described in subpara-
18 graph (B) shall not—

19 “(i) be charged against the entitlement of any
20 individual under this subchapter; or

21 “(ii) be counted toward the aggregate period for
22 which section 3695 of this title limits an individual’s
23 receipt of assistance.

24 “(B) The payment of the educational assistance al-
25 lowance referred to in subparagraph (A) is the payment

1 of such an allowance to the individual for pursuit of a
2 course or courses under this subchapter if the Secretary
3 of Veterans Affairs finds that the individual—

4 “(i) had to discontinue such course pursuit as
5 a result of being ordered to serve on active duty
6 under section 12301(a), 12301(d), 12301(g), 12302,
7 or 12304 of title 10; and

8 “(ii) failed to receive credit or training time to-
9 ward completion of the individual’s approved edu-
10 cational, professional, or vocational objective as a re-
11 sult of having to discontinue, as described in clause
12 (i), the individual’s course pursuit.

13 “(C) The period for which, by reason of this sub-
14 section, an educational assistance allowance is not charged
15 against entitlement or counted toward the applicable ag-
16 gregate period under section 3695 of this title shall not
17 exceed the portion of the period of enrollment in the
18 course or courses for which the individual failed to receive
19 credit or with respect to which the individual lost training
20 time, as determined under subparagraph (B)(ii).

21 “(e) AVAILABILITY OF ASSISTANCE FOR LICENSING
22 AND CERTIFICATION TESTS.—The provisions of section
23 3301(j) of this title shall apply to the provision of edu-
24 cational assistance under this subchapter, except that, in
25 applying such section under this subchapter, the reference

1 to subsection (b) in paragraph (2) of such section is
2 deemed to be a reference to subsection (c) of this section.

3 “(f) FLIGHT TRAINING.—The Secretary of Veterans
4 Affairs may approve the pursuit of flight training (in addi-
5 tion to a course of flight training that may be approved
6 under section 3680A(b) of this title) by an individual enti-
7 tled to educational assistance under this subchapter if—

8 “(1) such training is generally accepted as nec-
9 essary for the attainment of a recognized vocational
10 objective in the field of aviation;

11 “(2) the individual possesses a valid private
12 pilot certificate and meets, on the day the member
13 begins a course of flight training, the medical re-
14 quirements necessary for a commercial pilot certifi-
15 cate; and

16 “(3) the flight school courses meet Federal
17 Aviation Administration standards for such courses
18 and are approved by the Federal Aviation Adminis-
19 tration and the State approving agency.

20 **“§ 3323. Eligibility for educational assistance**

21 “(a) ELIGIBILITY.—On or after September 11, 2001,
22 a member of a reserve component is entitled to educational
23 assistance under this subchapter if the member—

1 “(1) served on active duty in support of a con-
2 tingency operation for 90 consecutive days or more;
3 or

4 “(2) in the case of a member of the Army Na-
5 tional Guard of the United States or Air National
6 Guard of the United States, performed full time Na-
7 tional Guard duty under section 502(f) of title 32
8 for 90 consecutive days or more when authorized by
9 the President or Secretary of Defense for the pur-
10 pose of responding to a national emergency declared
11 by the President and supported by Federal funds.

12 “(b) DISABLED MEMBERS.—Notwithstanding the eli-
13 gibility requirements in subsection (a), a member who was
14 ordered to active service as prescribed under subsection
15 (a)(1) or (a)(2) but is released from duty before com-
16 pleting 90 consecutive days because of an injury, illness
17 or disease incurred or aggravated in the line of duty shall
18 be entitled to educational assistance under this subchapter
19 at the rate prescribed in section 3322(c)(4)(A) of this
20 title.

21 “(c) WRITTEN NOTIFICATION.—(1) Each member
22 who becomes entitled to educational assistance under sub-
23 section (a) shall be given a statement in writing prior to
24 release from active service that summarizes the provisions
25 of this subchapter and stating clearly and prominently the

1 substance of section 3325 of this title as such section may
2 apply to the member.

3 “(2) At the request of the Secretary of Veterans Af-
4 fairs, the Secretary of the military department concerned
5 shall transmit a notice of entitlement for each such mem-
6 ber to that Secretary.

7 “(d) BAR FROM DUAL ELIGIBILITY.—A member who
8 qualifies for educational assistance under this subchapter
9 may not receive credit for such service under both the pro-
10 gram established by chapter 30 of this title and the pro-
11 gram established by this subchapter but shall make an ir-
12 revocable election (in such form and manner as the Sec-
13 retary of Veterans Affairs may prescribe) as to the pro-
14 gram to which such service is to be credited.

15 “(e) BAR FROM DUPLICATION OF EDUCATIONAL AS-
16 SISTANCE ALLOWANCE.—(1) Except as provided in para-
17 graph (2), an individual entitled to educational assistance
18 under this subchapter who is also eligible for educational
19 assistance under subchapter I of this chapter, chapter 30,
20 31, 32, or 35 of this title, or under the Hostage Relief
21 Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note)
22 may not receive assistance under more than one such pro-
23 grams and shall elect (in such form and manner as the
24 Secretary of Veterans Affairs may prescribe) under which

1 program the member elects to receive educational assist-
2 ance.

3 “(2) The restriction on duplication of educational as-
4 sistance under paragraph (1) does not apply to the entitle-
5 ment of educational assistance under section 3301(i) of
6 this title.

7 **“§ 3324. Time limit for use of entitlement**

8 “(a) DURATION OF ENTITLEMENT.—Except as pro-
9 vided in subsection (b), a member remains entitled to edu-
10 cational assistance under this subchapter while serving—

11 “(1) in the Selected Reserve of the Ready Re-
12 serve, in the case of a member called or ordered to
13 active service while serving in the Selected Reserve;
14 or

15 “(2) in the Ready Reserve, in the case of a
16 member ordered to active duty while serving in the
17 Ready Reserve (other than the Selected Reserve).

18 “(b) DURATION OF ENTITLEMENT FOR DISABLED
19 MEMBERS.—(1) In the case of a person who is separated
20 from the Ready Reserve because of a disability which was
21 not the result of the individual’s own willful misconduct
22 incurred on or after the date on which such person became
23 entitled to educational assistance under this subchapter,
24 such person’s entitlement to educational assistance expires

1 at the end of the 10-year period beginning on the date
2 on which such person became entitled to such assistance.

3 “(2) The provisions of subsections (d) and (f) of sec-
4 tion 3031 of this title shall apply to the period of entitle-
5 ment prescribed by paragraph (1).

6 **“§ 3325. Termination of assistance**

7 “(a) IN GENERAL.—Except as provided in subsection
8 (b), educational assistance may not be provided under this
9 subchapter, or if being provided under this subchapter,
10 shall be terminated—

11 “(1) if the member is receiving financial assist-
12 ance under section 2107 of title 10 as a member of
13 the Senior Reserve Officers’ Training Corps pro-
14 gram; or

15 “(2) when the member separates from the
16 Ready Reserve, as provided for under section
17 3324(a)(1) or section 3324(a)(2), as applicable, of
18 this title.

19 “(b) EXCEPTION.—Under regulations prescribed by
20 the Secretary of Defense, educational assistance may be
21 provided under this subchapter to a member of the Se-
22 lected Reserve of the Ready Reserve who incurs a break
23 in service in the Selected Reserve of not more than 90
24 days if the member continues to serve in the Ready Re-
25 serve during and after such break in service.

1 **“§ 3326. Administration of program**

2 “(a) PAYMENTS.—Payments for educational assist-
3 ance under this subchapter shall be made from funds ap-
4 propriated or otherwise made available to the Department
5 of Veterans Affairs for fiscal year 2009 or any subsequent
6 fiscal year for the payment of readjustment benefits.

7 “(b) PROGRAM MANAGEMENT.—Except as otherwise
8 provided in this subchapter, the provisions of sections
9 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this
10 title and the provisions of subchapters I and II of chapter
11 36 of this title (with the exception of sections 3686(a) and
12 3687) shall be applicable to the provision of educational
13 assistance under this subchapter. The term ‘eligible vet-
14 eran’ and the term ‘person’, as used in those provisions,
15 shall be deemed for the purpose of the application of those
16 provisions to this subchapter to refer to a person eligible
17 for educational assistance under this subchapter.

18 “(c) APPLICATION OF BENEFITS.—The Secretary of
19 Veterans Affairs may not make a distinction in the appli-
20 cation of educational assistance benefits under this sub-
21 chapter on the basis of whether a person who is eligible
22 for educational assistance under this subchapter first be-
23 came so eligible under former chapter 1607 of title 10,
24 as in effect immediately on September 30, 2008.”.

25 (b) TRANSFER OF AMOUNTS FOR BENEFITS AC-
26 CRUED BEFORE OCTOBER 1, 2008.—

1 (1) FISCAL YEAR 2009.—By not later than Oc-
2 tober 1, 2008, the Secretary of Defense shall trans-
3 fer to the Secretary of Veterans Affairs from the
4 funds in the Department of Defense Education Ben-
5 efits Fund under section 2006 of title 10, United
6 States Code, that are attributable to armed forces
7 education liabilities under chapters 1606 and 1607
8 of such title (other than such liabilities under section
9 16131(i) of such title) that accrue before such date,
10 such funds as may be required by the Secretary of
11 Veterans Affairs to make payments with respect to
12 such liabilities during fiscal year 2009. Such
13 amounts shall be deposited into the Readjustment
14 Benefits Account of the Department of Veterans Af-
15 fairs and shall be used only by the Secretary of Vet-
16 erans Affairs to make payments of educational as-
17 sistance under chapter 33 of title 38, United States
18 Code, as added by subsection (a). Funds deposited
19 in the Readjustment Benefits Account under this
20 paragraph may not be used to pay any benefit that
21 is payable from the Readjustment Benefits Account
22 other than a payment of educational assistance
23 under chapter 33 of title 38, United States Code, as
24 added by subsection (a).

1 (2) TREATMENT OF RECEIPTS.—Receipts that
2 would otherwise be credited to the account estab-
3 lished for the payment of benefits under the Depart-
4 ment of Defense Education Benefits Fund under
5 section 2006 of title 10, United States Code, for the
6 payment of benefits under the chapters 1606 and
7 1607 of such title (other than such benefits under
8 section 16131(i) of such title), shall be credited to
9 the Readjustment Benefits Account of the Depart-
10 ment of Veterans Affairs and merged with funds de-
11 posited in that account under paragraph (1), to be
12 available for the same purposes and subject to the
13 same limitations as such funds.

14 (3) AGREEMENT FOR SUBSEQUENT FISCAL
15 YEARS.—By not later than October 1, 2008, the
16 Secretary of Defense and the Secretary of Veterans
17 Affairs shall enter into an agreement under which
18 the Secretary of Defense shall transfer to the Sec-
19 retary of Veterans Affairs all remaining funds in the
20 Department of Defense Education Benefits Fund
21 under section 2006 of title 10, United States Code,
22 that are attributable to armed forces liabilities under
23 the former chapters 1606 and 1607 of such title
24 (other than such liabilities under section 16131(i) of
25 such title) that accrue before such date. Such

1 amounts shall be deposited into the education ac-
 2 count of the Readjustment Benefits Account of the
 3 Department of Veterans Affairs and shall be avail-
 4 able to the Secretary of Veterans Affairs to make
 5 payments of educational assistance under chapter 33
 6 of title 38, United States Code, as added by sub-
 7 section (a).

8 (4) REPORT.—By not later than October 1,
 9 2008, the Secretary of Defense shall submit to the
 10 congressional defense committees, the Committee on
 11 Veterans Affairs of the Senate, and the Committee
 12 on Veterans Affairs of the House of Representatives
 13 a detailed report on the agreement between the Sec-
 14 retary of Defense and the Secretary of Veterans Af-
 15 fairs and the status of the transfer of funds de-
 16 scribed in paragraph (2). Such report shall include
 17 the date on which the Secretary of Defense has
 18 agreed to complete such transfer.

19 (c) CLERICAL AMENDMENTS.—The tables of chap-
 20 ters at the beginning of title 38, United States Code, and
 21 at the beginning of part III of such title, are each amend-
 22 ed by inserting after the item relating to chapter 32 the
 23 following new item:

**“33. Educational Assistance for Members of the Reserve
 Component 3301”.**

24 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) CONFORMING AMENDMENTS ON BAR ON
2 DUAL ELIGIBILITY FOR BENEFITS.—

3 (A) Section 3033 of title 38, United States
4 Code, is amended—

5 (i) in subsection (a)(1), by striking
6 “chapter 106 or 107 of title 10” and in-
7 serting “under subchapter I or subchapter
8 II of chapter 33 of this title, under chapter
9 107 of title 10”; and

10 (ii) in subsection (c), by striking
11 “chapter 106 of title 10” and inserting
12 “subchapter I of chapter 33 of this title”.

13 (B) Section 3221(f) of such title is amend-
14 ed by striking “chapter 106 of title 10” and in-
15 serting “subchapter I of chapter 33 of this
16 title”.

17 (C) Section 3681 of such title is amend-
18 ed—

19 (i) in subsection (a), by striking “34,
20 35, or 36 of this title or 106 or 107 of title
21 10,” and inserting “33, 34, 35, or 36 of
22 this title”; and

23 (ii) in subsection (b)—

24 (I) in paragraph (1), by inserting
25 before the period the following: “, and

1 subchapters I and II of chapter 33 of
2 this title”; and

3 (II) in paragraph (2), by striking
4 “Chapters 106 and” and inserting
5 “Chapter”.

6 (2) CONFORMING AMENDMENTS RELATING TO
7 DEPARTMENT OF DEFENSE EDUCATION BENEFITS
8 FUND.—

9 (A) DEFINITION OF ARMED FORCES EDU-
10 CATION LIABILITIES.—Paragraph (1) of section
11 2006(b) of title 10, United States Code, is
12 amended to read as follows:

13 “(1) The term ‘armed forces education liabil-
14 ities’ means liabilities of the armed forces for bene-
15 fits under chapter 30 and section 3301(i) of title 38
16 and for Department of Defense benefits under para-
17 graphs (3) and (4) of section 510(e) of this title, in-
18 cluding funds provided by the Secretary of Home-
19 land Security for education liabilities for the Coast
20 Guard when it is not operating as a service in the
21 Department of the Navy.”.

22 (B) DEFINITION OF NORMAL COST.—Para-
23 graph (2) of such section is amended by strik-
24 ing subparagraph (C) and inserting the fol-
25 lowing new subparagraph:

“(C) The present value of the future Department of Defense benefits payable from the Fund (including funds from the Department in which the Coast Guard is operating) for educational assistance under section 3301(i) of title 38 to persons who during such period become entitled to such assistance.”.

(3) CROSS-REFERENCE AMENDMENTS.—

(A) CHAPTER 106 OF TITLE 10, UNITED STATES CODE.—

(i) Section 2131 of title 10, United States Code, is amended to read as follows:

“§ 2131. Reference to subchapter I of chapter 33 of title 38

“Provisions of law related to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program, as formerly set forth in this chapter and chapter 1606 of this title, are set forth in subchapter I of chapter 33 of title 38 (beginning with section 3301 of title 38).”.

(ii) The table of sections at the beginning of chapter 106 of such title is amended by striking the item relating to section 2131 and inserting the following new item:

“2131. Reference to subchapter I of chapter 33 of title 38.”.

1 (B) CHAPTER 1606 OF TITLE 10, UNITED
 2 STATES CODE.—Chapter 1606 of such title is
 3 amended by striking all after the chapter head-
 4 ing and inserting the following:

“Sec.

“16131. Reference to subchapter I of chapter 33 of title 38.

5 **“§ 16131. Reference to subchapter I of chapter 33 of**
 6 **title 38**

7 “Provisions of law related to educational assistance
 8 for members of the Selected Reserve under the Mont-
 9 gomery GI Bill program, as formerly set forth in this
 10 chapter, are set forth in subchapter I of chapter 33 of
 11 title 38 (beginning with section 3301 of that title).”.

12 (C) CHAPTER 1607 OF TITLE 10, UNITED
 13 STATES CODE.—Chapter 1607 of such title is
 14 amended by striking all after the chapter head-
 15 ing and inserting the following:

“Sec.

“16161. Reference to subchapter II of chapter 33 of title 38.

16 **“§ 16161. Reference to subchapter II of chapter 33 of**
 17 **title 38**

18 “Provisions of law related to educational assistance
 19 for members of the reserve components of the Armed
 20 Forces supporting contingency operations and certain
 21 other operations, as formerly set forth in this chapter, are
 22 set forth in subchapter II of chapter 33 of title 38 (begin-
 23 ning with section 3321 of that title).”.

1 (4) ADDITIONAL CONFORMING AMENDMENTS.—

2 (A) TITLE 38, UNITED STATES CODE.—

3 (i) Section 3485 of title 38, United
4 States Code, is amended—

5 (I) in subsection (a)(4)(E), by
6 striking “chapter 1606 or 1607 of
7 title 10” and inserting “chapter 33 of
8 this title”;

9 (II) in subsection (b), by striking
10 “chapter 30, 31, 32, or 34 of this title
11 or chapter 1606 or 1607 of title 10,”
12 and inserting “chapter 30, 31, 32, 33,
13 or 34 of this title”; and

14 (III) in subsection (e)(1)—

15 (aa) by striking “, chapter
16 30, 31, 32, 35, or 36 of this title,
17 or chapter 1606 or 1607 of title
18 10” and inserting “or chapter
19 30, 31, 32, 33, 35, or 36 of this
20 title”; and

21 (bb) by striking “section
22 2135 of such title” and inserting
23 “section 3305 of this title”.

24 (ii) Section 3672(c) of such title is
25 amended—

1 (I) in paragraph (3)(A), by strik-
2 ing “chapters 30 and 35 of this title
3 and chapter 1606 of title 10” and in-
4 serting “chapters 30, 33, and 35 of
5 this title”; and

6 (II) in paragraph (4), by striking
7 “chapter 30 or 35 of this title, or
8 chapter 1606 of title 10, as the case
9 may be” and inserting “chapter 30,
10 33, or 35 of this title”.

11 (iii) Section 3674 of such title is
12 amended—

13 (I) in subsection (a)(1), by strik-
14 ing “and chapter 106 of title 10”; and

15 (II) in subsection (c), by insert-
16 ing “33,” after “32,”.

17 (iv) Section 3680A(d)(1) of such title
18 is amended—

19 (I) by striking “or under chapter
20 106 of title 10” the first place it ap-
21 pears; and

22 (II) by striking “or chapter 30,
23 31, 32, or 35 of this title or under
24 chapter 106 of title 10” and inserting

1 “or chapter 30, 31, 32, 33, or 35 of
2 this title”.

3 (v) Section 3684A(a)(1) of such title
4 is amended by striking “chapter 30 or 32
5 of this title or in chapter 106 of title 10”
6 and inserting “chapter 30, 32, or 33 of
7 this title”.

8 (vi) Section 3688(b) of such title is
9 amended by striking “, chapter 30, 32, or
10 35 of this title, or chapter 106 of title 10”
11 and inserting “or chapter 30, 32, 33, or 35
12 of this title”.

13 (vii) Section 3689 of such title is
14 amended by inserting “33,” after “32,”
15 each place it appears.

16 (viii) Section 3692 of such title is
17 amended—

18 (I) in subsection (a), by striking
19 “or 35 of this title and chapter 1606
20 of title 10” and inserting “33, or 35
21 of this title”; and

22 (II) in subsection (b), by striking
23 “, chapters 30, 32, and 35 of this
24 title, and chapter 1606 of title 10”

1 and inserting “and chapters 30, 32,
2 33, and 35 of this title”.

3 (ix) Section 3695(a) of such title is
4 amended—

5 (I) by striking paragraph (4) and
6 inserting the following new paragraph
7 (4):

8 “(4) Chapters 30, 32, 34, 35, and 36 of this
9 title and subchapters I and II of chapter 33 of this
10 title.”; and

11 (II) in paragraph (5), by striking
12 “, 1606, 1607,”.

13 (x) Section 3697(a) of such title is
14 amended by striking “chapter 30, 32, 34,
15 or 35 of this title, or chapter 106 of title
16 10,” and inserting “chapter 30, 32, 33,
17 34, or 35 of this title”.

18 (xi) Section 3697A(b)(1) of such title
19 is amended by striking “or 32 of this title
20 or chapter 106” and inserting “32, or 33
21 of this title or chapter”.

22 (B) TITLE 10, UNITED STATES CODE.—
23 Section 510(h) of title 10, United States Code,
24 is amended—

25 (i) in paragraph (1)—

1 (I) in subparagraph (A), by strik-
2 ing “additional educational assistance
3 under chapter 1606 of this title or to
4 basic educational assistance under
5 subchapter II of chapter 30 of title
6 38” and inserting “basic educational
7 assistance under subchapter II of
8 chapter 30 of title 38 or educational
9 assistance under subchapter I of chap-
10 ter 33 of that title”; and

11 (II) in subparagraph (B)—

12 (aa) by striking “chapter
13 1606 of this title or chapter 30
14 of title 38” and inserting “chap-
15 ter 30 or subchapter I of chapter
16 33 of title 38”; and

17 (bb) by striking “either such
18 chapter” each place it appears
19 and inserting “either such provi-
20 sions”; and

21 (ii) in paragraph (3)(A), by striking
22 “educational assistance under chapter
23 1606 of this title” and all that follows
24 through “as the case may be” and insert-
25 ing “basic educational assistance under

chapter 30 of title 38 or educational assistance under subchapter I of chapter 33 of that title from an entitlement to such basic educational assistance under chapter 30 of that title or educational assistance under subchapter I of chapter 33 of that title, as the case may be”.

(C) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 2304(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(g)) is amended by striking “chapter 30 of title 38 or chapter 1606 of title 10” and inserting “chapter 30 or 33 of title 38”.

(D) INTERNAL REVENUE CODE OF 1986.—Section 25A(g)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “chapter 30, 31, 32, 34, or 35 of title 38, United States Code, or under chapter 1606 of title 10, United States Code” and inserting “chapter 30, 31, 32, 33, 34, or 35 of title 38, United States Code”.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

1 **SEC. 526. SECRETARY OF DEFENSE EVALUATION OF THE**
2 **ADEQUACY OF THE DEGREE-GRANTING AU-**
3 **THORITIES OF CERTAIN MILITARY UNIVER-**
4 **SITIES AND EDUCATIONAL INSTITUTIONS.**

5 (a) EVALUATION REQUIRED.—The Secretary of De-
6 fense shall carry out an evaluation of the degree-granting
7 authorities provided by title 10, United States Code, to
8 the academic institutions specified in subsection (b). The
9 evaluation shall assess whether the current process, under
10 which each degree conferred by each institution must have
11 a statutory authorization, remains adequate, appropriate,
12 and responsive enough to meet emerging military service
13 education requirements.

14 (b) SPECIFIED INSTITUTIONS.—The academic insti-
15 tutions covered by subsection (a) are the following:

16 (1) The National Defense University.

17 (2) The Army War College and the United
18 States Army Command and General Staff College.

19 (3) The College of Naval Warfare and the Col-
20 lege of Naval Command and Staff.

21 (4) The United States Naval Postgraduate
22 School.

23 (5) Air University and the United States Air
24 Force Institute of Technology.

25 (6) The Marine Corps University.

1 (c) REPORT.—Not later than April 1, 2008, the Sec-
2 retary shall submit to the Committee on Armed Services
3 of the Senate and the Committee on Armed Services of
4 the House of Representatives a report on the evaluation.
5 The report shall include the results of the evaluation and
6 any recommendations for changes to policy or law that
7 the Secretary considers appropriate.

8 **SEC. 527. NAVY JUNIOR RESERVE OFFICERS' TRAINING**
9 **CORPS UNIT FOR SOUTHOLD, MATTITUCK,**
10 **AND GREENPORT HIGH SCHOOLS.**

11 For purposes of meeting the requirements of section
12 2031(b) of title 10, United States Code, the Secretary of
13 the Navy may, and to the extent the schools request shall,
14 treat any two or more of the following schools (all in
15 Southold, Suffolk County, New York) as a single institu-
16 tion:

- 17 (1) Southold High School.
18 (2) Mattituck High School.
19 (3) Greenport High School.

20 **SEC. 528. NAVY SENIOR RESERVE OFFICERS' TRAINING**
21 **CORPS PROGRAM AT UNIVERSITY OF MIAMI,**
22 **CORAL GABLES, FLORIDA.**

23 The Secretary of the Navy may establish and main-
24 tain a Senior Reserve Officers' Training Corps program

1 under section 2102 of title 10, United States Code, at the
2 University of Miami, Coral Gables, Florida.

3 **SEC. 529. INTENSIFIED EFFORTS TO PUBLICIZE AND**
4 **AWARD SCHOLARSHIPS TO STUDENTS AT-**
5 **TENDING HISTORICALLY BLACK COLLEGES**
6 **AND UNIVERSITIES AND HISPANIC-SERVING**
7 **INSTITUTIONS.**

8 The Secretary of Defense shall take due care to en-
9 sure that the Army National Guard and Reserve ROTC
10 scholarships provided in this title are available to students
11 attending Historically Black Colleges and Universities
12 that are part B institutions as defined in section 322(2)
13 of the Higher Education Act of 1965 (20 U.S.C. 1061(2))
14 and minority institutions (as defined in section 365(3) of
15 that Act (20 U.S.C. 1067k(3))) and Hispanic-serving in-
16 stitutions as that term is used in section 502 of the Higher
17 Education Act of 1965 (20 U.S.C. 1101a).

18 **SEC. 530. SENSE OF CONGRESS WITH RESPECT TO EXTEN-**
19 **SION OF TIME LIMITATION FOR USE OF ENTI-**
20 **TLEMENT TO EDUCATION BENEFITS BY MEM-**
21 **BERS OF SELECTED RESERVE AND MEMBERS**
22 **OF RESERVE COMPONENT SUPPORTING CON-**
23 **TINGENCY OPERATIONS.**

24 It is the sense of Congress that the time limitation
25 for the use of entitlement to educational assistance under

1 each of subchapters I and II of chapter 33 of title 38,
2 United States Code, should be extended to allow an indi-
3 vidual entitled to such assistance to use that individual's
4 entitlement during the ten-year period beginning on the
5 date on which the individual is separated from the Ready
6 Reserve or the Selected Reserve of the Ready Reserve, as
7 the case may be.

8 **Subtitle D—General Service** 9 **Authorities**

10 **SEC. 531. AUTHORITY TO REDUCE REQUIRED SERVICE OB-** 11 **LIGATION FOR INITIAL APPOINTMENT OF** 12 **QUALIFIED HEALTH PROFESSIONALS AS OF-** 13 **FICERS IN CRITICAL SPECIALTIES.**

14 Section 651 of title 10, United States Code, is
15 amended by adding at the end the following new sub-
16 section:

17 “(c) For the armed forces under the jurisdiction of
18 the Secretary of Defense, the Secretary may reduce the
19 total initial period of required service to less than the min-
20 imum otherwise established pursuant to subsection (a) in
21 the case of the initial appointment of a commissioned offi-
22 cer in a critically short health professional specialty, as
23 determined by the Secretary. The period of required serv-
24 ice may not be reduced to less than two years.”.

1 **SEC. 532. REENLISTMENT IN FORMER ENLISTED GRADE**
2 **AFTER SERVICE AS AN OFFICER.**

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

5 (1) in subsection (a)—

6 (A) by striking “a Reserve officer” and in-
7 serting “an officer”; and

8 (B) by striking “a temporary appoint-
9 ment” and inserting “an appointment”; and

10 (2) in subsection (b)—

11 (A) in paragraph (1), by striking “a Re-
12 serve officer” and inserting “an officer”; and

13 (B) in paragraph (2), by striking “Re-
14 serve”.

15 (b) REGULAR AIR FORCE.—Section 8258 of such
16 title is amended—

17 (1) in subsection (a)—

18 (A) by striking “a reserve officer” and in-
19 serting “an officer”; and

20 (B) by striking “a temporary appoint-
21 ment” and inserting “an appointment”; and

22 (2) in subsection (b)—

23 (A) in paragraph (1), by striking “a Re-
24 serve officer” and inserting “an officer”; and

25 (B) in paragraph (2), by striking “Re-
26 serve”.

Subtitle E—Military Justice and Legal Assistance Matters

**SEC. 541. AUTHORITY TO DESIGNATE CERTAIN CIVILIAN
EMPLOYEES OF THE FEDERAL GOVERNMENT
AS ELIGIBLE FOR LEGAL ASSISTANCE FROM
DEPARTMENT OF DEFENSE LEGAL STAFF RE-
SOURCES.**

Section 1044(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) Civilian employees of the Federal Government serving with, or preparing to serve with, an armed force in support of a contingency operation, as designated in regulations prescribed by the Secretary concerned.”.

Subtitle F—Decorations and Awards

**SEC. 551. AUTHORIZATION AND REQUEST FOR AWARD OF
MEDAL OF HONOR TO LESLIE H. SABO, JR.,
FOR ACTS OF VALOR DURING THE VIETNAM
WAR.**

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the

1 Armed Forces, the President is authorized and requested
2 to award the Medal of Honor under section 3741 of such
3 title to Leslie H. Sabo, Jr., for the acts of valor during
4 the Vietnam War described in subsection (b).

5 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
6 referred to in subsection (a) are the actions of Leslie H.
7 Sabo, Jr., on May 10, 1970, as a member of the United
8 States Army serving in the grade of Specialist Four in
9 the Republic of Vietnam with Company B of the 3d Bat-
10 talion, 506th Infantry Regiment, 101st Airborne Division.

11 **SEC. 552. AUTHORIZATION AND REQUEST FOR AWARD OF**
12 **MEDAL OF HONOR TO HENRY SVEHLA FOR**
13 **ACTS OF VALOR DURING THE KOREAN WAR.**

14 (a) AUTHORIZATION.—Notwithstanding the time lim-
15 itations specified in section 3744 of title 10, United States
16 Code, or any other time limitation with respect to the
17 awarding of certain medals to persons who served in the
18 Armed Forces, the President is authorized and requested
19 to award the Medal of Honor under section 3741 of such
20 title to Henry Svehla for the acts of valor described in
21 subsection (b).

22 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
23 referred to in subsection (a) are the actions of Henry
24 Svehla on June 12, 1952, as a member of the United
25 States Army serving in the grade of Private First Class

1 in Korea with Company F of the 32d Infantry Regiment,
2 7th Infantry Division.

3 **SEC. 553. AUTHORIZATION AND REQUEST FOR AWARD OF**
4 **MEDAL OF HONOR TO WOODROW W. KEEBLE**
5 **FOR ACTS OF VALOR DURING THE KOREAN**
6 **WAR.**

7 (a) WAIVER OF TIME LIMITATIONS.—Notwith-
8 standing the time limitations specified in section 3744 of
9 title 10, United States Code, or any other time limitation
10 with respect to the awarding of certain medals to persons
11 who served in the Armed Forces, the President is author-
12 ized and requested to award the Medal of Honor under
13 section 3741 of such title to Woodrow W. Keeble for the
14 acts of valor described in subsection (b).

15 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
16 referred to in subsection (a) are the actions of Woodrow
17 W. Keeble of the United States Army as an acting platoon
18 leader on October 20, 1950, during the Korean War.

19 **SEC. 554. AUTHORIZATION AND REQUEST FOR AWARD OF**
20 **MEDAL OF HONOR TO PRIVATE PHILIP G.**
21 **SHADRACH FOR ACTS OF VALOR DURING**
22 **THE CIVIL WAR.**

23 (a) AUTHORIZATION.—Notwithstanding the time lim-
24 itations specified in section 3744 of title 10, United States
25 Code, or any other time limitation with respect to the

1 awarding of certain medals to persons who served in the
2 Armed Forces, the President is authorized and requested
3 to award the Medal of Honor under section 3741 of title
4 10, United States Code, posthumously to Private Philip
5 G. Shadrach of Company K, 2nd Ohio Volunteer Infantry
6 Regiment for the acts of valor described in subsection (b).

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

11 **SEC. 555. AUTHORIZATION AND REQUEST FOR AWARD OF**
12 **MEDAL OF HONOR TO PRIVATE GEORGE D.**
13 **WILSON FOR ACTS OF VALOR AS ONE OF AN-**
14 **DREWS RAIDERS DURING THE CIVIL WAR.**

15 (a) AUTHORIZATION.—The President is authorized
16 and requested to award the Medal of Honor under section
17 3741 of title 10, United States Code, posthumously to Pri-
18 vate George D. Wilson of Company B, 2nd Ohio Volunteer
19 Infantry Regiment for the acts of valor described in sub-
20 section (b).

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

1 **SEC. 556. COLD WAR VICTORY MEDAL.**

2 (a) AUTHORITY.—Chapter 57 of title 10, United
3 States Code, is amended by adding at the end the fol-
4 lowing new section:

5 **“§ 1135. Cold War Victory Medal**

6 “(a) MEDAL AUTHORIZED.—The Secretary con-
7 cerned shall issue a service medal, to be known as the
8 ‘Cold War Victory Medal’, to persons eligible to receive
9 the medal under subsection (b). The Cold War Victory
10 Medal shall be of an appropriate design approved by the
11 Secretary of Defense, with ribbons, lapel pins, and other
12 appurtenances.

13 “(b) ELIGIBLE PERSONS.—The following persons are
14 eligible to receive the Cold War Victory Medal:

15 “(1) A person who—

16 “(A) performed active duty or inactive
17 duty training as an enlisted member during the
18 Cold War;

19 “(B) completed the person’s initial term of
20 enlistment or, if discharged before completion of
21 such initial term of enlistment, was honorably
22 discharged after completion of not less than
23 180 days of service on active duty; and

24 “(C) has not received a discharge less fa-
25 vorable than an honorable discharge or a re-

1 lease from active duty with a characterization
2 of service less favorable than honorable.

3 “(2) A person who—

4 “(A) performed active duty or inactive
5 duty training as a commissioned officer or war-
6 rant officer during the Cold War;

7 “(B) completed the person’s initial service
8 obligation as an officer or, if discharged or sep-
9 arated before completion of such initial service
10 obligation, was honorably discharged after com-
11 pletion of not less than 180 days of service on
12 active duty; and

13 “(C) has not been released from active
14 duty with a characterization of service less fa-
15 vorable than honorable and has not received a
16 discharge or separation less favorable than an
17 honorable discharge.

18 “(c) ONE AWARD AUTHORIZED.—Not more than one
19 Cold War Victory Medal may be issued to any person.

20 “(d) ISSUANCE TO REPRESENTATIVE OF DE-
21 CEASED.—If a person described in subsection (b) dies be-
22 fore being issued the Cold War Victory Medal, the medal
23 shall be issued to the person’s representative, as des-
24 ignated by the Secretary concerned.

1 “(e) REPLACEMENT.—Under regulations prescribed
 2 by the Secretary concerned, a Cold War Victory Medal
 3 that is lost, destroyed, or rendered unfit for use without
 4 fault or neglect on the part of the person to whom it was
 5 issued may be replaced without charge.

6 “(f) APPLICATION FOR MEDAL.—The Cold War Vic-
 7 tory Medal shall be issued upon receipt by the Secretary
 8 concerned of an application for such medal, submitted in
 9 accordance with such regulations as the Secretary pre-
 10 scribes.

11 “(g) UNIFORM REGULATIONS.—The Secretary of De-
 12 fense shall ensure that regulations prescribed by the Sec-
 13 retaries of the military departments under this section are
 14 uniform so far as is practicable.

15 “(h) DEFINITION.—In this section, the term ‘Cold
 16 War’ means the period beginning on September 2, 1945,
 17 and ending at the end of December 26, 1991.”.

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

“1135. Cold War Victory Medal.”.

21 **SEC. 557. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.**

22 (a) ARMY.—

23 (1) IN GENERAL.—Chapter 357 of title 10,
 24 United States Code, is amended by adding at the
 25 end the following new section:

1 **“§ 3757. Combat Medevac Badge**

2 “(a) The Secretary of the Army shall issue a badge
3 of appropriate design, to be known as the Combat
4 Medevac Badge, to each person who while a member of
5 the Army served in combat on or after June 25, 1950,
6 as a pilot or crew member of a helicopter medical evacu-
7 ation ambulance and who meets the requirements for the
8 award of that badge.

9 “(b) The Secretary of the Army shall prescribe re-
10 quirements for eligibility for the Combat Medevac
11 Badge.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of such chapter is amended
14 by adding at the end the following new item:

“3757. Combat Medevac Badge”.

15 (b) NAVY AND MARINE CORPS.—

16 (1) IN GENERAL.—Chapter 567 of title 10,
17 United States Code, is amended by adding at the
18 end the following new section:

19 **“§ 6259. Combat Medevac Badge**

20 “(a) The Secretary of the Navy shall issue a badge
21 of appropriate design, to be known as the Combat
22 Medevac Badge, to each person who while a member of
23 the Navy or Marine Corps served in combat on or after
24 June 25, 1950, as a pilot or crew member of a helicopter

1 medical evacuation ambulance and who meets the require-
2 ments for the award of that badge.

3 “(b) The Secretary of the Navy shall prescribe re-
4 quirements for eligibility for the Combat Medevac
5 Badge.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of such chapter is amended
8 by adding at the end the following new item:

“6259. Combat Medevac Badge”.

9 (c) AIR FORCE.—

10 (1) IN GENERAL.—Chapter 857 of title 10,
11 United States Code, is amended by adding at the
12 end the following new section:

13 **“§ 8757. Combat Medevac Badge**

14 “(a) The Secretary of the Air Force shall issue a
15 badge of appropriate design, to be known as the Combat
16 Medevac Badge, to each person who while a member of
17 the Air Force served in combat on or after June 25, 1950,
18 as a pilot or crew member of a helicopter medical evacu-
19 ation ambulance and who meets the requirements for the
20 award of that badge.

21 “(b) The Secretary of the Air Force shall prescribe
22 requirements for eligibility for the Combat Medevac
23 Badge.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by adding at the end the following new item:

“8757. Combat Medevac Badge”.

4 (d) AWARD FOR SERVICE BEFORE DATE OF ENACT-
5 MENT.—In the case of persons who, while a member of
6 the Armed Forces, served in combat as a pilot or crew
7 member of a helicopter medical evacuation ambulance dur-
8 ing the period beginning on June 25, 1950, and ending
9 on the date of enactment of this Act, the Secretary of the
10 military department concerned shall issue the Combat
11 Medevac Badge—

12 (1) to each such person who is known to the
13 Secretary before the date of enactment of this Act;
14 and

15 (2) to each such person with respect to whom
16 an application for the issuance of the badge is made
17 to the Secretary after such date in such manner,
18 and within such time period, as the Secretary may
19 require.

1 **Subtitle G—Impact Aid and De-**
2 **fense Dependents Education**
3 **System**

4 **SEC. 561. TUITION ASSISTANCE FOR MILITARY DEPEND-**
5 **ENTS IN OVERSEAS AREAS WHERE SCHOOLS**
6 **OPERATED BY DEFENSE DEPENDENTS' EDU-**
7 **CATION SYSTEM ARE NOT REASONABLY**
8 **AVAILABLE.**

9 Section 1407(b)(1) of the Defense Dependents' Edu-
10 cation Act of 1978 (20 U.S.C. 926(b)(1)) is amended in
11 the first sentence by inserting “, including private board-
12 ing schools in the United States,” after “attend schools”.

13 **SEC. 562. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**
14 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**
15 **PENDENTS OF MEMBERS OF THE ARMED**
16 **FORCES AND DEPARTMENT OF DEFENSE CI-**
17 **VILIAN EMPLOYEES.**

18 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
19 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
20 amount authorized to be appropriated pursuant to section
21 301(5) for operation and maintenance for Defense-wide
22 activities, \$50,000,000 shall be available only for the pur-
23 pose of providing assistance to local educational agencies
24 under subsection (a) of section 572 of the National De-

1 fense Authorization Act for Fiscal Year 2006 (Public Law
2 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

3 (b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT
4 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE
5 CHANGES, OR FORCE RELOCATIONS.—Of the amount au-
6 thorized to be appropriated pursuant to section 301(5) for
7 operation and maintenance for Defense-wide activities,
8 \$15,000,000 shall be available only for the purpose of pro-
9 viding assistance to local educational agencies under sub-
10 section (b) of such section 572.

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

16 **Subtitle H—Other Matters**

17 **SEC. 571. EXTENSION OF AUTHORITY TO ACCEPT GIFTS,**
18 **DEVICES, OR REQUESTS TO BENEFIT MEM-**
19 **BERS OF THE ARMED FORCES, DEPENDENTS,**
20 **AND CIVILIAN EMPLOYEES OF THE DEPART-**
21 **MENT OF DEFENSE.**

22 Section 2601(b)(4) of title 10, United States Code,
23 is amended by striking “December 31, 2007” and insert-
24 ing “December 31, 2010”.

1 **SEC. 572. UNIFORM PERFORMANCE POLICIES FOR MILI-**
2 **TARY BANDS AND OTHER MUSICAL UNITS.**

3 (a) IN GENERAL.—

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

8 **“§ 974. Uniform performance policies for military**
9 **bands and other musical units**

10 “(a) RESTRICTIONS ON COMPETITION AND REMU-
11 NERATION.—Bands, ensembles, choruses, or similar musi-
12 cal units of the armed forces, including individual mem-
13 bers of such a unit performing in an official capacity, may
14 not—

15 “(1) perform music in competition with local ci-
16 vilian musicians; or

17 “(2) receive remuneration for official perform-
18 ances.

19 “(b) MEMBERS.—A member of a band, ensemble,
20 chorus, or similar musical unit of the armed forces may
21 perform music in the member’s personal capacity, as an
22 individual or part of a group, for remuneration or other-
23 wise, if the member does not wear a military uniform for
24 the performance, does not identify himself or herself as
25 a member of the armed forces in connection with the per-

1 formance, and complies with all applicable regulations and
2 standards of conduct.

3 “(c) RECORDINGS.—Bands, ensembles, choruses, or
4 similar musical units of the armed forces, when authorized
5 pursuant to Department of Defense regulations, may
6 produce recordings for distribution to the public at a cost
7 not to exceed production and distribution expenses. The
8 proceeds from such recordings shall be credited to the ap-
9 propriation used to cover production and distribution ex-
10 penses.

11 “(d) COMPETITION DEFINED.—(1) In this section,
12 the term ‘perform music in competition with local civilian
13 musicians’ includes performances—

14 “(A) that are more than incidental to events
15 that are not supported solely by appropriated funds
16 and are not free to the public; and

17 “(B) of background, dinner, dance, or other so-
18 cial music at events, regardless of location, that are
19 not supported solely by appropriated funds.

20 “(2) The term does not include performances—

21 “(A) at official Federal Government events that
22 are supported solely by appropriated funds;

23 “(B) at concerts, parades, and other events that
24 are patriotic events or celebrations of national holi-
25 days and are free to the public; or

1 “(C) that are incidental, such as short perform-
2 ances of military or patriotic music to open or close
3 events, to events that are not supported solely by ap-
4 propriated funds, in compliance with applicable rules
5 and regulations.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of such chapter is amended
8 by inserting after the item relating to section 973
9 the following new item:

 “974. Uniform performance policies for military bands and other musical
 units.”.

10 (b) REPEAL OF SEPARATE SERVICE AUTHORITIES.—

11 (1) REPEAL.—Sections 3634, 6223, and 8634
12 of such title are repealed.

13 (2) TABLE OF SECTIONS.—(A) The table of
14 sections at the beginning of chapter 349 of such title
15 is amended by striking the item relating to section
16 3634.

17 (B) The table of sections at the beginning of
18 chapter 565 of such title is amended by striking the
19 item relating to section 6223.

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

1 **SEC. 573. REPEAL OF LIMITATION ON NUMBER OF ACAD-**
2 **EMIES OF DEPARTMENT OF DEFENSE**
3 **STARBASE PROGRAM IN A SINGLE STATE.**

4 Section 2193b(c) of title 10, United States Code, is
5 amended by striking paragraph (3).

6 **SEC. 574. COMBAT VETERANS MENTORING PROGRAM FOR**
7 **CURRENT MEMBERS OF THE ARMED FORCES.**

8 (a) PROGRAM REQUIRED.—The Secretary of De-
9 fense, in coordination with the Secretaries of the military
10 departments, shall institute a program to give veterans of
11 the Armed Forces who have served in combat the oppor-
12 tunity to meet on a regular basis with, to inform, to ex-
13 change ideas with, and to mentor current members of the
14 Armed Forces.

15 (b) ELEMENTS OF PROGRAM.—The program may
16 build on existing programs within the military depart-
17 ments, where they exist, and shall focus on providing
18 members of the Armed Forces, particularly military per-
19 sonnel and leaders at the small unit level, varied perspec-
20 tives on both the human and military aspects of war from
21 those who have experienced it. In carrying out the pro-
22 gram, the Secretary shall seek to provide opportunities for
23 the combat veterans not only to meet with current mem-
24 bers of the Armed Forces before and after their deploy-
25 ment to combat zones, but also during deployments.

1 **SEC. 575. RECOGNITION OF MEMBERS OF THE MONU-**
2 **MENTS, FINE ARTS, AND ARCHIVES PROGRAM**
3 **OF THE CIVIL AFFAIRS AND MILITARY GOV-**
4 **ERNMENT SECTIONS OF THE ARMED FORCES**
5 **DURING AND FOLLOWING WORLD WAR II.**

6 Congress hereby—

7 (1) recognizes the men and women who served
8 in the Monuments, Fine Arts, and Archives program
9 (MFAA) under the Civil Affairs and Military Gov-
10 ernment Sections of the United States Armed
11 Forces for their heroic role in the preservation, pro-
12 tection, and restitution of monuments, works of art,
13 and other artifacts of inestimable cultural impor-
14 tance in Europe and Asia during and following
15 World War II;

16 (2) recognizes that without their dedication and
17 service, many more of the world's artistic and his-
18 toric treasures would have been destroyed or lost
19 forever amidst the chaos and destruction of World
20 War II;

21 (3) acknowledges that the detailed catalogues,
22 documentation, inventories, and photographs devel-
23 oped and compiled by MFAA personnel during and
24 following World War II, have made, and continue to
25 make, possible the restitution of stolen works of art
26 to their rightful owners; and

1 (4) commends and extols the members of the
2 MFAA for establishing a precedent for action to pro-
3 tect cultural property in the event of armed conflict,
4 and by their action setting a standard not just for
5 one country, but for people of all nations to acknowl-
6 edge and uphold.

7 **SEC. 576. PROGRAM TO COMMEMORATE 50TH ANNIVER-**
8 **SARY OF THE VIETNAM WAR.**

9 (a) **COMMEMORATIVE PROGRAM.**—The Secretary of
10 Defense shall conduct a program to commemorate the
11 50th anniversary of the Vietnam War. In conducting the
12 commemorative program, the Secretary shall coordinate,
13 support, and facilitate other programs and activities of the
14 Federal Government, State and local governments, and
15 other persons and organizations in commemoration of the
16 Vietnam War.

17 (b) **COMMENCEMENT AND DURATION OF PRO-**
18 **GRAM.**—The commemorative program shall commence not
19 later than 180 days after the date of the enactment of
20 this Act and continue through December 31, 2025. The
21 Secretary of Defense shall determine the schedule of major
22 events and priority of efforts during that period in order
23 to ensure achievement of the objectives specified in sub-
24 section (c).

1 (c) COMMEMORATIVE ACTIVITIES AND OBJEC-
2 TIVES.—The commemorative program may include activi-
3 ties and ceremonies to achieve the following objectives:

4 (1) To thank and honor veterans of the Viet-
5 nam War, including personnel who were held as pris-
6 oners of war or listed as missing in action, for their
7 service and sacrifice on behalf of the United States
8 and to thank and honor the families of these vet-
9 erans.

10 (2) To highlight the service of the Armed
11 Forces during the Vietnam War and the contribu-
12 tions of Federal agencies and governmental and non-
13 governmental organizations that served with, or in
14 support of, the Armed Forces.

15 (3) To pay tribute to the contributions made on
16 the home front by the people of the United States
17 during the Vietnam War.

18 (4) To highlight the advances in technology,
19 science, and medicine related to military research
20 conducted during the Vietnam War.

21 (5) To recognize the contributions and sac-
22 rifices made by the allies of the United States dur-
23 ing the Vietnam War.

24 (d) NAMES AND SYMBOLS.—The Secretary of De-
25 fense shall have the sole and exclusive right to use the

1 name “The United States of America Vietnam War Com-
2 memoration”, and such seal, emblems, and badges incor-
3 porating such name as the Secretary may lawfully adopt.
4 Nothing in this section may be construed to supersede
5 rights that are established or vested before the date of the
6 enactment of this Act.

7 (e) COMMEMORATIVE FUND.—

8 (1) ESTABLISHMENT AND ADMINISTRATION.—

9 There is established in the Treasury of the United
10 States an account to be known as the “Department
11 of Defense Vietnam War Commemoration Fund” (in
12 this section referred to as the “Fund”). The Fund
13 shall be administered by the Secretary of Defense.

14 (2) USE OF FUND.—The Secretary shall use
15 the assets of the Fund only for the purpose of con-
16 ducting the commemorative program and shall pre-
17 scribe such regulations regarding the use of the
18 Fund as the Secretary considers to be necessary.

19 (3) DEPOSITS.—There shall be deposited into
20 the Fund—

21 (A) amounts appropriated to the Fund;

22 (B) proceeds derived from the Secretary’s
23 use of the exclusive rights described in sub-
24 section (d);

1 (C) donations made in support of the com-
2 memorative program by private and corporate
3 donors; and

4 (D) funds transferred to the Fund by the
5 Secretary from funds appropriated for fiscal
6 year 2008 and subsequent years for the Depart-
7 ment of Defense.

8 (4) AVAILABILITY.—Subject to subsection
9 (g)(2), amounts deposited under paragraph (3) shall
10 constitute the assets of the Fund and remain avail-
11 able until expended.

12 (5) BUDGET REQUEST.—Beginning with the
13 budget justification materials submitted by the Sec-
14 retary in support of the budget of the President for
15 fiscal year 2009, the Secretary shall establish a sep-
16 arate budget line for the commemorative program.
17 In the budget justification materials, the Secretary
18 shall—

19 (A) identify and explain the amounts ex-
20 pended for the commemorative program in the
21 year preceding the budget request;

22 (B) identify and explain the amounts being
23 requested to support the commemorative pro-
24 gram for the fiscal year of the budget request
25 and two subsequent years; and

1 (C) present a summary of the fiscal status
2 of the Fund.

3 (f) ACCEPTANCE OF VOLUNTARY SERVICES.—

4 (1) AUTHORITY TO ACCEPT SERVICES.—Not-
5 withstanding section 1342 of title 31, United States
6 Code, the Secretary of Defense may accept from any
7 person voluntary services to be provided in further-
8 ance of the commemorative program.

9 (2) TREATMENT OF VOLUNTEERS.—A person
10 providing voluntary services under this subsection
11 shall be considered to be a Federal employee for
12 purposes of chapter 81 of title 5, United States
13 Code, relating to compensation for work-related inju-
14 ries. The person shall also be considered a special
15 governmental employee for purposes of standards of
16 conduct and sections 202, 203, 205, 207, 208, and
17 209 of title 18, United States Code. A person who
18 is not otherwise employed by the Federal Govern-
19 ment shall not be considered to be a Federal em-
20 ployee for any other purpose by reason of the provi-
21 sion of voluntary services under this subsection.

22 (3) REIMBURSEMENT OF INCIDENTAL EX-
23 PENSES.—The Secretary may provide for reimburse-
24 ment of incidental expenses incurred by a person
25 providing voluntary services under this subsection.

1 The Secretary shall determine which expenses are el-
2 igible for reimbursement under this paragraph.

3 (g) FINAL REPORT.—

4 (1) REPORT REQUIRED.—Not later than 60
5 days after the end of the commemorative period
6 specified in subsection (b), the Secretary of Defense
7 shall submit to Congress a report containing an ac-
8 counting of—

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

11 (B) any other funds expended under this
12 section; and

13 (C) any unobligated funds remaining in
14 the Fund.

15 (2) TREATMENT OF UNOBLIGATED FUNDS.—

16 Unobligated amounts remaining in the Fund as of
17 the end of the commemorative period specified in
18 subsection (b) shall be held in the Fund until trans-
19 ferred by law.

20 (h) LIMITATION ON EXPENDITURES.—Total expendi-
21 tures from the Fund, using amounts appropriated to the
22 Department of Defense, may not exceed \$5,000,000 for
23 fiscal year 2008 or for any subsequent fiscal year to carry
24 out the commemorative program.

1 (i) FUNDING.—Of the amount authorized to be ap-
2 propriated pursuant to section 301(5) for Defense-wide
3 activities, \$3,000,000 shall be available for deposit in the
4 Fund for fiscal year 2008.

5 **SEC. 577. PROTECTION OF CHILD CUSTODY ARRANGE-**
6 **MENTS FOR PARENTS WHO ARE MEMBERS OF**
7 **THE ARMED FORCES DEPLOYED IN SUPPORT**
8 **OF A CONTINGENCY OPERATION.**

9 (a) CHILD CUSTODY PROTECTION.—Title II of the
10 Servicemembers Civil Relief Act (50 U.S.C. App. 521 et
11 seq.) is amended by adding at the end the following new
12 section:

13 **“SEC. 208. CHILD CUSTODY PROTECTION.**

14 “(a) RESTRICTION ON CHANGE OF CUSTODY.—If a
15 motion for change of custody of a child of a servicemember
16 is filed while the servicemember is deployed in support of
17 a contingency operation, no court may enter an order
18 modifying or amending any previous judgment or order,
19 or issue a new order, that changes the custody arrange-
20 ment for that child that existed as of the date of the de-
21 ployment of the servicemember, except that a court may
22 enter a temporary custody order if there is clear and con-
23 vincing evidence that it is in the best interest of the child.

24 “(b) COMPLETION OF DEPLOYMENT.—In any pre-
25 ceding covered under subsection (a), a court shall require

1 that, upon the return of the servicemember from deploy-
 2 ment in support of a contingency operation, the custody
 3 order that was in effect immediately preceding the date
 4 of the deployment of the servicemember is reinstated.

5 “(c) EXCLUSION OF MILITARY SERVICE FROM DE-
 6 TERMINATION OF CHILD’S BEST INTEREST.—If a motion
 7 for the change of custody of the child of a servicemember
 8 who was deployed in support of a contingency operation
 9 is filed after the end of the deployment, no court may con-
 10 sider the absence of the servicemember by reason of that
 11 deployment in determining the best interest of the child.

12 “(d) CONTINGENCY OPERATION DEFINED.—In this
 13 section, the term ‘contingency operation’ has the meaning
 14 given that term in section 101(a)(13) of title 10, United
 15 States Code, except that the term may include such other
 16 deployments as the Secretary may prescribe.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
 18 in section 1(b) of such Act is amended by adding at the
 19 end of the items relating to title II the following new item:

“208. Child custody protection.”.

20 **SEC. 578. LIMITATION ON SIMULTANEOUS DEPLOYMENT TO**
 21 **COMBAT ZONES OF DUAL-MILITARY COUPLES**
 22 **WHO HAVE MINOR DEPENDENTS.**

23 In the case of a member of the Armed Forces with
 24 minor dependents who has a spouse who is also a member
 25 of the Armed Forces, and the spouse is deployed in an

1 area for which imminent danger pay is authorized under
2 section 310 of title 37, United States Code, the member
3 may request a deferment of a deployment to such an area
4 until the spouse returns from such deployment.

5 **SEC. 579. PROHIBITION AGAINST MEMBERS OF THE ARMED**
6 **FORCES PARTICIPATING IN CRIMINAL**
7 **STREET GANGS.**

8 The Secretary of Defense shall revise section 3.5.8
9 of Department of Defense Directive 1325.6 to include
10 membership in a criminal street gang among the list of
11 prohibited activities by members of the Armed Forces.

12 **SEC. 580. STUDY OF FEASIBILITY OF ESTABLISHING A**
13 **PILOT PROGRAM ON FAMILY-TO-FAMILY SUP-**
14 **PORT FOR FAMILIES OF MEMBERS OF THE**
15 **NATIONAL GUARD AND RESERVES UNDER-**
16 **GOING DEPLOYMENT.**

17 (a) STUDY.—The Secretary of Defense shall carry
18 out a study to evaluate the feasibility and advisability of
19 establishing a pilot program on family-to-family support
20 for families of members of the National Guard and Re-
21 serves undergoing deployment, including assessments of—

22 (1) the effectiveness of family-to-family support
23 programs in—

24 (A) the early identification and prevention
25 of family problems for families of members of

1 the National Guard and Reserve who are de-
2 ployed;

3 (B) the provision of peer support for such
4 families;

5 (C) reducing adverse outcomes for children
6 of such families, including poor academic per-
7 formance, behavioral problems, and the adverse
8 consequence of stress and anxiety; and

9 (D) improving family readiness and post-
10 deployment transition for such families;

11 (2) the feasibility and advisability of utilizing
12 spouses of members of the Armed Forces to act as
13 counselors for spouses and families of members of
14 the National Guard and Reserve who are deployed in
15 order to assist such spouses and families in coping
16 with the deployment of such members throughout
17 their deployment cycle; and

18 (3) the best practices for training spouses of
19 members of the Armed Forces to act as counselors
20 for spouses and families of members of the National
21 Guard and Reserve who are deployed.

22 (b) REPORT.—Not later than 180 days after the date
23 of the enactment of this Act, the Secretary of Defense
24 shall submit to Congress a report containing the results
25 of the study conducted under subsection (a).

1 **SEC. 581. STUDY REGARDING IMPROVING SUPPORT SERV-**
2 **ICES FOR CHILDREN, INFANTS, AND TOD-**
3 **DLERS OF MEMBERS OF THE NATIONAL**
4 **GUARD AND RESERVE UNDERGOING DEPLOY-**
5 **MENT.**

6 (a) STUDY REQUIRED.—

7 (1) STUDY.—The Secretary of Defense shall
8 conduct a study to evaluate the feasibility and advis-
9 ability of entering into a contract or other agree-
10 ment with a private sector entity having expertise in
11 the health and well-being of families and children,
12 infants, and toddlers in order to enhance and de-
13 velop support services for children of members of the
14 National Guard and Reserve who are deployed.

15 (2) TYPES OF SUPPORT SERVICES.—In con-
16 ducting the study, the Secretary shall consider the
17 need—

18 (A) to develop materials for parents and
19 other caretakers of children of members of the
20 National Guard and Reserve who are deployed
21 to assist such parents and caretakers in re-
22 sponding to the adverse implications of such de-
23 ployment (and the death or injury of such mem-
24 bers during such deployment) for such children,
25 including the role such parents and caretakers

1 can play in addressing and mitigating such im-
2 plications;

3 (B) to develop programs and activities to
4 increase awareness throughout the military and
5 civilian communities of the adverse implications
6 of such deployment (and the death or injury of
7 such members during such deployment) for
8 such children and their families and to increase
9 collaboration within such communities to ad-
10 dress and mitigate such implications;

11 (C) to develop training for early child care
12 and education, mental health, health care, and
13 family support professionals to enhance the
14 awareness of such professionals of their role in
15 assisting families in addressing and mitigating
16 the adverse implications of such deployment
17 (and the death or injury of such members dur-
18 ing such deployment) for such children; and

19 (D) to conduct research on best practices
20 for building psychological and emotional resil-
21 iency in such children in coping with the de-
22 ployment of such members.

23 (b) REPORT.—Not later than 180 days after the date
24 of the enactment of this Act, the Secretary of Defense

1 shall submit to Congress a report containing the results
2 of the study conducted under subsection (a).

3 **SEC. 582. PROHIBITION ON THE UNAUTHORIZED USE OF**
4 **NAMES AND IMAGES OF MEMBERS OF THE**
5 **ARMED FORCES.**

6 (a) PROHIBITION.—Chapter 49 of title 10, United
7 States Code, is amended by adding at the end the fol-
8 lowing new section:

9 **“§ 988. Unauthorized use of names and images of**
10 **members of the armed forces**

11 “(a) PROHIBITION.—Except with the permission of
12 the individual or individuals designated under subsection
13 (d), no person may knowingly use the name or image of
14 a protected individual in connection with any merchandise,
15 retail product, impersonation, solicitation, or commercial
16 activity in a manner reasonably calculated to connect the
17 protected individual with that individual’s service in the
18 armed forces.

19 “(b) AUTHORITY TO ENJOIN VIOLATIONS.—When-
20 ever it appears to the Attorney General that any person
21 is engaged or is about to engage in an act or practice
22 which constitutes or will constitute conduct prohibited by
23 subsection (a), the Attorney General may initiate a civil
24 proceeding in a district court of the United States to en-
25 join such act or practice. Such court shall proceed as soon

1 as practicable to the hearing and determination of such
2 action and may, at any time before final determination,
3 enter such restraining orders or prohibitions, or take such
4 other actions as is warranted, to prevent injury to the
5 United States or to any person or class of persons for
6 whose protection the action is brought.

7 “(c) PROTECTED INDIVIDUAL.—For purposes of this
8 section, a protected individual is any person who—

9 “(1) is a member of the armed forces; or

10 “(2) was a member of the armed forces at any
11 time after April 5, 1917, and, if not living, has a
12 surviving spouse, child, parent, grandparent, or sib-
13 ling.

14 “(d) DESIGNATED INDIVIDUAL OR INDIVIDUALS.—

15 (1) The individual or individuals designated under this
16 subsection, with respect to a protected individual—

17 “(A) is the protected individual, if living; and

18 “(B) otherwise is the living survivor or sur-
19 vivors of the protected individual highest on the fol-
20 lowing list:

21 “(i) The surviving spouse.

22 “(ii) The children.

23 “(iii) The parents.

24 “(iv) The grandparents.

25 “(v) The siblings.

1 “(2) In the case of a protected individual for whom
 2 more than one individual is designated under clause (ii),
 3 (iii), (iv), or (v) of paragraph (1)(B), the prohibition under
 4 subsection (a) shall apply unless permission is obtained
 5 from each designated individual.”.

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

“988. Unauthorized use of names and images of members of the armed
 forces.”.

9 **TITLE VI—COMPENSATION AND** 10 **OTHER PERSONNEL BENEFITS**

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2008 increase in military basic pay.

Sec. 602. Basic allowance for housing for reserve component members without dependents who attend accession training while maintaining a primary residence.

Sec. 603. Income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

Sec. 604. Participation of members of the uniformed services in Thrift Savings Plan.

Sec. 605. Enhancement of referral bonus to encourage service in the Army.

Sec. 606. Guaranteed pay increase for members of the Armed Forces of one-half of one percentage point higher than Employment Cost Index.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. Extension of special pay and bonus authorities for nuclear officers.

Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.

Sec. 615. Increase in incentive special pay and multiyear retention bonus for medical officers.

Sec. 616. Increase in dental officer additional special pay.

Sec. 617. Definition of sea duty for career sea pay to include multi-crew ships.

Sec. 618. Reenlistment bonus for members of the Selected Reserve.

- Sec. 619. Availability of Selected Reserve accession bonus for persons who previously served in the Armed Forces for a short period.
- Sec. 620. Availability of nuclear officer continuation pay for officers with more than 26 years of commissioned service.
- Sec. 621. Waiver of years-of-service limitation on receipt of critical skills retention bonus.
- Sec. 622. Accession bonus for participants in the Armed Forces Health Professional Scholarship and Financial Assistance Program.
- Sec. 623. Payment of assignment incentive pay for Reserve members serving in combat zone for more than 22 months.
- Sec. 624. Increase in maximum monthly rate of hardship duty pay.

Subtitle C—Travel and Transportation Allowances

- Sec. 631. Allowance for participation in Reserve screening conducted through electronic means.
- Sec. 632. Allowance for civilian clothing for members of the Armed Forces traveling in connection with medical evacuation.
- Sec. 633. Moving expenses for JROTC instructors who agree to serve in hard-to-fill positions.
- Sec. 634. Transportation of additional motor vehicle of members on change of permanent station to or from nonforeign areas outside the continental United States.
- Sec. 635. Payment of inactive duty training travel costs for certain Selected Reserve members.

Subtitle D—Retired Pay and Survivor Benefits

- Sec. 641. Disregarding periods of confinement of member in determining benefits for dependents who are victims of abuse by the member.
- Sec. 642. Continuation of authority for members of the Armed Forces to designate a recipient for a portion of the death gratuity.
- Sec. 643. Recoupment of annuity amounts previously paid, but subject to offset for dependency and indemnity compensation.
- Sec. 644. Special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
- Sec. 645. Expansion of combat-related special compensation eligibility for chapter 61 military retirees with fewer than 20 years of creditable service.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

- Sec. 651. Access to Defense Commissary and Exchange System by surviving spouse and dependents of certain disabled veterans.
- Sec. 652. Authority to continue commissary and exchange benefits for certain involuntarily separated members of the Armed Forces.
- Sec. 653. Authorization of installment deductions from pay of employees of executive branch instrumentalities to collect indebtedness to the United States.

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

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

Subtitle G—Other Matters

Sec. 671. Expansion of education loan repayment program for members of the Selected Reserve.

Sec. 672. Ensuring entry into United States after time abroad for permanent resident alien military spouses and children.

Sec. 673. Overseas naturalization for military spouses and children.

Sec. 674. Postal benefits program for members of the Armed Forces serving in Iraq or Afghanistan.

Sec. 675. Leave for military families.

1 **Subtitle A—Pay and Allowances**

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

4 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The
5 adjustment to become effective during fiscal year 2008 re-
6 quired by section 1009 of title 37, United States Code,
7 in the rates of monthly basic pay authorized members of
8 the uniformed services shall not be made.

9 (b) INCREASE IN BASIC PAY.—Effective on January
10 1, 2008, the rates of monthly basic pay for members of
11 the uniformed services are increased by 3.5 percent.

12 (c) SOURCE OF FUNDS FOR PORTION OF FISCAL
13 YEAR 2008 OBLIGATIONS.—During fiscal year 2008, the
14 funds necessary to satisfy the obligations incurred by the
15 Department of Defense to provide the increase under sub-
16 section (b) in the rates of monthly basic pay for members
17 of the Army, Navy, Air Force, and Marine Corps in excess
18 of 3 percent shall be derived from amounts appropriated
19 pursuant to the authorization of appropriations in section
20 1514 for military personnel accounts of the Department.

1 **SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR RESERVE**
2 **COMPONENT MEMBERS WITHOUT DEPEND-**
3 **ENTS WHO ATTEND ACCESSION TRAINING**
4 **WHILE MAINTAINING A PRIMARY RESIDENCE.**

5 (a) AVAILABILITY OF ALLOWANCE.—Section
6 403(g)(1) of title 37, United States Code, is amended—
7 (1) by inserting “to attend accession training,”
8 after “active duty” the first place it appears; and
9 (2) by inserting a comma after “contingency
10 operation” the first place it appears.

11 (b) SOURCE OF FUNDS FOR PORTION OF FISCAL
12 YEAR 2008 OBLIGATIONS.—During fiscal year 2008, the
13 funds necessary to satisfy the obligations incurred by the
14 Department of Defense as a result of the amendment
15 made by subsection (a)(1) to provide a basic allowance for
16 housing for reserve component members without depend-
17 ents who attend accession training while maintaining a
18 primary residence shall be derived from amounts appro-
19 priated pursuant to the authorization of appropriations in
20 section 1514 for military personnel accounts of the De-
21 partment.

22 (c) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall apply with respect to months begin-
24 ning on or after October 1, 2007.

1 **SEC. 603. INCOME REPLACEMENT PAYMENTS FOR RE-**
2 **SERVE COMPONENT MEMBERS EXPERI-**
3 **ENCING EXTENDED AND FREQUENT MOBILI-**
4 **ZATION FOR ACTIVE DUTY SERVICE.**

5 (a) CLARIFICATION REGARDING WHEN PAYMENTS
6 REQUIRED.—Subsection (a) of section 910 of title 37,
7 United States Code, is amended by inserting before the
8 period at the end of the first sentence the following: “,
9 when the total monthly military compensation of the mem-
10 ber is less than the average monthly civilian income of the
11 member”.

12 (b) ELIGIBILITY.—Subsection (b) of such section is
13 amended to read as follows:

14 “(b) ELIGIBILITY.—(1) A member of a reserve com-
15 ponent is entitled to a payment under this section for any
16 full month of active duty of the member, when the total
17 monthly military compensation of the member is less than
18 the average monthly civilian income of the member, while
19 the member is on active duty under an involuntary mobili-
20 zation order, following the date on which the member—

21 “(A) completes 540 continuous days of service
22 on active duty under an involuntary mobilization
23 order;

24 “(B) completes 720 cumulative days on active
25 duty under an involuntary mobilization order during
26 the previous 1,800 days; or

1 “(C) is involuntarily mobilized for service on ac-
2 tive duty for a period of 180 days or more within
3 180 days after the date of the member’s separation
4 from a previous period of active duty for a period of
5 180 days or more.

6 “(2) The entitlement of a member of a reserve com-
7 ponent to a payment under this section also shall com-
8 mence or, if previously commenced under paragraph (1),
9 shall continue if the member—

10 “(A) satisfies the required number of days on
11 active duty specified in subparagraph (A) or (B) of
12 paragraph (1) or was involuntarily mobilized as pro-
13 vided in subparagraph (C) of such paragraph; and

14 “(B) is retained on active duty under subpara-
15 graph (A) or (B) of section 12301(h)(1) of title 10
16 because of an injury or illness incurred or aggra-
17 vated while the member was assigned to duty in an
18 area for which special pay under section 310 of this
19 title is available.”.

20 (c) TERMINATION OF AUTHORITY.—Subsection (g) of
21 such section is amended to read as follows:

22 “(g) TERMINATION.—No payment shall be made to
23 a member under this section for months beginning after
24 December 31, 2008, unless the entitlement of the member

1 to payments under this section commenced on or before
2 that date.”.

3 **SEC. 604. PARTICIPATION OF MEMBERS OF THE UNI-**
4 **FORMED SERVICES IN THRIFT SAVINGS**
5 **PLAN.**

6 (a) SEMI-MONTHLY DEPOSIT OF MEMBER’S CON-
7 TRIBUTIONS.—Section 1014 of title 37, United States
8 Code, is amended by adding at the end the following new
9 subsection:

10 “(c) Notwithstanding subsection (a), in the case of
11 a member of the uniformed services who has elected to
12 participate in the Thrift Savings Plan under section 211
13 of this title, one-half of the monthly contribution of the
14 member to the Plan shall be made in midmonth.”.

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

18 “(e) REPAYMENT OF AMOUNTS BORROWED FROM
19 MEMBER ACCOUNT.—If a loan is issued to a member
20 under section 8433(g) of title 5 from funds in the mem-
21 ber’s account in the Thrift Savings Plan, repayment of
22 the loan shall be required on the same semi-monthly basis
23 as authorized for contributions to the Fund under section
24 1014(c) of this title.”.

1 **SEC. 605. ENHANCEMENT OF REFERRAL BONUS TO EN-**
2 **COURAGE SERVICE IN THE ARMY.**

3 (a) INDIVIDUALS ELIGIBLE FOR BONUS.—Section
4 645 of the National Defense Authorization Act for Fiscal
5 Year 2006 (Public Law 109–163; 119 Stat. 3310) is
6 amended—

7 (1) in subsection (a)(1), by striking “enlists”
8 and inserting “enlists, or is appointed as an officer
9 to serve in a health profession designated by the
10 Secretary,”; and

11 (2) in subsection (b), by inserting “or appoint-
12 ment” after “enlisting” both places it appears.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to bonuses payable
15 under section 645 of the National Defense Authorization
16 Act for Fiscal Year 2006 on or after the date of the enact-
17 ment of this Act.

18 **SEC. 606. GUARANTEED PAY INCREASE FOR MEMBERS OF**
19 **THE ARMED FORCES OF ONE-HALF OF ONE**
20 **PERCENTAGE POINT HIGHER THAN EMPLOY-**
21 **MENT COST INDEX.**

22 Section 1009(c)(2) of title 37, United States Code,
23 is amended “fiscal years 2004, 2005, and 2006” and in-
24 serting “fiscal years 2009 through 2012”.

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

3 **SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL**
4 **PAY AUTHORITIES FOR RESERVE FORCES.**

5 (a) **SELECTED RESERVE REENLISTMENT BONUS.**—
6 Section 308b(g) of title 37, United States Code, is amend-
7 ed by striking “December 31, 2007” and inserting “De-
8 cember 31, 2009”.

9 (b) **SELECTED RESERVE AFFILIATION OR ENLIST-**
10 **MENT BONUS.**—Section 308c(i) of such title is amended
11 by striking “December 31, 2007” and inserting “Decem-
12 ber 31, 2009”.

13 (c) **SPECIAL PAY FOR ENLISTED MEMBERS AS-**
14 **SIGNED TO CERTAIN HIGH PRIORITY UNITS.**—Section
15 308d(c) of such title is amended by striking “December
16 31, 2007” and inserting “December 31, 2009”.

17 (d) **READY RESERVE ENLISTMENT BONUS FOR PER-**
18 **SONS WITHOUT PRIOR SERVICE.**—Section 308g(f)(2) of
19 such title is amended by striking “December 31, 2007”
20 and inserting “December 31, 2009”.

21 (e) **READY RESERVE ENLISTMENT AND REENLIST-**
22 **MENT BONUS FOR PERSONS WITH PRIOR SERVICE.**—Sec-
23 tion 308h(e) of such title is amended by striking “Decem-
24 ber 31, 2007” and inserting “December 31, 2009”.

1 (f) SELECTED RESERVE ENLISTMENT BONUS FOR
2 PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such
3 title is amended by striking “December 31, 2007” and in-
4 serting “December 31, 2009”.

5 **SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL**
6 **PAY AUTHORITIES FOR HEALTH CARE PRO-**
7 **FESSIONALS.**

8 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
9 GRAM.—Section 2130a(a)(1) of title 10, United States
10 Code, is amended by striking “December 31, 2007” and
11 inserting “December 31, 2009”.

12 (b) REPAYMENT OF EDUCATION LOANS FOR CER-
13 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
14 LECTED RESERVE.—Section 16302(d) of such title is
15 amended by striking “January 1, 2008” and inserting
16 “January 1, 2010”.

17 (c) ACCESSION BONUS FOR REGISTERED NURSES.—
18 Section 302d(a)(1) of title 37, United States Code, is
19 amended by striking “December 31, 2007” and inserting
20 “December 31, 2009”.

21 (d) INCENTIVE SPECIAL PAY FOR NURSE ANES-
22 THETISTS.—Section 302e(a)(1) of such title is amended
23 by striking “December 31, 2007” and inserting “Decem-
24 ber 31, 2009”.

1 (e) SPECIAL PAY FOR SELECTED RESERVE HEALTH
2 PROFESSIONALS IN CRITICALLY SHORT WARTIME SPE-
3 CIALTIES.—Section 302g(e) of such title is amended by
4 striking “December 31, 2007” and inserting “December
5 31, 2009”.

6 (f) ACCESSION BONUS FOR DENTAL OFFICERS.—
7 Section 302h(a)(1) of such title is amended by striking
8 “December 31, 2007” and inserting “December 31,
9 2009”.

10 (g) ACCESSION BONUS FOR PHARMACY OFFICERS.—
11 Section 302j(a) of such title is amended by striking “De-
12 cember 31, 2007” and inserting “December 31, 2009”.

13 (h) ACCESSION BONUS FOR MEDICAL OFFICERS IN
14 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
15 302k(f) of such title is amended by striking “December
16 31, 2007” and inserting “December 31, 2009”.

17 (i) ACCESSION BONUS FOR DENTAL SPECIALIST OF-
18 FICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—
19 Section 302l(g) of such title is amended by striking “De-
20 cember 31, 2007” and inserting “December 31, 2009”.

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

23 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
24 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
25 312(f) of title 37, United States Code, is amended by

1 striking “December 31, 2007” and inserting “December
2 31, 2009”.

3 (b) NUCLEAR CAREER ACCESSION BONUS.—Section
4 312b(c) of such title is amended by striking “December
5 31, 2007” and inserting “December 31, 2009”.

6 (c) NUCLEAR CAREER ANNUAL INCENTIVE
7 BONUS.—Section 312c(d) of such title is amended by
8 striking “December 31, 2007” and inserting “December
9 31, 2009”.

10 **SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAY-**
11 **MENT OF OTHER BONUSES AND SPECIAL**
12 **PAYS.**

13 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
14 tion 301b(a) of title 37, United States Code, is amended
15 by striking “December 31, 2007” and inserting “Decem-
16 ber 31, 2009”.

17 (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g)
18 of such title is amended by striking “December 31, 2008”
19 and inserting “December 31, 2009”.

20 (c) REENLISTMENT BONUS FOR ACTIVE MEM-
21 BERS.—Section 308(g) of such title is amended by strik-
22 ing “December 31, 2007” and inserting “December 31,
23 2009”.

1 (d) ENLISTMENT BONUS.—Section 309(e) of such
2 title is amended by striking “December 31, 2007” and in-
3 serting “December 31, 2009”.

4 (e) RETENTION BONUS FOR MEMBERS WITH CRIT-
5 ICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY
6 UNITS.—Section 323(i) of such title is amended by strik-
7 ing “December 31, 2007” and inserting “December 31,
8 2009”.

9 (f) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-
10 ICAL SKILLS.—Section 324(g) of such title is amended by
11 striking “December 31, 2007” and inserting “December
12 31, 2009”.

13 (g) INCENTIVE BONUS FOR CONVERSION TO MILI-
14 TARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL
15 SHORTAGE.—Section 326(g) of such title is amended by
16 striking “December 31, 2007” and inserting “December
17 31, 2009”.

18 (h) INCENTIVE BONUS FOR TRANSFER BETWEEN
19 THE ARMED FORCES.—Section 327(h) of such title is
20 amended by striking “December 31, 2009” and inserting
21 “December 31, 2010”.

22 (i) ACCESSION BONUS FOR OFFICER CANDIDATES.—
23 Section 330(f) of such title is amended by striking “De-
24 cember 31, 2007” and inserting “December 31, 2009”.

1 (j) ARMY REFERRAL BONUS.—Subsection (h) of sec-
 2 tion 645 of the National Defense Authorization Act for
 3 Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310),
 4 as redesignated by section 624(e) of the John Warner Na-
 5 tional Defense Authorization Act for Fiscal Year 2007
 6 (Public Law 109–364; 120 Stat. 2258), is amended by
 7 striking “December 31, 2007” and inserting “December
 8 31, 2009”.

9 **SEC. 615. INCREASE IN INCENTIVE SPECIAL PAY AND**
 10 **MULTIYEAR RETENTION BONUS FOR MED-**
 11 **ICAL OFFICERS.**

12 (a) INCENTIVE SPECIAL PAY.—Section 302(b)(1) of
 13 title 37, United States Code, is amended by striking
 14 “\$50,000” and inserting “\$75,000”.

15 (b) MULTIYEAR RETENTION BONUS.—Section
 16 301d(a)(2) of such title is amended by striking “\$50,000”
 17 and inserting “\$75,000”.

18 **SEC. 616. INCREASE IN DENTAL OFFICER ADDITIONAL SPE-**
 19 **CIAL PAY.**

20 Section 302b(a)(4) of title 37, United States Code,
 21 is amended—

22 (1) by striking “shall be paid at the following
 23 rates” in the matter preceding subparagraph (A)
 24 and inserting “shall not exceed the following.”;

1 (2) in subparagraph (A), by striking “\$4,000”
2 and inserting “\$10,000”; and
3 (3) in subparagraph (B), by striking “\$6,000”
4 and inserting “\$12,000”.

5 **SEC. 617. DEFINITION OF SEA DUTY FOR CAREER SEA PAY**
6 **TO INCLUDE MULTI-CREW SHIPS.**

7 Section 305a(e)(1)(A) of title 37, United States
8 Code, is amended—

9 (1) by striking “or” at the end of clause (ii);
10 and

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

13 “(iv) while serving as an off-cycle crew-
14 member of a multi-crewed ship; or”.

15 **SEC. 618. REENLISTMENT BONUS FOR MEMBERS OF THE**
16 **SELECTED RESERVE.**

17 (a) MINIMUM TERM OF REENLISTMENT OR ENLIST-
18 MENT EXTENSION.—Subsection (a)(2) of 308b of title 37,
19 United States Code, is amended by striking “his enlist-
20 ment for a period of three years or for a period of six
21 years” and inserting “an enlistment for a period of at
22 least three years”.

23 (b) MAXIMUM BONUS AMOUNT.—Subsection (b)(1)
24 of such section is amended by striking “may not exceed”

1 and all that follows through the end of the paragraph and
2 inserting “may not exceed \$15,000.”.

3 (c) CONFORMING AMENDMENT REGARDING ELIGI-
4 BILITY REQUIREMENTS.—Subsection (c) of such section
5 is amended—

6 (1) by striking the subsection heading and
7 paragraph (1) and inserting “WAIVER OF CONDI-
8 TION ON ELIGIBILITY.—”; and

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

10 **SEC. 619. AVAILABILITY OF SELECTED RESERVE ACCES-**
11 **SION BONUS FOR PERSONS WHO PRE-**
12 **VIOUSLY SERVED IN THE ARMED FORCES**
13 **FOR A SHORT PERIOD.**

14 Section 308c(c)(1) of title 37, United States Code,
15 is amended by inserting before the semicolon the following:
16 “or has served in the armed forces, but was released from
17 such service before completing the basic training require-
18 ments of the armed force of which the person was a mem-
19 ber and the service was characterized as either honorable
20 or uncharacterized”.

21 **SEC. 620. AVAILABILITY OF NUCLEAR OFFICER CONTINU-**
22 **ATION PAY FOR OFFICERS WITH MORE THAN**
23 **26 YEARS OF COMMISSIONED SERVICE.**

24 Section 312 of title 37, United States Code, is
25 amended—

1 (1) in subsection (a)(3), by striking “26 years”
2 and inserting “30 years”; and
3 (2) in subsection (e)(1), by striking “26 years”
4 and inserting “30 years”.

5 **SEC. 621. WAIVER OF YEARS-OF-SERVICE LIMITATION ON**
6 **RECEIPT OF CRITICAL SKILLS RETENTION**
7 **BONUS.**

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

11 “(4) The Secretary of Defense, or the Secretary of
12 Homeland Security with respect to the Coast Guard when
13 it is not operating as a service in the Navy, may waive
14 the limitations in paragraph (1) with respect to a member
15 who, during the period of active duty or service in an ac-
16 tive status in a reserve component for which the bonus
17 is being offered, is assigned duties in a skill designated
18 as critical under subsection (b)(1). The authority to grant
19 a waiver under this paragraph may not be delegated below
20 the Undersecretary of Defense for Personnel and Readiness
21 or the Deputy Secretary of the Department of Homeland
22 Security.”.

1 **SEC. 622. ACCESSION BONUS FOR PARTICIPANTS IN THE**
2 **ARMED FORCES HEALTH PROFESSIONAL**
3 **SCHOLARSHIP AND FINANCIAL ASSISTANCE**
4 **PROGRAM.**

5 (a) ACCESSION BONUS AUTHORIZED.—Subchapter I
6 of chapter 105 of title 10, United States Code, is amended
7 by adding at the end the following new section:

8 **“§ 2128. Accession bonus for members of the program**

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

13 “(b) REPAYMENT.—A person who receives an acces-
14 sion bonus under this section, but fails to comply with the
15 agreement under section 2122(a)(2) of this title or to com-
16 mence or complete the active duty obligation imposed by
17 section 2123 of this title, shall be subject to the repayment
18 provisions of section 303a(e) of title 37.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such subchapter is amended by adding
21 at the end the following new item:

“2128. Accession bonus for members of the program.”.

1 **SEC. 623. PAYMENT OF ASSIGNMENT INCENTIVE PAY FOR**
2 **RESERVE MEMBERS SERVING IN COMBAT**
3 **ZONE FOR MORE THAN 22 MONTHS.**

4 (a) PAYMENT.—The Secretary of a military depart-
5 ment may pay assignment incentive pay under section
6 307a of title 37, United States Code, to a member of a
7 reserve component under the jurisdiction of the Secretary
8 for each month during the eligibility period of the member
9 determined under subsection (b) during which the member
10 served for any portion of the month in a combat zone asso-
11 ciated with Operating Enduring Freedom or Operation
12 Iraqi Freedom in excess of 22 months of qualifying serv-
13 ice.

14 (b) ELIGIBILITY PERIOD.—The eligibility period for
15 a member extends from January 1, 2005, through the end
16 of the active duty service of the member in a combat zone
17 associated with Operating Enduring Freedom or Oper-
18 ation Iraqi Freedom if the service on active duty during
19 the member's most recent period of mobilization to active
20 duty began before January 19, 2007.

21 (c) AMOUNT OF PAYMENT.—The monthly rate of in-
22 centive pay payable to a member under this section is
23 \$1,000.

24 (d) QUALIFYING SERVICE.—For purposes of this sec-
25 tion, qualifying service includes cumulative mobilized serv-
26 ice on active duty under sections 12301(d), 12302, and

1 12304 of title 10, United States Code, during the period
2 beginning on January 1, 2003, through the end of the
3 member's active duty service during the member's most
4 recent period of mobilization to active duty beginning be-
5 fore January 19, 2007.

6 **SEC. 624. INCREASE IN MAXIMUM MONTHLY RATE OF**
7 **HARDSHIP DUTY PAY.**

8 (a) INCREASE.—Effective October 1, 2007, section
9 305(a) of title 37, United States Code, is amended by
10 striking “\$750” and inserting “\$1,500”.

11 (b) FUNDING SOURCE.—Of the amounts authorized
12 to be appropriated to the Department of Defense for mili-
13 tary personnel accounts for fiscal year 2008, not more
14 than \$79,000,000 shall be available to cover the additional
15 costs incurred to implement the amendment made by sub-
16 section (a).

17 **Subtitle C—Travel and**
18 **Transportation Allowances**

19 **SEC. 631. ALLOWANCE FOR PARTICIPATION IN RESERVE**
20 **SCREENING CONDUCTED THROUGH ELEC-**
21 **TRONIC MEANS.**

22 (a) ALLOWANCE FOR ELECTRONIC RESERVE
23 SCREENING.—Section 433 of title 37, United States Code,
24 is amended—

1 (1) in subsection (a), by inserting “ALLOWANCE
2 FOR MUSTER DUTY.—(1)” before “Under”;

3 (2) by redesignating subsection (b) as para-
4 graph (2) of subsection (a), and in such paragraph,
5 as so redesignated, by striking “this section” and in-
6 serting “paragraph (1)”; and

7 (3) by inserting before subsection (c) the fol-
8 lowing new subsection (b):

9 “(b) ALLOWANCE FOR ELECTRONIC SCREENING.—
10 (1) Under uniform regulations prescribed by the Secre-
11 taries concerned, a member of the Individual Ready Re-
12 serve may be paid a stipend when the member partici-
13 pates, through electronic means, in the screening per-
14 formed pursuant to section 10149 of title 10, in lieu of
15 muster duty performed under section 12319 of such title.

16 “(2) The amount of the stipend paid to a member
17 under paragraph (1) may not exceed \$50 in any calendar
18 year.”.

19 (b) PAYMENT REQUIREMENTS.—Subsection (c) of
20 such section is amended—

21 (1) by inserting “PAYMENT REQUIREMENTS.—
22 ” before the first sentence;

23 (2) by striking “allowance” each place it ap-
24 pears and inserting “allowances”;

1 (3) by inserting “or screening” after “muster
2 duty” both places it appears; and

3 (4) by striking “serving, as commutation” and
4 inserting “serving. The allowance under subsection
5 (a) is provided as commutation”.

6 (c) PROHIBITIONS.—Such section is further amend-
7 ed—

8 (1) in subsection (d)—

9 (A) by inserting “BAR TO INACTIVE DUTY
10 COMPENSATION.—” before “A member”; and

11 (B) by inserting “or screening through
12 electronic means” after “muster duty”; and

13 (2) by adding at the end the following new sub-
14 section:

15 “(e) BAR TO RETIREMENT CREDIT.—The participa-
16 tion by a member in screening for which a stipend is paid
17 under subsection (b) shall not be credited in determining
18 entitlement to, or in computing, retired pay under chapter
19 1223 of title 10.”.

20 (d) CLERICAL AMENDMENTS.—

21 (1) SECTION HEADING.—The heading of such
22 section is amended to read as follows:

1 **“§ 433. Allowance for muster duty or for participation**
2 **in Reserve screening”.**

3 (2) TABLE OF SECTIONS.—The table of sections
4 at the beginning of chapter 7 of title 37, United
5 States Code, is amended by striking the item relat-
6 ing to section 433 and inserting the following new
7 item:

“433. Allowance for muster duty or for participation in Reserve screening.”.

8 (e) CONFORMING AMENDMENTS TO OTHER LAWS.—

9 (1) BAR TO DUAL COMPENSATION FOR INAC-
10 TIVE-DUTY TRAINING.—Section 206 of such title is
11 amended by adding at the end the following new
12 subsection:

13 “(f) A member of the National Guard or of a reserve
14 component of a uniformed service may not be paid under
15 this section if the member receives a stipend under section
16 433(b) of this title for the same period.”.

17 (2) BAR TO RETIREMENT CREDIT.—Section
18 12732(b) of title 10, United States Code, is amend-
19 ed by inserting after paragraph (7) the following
20 new paragraph:

21 “(8) Participation, through electronic means, in
22 the screening performed pursuant to section 10149
23 of this title, regardless of whether or not a stipend
24 is paid under section 433(b) of title 37 for such par-
25 ticipation.”.

1 **SEC. 632. ALLOWANCE FOR CIVILIAN CLOTHING FOR MEM-**
2 **BERS OF THE ARMED FORCES TRAVELING IN**
3 **CONNECTION WITH MEDICAL EVACUATION.**

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

7 **SEC. 633. MOVING EXPENSES FOR JROTC INSTRUCTORS**
8 **WHO AGREE TO SERVE IN HARD-TO-FILL PO-**
9 **SITIONS.**

10 Section 2031(d) of title 10, United States Code, is
11 amended—

12 (1) by redesignating paragraph (2) as para-
13 graph (3); and

14 (2) by inserting after paragraph (1) the fol-
15 lowing new paragraph (2):

16 “(2)(A) An individual so employed may, if the
17 institution concerned so agrees, be reimbursed by
18 the institution for the moving expenses incurred by
19 the individual to fill the position concerned, separate
20 from any other amount paid to the individual. Sub-
21 ject to subparagraph (B), the Secretary concerned
22 may enter into an agreement with such an institu-
23 tion under which the Secretary reimburses the insti-
24 tution for the amount the institution reimburses the
25 individual. Reimbursements by the Secretary con-

cerned under this paragraph shall be made from
funds appropriated for that purpose.

“(B) Such a reimbursement by the Secretary
concerned may be made only if, as determined by
the Secretary concerned—

“(i) the position to be filled by the indi-
vidual is a hard-to-fill position, based on geo-
graphic or economic factors;

“(ii) the individual has entered into a writ-
ten agreement with the institution to serve in
that position for at least two years; and

“(iii) making the reimbursement is in the
national interest.”.

**SEC. 634. TRANSPORTATION OF ADDITIONAL MOTOR VEHI-
CLE OF MEMBERS ON CHANGE OF PERMA-
NENT STATION TO OR FROM NONFOREIGN
AREAS OUTSIDE THE CONTINENTAL UNITED
STATES.**

(a) AUTHORITY TO TRANSPORT ADDITIONAL MOTOR
VEHICLE.—Subsection (a) of section 2634 of title 10,
United States Code, is amended—

(1) by striking the sentence following paragraph
(4);

1 (2) by redesignating paragraphs (1), (2), (3),
2 and (4) as subparagraphs (A), (B), (C), and (D), re-
3 spectively;

4 (3) by inserting “(1)” after “(a)”; and

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

7 “(2) One additional motor vehicle of a member (or
8 a dependent of the member) may be transported as pro-
9 vided in paragraph (1) if—

10 “(A) the member is ordered to make a change
11 of permanent station to or from a nonforeign area
12 outside the continental United States and the mem-
13 ber has at least one dependent of driving age who
14 will use the motor vehicle; or

15 “(B) the Secretary concerned determines that a
16 replacement for the motor vehicle transported under
17 paragraph (1) is necessary for reasons beyond the
18 control of the member and is in the interest of the
19 United States and the Secretary approves the trans-
20 portation in advance.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

22 Such subsection is further amended—

23 (1) by striking “his dependents” and inserting
24 “a dependent of the member”;

1 (2) by striking “him” and inserting “the mem-
2 ber”;

3 (3) by striking “his)” and inserting “the mem-
4 ber)”;

5 (4) by striking “his new” and inserting “the
6 member’s new”; and

7 (5) in paragraph (1)(C), as redesignated by
8 subsection (a), by striking “clauses (1) and (2)” and
9 inserting “subparagraphs (A) and (B)”.

10 (c) EFFECTIVE DATE.—Paragraph (2)(A) of sub-
11 section (a) of section 2634 of title 10, United States Code,
12 as added by subsection (a)(4), shall apply with respect to
13 orders issued on or after the date of the enactment of this
14 Act for members of the Armed Forces to make a change
15 of permanent station to or from nonforeign areas outside
16 the continental United States.

17 **SEC. 635. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL**
18 **COSTS FOR CERTAIN SELECTED RESERVE**
19 **MEMBERS.**

20 (a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—
21 Chapter 7 of title 37, United States Code, is amended by
22 inserting after section 408 the following new section:

1 **“§ 408a. Travel and transportation allowances: inac-**
 2 **tive duty training or unit training assem-**
 3 **bly outside of commuting distance of**
 4 **duty station**

5 “(a) ALLOWANCE AUTHORIZED.—Under regulations
 6 prescribed by the Secretary concerned, if a member of the
 7 Selected Reserve who occupies a specialty designated by
 8 the Secretary for purposes of this section performs inac-
 9 tive duty training or attends a unit training assembly out-
 10 side of the commuting limits of the member’s station for
 11 the purpose of maintaining mission readiness, the Sec-
 12 retary may reimburse the member for travel expenses in
 13 an amount not to exceed \$300 for the training or assem-
 14 bly.

15 “(b) DURATION OF AUTHORITY.—Reimbursement
 16 may not be provided under this section for travel costs
 17 incurred before October 1, 2008, or after December 31,
 18 2014.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
 20 at the beginning of such chapter is amended by inserting
 21 after the item relating to section 408 the following new
 22 item:

“408a. Travel and transportation allowances: inactive duty training or unit
 training assembly outside of commuting distance of duty sta-
 tion.”.

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

**SEC. 641. DISREGARDING PERIODS OF CONFINEMENT OF
MEMBER IN DETERMINING BENEFITS FOR
DEPENDENTS WHO ARE VICTIMS OF ABUSE
BY THE MEMBER.**

Section 1408(h)(10) of title 10, United States Code,
is amended by adding at the end the following new sub-
paragraph:

“(C) In determining under paragraph (2)(A) whether
a member of the armed forces became eligible to be retired
from the armed forces on the basis of years of service so
that a spouse or dependent child of the member is eligible
to receive payment under this subsection, the Secretary
concerned shall consider as creditable service by the mem-
ber any periods of confinement served by the member be-
fore convening authority action on the record of trial re-
lated to the misconduct that resulted in the termination
of the eligibility of the member to receive retired pay.”.

**SEC. 642. CONTINUATION OF AUTHORITY FOR MEMBERS OF
THE ARMED FORCES TO DESIGNATE A RE-
CIPIENT FOR A PORTION OF THE DEATH GRA-
TUIITY.**

Effective as of October 1, 2007, subsection (d) of sec-
tion 1477 of title 10, United States Code, as amended by

1 section 1316 of the U.S. Troop Readiness, Veterans' Care,
2 Katrina Recovery, and Iraq Accountability Appropriations
3 Act, 2007, is amended by striking "During the period be-
4 ginning on the date of the enactment of this subsection
5 and ending on September 30, 2007, a person" and insert-
6 ing "A person".

7 **SEC. 643. RECOUPMENT OF ANNUITY AMOUNTS PRE-**
8 **VIOUSLY PAID, BUT SUBJECT TO OFFSET FOR**
9 **DEPENDENCY AND INDEMNITY COMPENSA-**
10 **TION.**

11 (a) LIMITATION ON RECOUPMENT; NOTIFICATION
12 REQUIREMENTS.—Section 1450(c) of title 10, United
13 States Code, is amended by adding at the end the fol-
14 lowing new paragraph:

15 “(3) LIMITATION ON RECOUPMENT OF OFFSET
16 AMOUNT.—Any amount subject to offset under this
17 subsection that was previously paid to the surviving
18 spouse or former spouse shall be recouped only to
19 the extent that the amount paid exceeds any amount
20 to be refunded under subsection (e). In notifying a
21 surviving spouse or former spouse of the recoupment
22 requirement, the Secretary shall provide the spouse
23 or former spouse—

24 “(A) a single notice of the net amount to
25 be recouped or the net amount to be refunded,

1 as applicable, under this subsection or sub-
2 section (e);

3 “(B) a written explanation of the statutory
4 requirements for recoupment of the offset
5 amount and for refund of any applicable
6 amount deducted from retired pay;

7 “(C) a detailed accounting of how the off-
8 set amount being recouped and retired pay de-
9 duction amount being refunded were calculated;
10 and

11 “(D) contact information for a person who
12 can provide information about the offset
13 recoupment and retired pay deduction refund
14 processes and answer questions the surviving
15 spouse or former spouse may have about the re-
16 quirements, processes, or amounts.”.

17 (b) APPLICATION.—Paragraph (3) of subsection (c)
18 of section 1450 of title 10, United States Code, as added
19 by subsection (a), shall apply with respect to the
20 recoupment on or after April 1, 2008, of amounts subject
21 to offset under such subsection.

1 **SEC. 644. SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR**
2 **PERSONS AFFECTED BY REQUIRED SUR-**
3 **VIVOR BENEFIT PLAN ANNUITY OFFSET FOR**
4 **DEPENDENCY AND INDEMNITY COMPENSA-**
5 **TION.**

6 (a) PROVISION OF ALLOWANCE.—Section 1450 of
7 title 10, United States Code, is amended by adding at the
8 end the following new subsection:

9 “(m) SPECIAL SURVIVOR INDEMNITY ALLOWANCE.—

10 “(1) PROVISION OF ALLOWANCE.—The Sec-
11 retary concerned shall pay a monthly special sur-
12 vivor indemnity allowance under this subsection to
13 the surviving spouse or former spouse of a member
14 of the uniformed services to whom section 1448 of
15 this title applies if—

16 “(A) the surviving spouse or former spouse
17 is entitled to dependency and indemnity com-
18 pensation under section 1311(a) of title 38; and

19 “(B) the eligibility of the surviving spouse
20 or former spouse for an annuity under section
21 1448 of this title is affected by subsection (c)
22 of this section.

23 “(2) AMOUNT OF PAYMENT.—The amount of
24 the allowance paid to an eligible survivor under
25 paragraph (1) for a month shall be equal to the less-
26 er of—

1 “(A) \$40; or

2 “(B) the amount of the annuity for that
3 month subject to offset under subsection (c).

4 “(3) STATUS OF PAYMENTS.—An allowance
5 paid under this subsection does not constitute an an-
6 nuity, and amounts so paid are not subject to ad-
7 justment under any other provision of law.

8 “(4) SOURCE OF FUNDS.—The special survivor
9 indemnity allowance shall be paid from amounts in
10 the Department of Defense Military Retirement
11 Fund established under section 1461 of this title.”.

12 (b) EFFECTIVE DATE.—Subsection (m) of section
13 1450 of title 10, United States Code, as added by sub-
14 section (a), shall take effect on October 1, 2008, and shall
15 apply to the month beginning on that date and subsequent
16 months through the month ending on February 28, 2016.
17 Effective on March 1, 2016, such subsection shall termi-
18 nate. No special survivor indemnity allowance may be paid
19 to any person by reason of such subsection for any period
20 before October 1, 2008.

1 **SEC. 645. EXPANSION OF COMBAT-RELATED SPECIAL COM-**
2 **PENSATION ELIGIBILITY FOR CHAPTER 61**
3 **MILITARY RETIREES WITH FEWER THAN 20**
4 **YEARS OF CREDITABLE SERVICE.**

5 (a) ELIGIBILITY.—Subsection (c) of section 1413a of
6 title 10, United States Code, is amended by striking “enti-
7 tled to retired pay who—” and all that follows through
8 the end of paragraph (1) and inserting the following:
9 “who—

10 “(1) is entitled to retired pay (other than by
11 reason of section 12731b of this title); and”.

12 (b) COMPUTATION.—Subsection (b) of such section
13 is amended—

14 (1) in paragraph (1), by striking “In the case
15 of” and inserting “Subject to paragraph (4), in the
16 case of”; and

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

19 “(4) CHAPTER 61 DISABILITY RETIREES WITH
20 FEWER THAN 20 YEARS OF SERVICE.—In the case of
21 an eligible combat-related disabled uniformed serv-
22 ices retiree who is retired under chapter 61 of this
23 title with at least 15 years of creditable service, but
24 fewer than 20 years of creditable service, and who
25 receives veterans disability compensation for a dis-
26 ability rated at least 60 percent, the amount of the

1 payment under paragraph (1) for any month shall
2 be reduced by the amount (if any) by which—

3 “(A) the amount of the member’s retired
4 pay under chapter 61 of this title; exceeds

5 “(B) the amount equal to 2½ percent of
6 the member’s years of creditable service multi-
7 plied by the member’s retired pay base under
8 section 1406(b)(1) or 1407 of this title, which-
9 ever is applicable to the member.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on October 1, 2008, and shall
12 apply to payments for the month beginning on that date
13 and subsequent months through the month ending on Sep-
14 tember 30, 2015. Effective on October 1, 2015, the
15 amendments made by this section shall terminate and sub-
16 section (c) of section 1413a of title 10, United States
17 Code, shall be amended to appear as it did on September
18 30, 2008.

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

4 **SEC. 651. ACCESS TO DEFENSE COMMISSARY AND EX-**
5 **CHANGE SYSTEM BY SURVIVING SPOUSE AND**
6 **DEPENDENTS OF CERTAIN DISABLED VET-**
7 **ERANS.**

8 (a) REVISION OF REGULATIONS AND INSTRUCTIONS.—The Secretary of Defense shall revise the regula-
9 tions and instructions described in subsection (b) as nec-
10 essary to ensure access to the Defense Commissary and
11 Exchange System by the surviving spouse and dependents
12 of a veteran who had a service-connected disability rated
13 at 100 percent (total), based on an application submitted
14 by the veteran, although the disability rating was awarded
15 posthumously. Such access shall be provided in the same
16 manner and to the same extent as other surviving spouses
17 and dependents covered by such regulations and instruc-
18 tions.

20 (b) COVERED REGULATIONS AND INSTRUCTIONS.—
21 The regulations and instructions referred to in subsection
22 (a) are the following:

23 (1) Armed Services Commissary Regulations
24 (DoD Regulations 1330.17–R, April 1987).

1 (2) Armed Services Exchange Regulations
2 (DoD Instruction 1330.21, July, 14, 2005).

3 (3) The instruction pertaining to identification
4 cards (ID) cards for members of the uniformed serv-
5 ices, their dependents, and other eligible individuals
6 (DoD Instruction 1000.13, December 5, 1997).

7 **SEC. 652. AUTHORITY TO CONTINUE COMMISSARY AND EX-**
8 **CHANGE BENEFITS FOR CERTAIN INVOLUN-**
9 **TARILY SEPARATED MEMBERS OF THE**
10 **ARMED FORCES.**

11 (a) RESUMPTION FOR MEMBERS INVOLUNTARILY
12 SEPARATED FROM ACTIVE DUTY.—Section 1146 of title
13 10, United States Code, is amended—

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

15 TARILY SEPARATED FROM ACTIVE DUTY.—” before

16 “The Secretary of Defense”;

17 (2) in the first sentence, by striking “October
18 1, 1990, and ending on December 31, 2001” and in-
19 serting “October 1, 2007, and ending on December
20 31, 2012”; and

21 (3) in the second sentence, by striking “the pe-
22 riod beginning on October 1, 1994, and ending on
23 December 31, 2001” and inserting “the same pe-
24 riod”.

1 (b) EXTENSION TO MEMBERS INVOLUNTARILY SEPA-
2 RATED FROM SELECTED RESERVE.—Such section is fur-
3 ther amended by adding at the end the following new sub-
4 section:

5 “(b) MEMBERS INVOLUNTARILY SEPARATED FROM
6 SELECTED RESERVE.—The Secretary of Defense shall
7 prescribe regulations to allow a member of the Selected
8 Reserve of the Ready Reserve who is involuntarily sepa-
9 rated from the Selected Reserve as a result of the exercise
10 of the force shaping authority of the Secretary concerned
11 under section 647 of this title or other force shaping au-
12 thority during the period beginning on October 1, 2007,
13 and ending on December 31, 2012, to continue to use
14 commissary and exchange stores during the two-year pe-
15 riod beginning on the date of the involuntary separation
16 of the member in the same manner as a member on active
17 duty. The Secretary of Homeland Security shall imple-
18 ment this provision for Coast Guard members involun-
19 tarily separated during the same period.”.

20 **SEC. 653. AUTHORIZATION OF INSTALLMENT DEDUCTIONS**
21 **FROM PAY OF EMPLOYEES OF EXECUTIVE**
22 **BRANCH INSTRUMENTALITIES TO COLLECT**
23 **INDEBTEDNESS TO THE UNITED STATES.**

24 (a) COVERAGE OF EXECUTIVE BRANCH INSTRUMEN-
25 TALITIES.—Section 5514(a)(5)(B) of title 5, United

1 States Code, is amended by striking “judicial” and insert-
2 ing “executive, judicial,”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall take effect on the date of the enact-
5 ment of this Act and apply with respect to debt incurred
6 before, on, or after that date.

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

10 **SEC. 661. CONSOLIDATION OF SPECIAL PAY, INCENTIVE**
11 **PAY, AND BONUS AUTHORITIES OF THE UNI-**
12 **FORMED SERVICES.**

13 (a) CONSOLIDATION.—Chapter 5 of title 37, United
14 States Code, is amended—

15 (1) by inserting before section 301 the following
16 subchapter heading:

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

19 and

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

1 “SUBCHAPTER II—CONSOLIDATION OF SPE-
2 CIAL PAY, INCENTIVE PAY, AND BONUS AU-
3 THORITIES

4 “§ 331. General bonus authority for enlisted members

5 “(a) AUTHORITY TO PROVIDE BONUS.—The Sec-
6 retary concerned may pay a bonus under this section to
7 a person, including a member of the armed forces, who—

8 “(1) enlists in an armed force;

9 “(2) enlists in or affiliates with a reserve com-
10 ponent of an armed force;

11 “(3) reenlists, voluntarily extends an enlist-
12 ment, or otherwise agrees to serve—

13 “(A) for a specified period in a designated
14 career field, skill, or unit of an armed force; or

15 “(B) under other conditions of service in
16 an armed force;

17 “(4) transfers from a regular component of an
18 armed force to a reserve component of that same
19 armed force or from a reserve component of an
20 armed force to the regular component of that same
21 armed force; or

22 “(5) transfers from a regular component or re-
23 serve component of an armed force to a regular com-
24 ponent or reserve component of another armed force,
25 subject to the approval of the Secretary with juris-

1 diction over the armed force to which the member is
2 transferring.

3 “(b) SERVICE ELIGIBILITY.—A bonus authorized by
4 subsection (a) may be paid to a person or member only
5 if the person or member agrees under subsection (d)—

6 “(1) to serve for a specified period in a des-
7 ignated career field, skill, unit, or grade; or

8 “(2) to meet some other condition of service im-
9 posed by the Secretary concerned.

10 “(c) MAXIMUM AMOUNT AND METHOD OF PAY-
11 MENT.—

12 “(1) MAXIMUM AMOUNT.—The Secretary con-
13 cerned shall determine the amount of a bonus to be
14 paid under this section, except that—

15 “(A) a bonus paid under paragraph (1) or
16 (2) of subsection (a) may not exceed \$50,000
17 for a minimum two-year period of obligated
18 service agreed to under subsection (d); and

19 “(B) a bonus paid under paragraph (3),
20 (4), or (5) of subsection (a) may not exceed
21 \$40,000 for a minimum one-year period of obli-
22 gated service agreed to under subsection (d).

23 “(2) LUMP SUM OR INSTALLMENTS.—A bonus
24 under this section may be paid in a lump sum or in

1 periodic installments, as determined by the Secretary
2 concerned.

3 “(3) FIXING BONUS AMOUNT.—Upon accept-
4 ance by the Secretary concerned of the written
5 agreement required by subsection (d), the total
6 amount of the bonus to be paid under the agreement
7 shall be fixed.

8 “(d) WRITTEN AGREEMENT.—To receive a bonus
9 under this section, a person or member determined to be
10 eligible for the bonus shall enter into a written agreement
11 with the Secretary concerned that specifies—

12 “(1) the amount of the bonus;

13 “(2) the method of payment of the bonus under
14 subsection (c)(2);

15 “(3) the period of obligated service; and

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

17 “(e) RELATIONSHIP TO OTHER PAY AND ALLOW-
18 ANCES.—A bonus paid to a person or member under this
19 section is in addition to any other pay and allowance to
20 which a member is entitled.

21 “(f) RELATIONSHIP TO PROHIBITION ON BOUN-
22 TIES.—A bonus authorized under this section is not a
23 bounty for purposes of section 514(a) of title 10.

24 “(g) REPAYMENT.—A person or member who re-
25 ceives a bonus under this section and who fails to complete

1 the period of service, or meet the conditions of service,
2 for which the bonus is paid, as specified in the written
3 agreement under subsection (d), shall be subject to the
4 repayment provisions of section 373 of this title.

5 “(h) REGULATIONS.—This section shall be adminis-
6 tered under regulations prescribed by—

7 “(1) the Secretary of Defense, with respect to
8 the armed forces under the jurisdiction of the Sec-
9 retary of Defense; and

10 “(2) the Secretary of Homeland Security, with
11 respect to the Coast Guard when it is not operating
12 as a service in the Navy.

13 **“§ 332. General bonus authority for officers**

14 “(a) AUTHORITY TO PROVIDE BONUS.—The Sec-
15 retary concerned may pay a bonus under this section to
16 a person, including an officer in the uniformed services,
17 who—

18 “(1) accepts a commission or appointment as
19 an officer in a uniformed service;

20 “(2) affiliates with a reserve component of a
21 uniformed service;

22 “(3) agrees to remain on active duty or to serve
23 in an active status for a specific period as an officer
24 in a uniformed service;

1 “(4) transfers from a regular component of a
2 uniformed service to a reserve component of that
3 same uniformed service or from a reserve component
4 of a uniformed service to the regular component of
5 that same uniformed service; or

6 “(5) transfers from a regular component or re-
7 serve component of a uniformed service to a regular
8 component or reserve component of another uni-
9 formed service, subject to the approval of the Sec-
10 retary with jurisdiction over the uniformed service to
11 which the member is transferring.

12 “(b) SERVICE ELIGIBILITY.—A bonus authorized by
13 subsection (a) may be paid to a person or officer only if
14 the person or officer agrees under subsection (d)—

15 “(1) to serve for a specified period in a des-
16 ignated career field, skill, unit, or grade; or

17 “(2) to meet some other condition of service im-
18 posed by the Secretary concerned.

19 “(c) MAXIMUM AMOUNT AND METHOD OF PAY-
20 MENT.—

21 “(1) MAXIMUM AMOUNT.—The Secretary con-
22 cerned shall determine the amount of a bonus to be
23 paid under this section, except that—

24 “(A) a bonus paid under paragraph (1) or
25 (2) of subsection (a) may not exceed \$60,000

1 for a minimum three-year period of obligated
2 service agreed to under subsection (d); and

3 “(B) a bonus paid under paragraph (3),
4 (4), or (5) of subsection (a) may not exceed
5 \$50,000 for each year of obligated service
6 agreed to under subsection (d).

7 “(2) LUMP SUM OR INSTALLMENTS.—A bonus
8 under this section may be paid in a lump sum or in
9 periodic installments, as determined by the Secretary
10 concerned.

11 “(3) FIXING BONUS AMOUNT.—Upon accept-
12 ance by the Secretary concerned of the written
13 agreement required by subsection (d), the total
14 amount of the bonus to be paid under the agreement
15 shall be fixed.

16 “(d) WRITTEN AGREEMENT.—To receive a bonus
17 under this section, a person or officer determined to be
18 eligible for the bonus shall enter into a written agreement
19 with the Secretary concerned that specifies—

20 “(1) the amount of the bonus;

21 “(2) the method of payment of the bonus under
22 subsection (c)(2);

23 “(3) the period of obligated service; and

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

1 “(e) RELATIONSHIP TO OTHER PAY AND ALLOW-
2 ANCES.—The bonus paid to a person or officer under this
3 section is in addition to any other pay and allowance to
4 which an officer is entitled.

5 “(f) REPAYMENT.—A person or officer who receives
6 a bonus under this section who fails to complete the period
7 of service, or meet the conditions of service, for which the
8 bonus is paid, as specified in the written agreement under
9 subsection (d), shall be subject to the repayment provi-
10 sions of section 373 of this title.

11 “(g) REGULATIONS.—This section shall be adminis-
12 tered under regulations prescribed by—

13 “(1) the Secretary of Defense, with respect to
14 the armed forces under the jurisdiction of the Sec-
15 retary of Defense;

16 “(2) the Secretary of Homeland Security, with
17 respect to the Coast Guard when it is not operating
18 as a service in the Navy;

19 “(3) the Secretary of Health and Human Serv-
20 ices, with respect to the commissioned corps of the
21 Public Health Service; and

22 “(4) the Secretary of Commerce, with respect
23 to the National Oceanic and Atmospheric Adminis-
24 tration.

1 **“§ 333. Special bonus and incentive pay authorities**
2 **for nuclear officers**

3 “(a) NUCLEAR OFFICER BONUS.—The Secretary of
4 the Navy may pay a nuclear officer bonus under this sec-
5 tion to a person, including an officer in the Navy, who—

6 “(1) is selected for the officer naval nuclear
7 power training program in connection with the su-
8 pervision, operation, and maintenance of naval nu-
9 clear propulsion plants and agrees to serve, upon
10 completion of such training, on active duty in con-
11 nection with the supervision, operation, and mainte-
12 nance of naval nuclear propulsion plants; or

13 “(2) has the current technical and operational
14 qualification for duty in connection with the super-
15 vision, operation, and maintenance of naval nuclear
16 propulsion plants and agrees to remain on active
17 duty in connection with the supervision, operation,
18 and maintenance of naval nuclear propulsion plants.

19 “(b) NUCLEAR OFFICER INCENTIVE PAY.—The Sec-
20 retary of the Navy may pay nuclear officer incentive pay
21 under this section to an officer in the Navy who—

22 “(1) is entitled to basic pay under section 204
23 of this title; and

24 “(2) remains on active duty for a specified pe-
25 riod while maintaining current technical and oper-
26 ational qualifications, as approved by the Secretary,

1 for duty in connection with the supervision, oper-
2 ation, and maintenance of naval nuclear propulsion
3 plants.

4 “(c) ADDITIONAL ELIGIBILITY CRITERIA.—The Sec-
5 retary of the Navy may impose such additional criteria
6 for the receipt of a nuclear officer bonus or nuclear officer
7 incentive pay as the Secretary determines to be appro-
8 priate.

9 “(d) MAXIMUM AMOUNT AND METHOD OF PAY-
10 MENT.—

11 “(1) MAXIMUM AMOUNT.—The Secretary of the
12 Navy shall determine the amounts of a nuclear offi-
13 cer bonus or incentive pay to be paid under this sec-
14 tion, except that such payments may not exceed
15 \$60,000 for each 12-month period of the agreement
16 or 12-month period of qualifying service.

17 “(2) LUMP SUM OR INSTALLMENTS.—A nuclear
18 officer bonus or incentive pay under this section may
19 be paid in a lump sum or in periodic installments.

20 “(e) WRITTEN AGREEMENT FOR BONUS.—

21 “(1) AGREEMENT REQUIRED.—To receive a nu-
22 clear officer bonus under this section, a person or of-
23 ficer determined to be eligible for the bonus shall
24 enter into a written agreement with the Secretary of
25 the Navy that specifies—

1 “(A) the amount of the bonus;

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

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

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

6 “(2) REPLACEMENT AGREEMENT.—An officer
7 who is performing obligated service under an agree-
8 ment for a nuclear officer bonus may execute a new
9 agreement to replace the existing agreement, if the
10 amount to be paid under the new agreement will be
11 higher than the amount to be paid under the exist-
12 ing agreement. The period of the new agreement
13 shall be equal to or exceed the remaining term of the
14 period of the officer’s existing agreement. If a new
15 agreement is executed under this paragraph, the ex-
16 isting agreement shall be cancelled, effective on the
17 day before an anniversary date of the existing agree-
18 ment occurring after the date on which the amount
19 to be paid under this paragraph is increased.

20 “(f) RELATIONSHIP TO OTHER PAY AND ALLOW-
21 ANCES.—A nuclear officer bonus or incentive pay paid to
22 a person or officer under this section is in addition to any
23 other pay and allowance to which an officer is entitled,
24 except that an officer may not receive a payment under

1 this section and section 332 or 353 of this title for the
2 same skill and period of service.

3 “(g) REPAYMENT.—The person or officer who re-
4 ceives a nuclear officer bonus or incentive pay under this
5 section who fails to complete the officer naval nuclear
6 power training program, maintain required technical and
7 operational qualifications, complete the period of service,
8 or meet the types or conditions of service, for which the
9 bonus or incentive pay is paid, as specified in the written
10 agreement under subsection (e) in the case of a bonus,
11 shall be subject to the repayment provisions of section 373
12 of this title.

13 “(h) REGULATIONS.—This section shall be adminis-
14 tered under regulations prescribed by the Secretary of the
15 Navy.

16 **“§ 334. Special aviation incentive pay and bonus au-**
17 **thorities for officers**

18 “(a) AVIATION INCENTIVE PAY.—The Secretary con-
19 cerned may pay aviation incentive pay under this section
20 to a regular or reserve component officer of a uniformed
21 service who—

22 “(1) is entitled to basic pay under section 204
23 of this title or compensation under section 206 of
24 this title;

1 “(2) maintains, or is in training leading to, an
2 aeronautical rating or designation that qualifies the
3 officer to engage in operational flying duty or pro-
4 ficiency flying duty;

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

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

10 “(5) meets such other criteria as the Secretary
11 concerned determines appropriate.

12 “(b) AVIATION BONUS.—The Secretary concerned
13 may pay an aviation bonus under this section to a regular
14 or reserve component officer of a uniformed service who—

15 “(1) is entitled to aviation incentive pay under
16 subsection (a);

17 “(2) has completed any active duty service com-
18 mitment incurred for undergraduate aviator training
19 or is within one year of completing such commit-
20 ment;

21 “(3) executes a written agreement to remain on
22 active duty in a regular component or to serve in an
23 active status in a reserve component in aviation
24 service for at least one year; and

1 “(4) meets such other criteria as the Secretary
2 concerned determines appropriate.

3 “(c) MAXIMUM AMOUNT AND METHOD OF PAY-
4 MENT.—

5 “(1) MAXIMUM AMOUNT.—The Secretary con-
6 cerned shall determine the amounts of a bonus or in-
7 centive pay to be paid under this section, except
8 that—

9 “(A) aviation incentive pay shall be paid at
10 a monthly rate, not to exceed \$850 per month;
11 and

12 “(B) an aviation bonus may not exceed
13 \$25,000 for each 12-month period of obligated
14 service agreed to under subsection (d).

15 “(2) LUMP SUM OR INSTALLMENTS.—A bonus
16 under this section may be paid in a lump sum or in
17 periodic installments, as determined by the Secretary
18 concerned.

19 “(3) FIXING BONUS AMOUNT.—Upon accept-
20 ance by the Secretary concerned of the written
21 agreement required by subsection (d), the total
22 amount of the bonus to be paid under the agreement
23 shall be fixed.

24 “(d) WRITTEN AGREEMENT FOR BONUS.—To receive
25 an aviation officer bonus under this section, an officer de-

1 terminated to be eligible for the bonus shall enter into a
2 written agreement with the Secretary concerned that
3 specifies—

4 “(1) the amount of the bonus;

5 “(2) the method of payment of the bonus under
6 subsection (c)(2);

7 “(3) the period of obligated service; and

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

9 “(e) RESERVE COMPONENT OFFICERS PERFORMING
10 INACTIVE DUTY TRAINING.—A reserve component officer
11 who is entitled to compensation under section 206 of this
12 title and who is authorized aviation incentive pay under
13 this section may be paid an amount of incentive pay that
14 is proportionate to the compensation received under sec-
15 tion 206 for inactive-duty training.

16 “(f) RELATIONSHIP TO OTHER PAY AND ALLOW-
17 ANCES.—

18 “(1) AVIATION INCENTIVE PAY.—Aviation in-
19 centive pay paid to an officer under subsection (a)
20 shall be in addition to any other pay and allowance
21 to which an officer is entitled, except that an officer
22 may not receive a payment under such subsection
23 and section 351(a)(4) or 353 of this title for the
24 same skill and period of service.

1 “(2) AVIATION BONUS.—An aviation bonus
2 paid to an officer under subsection (b) shall be in
3 addition to any other pay and allowance to which the
4 officer is entitled, except that an officer may not re-
5 ceive a payment under such subsection and section
6 332 or 353 of this title for the same skill and period
7 of service.

8 “(g) REPAYMENT.—An officer who receives aviation
9 incentive pay or an aviation bonus under this section and
10 who fails to fulfill the eligibility requirements for the re-
11 ceipt of the incentive pay or bonus or complete the period
12 of service for which the incentive pay or bonus is paid,
13 as specified in the written agreement under subsection (d)
14 in the case of a bonus, shall be subject to the repayment
15 provisions of section 373 of this title.

16 “(h) DEFINITIONS.—In this section:

17 “(1) The term ‘aviation service’ means service
18 performed by a regular or reserve component officer
19 (except a flight surgeon or other medical officer)
20 while holding an aeronautical rating or designation
21 or while in training to receive an aeronautical rating
22 or designation.

23 “(2) The term ‘operational flying duty’ means
24 flying performed under competent orders by rated or
25 designated regular or reserve component officers

1 while serving in assignments in which basic flying
2 skills normally are maintained in the performance of
3 assigned duties as determined by the Secretary con-
4 cerned, and flying performed by members in training
5 that leads to the award of an aeronautical rating or
6 designation.

7 “(3) The term ‘proficiency flying duty’ means
8 flying performed under competent orders by rated or
9 designated regular or reserve component officers
10 while serving in assignments in which such skills
11 would normally not be maintained in the perform-
12 ance of assigned duties.

13 “(4) The term ‘officer’ includes an individual
14 enlisted and designated as an aviation cadet under
15 section 6911 of title 10, United States Code.

16 “(i) REGULATIONS.—This section shall be adminis-
17 tered under regulations prescribed by—

18 “(1) the Secretary of Defense, with respect to
19 the armed forces under the jurisdiction of the Sec-
20 retary of Defense;

21 “(2) the Secretary of Homeland Security, with
22 respect to the Coast Guard when it is not operating
23 as a service in the Navy; and

1 “(3) the Secretary of Commerce, with respect
2 to the National Oceanic and Atmospheric Adminis-
3 tration.

4 **“§ 335. Special bonus and incentive pay authorities**
5 **for officers in health professions**

6 “(a) HEALTH PROFESSIONS BONUS.—The Secretary
7 concerned may pay a health professions bonus under this
8 section to a person, including an officer in the uniformed
9 services, who is a graduate of an accredited school in a
10 health profession and who—

11 “(1) accepts a commission or appointment as a
12 regular or reserve component officer in a uniformed
13 service, or affiliates with a reserve component of a
14 uniformed service, and agrees to serve on active duty
15 in a regular component or in an active status in a
16 reserve component in a health profession; or

17 “(2) agrees to remain on active duty or con-
18 tinue serving in an active status in a reserve compo-
19 nent in a health profession.

20 “(b) HEALTH PROFESSIONS INCENTIVE PAY.—The
21 Secretary concerned may pay incentive pay under this sec-
22 tion to an officer in a regular or reserve component of
23 a uniformed service who—

1 “(1) is entitled to basic pay under section 204
2 of this title or compensation under section 206 of
3 this title; and

4 “(2) is serving on active duty or in an active
5 status in a designated health profession specialty or
6 skill.

7 “(c) BOARD CERTIFICATION INCENTIVE PAY.—The
8 Secretary concerned may pay board certification incentive
9 pay under this section to an officer in a regular or reserve
10 component of a uniformed service who—

11 “(1) is entitled to basic pay under section 204
12 of this title or compensation under section 206 of
13 this title;

14 “(2) is board certified in a designated health
15 profession specialty or skill; and

16 “(3) is serving on active duty or in an active
17 status in such designated health profession specialty
18 or skill.

19 “(d) ADDITIONAL ELIGIBILITY CRITERIA.—The Sec-
20 retary concerned may impose such additional criteria for
21 the receipt of a bonus or incentive pay under this section
22 as the Secretary determines to be appropriate.

23 “(e) MAXIMUM AMOUNT AND METHOD OF PAY-
24 MENT.—

1 “(1) MAXIMUM AMOUNT.—The Secretary con-
2 cerned shall determine the amounts of a bonus or in-
3 centive pay to be paid under this section, except
4 that—

5 “(A) a health professions bonus may not
6 exceed \$100,000 for each 12-month period of
7 obligated service agreed to under subsection (f);

8 “(B) health professions incentive pay may
9 not exceed \$100,000 in any 12-month period,
10 and it may be paid monthly; and

11 “(C) board certification incentive pay may
12 not exceed \$25,000 per 12-month period an of-
13 ficer remains certified in the designated health
14 profession specialty or skill.

15 “(2) LUMP SUM OR INSTALLMENTS.—A bonus
16 under subsection (a) may be paid in a lump sum or
17 in periodic installments, as determined by the Sec-
18 retary concerned. Board certification incentive pay
19 may be paid monthly, in a lump sum at the begin-
20 ning of the certification period, or in periodic install-
21 ments during the certification period, as determined
22 by the Secretary concerned.

23 “(3) FIXING BONUS AMOUNT.—Upon accept-
24 ance by the Secretary concerned of the written
25 agreement required by subsection (f), the total

1 amount of the bonus to be paid under the agreement
2 shall be fixed.

3 “(f) WRITTEN AGREEMENT FOR BONUS.—To receive
4 a bonus under this section, an officer determined to be
5 eligible for the bonus shall enter into a written agreement
6 with the Secretary concerned that specifies—

7 “(1) the amount of the bonus;

8 “(2) the method of payment of the bonus under
9 subsection (e)(2);

10 “(3) the period of obligated service;

11 “(4) whether the service will be performed on
12 active duty or in an active status in a reserve com-
13 ponent; and

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

15 “(g) RESERVE COMPONENT OFFICERS.—An officer
16 in a reserve component authorized incentive pay under
17 subsection (b) or (c) who is not serving on continuous ac-
18 tive duty and is entitled to compensation under sections
19 204 of this title or compensation under section 206 of this
20 title may be paid a monthly amount of incentive pay that
21 is proportionate to the basic pay or compensation received
22 under this title.

23 “(h) RELATIONSHIP TO OTHER PAY AND ALLOW-
24 ANCES.—

1 “(1) HEALTH PROFESSIONS BONUS.—A bonus
2 paid to a person or officer under subsection (a) shall
3 be in addition to any other pay and allowance to
4 which an officer is entitled, except that an officer
5 may not receive a payment under such subsection
6 and section 332 of this title for the same period of
7 obligated service.

8 “(2) HEALTH PROFESSIONS INCENTIVE PAY.—
9 Incentive pay paid to an officer under subsection (b)
10 shall be in addition to any other pay and allowance
11 to which an officer is entitled, except that an officer
12 may not receive a payment under such subsection
13 and section 353 of this title for the same skill and
14 period of service.

15 “(3) BOARD CERTIFICATION INCENTIVE PAY.—
16 Incentive pay paid to an officer under subsection (c)
17 shall be in addition to any other pay and allowance
18 to which an officer is entitled, except that an officer
19 may not receive a payment under such subsection
20 and section 353(b) of this title for the same skill
21 and period of service covered by the certification.

22 “(i) REPAYMENT.—An officer who receives a bonus
23 or incentive pay under this section and who fails to fulfill
24 the eligibility requirements for the receipt of the bonus
25 or incentive pay or complete the period of service for which

1 the bonus or incentive pay is paid, as specified in the writ-
2 ten agreement under subsection (f) in the case of a bonus,
3 shall be subject to the repayment provisions of section 373
4 of this title.

5 “(j) HEALTH PROFESSION DEFINED.—In this sec-
6 tion, the term ‘health profession’ means:

7 “(1) Any health profession performed by offi-
8 cers in the Medical Corps of a uniformed service or
9 by officers designated as a medical officer.

10 “(2) Any health profession performed by offi-
11 cers in the Dental Corps of a uniformed service or
12 by officers designated as a dental officer.

13 “(3) Any health profession performed by offi-
14 cers in the Medical Service Corps of a uniformed
15 service or by officers designated as a medical service
16 officer or biomedical sciences officer.

17 “(4) Any health profession performed by offi-
18 cers in the Medical Specialist Corps of a uniformed
19 service or by officers designated as a medical spe-
20 cialist.

21 “(5) Any health profession performed by offi-
22 cers of the Nurse Corps of a uniformed service or
23 by officers designated as a nurse.

1 “(6) Any health profession performed by offi-
2 cers in the Veterinary Corps of a uniformed service
3 or by officers designated as a veterinary officer.

4 “(7) Any health profession performed by offi-
5 cers designated as a physician assistant.

6 “(8) Any health profession performed by offi-
7 cers in the regular or reserve corps of the Public
8 Health Service.

9 “(k) REGULATIONS.—This section shall be adminis-
10 tered under regulations prescribed by—

11 “(1) the Secretary of Defense, with respect to
12 the armed forces under the jurisdiction of the Sec-
13 retary of Defense;

14 “(2) the Secretary of Homeland Security, with
15 respect to the Coast Guard when it is not operating
16 as a service in the Navy; and

17 “(3) the Secretary of Health and Human Serv-
18 ices, with respect to the commissioned corps of the
19 Public Health Service.

20 **“§ 351. Hazardous duty pay**

21 “(a) HAZARDOUS DUTY PAY.—The Secretary con-
22 cerned may pay hazardous duty pay under this section to
23 a member of a regular or reserve component of the uni-
24 formed services entitled to basic pay under section 204

1 of this title or compensation under section 206 of this title
2 who—

3 “(1) performs duty in a hostile fire area des-
4 ignated by the Secretary concerned;

5 “(2) is exposed to a hostile fire event, explosion
6 of a hostile explosive device, or any other hostile ac-
7 tion;

8 “(3) is on duty during a month in an area in
9 which an event described in paragraph (2) occurred
10 which placed the member in grave danger of physical
11 injury;

12 “(4) performs duty the Secretary concerned has
13 designated as hazardous duty based upon the inher-
14 ent dangers of that duty and risks of physical injury;
15 or

16 “(5) performs duty in a foreign area designated
17 by the Secretary concerned as an area in which the
18 member is subject to imminent danger of physical
19 injury due to threat conditions.

20 “(b) MAXIMUM AMOUNT.—The amount of hazardous
21 duty pay paid to a member under subsection (a) shall be
22 based on the type of duty and the area in which the duty
23 is performed, as follows:

24 “(1) In the case of a member who performs
25 duty in a designated hostile fire area, as described

1 in paragraph (1) of such subsection, hazardous duty
2 pay may not exceed \$450 per month.

3 “(2) In the case of a member who is exposed
4 to a hostile fire event or is on duty in an area in
5 which such an event occurred which placed the mem-
6 ber in grave danger of physical injury, as described
7 in paragraph (2) or (3) of such subsection, haz-
8 ardous duty pay may not exceed \$450 per month.

9 “(3) In the case of a member who performs a
10 designated hazardous duty, as described in para-
11 graph (4) of such subsection, hazardous duty pay
12 may not exceed \$250 per month.

13 “(4) In the case of a member who performs
14 duty in a foreign area designated as an imminent
15 danger area, as described in paragraph (5) of such
16 subsection, hazardous duty pay may not exceed \$250
17 per month.

18 “(c) METHOD OF PAYMENT.—Hazardous duty pay
19 shall be paid on a monthly basis. A member who is eligible
20 for hazardous duty pay by reason of paragraph (1), (2),
21 or (3) of subsection (a) shall receive the full monthly rate
22 of hazardous duty pay authorized by the Secretary con-
23 cerned under such paragraph, notwithstanding subsection
24 (d).

1 “(d) RESERVE COMPONENT MEMBERS PERFORMING
2 INACTIVE DUTY TRAINING.—A member of a reserve com-
3 ponent entitled to compensation under section 206 of this
4 title who is authorized hazardous duty pay under this sec-
5 tion may be paid an amount of hazardous duty pay that
6 is proportionate to the compensation received by the mem-
7 ber under section 206 of this title for inactive-duty train-
8 ing.

9 “(e) ADMINISTRATION AND RETROACTIVE PAY-
10 MENTS.—The effective date for a hostile fire area designa-
11 tion, as described in paragraph (1) of subsection (a), and
12 for the designation of a foreign area as an imminent dan-
13 ger area, as described in paragraph (5) of such subsection,
14 may be a date that occurs before, on, or after the actual
15 date of the designation by the Secretary concerned.

16 “(f) DETERMINATION OF FACT.—Any determination
17 of fact that is made in administering paragraph (2) or
18 (3) of subsection (a) is conclusive. The determination may
19 not be reviewed by any other officer or agency of the
20 United States unless there has been fraud or gross neg-
21 ligence. However, the Secretary concerned may change the
22 determination on the basis of new evidence or for other
23 good cause.

24 “(g) RELATIONSHIP TO OTHER PAY AND ALLOW-
25 ANCES.—A member may be paid hazardous duty pay

1 under this section in addition to any other pay and allow-
2 ances to which the member is entitled. The regulations
3 prescribed under subsection (j) shall address dual com-
4 pensation under this section for multiple circumstances in-
5 volving performance of a designated hazardous duty, as
6 described in paragraph (4) of subsection (a), or for duty
7 in certain designated areas, as described in paragraph (1)
8 or 5 of such subsection, that is performed by a member
9 during a single month of service.

10 “(h) PROHIBITION ON VARIABLE RATES.—The regu-
11 lations prescribed under subsection (j) may not include
12 varied criteria or rates for payment of hazardous duty for
13 officers and enlisted members.

14 “(i) REPAYMENT.—A member who receives the haz-
15 ardous duty pay authorized under this section and who
16 fails to meet the eligibility requirements under subsection
17 (a) shall be subject to the repayment provisions of section
18 373 of this title.

19 “(j) REGULATIONS.—This section shall be adminis-
20 tered under regulations prescribed by—

21 “(1) the Secretary of Defense, with respect to
22 the armed forces under the jurisdiction of the Sec-
23 retary of Defense;

1 “(2) the Secretary of Homeland Security, with
2 respect to the Coast Guard when it is not operating
3 as a service in the Navy;

4 “(3) the Secretary of Health and Human Serv-
5 ices, with respect to the commissioned corps of the
6 Public Health Service; and

7 “(4) the Secretary of Commerce, with respect
8 to the National Oceanic and Atmospheric Adminis-
9 tration.

10 **“§ 352. Assignment pay or special duty pay**

11 “(a) ASSIGNMENT OR SPECIAL DUTY PAY AUTHOR-
12 IZED.—The Secretary concerned may pay assignment or
13 special duty pay under this section to a member of a reg-
14 ular or reserve component of the uniformed services who—

15 “(1) is entitled to basic pay under section 204
16 of this title or compensation under section 206 of
17 this title; and

18 “(2) performs duties in an assignment, location,
19 or unit designated by, and under the conditions of
20 service specified by, the Secretary concerned.

21 “(b) MAXIMUM AMOUNT AND METHOD OF PAY-
22 MENT.—

23 “(1) LUMP SUM OR INSTALLMENTS.—Assign-
24 ment or special duty pay under subsection (a) may
25 be paid monthly, in a lump sum, or in periodic in-

1 stallments other than monthly, as determined by the
2 Secretary concerned.

3 “(2) MAXIMUM MONTHLY AMOUNT.—The max-
4 imum monthly amount of assignment or special duty
5 pay may not exceed \$5,000.

6 “(3) MAXIMUM LUMP SUM AMOUNT.—The
7 amount of a lump sum payment of assignment or
8 special duty pay payable to a member may not ex-
9 ceed the amount equal to the product of—

10 “(A) the maximum monthly rate author-
11 ized under paragraph (2) at the time the mem-
12 ber enters into a written agreement under sub-
13 section (c); and

14 “(B) the number of continuous months in
15 the period for which assignment or special duty
16 pay will be paid pursuant to the agreement.

17 “(4) MAXIMUM INSTALLMENT AMOUNT.—The
18 amount of each installment payment of assignment
19 or special duty pay payable to a member on an in-
20 stallment basis may not exceed the amount equal
21 to—

22 “(A) the product of—

23 “(i) a monthly rate specified in the
24 written agreement entered into under sub-
25 section (c), which monthly rate may not

1 exceed the maximum monthly rate author-
2 ized under paragraph (2) at the time the
3 member enters into the agreement; and

4 “(ii) the number of continuous
5 months in the period for which the assign-
6 ment or special duty pay will be paid; di-
7 vided by

8 “(B) the number of installments over such
9 period.

10 “(5) EFFECT OF EXTENSION.—If a member ex-
11 tends an assignment or performance of duty speci-
12 fied in an agreement with the Secretary concerned
13 under subsection (c), assignment or special duty pay
14 for the period of the extension may be paid on a
15 monthly basis, in a lump sum, or in installments,
16 consistent with this subsection.

17 “(c) WRITTEN AGREEMENT.—

18 “(1) DISCRETIONARY FOR MONTHLY PAY-
19 MENTS.—The Secretary concerned may require a
20 member to enter into a written agreement with the
21 Secretary in order to qualify for the payment of as-
22 signment or special duty pay on a monthly basis.
23 The written agreement shall specify the period for
24 which the assignment or special duty pay will be

1 paid to the member and the monthly rate of the as-
2 signment or special duty pay.

3 “(2) REQUIRED FOR LUMP SUM OR INSTALL-
4 MENT PAYMENTS.—The Secretary concerned shall
5 require a member to enter into a written agreement
6 with the Secretary in order to qualify for payment
7 of assignment or special duty pay on a lump sum or
8 installment basis. The written agreement shall speci-
9 fy the period for which the assignment or special
10 duty pay will be paid to the member and the amount
11 of the lump sum or each periodic installment.

12 “(d) RESERVE COMPONENT MEMBERS PERFORMING
13 INACTIVE DUTY TRAINING.—A member of a reserve com-
14 ponent entitled to compensation under section 206 of this
15 title who is authorized assignment or special duty pay
16 under this section may be paid an amount of assignment
17 or special duty pay that is proportionate to the compensa-
18 tion received by the member under section 206 of this title
19 for inactive-duty training.

20 “(e) RELATIONSHIP TO OTHER PAY AND ALLOW-
21 ANCES.—Assignment or special duty pay paid to a mem-
22 ber under this section is in addition to any other pay and
23 allowances to which a member is entitled.

24 “(f) REPAYMENT.—A member who receives assign-
25 ment or special duty pay under this section and who fails

1 to fulfill the eligibility requirements under subsection (a)
2 shall be subject to the repayment provisions of section 373
3 of this title.

4 “(g) REGULATIONS.—This section shall be adminis-
5 tered under regulations prescribed by—

6 “(1) the Secretary of Defense, with respect to
7 the armed forces under the jurisdiction of the Sec-
8 retary of Defense;

9 “(2) the Secretary of Homeland Security, with
10 respect to the Coast Guard when it is not operating
11 as a service in the Navy;

12 “(3) the Secretary of Health and Human Serv-
13 ices, with respect to the commissioned corps of the
14 Public Health Service; and

15 “(4) the Secretary of Commerce, with respect
16 to the National Oceanic and Atmospheric Adminis-
17 tration.

18 **“§ 353. Skill incentive pay or proficiency bonus**

19 “(a) SKILL INCENTIVE PAY.—The Secretary con-
20 cerned may pay a monthly skill incentive pay to a member
21 of a regular or reserve component of the uniformed serv-
22 ices who—

23 “(1) is entitled to basic pay under section 204
24 of this title or compensation under section 206 of
25 this title; and

1 “(2) serves in a career field or skill designated
2 as critical by the Secretary concerned.

3 “(b) SKILL PROFICIENCY BONUS.—The Secretary
4 concerned may pay a proficiency bonus to a member of
5 a regular or reserve component of the uniformed services
6 who—

7 “(1) is entitled to basic pay under section 204
8 of this title or compensation under section 206 of
9 this title; and

10 “(2) is determined to have, and maintains, cer-
11 tified proficiency under subsection (d) in a skill des-
12 igned as critical by the Secretary concerned.

13 “(c) MAXIMUM AMOUNTS AND METHODS OF PAY-
14 MENT.—

15 “(1) SKILL INCENTIVE PAY.—Skill incentive
16 pay shall be in paid monthly in an amount not ex-
17 ceed \$1,000 per month.

18 “(2) PROFICIENCY BONUS.—A proficiency
19 bonus may be paid in a lump sum at the beginning
20 of the proficiency certification period or in periodic
21 installments during the proficiency certification pe-
22 riod. The amount of the bonus may not exceed
23 \$12,000 per 12-month period of certification. The
24 Secretary concerned may not vary the criteria or

1 rates for the proficiency bonus paid for officers and
2 enlisted members.

3 “(d) CERTIFIED PROFICIENCY FOR PROFICIENCY
4 BONUS.—

5 “(1) CERTIFICATION REQUIRED.—Proficiency
6 in a designated critical skill shall be subject to an-
7 nual certification by the Secretary concerned.

8 “(2) DURATION OF CERTIFICATION.—A certifi-
9 cation period shall expire at the end of the one-year
10 period beginning on the first day of the first month
11 beginning on or after the certification date.

12 “(3) WAIVER.—Notwithstanding paragraphs
13 (1) and (2), the regulations prescribed under sub-
14 section (i) shall address the circumstances under
15 which the Secretary concerned may waive the certifi-
16 cation requirement under paragraph (1) or extend a
17 certification period under paragraph (2).

18 “(e) WRITTEN AGREEMENT.—

19 “(1) DISCRETIONARY FOR SKILL INCENTIVE
20 PAY.—The Secretary concerned may require a mem-
21 ber to enter into a written agreement with the Sec-
22 retary in order to qualify for the payment of skill in-
23 centive pay. The written agreement shall specify the
24 period for which the skill incentive pay will be paid
25 to the member and the monthly rate of the pay.

1 “(2) REQUIRED FOR PROFICIENCY BONUS.—

2 The Secretary concerned shall require a member to
3 enter into a written agreement with the Secretary in
4 order to qualify for payment of a proficiency bonus.

5 The written agreement shall specify the amount of
6 the proficiency bonus, the period for which the
7 bonus will be paid, and the initial certification or re-
8 certification necessary for payment of the proficiency
9 bonus.

10 “(f) RESERVE COMPONENT MEMBERS PERFORMING
11 INACTIVE DUTY TRAINING.—

12 “(1) PRORATION.—A member of a reserve com-
13 ponent entitled to compensation under section 206
14 of this title who is authorized skill incentive pay
15 under subsection (a) may be paid an amount of skill
16 incentive pay that is proportionate to the compensa-
17 tion received by the member under section 206 of
18 this title for inactive-duty training.

19 “(2) EXCEPTION FOR FOREIGN LANGUAGE PRO-
20 FICIENCY.—No reduction in the amount of skill in-
21 centive pay may be made under paragraph (1) in the
22 case of a member of a reserve component who is au-
23 thorized skill incentive pay because of the member’s
24 proficiency in a foreign language.

1 “(g) REPAYMENT.—A member who receives skill in-
2 centive pay or a proficiency bonus under this section and
3 who fails to fulfill the eligibility requirement for receipt
4 of the pay or bonus shall be subject to the repayment pro-
5 visions of section 373 of this title.

6 “(h) RELATIONSHIP TO OTHER PAYS AND ALLOW-
7 ANCES.—A member may not be paid more than one pay
8 under this section in any month for the same period of
9 service and skill. A member may be paid skill incentive
10 pay or the proficiency bonus under this section in addition
11 to any other pay and allowances to which the member is
12 entitled, except that the member may not be paid skill in-
13 centive pay or a proficiency bonus under this section and
14 hazardous duty pay under section 351(a)(4) of this title
15 for the same period of service in the same career field or
16 skill.

17 “(i) REGULATIONS.—This section shall be adminis-
18 tered under regulations prescribed by—

19 “(1) the Secretary of Defense, with respect to
20 the armed forces under the jurisdiction of the Sec-
21 retary of Defense;

22 “(2) the Secretary of Homeland Security, with
23 respect to the Coast Guard when it is not operating
24 as a service in the Navy;

1 “(3) the Secretary of Health and Human Serv-
2 ices, with respect to the commissioned corps of the
3 Public Health Service; and

4 “(4) the Secretary of Commerce, with respect
5 to the National Oceanic and Atmospheric Adminis-
6 tration.

7 “SUBCHAPTER III—GENERAL PROVISIONS

8 “§ 371. **Relationship to other incentives and pays**

9 “(a) TREATMENT.—A bonus or incentive pay paid to
10 a member of the uniformed services under subchapter II
11 is in addition to any other pay and allowance to which
12 a member is entitled, unless otherwise provided under this
13 chapter.

14 “(b) EXCEPTION.—A member may not receive a
15 bonus or incentive pay under both subchapter I and sub-
16 chapter II for the same activity, skill, or period of service.

17 “(c) RELATIONSHIP TO OTHER COMPUTATIONS.—
18 The amount of a bonus or incentive pay to which a mem-
19 ber is entitled under subchapter II may not be included
20 in computing the amount of—

21 “(1) any increase in pay authorized by any
22 other provision of this title; or

23 “(2) any retired pay, retainer pay, separation
24 pay, or disability severance pay.

1 **“§ 372. Continuation of pays during hospitalization**
2 **for wounds, injury, or illness incurred**
3 **while on duty in a hostile fire area or ex-**
4 **posed to an event of hostile fire or other**
5 **hostile action**

6 “(a) CONTINUATION OF PAYS.—Notwithstanding any
7 other provision of law, the Secretary concerned may con-
8 tinue to pay all pay and allowances to a member of a reg-
9 ular or reserve component of a uniformed service, includ-
10 ing any bonus, incentive pay, or similar benefit, if the
11 member—

12 “(1) incurs a wound, injury, or illness in the
13 line of duty while serving in a combat operation or
14 a combat zone, while serving in a hostile fire area,
15 or while exposed to a hostile fire event, as described
16 under section 351 of this title; and

17 “(2) is hospitalized for treatment of such
18 wound, injury, or illness.

19 “(b) DURATION.—The continuation of pay and allow-
20 ances of a member under subsection (a) shall expire at
21 the end of the first month during which the member is
22 no longer hospitalized for treatment.

23 “(c) DEFINITIONS.—In this section:

24 “(1) The term ‘hospitalized for treatment’, with
25 respect to a member, means the member—

1 “(A) is admitted as an inpatient in a mili-
2 tary treatment facility; or

3 “(B) is residing in quarters or in a facility
4 affiliated with the military health care system
5 for the purposes of receiving extensive out-
6 patient rehabilitation or other medical care.

7 “(2) The term ‘bonus, incentive pay, or similar
8 benefit’ means a bonus, incentive pay, special pay, or
9 similar payment, or an educational benefit or sti-
10 pend, paid to a member of the uniformed services
11 under this title or title 10.

12 **“§ 373. Repayment of unearned portion of bonus, in-**
13 **centive pay, or similar benefit when con-**
14 **ditions of payment not met**

15 “(a) REPAYMENT.—Except as provided in subsection
16 (b), a member of the uniformed services who is paid a
17 bonus, incentive pay, or similar benefit, the receipt of
18 which is contingent upon the member’s satisfaction of cer-
19 tain service or eligibility requirements, shall repay to the
20 United States any unearned portion of the bonus, incen-
21 tive pay, or similar benefit if the member fails to satisfy
22 any such service or eligibility requirement.

23 “(b) EXCEPTIONS.—The regulations prescribed to
24 administer this section may specify procedures for deter-

1 mining the circumstances under which an exception to the
2 required repayment may be granted.

3 “(c) EFFECT OF BANKRUPTCY.—An obligation to
4 repay the United States under this section is, for all pur-
5 poses, a debt owed the United States. A discharge in bank-
6 ruptcy under title 11 does not discharge a person from
7 such debt if the discharge order is entered less than five
8 years after—

9 “(1) the date of the termination of the agree-
10 ment or contract on which the debt is based; or

11 “(2) in the absence of such an agreement or
12 contract, the date of the termination of the service
13 on which the debt is based.

14 “(d) DEFINITIONS.—In this section:

15 “(1) The term ‘bonus, incentive pay, or similar
16 benefit’ means a bonus, incentive pay, special pay, or
17 similar payment, or an educational benefit or sti-
18 pend, paid to a member of the uniformed services
19 under a provision of law that refers to the repay-
20 ment requirements of this section or section 303a(e)
21 of this title.

22 “(2) The term ‘service’ refers to an obligation
23 willingly undertaken by a member of the uniformed
24 services, in exchange for a bonus, incentive pay, or
25 similar benefit offered by the Secretary concerned—

1 “(A) to a regular or reserve component
2 member who remains on active duty or in an
3 active status;

4 “(B) to perform duty in a specified skill,
5 with or without a specified qualification or cre-
6 dential;

7 “(C) to perform duty in a specified assign-
8 ment, location or unit; or

9 “(D) to perform duty for a specified period
10 of time.

11 **“§ 374. Regulations**

12 “This subchapter shall be administered under regula-
13 tions prescribed by—

14 “(1) the Secretary of Defense, with respect to
15 the armed forces under the jurisdiction of the Sec-
16 retary of Defense;

17 “(2) the Secretary of Homeland Security, with
18 respect to the Coast Guard when it is not operating
19 as a service in the Navy;

20 “(3) the Secretary of Health and Human Serv-
21 ices, with respect to the commissioned corps of the
22 Public Health Service; and

23 “(4) the Secretary of Commerce, with respect
24 to the National Oceanic and Atmospheric Adminis-
25 tration.”.

1 (b) TRANSFER OF 15-YEAR CAREER STATUS BONUS
2 TO SUBCHAPTER II.—

3 (1) TRANSFER.—Section 322 of title 37, United
4 States Code, is transferred to appear after section
5 353 of subchapter II of chapter 5 of such title, as
6 added by subsection (a), and is redesignated as sec-
7 tion 354.

8 (2) CONFORMING AMENDMENT.—Subsection (f)
9 of such section, as so transferred and redesignated,
10 is amended by striking “section 303a(e)” and insert-
11 ing “section 373”.

12 (3) CROSS REFERENCES.—Sections 1401a,
13 1409(b)(2), and 1410 of title 10, United States
14 Code, are amended by striking “section 322” each
15 place it appears and inserting “section 322 or 354”.

16 (c) TRANSFER OF RETENTION INCENTIVES FOR
17 MEMBERS QUALIFIED IN CRITICAL MILITARY SKILLS OR
18 ASSIGNED TO HIGH PRIORITY UNITS.—

19 (1) TRANSFER.—Section 323 of title 37, United
20 States Code, as amended by sections 614(e) and
21 621, is transferred to appear after section 354 of
22 subchapter II of chapter 5 of such title, as trans-
23 ferred and redesignated by subsection (b)(1), and is
24 redesignated as section 355.

1 (2) CONFORMING AMENDMENT.—Subsection (g)
 2 of such section, as so transferred and redesignated,
 3 is amended by striking “section 303a(e)” and insert-
 4 ing “section 373”.

5 (d) CLERICAL AMENDMENTS.—The table of sections
 6 at the beginning of chapter 5 of title 37, United States
 7 Code, is amended to read as follows:

“SUBCHAPTER I—EXISTING SPECIAL PAY, INCENTIVE PAY, AND BONUS
 AUTHORITIES

“Sec.

“301. Incentive pay: hazardous duty.

“301a. Incentive pay: aviation career.

“301b. Special pay: aviation career officers extending period of active duty.

“301c. Incentive pay: submarine duty.

“301d. Multiyear retention bonus: medical officers of the armed forces.

“301e. Multiyear retention bonus: dental officers of the armed forces.

“302. Special pay: medical officers of the armed forces.

“302a. Special pay: optometrists.

“302b. Special pay: dental officers of the armed forces.

“302c. Special pay: psychologists and nonphysician health care providers.

“302d. Special pay: accession bonus for registered nurses.

“302e. Special pay: nurse anesthetists.

“302f. Special pay: reserve, recalled, or retained health care officers.

“302g. Special pay: Selected Reserve health care professionals in critically short
 wartime specialties.

“302h. Special pay: accession bonus for dental officers.

“302i. Special pay: pharmacy officers.

“302j. Special pay: accession bonus for pharmacy officers.

“302k. Special pay: accession bonus for medical officers in critically short war-
 time specialties.

“302l. Special pay: accession bonus for dental specialist officers in critically
 short wartime specialties.

“303. Special pay: veterinarians.

“303a. Special pay: general provisions.

“303b. Waiver of board certification requirements.

“304. Special pay: diving duty.

“305. Special pay: hardship duty pay.

“305a. Special pay: career sea pay.

“305b. Special pay: service as member of Weapons of Mass Destruction Civil
 Support Team.

“306. Special pay: officers holding positions of unusual responsibility and of
 critical nature.

“306a. Special pay: members assigned to international military headquarters.

“307. Special pay: special duty assignment pay for enlisted members.

“307a. Special pay: assignment incentive pay.

“308. Special pay: reenlistment bonus.

- “308b. Special pay: reenlistment bonus for members of the Selected Reserve.
- “308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve.
- “308d. Special pay: members of the Selected Reserve assigned to certain high priority units.
- “308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.
- “308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.
- “308i. Special pay: prior service enlistment bonus.
- “308j. Special pay: affiliation bonus for officers in the Selected Reserve.
- “309. Special pay: enlistment bonus.
- “310. Special pay: duty subject to hostile fire or imminent danger.
- “312. Special pay: nuclear-qualified officers extending period of active duty.
- “312b. Special pay: nuclear career accession bonus.
- “312c. Special pay: nuclear career annual incentive bonus.
- “314. Special pay or bonus: qualified members extending duty at designated locations overseas.
- “315. Special pay: engineering and scientific career continuation pay.
- “316. Special pay: bonus for members with foreign language proficiency.
- “317. Special pay: officers in critical acquisition positions extending period of active duty.
- “318. Special pay: special warfare officers extending period of active duty.
- “319. Special pay: surface warfare officer continuation pay.
- “320. Incentive pay: career enlisted flyers.
- “321. Special pay: judge advocate continuation pay.
- “324. Special pay: accession bonus for new officers in critical skills.
- “325. Incentive bonus: savings plan for education expenses and other contingencies.
- “326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage.
- “327. Incentive bonus: transfer between armed forces.
- “328. Combat-related injury rehabilitation pay.
- “329. Incentive bonus: retired members and reserve component members volunteering for high-demand, low-density assignments.
- “330. Special pay: accession bonus for officer candidates.

“SUBCHAPTER II—CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND
BONUS AUTHORITIES

- “331. General bonus authority for enlisted members.
- “332. General bonus authority for officers.
- “333. Special bonus and incentive pay authorities for nuclear officers.
- “334. Special aviation incentive pay and bonus authorities for officers.
- “335. Special bonus and incentive pay authorities for officers in health professions.
- “351. Hazardous duty pay.
- “352. Assignment pay or special duty pay.
- “353. Skill incentive pay or proficiency bonus.
- “354. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986.
- “355. Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units.

“SUBCHAPTER III—GENERAL PROVISIONS

“371. Relationship to other incentives and pays.

“372. Continuation of pays during hospitalization for wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action.

“373. Repayment of unearned portion of bonus, incentive pay, or similar benefit when conditions of payment not met.

“374. Regulations.”.

1 **SEC. 662. TRANSITIONAL PROVISIONS.**

2 (a) IMPLEMENTATION PLAN.—

3 (1) DEVELOPMENT.—The Secretary of Defense
 4 shall develop a plan to implement subchapters II
 5 and III of chapter 5 of title 37, United States Code,
 6 as added by section 661(a), and to correspondingly
 7 transition all of the special and incentive pay pro-
 8 grams for members of the uniformed services solely
 9 to provisions of such subchapters.

10 (2) SUBMISSION.—Not later than one year after
 11 the date of the enactment of this Act, the Secretary
 12 shall submit the implementation plan to the congres-
 13 sional defense committees.

14 (b) TRANSITION PERIOD.—During a transition pe-
 15 riod of not more than 10 years beginning on the date of
 16 the enactment of this Act, the Secretary of Defense, the
 17 Secretary of a military department, and the Secretaries
 18 referred to in subsection (c) may continue to use the au-
 19 thorities in provisions in subchapter I of chapter 5 of title
 20 37, United States Code, as designated by section 661(a),
 21 but subject to the terms of such provisions and such modi-
 22 fications as the Secretary of Defense may include in the

1 implementation plan, to provide bonuses and special and
2 incentive pays for members of the uniformed services.

3 (c) COORDINATION.—The Secretary of Defense shall
4 prepare the implementation plan in coordination with—

5 (1) the Secretary of Homeland Security, with
6 respect to the Coast Guard;

7 (2) the Secretary of Health and Human Serv-
8 ices, with respect to the commissioned corps of the
9 Public Health Service; and

10 (3) the Secretary of Commerce, with respect to
11 the National Oceanic and Atmospheric Administra-
12 tion.

13 (d) NO EFFECT ON FISCAL YEAR 2008 OBLIGA-
14 TIONS.—During fiscal year 2008, obligations incurred
15 under subchapters I, II, and III of chapter 5 of title 37,
16 United States Code, as amended by section 661, to provide
17 bonuses, incentive pays, special pays, and similar pay-
18 ments to members of the uniformed services under such
19 subchapters may not exceed the obligations that would be
20 incurred in the absence of the amendments made by such
21 section.

Subtitle G—Other Matters

SEC. 671. EXPANSION OF EDUCATION LOAN REPAYMENT PROGRAM FOR MEMBERS OF THE SELECTED RESERVE.

(a) ADDITIONAL EDUCATIONAL LOANS ELIGIBLE
FOR REPAYMENT.—Paragraph (1) of subsection (a) of
section 16301 of title 10, United States Code, is amend-
ed—

(1) by striking “or” at the end of subparagraph
(B);

(2) by striking the period at the end of sub-
paragraph (C) and inserting “; or”; and

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

“(D) any loan incurred for educational purposes
made by a lender that is—

“(i) an agency or instrumentality of a
State;

“(ii) a financial or credit institution (in-
cluding an insurance company) that is subject
to examination and supervision by an agency of
the United States or any State;

“(iii) a pension fund approved by the Sec-
retary for purposes of this section; or

1 “(iv) a nonprofit private entity designated
2 by a State, regulated by that State, and ap-
3 proved by the Secretary for purposes of this
4 section.”.

5 (b) PARTICIPATION OF OFFICERS IN PROGRAM.—

6 Such subsection is further amended—

7 (1) in paragraph (2)—

8 (A) by striking “Except as provided in
9 paragraph (3), the Secretary” and inserting
10 “The Secretary”; and

11 (B) by striking “an enlisted member of the
12 Selected Reserve of the Ready Reserve of an
13 armed force in a reserve component and mili-
14 tary specialty” and inserting “a member of the
15 Selected Reserve of the Ready Reserve of an
16 armed force in a reserve component and in an
17 officer program or military specialty”; and

18 (2) by striking paragraph (3).

19 (c) CLERICAL AMENDMENTS.—

20 (1) SECTION HEADING.—The heading of such
21 section is amended to read as follows:

22 **“§ 16301. Education loan repayment program: mem-**
23 **bers of Selected Reserve”.**

24 (2) TABLE OF SECTIONS.—The table of sections
25 at the beginning of chapter 1609 of such title is

1 amended by striking the item relating to section
2 16301 and inserting the following new item:

“16301. Education loan repayment program: members of Selected Reserve.”.

3 **SEC. 672. ENSURING ENTRY INTO UNITED STATES AFTER**
4 **TIME ABROAD FOR PERMANENT RESIDENT**
5 **ALIEN MILITARY SPOUSES AND CHILDREN.**

6 Section 284 of the Immigration and Nationality Act
7 (8 U.S.C. 1354) is amended—

8 (1) by striking “Nothing” and inserting “(a)
9 Nothing”; and

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

12 “(b) In the case of a person lawfully admitted for
13 permanent residence who is the spouse or child of a mem-
14 ber of the Armed Forces of the United States, is author-
15 ized to accompany such member and reside abroad with
16 the member pursuant to the member’s official orders, and
17 is so accompanying and residing with the member (in mar-
18 ital union if a spouse), such residence and physical pres-
19 ence abroad shall not be treated as—

20 “(1) an abandonment or relinquishment of law-
21 ful permanent resident status for purposes of section
22 101(a)(13)(C)(i); or

23 “(2) an absence from the United States for
24 purposes of section 101(a)(13)(C)(ii).”.

1 **SEC. 673. OVERSEAS NATURALIZATION FOR MILITARY**
2 **SPOUSES AND CHILDREN.**

3 (a) SPOUSES.—Section 319 of the Immigration and
4 Nationality Act (8 U.S.C. 1430) is amended by adding
5 at the end the following new subsection:

6 “(e)(1) In the case of a person lawfully admitted for
7 permanent residence in the United States who is the
8 spouse of a member of the Armed Forces of the United
9 States, is authorized to accompany such member and re-
10 side abroad with the member pursuant to the member’s
11 official orders, and is so accompanying and residing with
12 the member in marital union, such residence and physical
13 presence abroad shall be treated, for purposes of sub-
14 section (a) and section 316(a), as residence and physical
15 presence in—

16 “(A) the United States; and

17 “(B) any State or district of the Department of
18 Homeland Security in the United States.

19 “(2) Notwithstanding any other provision of law, a
20 spouse described in paragraph (1) shall be eligible for nat-
21 uralization proceedings overseas pursuant to section
22 1701(d) of the National Defense Authorization Act for
23 Fiscal Year 2004 (Public Law 108–136; 8 U.S.C.
24 1443a).”.

1 (b) CHILDREN.—Section 322 of the Immigration and
2 Nationality Act (8 U.S.C. 1433) is amended by adding
3 at the end the following new subsection:

4 “(d) In the case of a child of a member of the Armed
5 Forces of the United States who is authorized to accom-
6 pany such member and reside abroad with the member
7 pursuant to the member’s official orders, and is so accom-
8 panying and residing with the member—

9 “(1) any period of time during which the mem-
10 ber of the Armed Forces is residing abroad pursuant
11 to official orders shall be treated, for purposes of
12 subsection (a)(2)(A), as physical presence in the
13 United States;

14 “(2) subsection (a)(5) shall not apply; and

15 “(3) the oath of allegiance described in sub-
16 section (b) may be subscribed to abroad pursuant to
17 section 1701(d) of the National Defense Authoriza-
18 tion Act for Fiscal Year 2004 (Public Law 108–136;
19 8 U.S.C. 1443a).”.

20 (c) OVERSEAS NATURALIZATION AUTHORITY.—Sec-
21 tion 1701(d) of the National Defense Authorization Act
22 for Fiscal Year 2004 (Public Law 108–136; 8 U.S.C.
23 1443a) is amended—

1 (1) in the subsection heading, by inserting
2 “AND THEIR SPOUSES AND CHILDREN” after
3 “FORCES”; and

4 (2) by inserting “, and persons made eligible
5 for naturalization by section 319(e) or 322(d) of
6 such Act,” after “Armed Forces”.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on the date of enactment of
9 this Act and apply to any application for naturalization
10 or issuance of a certificate of citizenship pending on or
11 after such date.

12 **SEC. 674. POSTAL BENEFITS PROGRAM FOR MEMBERS OF**
13 **THE ARMED FORCES SERVING IN IRAQ OR**
14 **AFGHANISTAN.**

15 (a) AVAILABILITY OF POSTAL BENEFITS.—The Sec-
16 retary of Defense, in consultation with the United States
17 Postal Service, shall provide for a program under which
18 postal benefits are provided to qualified individuals in ac-
19 cordance with this section.

20 (b) QUALIFIED INDIVIDUAL.—In this section, the
21 term “qualified individual” means a member of the Armed
22 Forces on active duty (as defined in section 101 of title
23 10, United States Code) who—

24 (1) is serving in Iraq or Afghanistan; or

1 (2) is hospitalized at a facility under the juris-
2 diction of the Department of Defense as a result of
3 a disease or injury incurred as a result of service in
4 Iraq or Afghanistan.

5 (c) POSTAL BENEFITS DESCRIBED.—

6 (1) VOUCHERS.—The postal benefits provided
7 under the program shall consist of such coupons or
8 other similar evidence of credit, whether in printed,
9 electronic, or other format (in this section referred
10 to as a “voucher”), as the Secretary of Defense, in
11 consultation with the Postal Service, shall determine,
12 which entitle the bearer or user to make qualified
13 mailings free of postage.

14 (2) QUALIFIED MAILING.—In this section, the
15 term “qualified mailing” means the mailing of a sin-
16 gle mail piece which—

17 (A) is first-class mail (including any
18 sound- or video-recorded communication) not
19 exceeding 13 ounces in weight and having the
20 character of personal correspondence or parcel
21 post not exceeding 10 pounds in weight;

22 (B) is sent from within an area served by
23 a United States post office; and

24 (C) is addressed to a qualified individual.

1 (3) COORDINATION RULE.—Postal benefits
2 under the program are in addition to, and not in lieu
3 of, any reduced rates of postage or other similar
4 benefits which might otherwise be available by or
5 under law, including any rates of postage resulting
6 from the application of section 3401(b) of title 39,
7 United States Code.

8 (d) NUMBER OF VOUCHERS.—A member of the
9 Armed Forces shall be eligible for one voucher for every
10 second month in which the member is a qualified indi-
11 vidual.

12 (e) LIMITATIONS ON USE; DURATION.—A voucher
13 may not be used—

14 (1) for more than a single qualified mailing; or

15 (2) after the earlier of—

16 (A) the expiration date of the voucher, as
17 designated by the Secretary of Defense; or

18 (B) the end of the one-year period begin-
19 ning on the date on which the regulations pre-
20 scribed under subsection (f) take effect.

21 (f) REGULATIONS.—Not later than 30 days after the
22 date of the enactment of this Act, the Secretary of Defense
23 (in consultation with the Postal Service) shall prescribe
24 such regulations as may be necessary to carry out the pro-
25 gram, including—

1 (1) procedures by which vouchers will be pro-
2 vided or made available in timely manner to quali-
3 fied individuals; and

4 (2) procedures to ensure that the number of
5 vouchers provided or made available with respect to
6 any qualified individual complies with subsection (d).

7 (g) TRANSFERS TO POSTAL SERVICE.—

8 (1) BASED ON ESTIMATES.—The Secretary of
9 Defense shall transfer to the Postal Service, out of
10 amounts available to carry out the program and in
11 advance of each calendar quarter during which post-
12 al benefits may be used under the program, an
13 amount equal to the amount of postal benefits that
14 the Secretary estimates will be used during such
15 quarter, reduced or increased (as the case may be)
16 by any amounts by which the Secretary finds that
17 a determination under this section for a prior quar-
18 ter was greater than or less than the amount finally
19 determined for such quarter.

20 (2) BASED ON FINAL DETERMINATION.—A
21 final determination of the amount necessary to cor-
22 rect any previous determination under this section,
23 and any transfer of amounts between the Postal
24 Service and the Department of Defense based on
25 that final determination, shall be made not later

1 than six months after the end of the one-year period
2 referred to in subsection (e)(2)(B).

3 (3) CONSULTATION REQUIRED.—All estimates
4 and determinations under this subsection of the
5 amount of postal benefits under the program used in
6 any period shall be made by the Secretary of De-
7 fense in consultation with the Postal Service.

8 (h) FUNDING.—

9 (1) AUTHORIZATION OF APPROPRIATIONS.—Of
10 the amounts authorized to be appropriated in section
11 421 for military personnel for fiscal year 2008,
12 \$10,000,000 shall be for postal benefits provided in
13 this section.

14 (2) OFFSETTING REDUCTION.—Funds author-
15 ized to be appropriated in section 101(5) for the
16 Army in fiscal year 2008 for other procurement are
17 reduced by \$10,000,000, to be derived from Joint
18 High Speed Vessel.

19 **SEC. 675. LEAVE FOR MILITARY FAMILIES.**

20 (a) ENTITLEMENT TO LEAVE.—Section 102(a)(1) of
21 the Family and Medical Leave Act of 1993 (29 U.S.C.
22 2612(a)(1)) is amended by adding at the end the following
23 new subparagraph:

24 “(E) Because of any qualifying exigency
25 (as the Secretary shall, by regulation, deter-

1 mine) arising out of the fact that the spouse, or
2 a son, daughter, or parent of the employee is on
3 active duty (or has been notified of an impending
4 call or order to active duty) in the Armed
5 Forces in support of a contingency operation.”.

6 (b) INTERMITTENT OR REDUCED LEAVE SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C.
7 2612(b)(1)) is amended by inserting after the second sentence the following new sentence: “Subject to subsection
8 (e)(3) and section 103(f), leave under subsection (a)(1)(E)
9 may be taken intermittently or on a reduced leave schedule.”.

13 (c) SUBSTITUTION OF PAID LEAVE.—Section
14 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is
15 amended by striking “or (C)” and inserting “(C), or (E)”.

16 (d) NOTICE.—Section 102(e) of such Act (29 U.S.C.
17 2612(e)) is amended by adding at the end the following
18 new paragraph:

19 “(3) NOTICE FOR LEAVE DUE TO ACTIVE DUTY
20 OF FAMILY MEMBER.—In any case in which the necessity for leave under subsection (a)(1)(E) is foreseeable based on notification of an impending call or
21 order to active duty in support of a contingency operation, the employee shall provide such notice to the
22 employer as is reasonable and practicable.”.

1 (e) CERTIFICATION.—Section 103 of such Act (29
 2 U.S.C. 2613) is amended by adding at the end the fol-
 3 lowing new subsection:

4 “(f) CERTIFICATION FOR LEAVE DUE TO ACTIVE
 5 DUTY OF FAMILY MEMBER.—An employer may require
 6 that a request for leave under section 102(a)(1)(E) be
 7 supported by a certification issued at such time and in
 8 such manner as the Secretary may by regulation prescribe.
 9 If the Secretary issues a regulation requiring such certifi-
 10 cation, the employee shall provide, in a timely manner, a
 11 copy of such certification to the employer.”.

12 (f) DEFINITION.—Section 101 of such Act (29
 13 U.S.C. 2611) is amended by adding at the end the fol-
 14 lowing new paragraph:

15 “(14) CONTINGENCY OPERATION.—The term
 16 ‘contingency operation’ has the same meaning given
 17 such term in section 101(a)(13) of title 10, United
 18 States Code.”.

19 **TITLE VII—HEALTH CARE** 20 **PROVISIONS**

Sec. 701. Extension of prohibition on increases in certain health care costs for members of the uniformed services.

Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.

Sec. 703. Fair pricing under pharmacy benefits program.

Sec. 704. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.

Sec. 705. Establishment of Nurse Practitioner Program.

Sec. 706. Services of mental health counselors.

Sec. 707. Extension of pilot program for health care delivery.

Sec. 708. Stipend for members of Reserve Components for health care for certain dependents.

Sec. 709. Joint Pathology Center.

Sec. 710. Report on training in preservation of remains under combat or combat-related conditions.

Sec. 711. Pre- and post-deployment assessments for the purpose of determining the cognitive functioning and brain health of deployed members of the Armed Forces.

Sec. 712. Guaranteed funding for Walter Reed Army Medical Center.

Sec. 713. Report and study on multiple vaccinations of members of the Armed Forces.

1 **SEC. 701. EXTENSION OF PROHIBITION ON INCREASES IN**
 2 **CERTAIN HEALTH CARE COSTS FOR MEM-**
 3 **BERS OF THE UNIFORMED SERVICES.**

4 (a) EXTENSION OF PROHIBITION ON INCREASE IN
 5 CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—
 6 Section 1097(e) of title 10, United States Code, is amend-
 7 ed by striking “2007” and inserting “2008”.

8 (b) EXTENSION OF PROHIBITION IN INCREASE IN
 9 CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of
 10 title 10, United States Code, is amended by striking
 11 “2007.” and inserting “2008”.

12 (c) EXTENSION OF PROHIBITION ON INCREASE IN
 13 PREMIUMS UNDER TRICARE COVERAGE FOR CERTAIN
 14 MEMBERS IN THE SELECTED RESERVE.—Section
 15 1076d(d)(3) of title 10, United States Code, is amended
 16 by striking “2007” and inserting “2008”.

17 (d) EXTENSION OF PROHIBITION ON INCREASE IN
 18 PREMIUMS UNDER TRICARE COVERAGE FOR MEMBERS
 19 OF THE READY RESERVE.—Section 1076b(e)(3) of title

1 10, United States Code, is amended by striking “2007”
2 and inserting “2008”.

3 **SEC. 702. TEMPORARY PROHIBITION ON INCREASE IN CO-**
4 **PAYMENTS UNDER RETAIL PHARMACY SYS-**
5 **TEM OF PHARMACY BENEFITS PROGRAM.**

6 During the period beginning on October 1, 2007, and
7 ending on September 30, 2008, the cost sharing require-
8 ments established under paragraph (6) of section
9 1074g(a) of title 10, United States Code, for pharma-
10 ceutical agents available through retail pharmacies cov-
11 ered by paragraph (2)(E)(ii) of such section may not ex-
12 ceed amounts as follows:

- 13 (1) In the case of generic agents, \$3.
14 (2) In the case of formulary agents, \$9.
15 (3) In the case of nonformulary agents, \$22.

16 **SEC. 703. FAIR PRICING UNDER PHARMACY BENEFITS PRO-**
17 **GRAM.**

18 Section 1074g(a) of title 10, United States Code, is
19 amended by adding at the end the following new para-
20 graph:

21 “(9)(A) In carrying out this subsection, the
22 Secretary may, to the extent recommended by the
23 Pharmacy and Therapeutics Committee in the
24 course of reviewing any therapeutic class of pharma-
25 ceutical agents, exclude from the pharmacy benefits

1 program any pharmaceutical agent that is not pro-
 2 vided to the Secretary consistent with the pricing
 3 standard set forth in subparagraph (B).

4 “(B) The pricing standard referred to in sub-
 5 paragraph (A) is that the price of any pharma-
 6 ceutical agent made available to beneficiaries
 7 through all the means described in paragraph (2)(E)
 8 shall be the same as, or lower than, the price of the
 9 agent under section 8126 of title 38, United States
 10 Code.”.

11 **SEC. 704. PROHIBITION ON CONVERSION OF MILITARY**
 12 **MEDICAL AND DENTAL POSITIONS TO CIVIL-**
 13 **IAN MEDICAL AND DENTAL POSITIONS.**

14 (a) PROHIBITION.—The Secretary of a military de-
 15 partment may not convert any military medical or dental
 16 position to a civilian medical or dental position on or after
 17 October 1, 2007.

18 (b) REPORT.—

19 (1) REQUIREMENT.—The Secretary of Defense
 20 shall submit to the congressional defense committees
 21 a report on conversions made during fiscal year
 22 2007 not later than 180 days after the enactment of
 23 this Act.

24 (2) MATTERS COVERED.—The report shall in-
 25 clude the following:

1 (A) The number of military medical or
2 dental positions, by grade or band and spe-
3 cialty, converted to civilian medical or dental
4 positions.

5 (B) The results of a market survey in each
6 affected area of the availability of civilian med-
7 ical and dental care providers in such area in
8 order to determine whether there were civilian
9 medical and dental care providers available in
10 such area adequate to fill the civilian positions
11 created by the conversion of military medical
12 and dental positions to civilian positions in such
13 area.

14 (C) An analysis, by affected area, showing
15 the extent to which access to health care and
16 cost of health care was affected in both the di-
17 rect care and purchased care systems, including
18 an assessment of the effect of any increased
19 shifts in patient load from the direct care to the
20 purchased care system, or any delays in receipt
21 of care in either the direct or purchased care
22 system because of the conversions.

23 (D) The extent to which military medical
24 and dental positions converted to civilian med-
25 ical or dental positions affected recruiting and

1 retention of uniformed medical and dental per-
2 sonnel.

3 (E) A comparison of the full costs for the
4 military medical and dental positions converted
5 with the full costs for civilian medical and den-
6 tal positions, including expenses such as re-
7 cruiting, salary, benefits, training, and any
8 other costs the Department identifies.

9 (F) An assessment showing that the mili-
10 tary medical or dental positions converted were
11 in excess of the military medical and dental po-
12 sitions needed to meet medical and dental read-
13 iness requirements of the uniformed services, as
14 determined jointly by all the uniformed services.

15 (c) DEFINITIONS.—In this section:

16 (1) The term “military medical or dental posi-
17 tion” means a position for the performance of health
18 care functions within the Armed Forces held by a
19 member of the Armed Forces.

20 (2) The term “civilian medical or dental posi-
21 tion” means a position for the performance of health
22 care functions within the Department of Defense
23 held by an employee of the Department or of a con-
24 tractor of the Department.

1 (3) The term “uniformed services” has the
2 meaning given that term in section 1072(1) of title
3 10, United States Code.

4 (4) The term “conversion,” with respect to a
5 military medical or dental position, means a change
6 of the position to a civilian medical or dental posi-
7 tion, effective as of the date of the manning author-
8 ization document of the military department making
9 the change (through a change in designation from
10 military to civilian in the document, the elimination
11 of the listing of the position as a military position
12 in the document, or through any other means indi-
13 cating the change in the document or otherwise).

14 (d) REPEAL.—Section 742 of the John Warner Na-
15 tional Defense Authorization Act for Fiscal Year 2007
16 (Public Law 109–364; 120 Stat. 2306) is repealed.

17 **SEC. 705. ESTABLISHMENT OF NURSE PRACTITIONER PRO-**
18 **GRAM.**

19 The Secretary of Defense shall establish at the Uni-
20 formed Services University of the Health Sciences a grad-
21 uate education program for advanced-practice nursing.
22 The Secretary shall, in consultation with the Secretaries
23 of the military departments, determine programs of in-
24 struction leading to designation as a Nurse Practitioner,
25 which shall include, at a minimum, family practice and

1 psychiatric or mental health. The program shall be de-
2 signed to ensure that graduates of the program are fully
3 eligible to meet credentialing requirements of the military
4 departments and at least one State.

5 **SEC. 706. SERVICES OF MENTAL HEALTH COUNSELORS.**

6 (a) REIMBURSEMENT OF MENTAL HEALTH COUN-
7 SELORS UNDER TRICARE.—

8 (1) REIMBURSEMENT UNDER TRICARE.—Sec-
9 tion 1079(a)(8) of title 10, United States Code, is
10 amended—

11 (A) by inserting “or licensed or certified
12 mental health counselors” after “certified mar-
13 riage and family therapists” both places it ap-
14 pears; and

15 (B) by inserting “or licensed or certified
16 mental health counselors” after “that the thera-
17 pists.”

18 (2) AUTHORITY TO ASSESS MEDICAL OR PSY-
19 CHOLOGICAL NECESSITY OF SERVICE OR SUPPLY.—
20 Section 1079(a)(13) of such title is amended by in-
21 serting “, licensed or certified mental health coun-
22 selor,” after “certified marriage and family thera-
23 pist”.

24 (b) SERVICES OF MENTAL HEALTH COUNSELORS.—

1 (1) AUTHORITY TO ENTER INTO PERSONAL
2 SERVICES CONTRACTS.—Section 704(c)(2) of the
3 National Defense Authorization Act for Fiscal Year
4 1995 (Public Law 103–337; 108 Stat. 2799; 10
5 U.S.C. 1091 note) is amended by inserting “mental
6 health counselors,” after “psychologists,”.

7 (2) APPLICABILITY OF LICENSURE REQUIRE-
8 MENT FOR HEALTH-CARE PROFESSIONALS.—Section
9 1094 (e)(2) of title 10, United States Code, is
10 amended by inserting “mental health counselor,”
11 after “psychologist,”.

12 **SEC. 707. EXTENSION OF PILOT PROGRAM FOR HEALTH**
13 **CARE DELIVERY.**

14 (a) EXTENSION OF DURATION OF PILOT PRO-
15 GRAM.—Section 721(e) of the Ronald W. Reagan National
16 Defense Authorization Act for Fiscal Year 2005 (Public
17 Law 108–375; 10 U.S.C. 1092 note) is amended by strik-
18 ing “and 2007” and inserting “, 2007, 2008, 2009, and
19 2010”.

20 (b) EXTENSION OF REPORT DEADLINE.—Section
21 721(f) of such Act is amended by striking “July 1, 2007”
22 and inserting “July 1, 2010”.

23 (c) REVISION IN SELECTION CRITERIA.—Section
24 721(d)(2) of such Act is amended by striking “expected

1 to increase over the next five years” and inserting “has
2 increased over the five years preceding 2008”.

3 (d) ADDITION TO REQUIREMENTS OF PILOT PRO-
4 GRAM.—Section 721(b) of such Act is amended—

5 (1) by striking “and” at the end of paragraph
6 (3);

7 (2) by striking the period and inserting “; and”
8 at the end of paragraph (4); and

9 (3) by adding at the end the following:

10 “(5) collaborate with State and local authorities
11 to create an arrangement to share and exchange, be-
12 tween the Department of Defense and non-military
13 health care systems, personal health information and
14 data of military personnel and their families.”.

15 **SEC. 708. STIPEND FOR MEMBERS OF RESERVE COMPO-**
16 **NENTS FOR HEALTH CARE FOR CERTAIN DE-**
17 **PENDENTS.**

18 The Secretary of Defense may pay a stipend to a
19 member of a reserve component who is called or ordered
20 to active duty for a period of more than 30 days for pur-
21 poses of maintaining civilian health care coverage for a
22 dependant whom the Secretary determines to possess a
23 special health care need that would be best met by remain-
24 ing in the member’s civilian health plan. In making such
25 determination, the Secretary shall consider whether—

1 (1) the dependent of the member was receiving
2 treatment for the special health care need before the
3 call or order to active duty of the member; and

4 (2) the call or order to active duty would result
5 in an interruption in treatment or a change in
6 health care provider for such treatment.

7 **SEC. 709. JOINT PATHOLOGY CENTER.**

8 (a) ESTABLISHMENT.—The Secretary of Defense
9 shall establish a Joint Pathology Center located on the
10 National Naval Medical Center in Bethesda, Maryland,
11 that shall function as the reference center in pathology
12 for the Department of Defense.

13 (b) SERVICES.—The Joint Pathology Center shall
14 provide, at a minimum, the following services:

15 (1) Diagnostic pathology consultation in medi-
16 cine, dentistry, and veterinary sciences.

17 (2) Pathology education, to include graduate
18 medical education, including residency and fellow-
19 ship programs, and continuing medical education.

20 (3) Diagnostic pathology research.

21 **SEC. 710. REPORT ON TRAINING IN PRESERVATION OF RE-**
22 **MAINS UNDER COMBAT OR COMBAT-RE-**
23 **LATED CONDITIONS.**

24 (a) REPORT REQUIRED.—The Secretary of Defense
25 shall submit to the Committees on Armed Services of the

1 Senate and the House of Representatives a report on the
2 requirements of section 567 of the John Warner National
3 Defense Authorization Act for Fiscal Year 2007 (Public
4 Law 109–364; 120 Stat. 2224; 10 U.S.C. 1481 note).

5 (b) MATTERS COVERED.—The report shall include a
6 detailed description of the implementation of such section,
7 including—

8 (1) where the training program is taking place;

9 (2) who is providing the training;

10 (3) the number of each type of military health
11 care professional trained to date; and

12 (4) what the training covers.

13 (c) DEADLINE.—The report required by this section
14 shall be submitted not later than 180 days after the date
15 of the enactment of this Act.

16 **SEC. 711. PRE- AND POST-DEPLOYMENT ASSESSMENTS FOR**
17 **THE PURPOSE OF DETERMINING THE COG-**
18 **NITIVE FUNCTIONING AND BRAIN HEALTH**
19 **OF DEPLOYED MEMBERS OF THE ARMED**
20 **FORCES.**

21 (a) ESTABLISHMENT.—The Secretary of Defense, in
22 collaboration with the Secretaries of the military depart-
23 ments, shall establish a computer-based program that as-
24 sesses the cognitive functioning, in a pre- and post-deploy-
25 ment environment, of all members of the armed forces who

1 are deployed in support of the Global War on Terror, in-
2 cluding Operation Iraqi Freedom and Operation Enduring
3 Freedom.

4 (b) MINIMUM PROTOCOL REQUIREMENTS.—

5 (1) IN GENERAL.—The program required by
6 subsection (a) shall include—

7 (A) administration of computer-based
8 neurocognitive assessments;

9 (B) pre-deployment assessments to estab-
10 lish a neurocognitive baseline for members of
11 the Armed Forces for future treatment;

12 (C) a tool to assess mood states associated
13 with post-traumatic stress syndrome; and

14 (D) a standardized battery of tests to as-
15 sess traumatic brain injury.

16 (c) ASSESSMENTS.—

17 (1) FREQUENCY.—The predeployment assess-
18 ment to baseline neurocognitive functioning shall be
19 administered within 90 days prior to deployment.
20 The post-deployment assessment shall be adminis-
21 tered within 45 days of return from theater.

22 (2) REQUIREMENTS OF ASSESSMENT.—The
23 computer-based neurocognitive assessments required
24 by subsection (a) shall include the capability to be

8 SEC. 712. GUARANTEED FUNDING FOR WALTER REED ARMY
9 MEDICAL CENTER.

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1 **SEC. 713. REPORT AND STUDY ON MULTIPLE VACCINA-**
2 **TIONS OF MEMBERS OF THE ARMED FORCES.**

3 (a) **REPORT REQUIRED.**—Not later than 90 days
4 after the date of the enactment of this Act, the Secretary
5 of Defense shall submit to the Committees on Armed Serv-
6 ices of the Senate and the House of Representatives a re-
7 port on the Department’s policies for administering and
8 evaluating the vaccination of members of the Armed
9 Forces.

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

12 (1) An assessment of the Department’s policies
13 governing the administration of multiple vaccina-
14 tions in a 24-hour period, including the procedures
15 providing for a full review of an individual’s medical
16 history prior to the administration of multiple vac-
17 cinations, and whether such policies and procedures
18 differ for members of the Armed Forces on active
19 duty and members of reserve components.

20 (2) An assessment of how the Department’s
21 policies on multiple vaccinations in a 24-hour period
22 conform to current regulations of the Food and
23 Drug Administration and research performed or
24 being performed by the Centers for Disease Control,
25 other non-military Federal agencies, and non-federal

1 institutions on multiple vaccinations in a 24-hour pe-
2 riod.

3 (2) An assessment of the Department's proce-
4 dures for initiating investigations of deaths of mem-
5 bers of the Armed Forces in which vaccinations may
6 have played a role, including whether such investiga-
7 tions can be requested by family members of the de-
8 ceased individuals.

9 (3) The number of deaths of members of the
10 Armed Forces since January 1, 2000, that the De-
11 partment has investigated for the potential role of
12 vaccine administration, including both the number of
13 deaths investigated that was alleged to have involved
14 more than one vaccine administered in a given 24-
15 hour period and the number of deaths investigated
16 that was determined to have involved more than one
17 vaccine administered in a given 24-hour period.

18 (4) An assessment of the procedures for pro-
19 viding the Adjutants General of the various States
20 and territories with up-to-date information on the ef-
21 fectiveness and potential allergic reactions and side
22 effects of vaccines required to be taken by National
23 Guard members.

24 (5) An assessment of whether procedures are in
25 place to provide that the Adjutants General of the

1 various States and territories retain updated medical
 2 records of each National Guard member called up
 3 for active duty.

4 (c) STUDY REQUIRED.—

5 (1) IN GENERAL.—The Secretary of Defense
 6 shall conduct a study, in consultation with the Food
 7 and Drug Administration and the Centers for Dis-
 8 ease Control, examining the safety and efficacy of
 9 administering multiple vaccinations within a 24-hour
 10 period to members of the Armed Forces.

11 (2) DEADLINE.—The study required by para-
 12 graph (1) shall be completed not later than 270 days
 13 after the date of the enactment of this Act and shall
 14 be submitted to the Committees on Armed Services
 15 of the Senate and the House of Representatives.

16 **TITLE VIII—ACQUISITION POL-**
 17 **ICY, ACQUISITION MANAGE-**
 18 **MENT, AND RELATED MAT-**
 19 **TERS**

Subtitle A—Acquisition Policy and Management

Sec. 801. Definition of commercial services.

Sec. 802. Acquisition workforce provisions.

Sec. 803. Guidance on defense procurements made through contracts of other
 agencies.

Sec. 804. Prohibition on procurement from beneficiaries of foreign subsidies.

Sec. 805. Prohibition on procurement from companies in violation of the Iran
 and Syria Nonproliferation Act.

Sec. 806. Lead systems integrators.

Sec. 807. Procurement goal for Native Hawaiian-serving institutions and Alas-
 ka Native-serving institutions.

Sec. 808. Reinvestment in domestic sources of strategic materials.

- Sec. 809. Clarification of the protection of strategic materials critical to national security.
- Sec. 810. Debarment of contractors convicted of criminal violations of the Arms Export Control Act.

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

- Sec. 811. Change to the Truth in Negotiations Act exception for the acquisition of a commercial item.
- Sec. 812. Clarification of submission of cost or pricing data on noncommercial modifications of commercial items.
- Sec. 813. Plan for restricting Government-unique contract clauses on commercial contracts.
- Sec. 814. Extension of authority for use of simplified acquisition procedures for certain commercial items.
- Sec. 815. Extension of authority to fill shortage category positions for certain federal acquisition positions.
- Sec. 816. Extension of authority to carry out certain prototype projects.
- Sec. 817. Clarification of limited acquisition authority for special operations command.
- Sec. 818. Exemption of special operations command from certain requirements for contracts relating to vessels, aircraft, and combat vehicles.
- Sec. 819. Provision of authority to maintain equipment to unified combatant command for joint warfighting.
- Sec. 820. Market research.

Subtitle C—Accountability in Contracting

- Sec. 821. Limitation on length of noncompetitive contracts.
- Sec. 822. Maximizing fixed-price procurement contracts.
- Sec. 823. Public disclosure of justification and approval documents for noncompetitive contracts.
- Sec. 824. Disclosure of Government contractor audit findings.
- Sec. 825. Study of acquisition workforce.
- Sec. 826. Report to Congress.

Subtitle D—Contracts Relating to Iraq and Afghanistan

- Sec. 831. Memorandum of understanding on matters relating to contracting.
- Sec. 832. Comptroller General reviews and reports on contracting in Iraq and Afghanistan.
- Sec. 833. Definitions.
- Sec. 834. Competition for equipment supplied to Iraq and Afghanistan.

Subtitle E—Other Matters

- Sec. 841. Rapid Commercial Information Technology Identification Demonstration Project.
- Sec. 842. Report to Congress required on delays in major phases of acquisition process for major automated information system programs.
- Sec. 843. Requirement for licensing of certain military designations and likenesses of weapons systems to toy and hobby manufacturers.
- Sec. 844. Change in grounds for waiver of limitation on service contract to acquire military flight simulator.
- Sec. 845. Evaluation of cost of compliance with requirement to buy certain articles from American sources.

Sec. 846. Requirements relating to waivers of certain domestic source limitations.

Sec. 847. Multiple cost threshold breaches.

Sec. 848. Phone cards.

Sec. 849. Jurisdiction under Contract Disputes Act of 1978 over claims, disputes, and appeals arising out of maritime contracts.

Sec. 850. Clarification of jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts.

1 **Subtitle A—Acquisition Policy and** 2 **Management**

3 **SEC. 801. DEFINITION OF COMMERCIAL SERVICES.**

4 (a) COMMERCIAL ITEM REGULATIONS TO BE USED
5 ONLY FOR COMMERCIAL SERVICES MEETING STATUTORY
6 DEFINITION.—The Administrator for Federal Procure-
7 ment Policy shall revise the Federal Acquisition Regula-
8 tion to ensure that only commercial services as defined in
9 section 4(12)(F) of the Office of Federal Procurement
10 Policy Act (41 U.S.C. 403(12)(F)) are procured under
11 procedures set forth in Part 12 of the Federal Acquisition
12 Regulation. In carrying out the revision, the Adminis-
13 trator shall remove the words “of a type” from the defini-
14 tion of commercial services to be procured under such Part
15 12.

16 (b) REQUIREMENT TO ANALYZE TWO OPTIONS FOR
17 PROCUREMENT OF SERVICES SIMILAR TO COMMERCIAL
18 SERVICES.—The Administrator for Federal Procurement
19 Policy shall analyze the two options described in sub-
20 section (c) to determine which regulations would be in the
21 best interest of the Government for the procurement of

1 services similar to commercial services. After completing
2 the analysis, the Administrator shall revise the Federal
3 Acquisition Regulation to include the option that the Ad-
4 ministrator has determined to be in the best interest of
5 the Government.

6 (c) OPTIONS FOR ANALYSIS.—The two options are
7 as follows:

8 (1) OPTION 1.—Part 12 of the Federal Acquisi-
9 tion, relating to acquisition of commercial items,
10 with the following additional provisions:

11 (A) Subject to subparagraph (B), the con-
12 tracting officer may request the following infor-
13 mation from the offeror:

14 (i) Prices paid for the same or similar
15 commercial items under comparable terms
16 and conditions by both government and
17 commercial customers.

18 (ii) Information regarding price or
19 cost that may support the price offered,
20 such as wages, subcontracts, or material
21 costs.

22 (iii) Such other information as the
23 Administrator considers appropriate.

1 (B) The contracting officer should not re-
2 quest more information than is necessary to de-
3 termine that an offered price is reasonable.

4 (2) OPTION 2.—Part 15 of the Federal Acquisi-
5 tion Regulation, relating to contracting by negotia-
6 tion, as in effect on the date of the enactment of this
7 Act.

8 **SEC. 802. ACQUISITION WORKFORCE PROVISIONS.**

9 (a) REPEAL OF SUNSET OF ACQUISITION WORK-
10 FORCE TRAINING FUND.—Section 37(h)(3) of the Office
11 of Federal Procurement Policy Act (41 U.S.C. 433(h)(3))
12 is amended by striking subparagraph (H).

13 (b) REQUIREMENT FOR SECTION ON ACQUISITION
14 WORKFORCE IN STRATEGIC HUMAN CAPITAL PLAN.—

15 (1) IN GENERAL.—In the update of the stra-
16 tegic human capital plan for 2008, and in each sub-
17 sequent update, the Secretary of Defense shall in-
18 clude a separate section focused on the defense ac-
19 quisition workforce, including both military and civil-
20 ian personnel.

21 (2) FUNDING.—The section shall contain—

22 (A) an identification of the funding pro-
23 grammed for acquisition workforce training in
24 the future years defense program;

1 (B) a determination by the Secretary of
2 whether such funding is adequate; and

3 (C) an evaluation of how such funding can
4 be protected from being diverted to other uses.

5 (3) AREAS OF NEED.—The section also shall
6 identify any areas of need in the acquisition work-
7 force, including—

8 (A) changes to the types of skills needed in
9 the acquisition workforce;

10 (B) incentives to retain in the acquisition
11 workforce qualified, experienced acquisition
12 workforce personnel; and

13 (C) incentives for attracting new, high-
14 quality personnel to the acquisition workforce.

15 (c) STRATEGIC HUMAN CAPITAL PLAN DEFINED.—
16 In this section, the term “strategic human capital plan”
17 means the strategic human capital plan required under
18 section 1122 of the National Defense Authorization Act
19 for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
20 3452; 10 U.S.C. prec. 1580 note).

21 **SEC. 803. GUIDANCE ON DEFENSE PROCUREMENTS MADE**
22 **THROUGH CONTRACTS OF OTHER AGENCIES.**

23 (a) GUIDANCE.—The Under Secretary of Defense for
24 Acquisition, Technology, and Logistics shall issue guid-

1 ance on the use of interagency contracting by the Depart-
2 ment of Defense.

3 (b) MATTERS COVERED.—The guidance shall in-
4 clude, at a minimum, the following provisions:

5 (1) Items unique to the Department of Defense
6 may not be acquired by interagency contracting.

7 (2) Acquisition officials should make a good
8 faith effort, including through the conduct of market
9 research, if appropriate, to identify whether an item
10 considered for interagency contracting is already
11 being provided under a contract awarded by the De-
12 partment of Defense.

13 (3) Acquisition officials shall ensure that, with
14 respect to the outside agency involved in any pro-
15 curement through interagency contracting, any re-
16 quirements related to the procurement that are spe-
17 cific to the Department of Defense shall be identi-
18 fied and communicated to the agency, including rel-
19 evant requirements of the following:

20 (A) The Federal Acquisition Regulation.

21 (B) The Department of Defense Supple-
22 ment to the Federal Acquisition Regulation.

23 (C) Appropriations laws.

24 (D) Provisions in law or regulation that
25 are unique to defense procurement and that

1 apply to the specific contract under consider-
2 ation, but that may not be included under sub-
3 paragraph (A), (B), or (C).

4 (c) DEFINITIONS.—In this section:

5 (1) INTERAGENCY CONTRACTING.—The term
6 “interagency contracting” means the procurement of
7 goods or services (under section 1535 of title 31,
8 United States Code) through a contract entered into
9 by an agency outside the Department of Defense.

10 (2) ACQUISITION OFFICIAL.—The term “acqui-
11 sition official” means—

12 (A) in the case of a direct acquisition, the
13 contracting officer for the acquisition; and

14 (B) in the case of an assisted acquisition,
15 the program manager coordinating the acquisi-
16 tion for the Department of Defense.

17 (3) DIRECT ACQUISITION.—The term “direct
18 acquisition” means the type of interagency con-
19 tracting through which the Department of Defense
20 orders an item or service from a government-wide
21 acquisition contract maintained by an agency outside
22 the Department.

23 (4) ASSISTED ACQUISITION.—The term “as-
24 sisted acquisition” means the type of interagency
25 contracting through which an agency outside the De-

1 partment of Defense awards a contract for the pro-
2 curement of goods or services.

3 **SEC. 804. PROHIBITION ON PROCUREMENT FROM BENE-**
4 **FICIARIES OF FOREIGN SUBSIDIES.**

5 (a) PROHIBITION.—The Secretary of Defense may
6 not enter into a contract for the procurement of goods
7 or services from any foreign person to which the govern-
8 ment of a foreign country that is a member of the World
9 Trade Organization has provided a subsidy if—

10 (1) the United States has requested consulta-
11 tions with that foreign country under the Agreement
12 on Subsidies and Countervailing Measures on the
13 basis that the subsidy is a prohibited subsidy under
14 that Agreement; and

15 (2) either—

16 (A) the issue before the World Trade Or-
17 ganization has not been resolved; or

18 (B) the World Trade Organization has
19 ruled that the subsidy provided by the foreign
20 country is a prohibited subsidy under the
21 Agreement on Subsidies and Countervailing
22 Measures.

23 (b) JOINT VENTURES.—The prohibition under sub-
24 section (a) with respect to a foreign person also applies
25 to any joint venture, cooperative organization, partner-

1 ship, or contracting team of which that foreign person is
2 a member.

3 (c) SUBCONTRACTS AND TASK ORDERS.—The prohi-
4 bition under subsection (a) with respect to a contract also
5 applies to any subcontracts at any tier entered into under
6 the contract and any task orders at any tier issued under
7 the contract.

8 (d) DEFINITIONS.—In this section:

9 (1) The term “Agreement on Subsidies and
10 Countervailing Measures” means the agreement de-
11 scribed in section 101(d)(12) of the Uruguay Round
12 Agreements Act (19 U.S.C. 3501(d)(12)).

13 (2) The term “foreign person” means—

14 (A) an individual who is not a United
15 States person or an alien lawfully admitted for
16 permanent residence into the United States; or

17 (B) a corporation, partnership, or other
18 nongovernmental entity which is not a United
19 States person.

20 (3) The term “United States person” means—

21 (A) a natural person who is a citizen of the
22 United States or who owes permanent alle-
23 giance to the United States; and

24 (B) a corporation or other legal entity
25 which is organized under the laws of the United

1 States, any State or territory thereof, or the
2 District of Columbia, if natural persons de-
3 scribed in subparagraph (A) own, directly or in-
4 directly, more than 50 percent of the out-
5 standing capital stock or other beneficial inter-
6 est in such legal entity.

7 (e) APPLICABILITY.—

8 (1) PROGRAMS WITH MILESTONE B APPROVAL
9 NOT COVERED.—The prohibition under subsection
10 (a) shall not apply to any contract under a major
11 defense acquisition program that has received Mile-
12 stone B approval as of the date of the enactment of
13 this Act.

14 (2) DEFINITIONS.—In this subsection:

15 (A) The term “major defense acquisition
16 program” means a Department of Defense ac-
17 quisition program that is a major defense ac-
18 quisition program for purposes of section 2430
19 of title 10, United States Code.

20 (B) The term “Milestone B approval” has
21 the meaning provided that term in section
22 2366(e)(7) of such title.

1 **SEC. 805. PROHIBITION ON PROCUREMENT FROM COMPA-**
2 **NIES IN VIOLATION OF THE IRAN AND SYRIA**
3 **NONPROLIFERATION ACT.**

4 (a) PROHIBITION.—Except as provided in subsection
5 (c), funds appropriated or otherwise available to the De-
6 partment of Defense may not be used for the procurement
7 of goods or services from a source subject to sanctions
8 for violations of the Iran and Syria Nonproliferation Act
9 (Public Law 106–178; 50 U.S.C. 1701 note) or from any
10 source that is owned or controlled by a sanctioned entity.

11 (b) CONTRACTS COVERED.—This section applies to
12 prime contracts and subcontracts at any tier under such
13 contracts.

14 (c) EXCEPTION.—

15 (1) IN GENERAL.—Subsection (a) does not
16 apply in any case in which the Secretary of Defense
17 determines that there is a compelling reason to so-
18 licit an offer from, award a contract or subcontract
19 to, or extend a contract or subcontract with a source
20 described in that subsection. The exception in the
21 preceding sentence may not be used if the same or
22 reasonably equivalent products or services are avail-
23 able from a non-sanctioned source.

24 (2) NOTICE TO CONGRESS.—The Secretary
25 shall transmit to the Committees on Armed Services
26 of the Senate and the House of Representatives a

1 notice of any determination made under paragraph
2 (1) at the time of the determination.

3 **SEC. 806. LEAD SYSTEMS INTEGRATORS.**

4 (a) PROHIBITION ON THE USE OF LEAD SYSTEMS
5 INTEGRATORS.—The Department of Defense may not
6 award any new contracts for lead systems integrator func-
7 tions in the acquisition of major systems, effective October
8 1, 2011.

9 (b) PLAN FOR ACQUISITION WORKFORCE.—

10 (1) REQUIREMENT.—The Secretary of Defense
11 shall develop a plan for establishing the appropriate
12 size of the acquisition workforce to accomplish inher-
13 ently governmental functions related to acquisition
14 of major weapons systems. In developing the plan,
15 the Secretary shall, at a minimum—

16 (A) identify the positions and skills, due to
17 their inherently governmental nature, that
18 should be supplied by Department of Defense
19 personnel versus contractor personnel;

20 (B) identify the gaps in skills that exist
21 within the current defense workforce;

22 (C) create a plan for closing such skill
23 gaps;

24 (D) create a plan for obtaining a proper
25 match between the level of acquisition expertise

1 within each acquisition program office and the
2 level of risk associated with the acquisition pro-
3 gram that the program office is expected to
4 manage; and

5 (E) identify the additional personnel or
6 hiring authorities that may be required on an
7 interim basis, until such time as the Depart-
8 ment of Defense has sufficient government per-
9 sonnel to fill the positions designated as inher-
10 ently governmental.

11 (2) DEADLINE.—The plan described in para-
12 graph (1) shall be submitted to the congressional de-
13 fense committees no later than October 1, 2008.

14 (c) EXCEPTION FOR CONTRACTS FOR OTHER MAN-
15 AGEMENT SERVICES.—The Department of Defense may
16 continue to award contracts for the procurement of serv-
17 ices the primary purpose of which is to perform acquisition
18 support functions with respect to the development or pro-
19 duction of a major system, if the following conditions are
20 met:

21 (1) The contractor may not perform inherently
22 governmental functions, as may be prescribed by the
23 Secretary of Defense, including—

1 (A) determining courses of action to be
2 taken in the best interest of the government;
3 and

4 (B) determining best technical perform-
5 ance for the warfighter; and

6 (2) a prime contractor for such a contract may
7 not award a subcontract to an entity owned in whole
8 or in part by the prime contractor.

9 (d) DEFINITIONS.—In this section:

10 (1) LEAD SYSTEMS INTEGRATOR.—The term
11 “lead systems integrator” means—

12 (A) a prime contractor for the development
13 or production of a major system, if the prime
14 contractor is not expected at the time of award
15 to perform a substantial portion of the work on
16 the system and the major subsystems; or

17 (B) a prime contractor under a contract
18 for the procurement of services the primary
19 purpose of which is to perform acquisition func-
20 tions closely associated with inherently govern-
21 mental functions with respect to the develop-
22 ment or production of a major system.

23 (2) MAJOR SYSTEM.—The term “major system”
24 has the meaning given such term in section 2302d
25 of title 10, United States Code.

1 **SEC. 807. PROCUREMENT GOAL FOR NATIVE HAWAIIAN-**
2 **SERVING INSTITUTIONS AND ALASKA NA-**
3 **TIVE-SERVING INSTITUTIONS.**

4 Section 2323 of title 10, United States Code, is
5 amended—

6 (1) in subsection (a)(1)—

7 (A) by striking “and” at the end of sub-
8 paragraph (C);

9 (B) by striking the period at the end of
10 subparagraph (D) and inserting “; and”; and

11 (C) by adding at the end the following new
12 subparagraph:

13 “(E) Native Hawaiian-serving institutions
14 and Alaska Native-serving institutions (as de-
15 fined in section 317 of the Higher Education
16 Act of 1965).”;

17 (2) in subsection (a)(2) by inserting after “His-
18 panic-serving institutions,” the following: “Native
19 Hawaiian-serving institutions and Alaska Native-
20 serving institutions,”;

21 (3) in subsection (c)(1), by inserting after “His-
22 panic-serving institutions,” the following: “Native
23 Hawaiian-serving institutions and Alaska Native-
24 serving institutions,”; and

25 (4) in subsection (c)(3), by inserting after “His-
26 panic-serving institutions,” the following: “to Native

1 Hawaiian-serving institutions and Alaska Native-
2 serving institutions,”.

3 **SEC. 808. REINVESTMENT IN DOMESTIC SOURCES OF STRA-**
4 **TEGIC MATERIALS.**

5 (a) REINVESTMENT REQUIRED.—

6 (1) PROPOSAL EVALUATION CRITERIA.—The
7 Under Secretary of Defense for Acquisition, Tech-
8 nology, and Logistics shall issue guidance requiring
9 that all Department of Defense solicitations for pro-
10 posals for major systems that could contain strategic
11 materials clearly specify that an evaluation criteria
12 for such proposals will be the extent to which each
13 prospective strategic material supplier demonstrates
14 a record of sustained reinvestment in processes, in-
15 frastructure, workforce training, and facilities for
16 domestic production of such a material, as well as a
17 plan for continued reinvestment.

18 (2) FLOW DOWN REQUIRED.—Guidance issued
19 under this subsection shall require that the evalua-
20 tion criteria be incorporated by reference into any
21 solicitation for sources of strategic materials at any
22 contractual tier.

23 (b) REVIEW AND REPORT.—

24 (1) REVIEW REQUIRED.—The Strategic Mate-
25 rials Protection Board, established under section

1 187 of title 10, United States Code, shall, on an an-
2 nual basis—

3 (A) review the number of proposals sub-
4 mitted for major systems that could contain
5 strategic materials; and

6 (B) as part of the Board's duties under
7 paragraph (2) and (3) of section 187(b) of such
8 title, determine the following:

9 (i) The percentage of proposals that
10 were found to be responsive to the rein-
11 vestment evaluation criteria required under
12 subsection (a).

13 (ii) The percentage of responsive pro-
14 posals that were awarded.

15 (iii) The percentage of non-responsive
16 proposals that were awarded.

17 (iv) The long-term viability of stra-
18 tegic materials suppliers, based upon the
19 past and future reinvestment planned by
20 the suppliers.

21 (2) INCLUSION IN BOARD REPORT.—The Strategic
22 Materials Protection Board shall include its findings in the
23 next report submitted to Congress under section 187(d)
24 of title 10, United States Code, after the date of the enact-
25 ment of this Act. The Board shall include the findings of

1 subsequent annual reviews in subsequent reports sub-
2 mitted under such section.

3 (c) DEFINITIONS.—In this section:

4 (1) STRATEGIC MATERIAL.—The term “stra-
5 tegic material” means—

6 (A) a material designated as critical to na-
7 tional security by the Strategic Materials Pro-
8 tection Board in accordance with the section
9 187 of title 10, United States Code;

10 (B) a specialty metal as defined by section
11 2533b of title 10, United States Code; or

12 (C) steel.

13 (2) MAJOR SYSTEM.—The term “major system”
14 has the meaning provided in section 2302 of title 10,
15 United States Code.

16 **SEC. 809. CLARIFICATION OF THE PROTECTION OF STRA-**
17 **TEGIC MATERIALS CRITICAL TO NATIONAL**
18 **SECURITY.**

19 (a) DEFINITION OF REQUIRED FORM.—Subsection
20 (b) of section 2533b of title 10, United States Code, is
21 amended by striking the period at the end and inserting
22 the following: “and the term ‘required form’ means mill
23 products, such as slab, plate and sheet, in the required
24 form necessary. The term ‘required form’ shall not apply
25 to end items or to their components at any tier.”.

1 (b) APPLICABILITY TO PROCUREMENTS OF COMMER-
2 CIAL ITEMS.—Subsection (h) of section 2533b of title 10,
3 United States Code, is amended by inserting “or 35” after
4 “This section applies to procurements of commercial items
5 notwithstanding section 34.”.

6 (c) REVISION OF DOMESTIC NON-AVAILABILITY DE-
7 TERMINATIONS.—Any Domestic Non-Availability Deter-
8 mination made by the Department of Defense between De-
9 cember 6, 2006, and the date 60 days after the date of
10 the enactment of this Act shall be reviewed and amended,
11 if necessary, to comply with subsection (a) and (b).

12 (d) EFFECTIVE DATE.—The amendments made by
13 subsections (a) and (b) shall apply with respect to con-
14 tracts entered into 60 days after the date of the enactment
15 of this Act.

16 **SEC. 810. DEBARMENT OF CONTRACTORS CONVICTED OF**
17 **CRIMINAL VIOLATIONS OF THE ARMS EX-**
18 **PORT CONTROL ACT.**

19 (a) DEBARMENT.—Except as provided in subsection
20 (b), if the Secretary of Defense determines that a con-
21 tractor or prospective contractor has been convicted of a
22 criminal violation of any provision of the Arms Export
23 Control Act (22 U.S.C. 2751 et seq.), the Secretary shall
24 debar such contractor or prospective contractor from con-
25 tracting with the Department of Defense for a period not

1 to exceed 5 years, not later than 90 days after determining
2 that the contractor has been so convicted.

3 (b) EXCEPTION.—

4 (1) IN GENERAL.—Subsection (a) does not
5 apply in any case in which the Secretary determines
6 that there is a compelling reason to solicit an offer
7 from, award a contract to, extend a contract with,
8 or approve a subcontract with such contractor or
9 prospective contractor.

10 (2) PUBLIC NOTICE.—The Secretary shall
11 transmit to the Administrator of General Services a
12 notice of any determination made under paragraph
13 (1) at the time of the determination. The Adminis-
14 trator of General Services shall maintain each such
15 notice in a file available for public inspection.

16 (c) DEFINITION.—In this section, the term “debar”
17 has the meaning given that term by section 2393(c) of
18 title 10, United States Code.

1 **Subtitle B—Amendments to Gen-**
2 **eral Contracting Authorities,**
3 **Procedures, and Limitations**

4 **SEC. 811. CHANGE TO THE TRUTH IN NEGOTIATIONS ACT**
5 **EXCEPTION FOR THE ACQUISITION OF A**
6 **COMMERCIAL ITEM.**

7 Section 2306a(b) of title 10, United States Code, is
8 amended by adding at the end the following new para-
9 graph:

10 “(4) CERTAIN SOLE SOURCE PROCURE-
11 MENTS.—The exception in paragraph (1)(C) does
12 not apply in the case of a contract, subcontract, or
13 modification of a contract or subcontract that is for
14 a commercial item to be procured using procedures
15 other than competitive procedures—

16 “(A) if the contracting officer determines
17 that commercial sales data are insufficient to
18 determine a fair and reasonable price; and

19 “(B) if the contractor’s business segment
20 has submitted certified cost or pricing data in
21 connection with at least one contract award or
22 contract modification.”.

1 **SEC. 812. CLARIFICATION OF SUBMISSION OF COST OR**
2 **PRICING DATA ON NONCOMMERCIAL MODI-**
3 **FICATIONS OF COMMERCIAL ITEMS.**

4 (a) MEASUREMENT OF PERCENTAGE AT CONTRACT
5 AWARD.—Section 2306a(b)(3)(A) of title 10, United
6 States Code, is amended by inserting after “total price of
7 the contract” the following: “(at the time of contract
8 award)”.

9 (b) ADJUSTMENT OF DOLLAR AMOUNT.—Section
10 2306a(b)(3)(A) of such title is amended by striking
11 “\$500,000” and inserting “\$650,000”.

12 **SEC. 813. PLAN FOR RESTRICTING GOVERNMENT-UNIQUE**
13 **CONTRACT CLAUSES ON COMMERCIAL CON-**
14 **TRACTS.**

15 (a) PLAN.—The Under Secretary of Defense for Ac-
16 quisition, Technology, and Logistics shall develop and im-
17 plement a plan to minimize the number of Government-
18 unique contract clauses used in commercial contracts by
19 restricting the clauses to the following:

20 (1) Government-unique clauses authorized by
21 law or regulation.

22 (2) Any additional clauses that are relevant and
23 necessary to a specific contract.

24 (b) COMMERCIAL CONTRACT.—In this section:

1 (1) The term “commercial contract” means a
2 contract awarded by the Federal Government for the
3 procurement of a commercial item.

4 (2) The term “commercial item” has the mean-
5 ing provided by section 4(12) of the Office of Fed-
6 eral Procurement Policy Act (41 U.S.C. 403(12)).

7 **SEC. 814. EXTENSION OF AUTHORITY FOR USE OF SIM-**
8 **PLIFIED ACQUISITION PROCEDURES FOR**
9 **CERTAIN COMMERCIAL ITEMS.**

10 Section 4202(e) of the Clinger-Cohen Act of 1996
11 (division D of Public Law 104–106; 110 Stat. 652; 10
12 U.S.C. 2304 note) is amended by striking “January 1,
13 2008” and inserting “January 1, 2010”.

14 **SEC. 815. EXTENSION OF AUTHORITY TO FILL SHORTAGE**
15 **CATEGORY POSITIONS FOR CERTAIN FED-**
16 **ERAL ACQUISITION POSITIONS.**

17 Section 1413(b) of the National Defense Authoriza-
18 tion Act for Fiscal Year 2004 (Public Law 108–136; 117
19 Stat. 1665) is amended by striking “September 30, 2007”
20 and inserting “September 30, 2012”.

21 **SEC. 816. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
22 **TAIN PROTOTYPE PROJECTS.**

23 Section 845(i) of the National Defense Authorization
24 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amend-

1 ed by striking “September 30, 2008” and inserting “Sep-
2 tember 30, 2013”.

3 **SEC. 817. CLARIFICATION OF LIMITED ACQUISITION AU-**
4 **THORITY FOR SPECIAL OPERATIONS COM-**
5 **MAND.**

6 Section 167(e)(4) of title 10, United States Code, is
7 amended—

8 (1) by redesignating subparagraph (C) as sub-
9 paragraph (D); and

10 (2) by inserting after subparagraph (B) the fol-
11 lowing new subparagraph:

12 “(C)(i) The staff of the commander shall include an
13 acquisition executive, who shall be responsible for the
14 same functions and duties, and have the same authorities,
15 as the service acquisition executives for the military de-
16 partments.

17 “(ii) The staff of the commander shall include a sen-
18 ior procurement executive, who shall be responsible for
19 providing management direction of the procurement sys-
20 tem of the command, advising and assisting the com-
21 mander and other officials of the combatant command to
22 ensure that activities and missions of the command are
23 achieved through the management of the procurement sys-
24 tem of the command, and otherwise being responsible for
25 the same functions and duties, and having the same au-

1 thorities, as the senior procurement executive for the mili-
2 tary departments.

3 “(iii) The commander of the special operations com-
4 mand may designate the same individual to the position
5 of acquisition executive and the position of senior procure-
6 ment executive.

7 “(iv) Any reference to service acquisition executive or
8 senior procurement executive of a military department in
9 any Federal law, Executive order, or regulation is deemed
10 to include the acquisition executive or senior procurement
11 executive of the special operations command unless such
12 law, order, or regulation explicitly excludes such positions
13 by reference to this section.”.

14 **SEC. 818. EXEMPTION OF SPECIAL OPERATIONS COMMAND**
15 **FROM CERTAIN REQUIREMENTS FOR CON-**
16 **TRACTS RELATING TO VESSELS, AIRCRAFT,**
17 **AND COMBAT VEHICLES.**

18 Subsection (e) of section 167 of title 10, United
19 States Code, is amended by adding at the end the fol-
20 lowing new paragraph:

21 “(5) The commander of the command, in carrying
22 out his functions under this subsection, may carry out
23 such functions with respect to a contract covered by sec-
24 tion 2401 of this title without regard to subsection (b)
25 of that section if—

1 “(A) the contract is for a term of not more
2 than 5 years (including all options to renew or ex-
3 tend the contract); and

4 “(B) funds are available and obligated for the
5 full cost of the contract (including termination costs)
6 on or before the date the contract is awarded.”.

7 **SEC. 819. PROVISION OF AUTHORITY TO MAINTAIN EQUIP-**
8 **MENT TO UNIFIED COMBATANT COMMAND**
9 **FOR JOINT WARFIGHTING.**

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

12 (1) in subsection (a), by striking “and acquire”
13 and inserting “, acquire, and maintain”;

14 (2) by redesignating subsection (f) as sub-
15 section (g); and

16 (3) by inserting after subsection (e) the fol-
17 lowing new subsection:

18 “(f) **LIMITATION ON AUTHORITY TO MAINTAIN**
19 **EQUIPMENT.**—The authority delegated under subsection
20 (a) to maintain equipment is subject to the availability of
21 funds authorized and appropriated specifically for that
22 purpose.”.

1 **SEC. 820. MARKET RESEARCH.**

2 (a) MARKET RESEARCH.—Subsection (c) of section
3 2377 of title 10, United States Code, is amended as fol-
4 lows:

5 (1) The subsection heading is amended by
6 striking “PRELIMINARY”.

7 (2) Paragraph (1) is amended—

8 (A) by striking “research appropriate to
9 the circumstances—” and inserting “research—
10 ”;

11 (B) by striking “and” at the end of sub-
12 paragraph (A);

13 (C) by striking the period at the end of
14 subparagraph (B) and inserting “; and”; and

15 (D) by adding at the end the following:

16 “(C) before awarding a task order in excess of
17 the simplified acquisition threshold.”.

18 (3) The subsection is amended by adding at the
19 end the following new paragraphs:

20 “(4) The Secretary of Defense shall ensure that
21 market research under this subsection includes use
22 of an appropriately tailored search engine to access
23 the world wide web in order to identify readily avail-
24 able capabilities in the commercial market place.

25 “(5) For programs with a value in excess of
26 \$1,000,000, the contracting officer must certify that

1 market research was performed before award of the
2 contract or task order.”.

3 (b) EVALUATION OF CERTAIN INCENTIVES.—The
4 Under Secretary of Defense for Acquisition, Technology,
5 and Logistics shall evaluate options for preferences or eco-
6 nomic incentives for contractors that maximize the use of
7 readily available and proven capabilities in the commercial
8 market place.

9 **Subtitle C—Accountability in**
10 **Contracting**

11 **SEC. 821. LIMITATION ON LENGTH OF NONCOMPETITIVE**
12 **CONTRACTS.**

13 (a) REVISION OF FAR.—Not later than one year
14 after the date of the enactment of this Act, the Federal
15 Acquisition Regulation shall be revised to restrict the con-
16 tract period of any contract described in subsection (c)
17 to the minimum contract period necessary—

18 (1) to meet the urgent and compelling require-
19 ments of the work to be performed under the con-
20 tract; and

21 (2) to enter into another contract for the re-
22 quired goods or services through the use of competi-
23 tive procedures.

24 (b) CONTRACT PERIOD.—The regulations promul-
25 gated under subsection (a) shall require the contract pe-

1 riod to not exceed one year, unless the head of the execu-
2 tive agency concerned determines that the Government
3 would be seriously injured by the limitation on the con-
4 tract period.

5 (c) COVERED CONTRACTS.—This section applies to
6 any contract in an amount greater than \$1,000,000 en-
7 tered into by an executive agency using procedures other
8 than competitive procedures pursuant to the exception
9 provided in section 303(c)(2) of the Federal Property and
10 Administrative Services Act of 1949 (41 U.S.C. 253(c)(2))
11 or section 2304(c)(2) of title 10, United States Code.

12 (d) DEFINITIONS.—In this section:

13 (1) The term “executive agency” has the mean-
14 ing provided in section 4(1) of the Office of Federal
15 Procurement Policy Act (41 U.S.C. 403(1)).

16 (2) The term “head of the executive agency”
17 means the head of an executive agency except that,
18 in the case of the Department of Defense, the term
19 means—

20 (A) in the case of a military department,
21 the Secretary of the military department;

22 (B) in the case of a Defense Agency, the
23 head of the Defense Agency; and

24 (C) in the case of any part of the Depart-
25 ment of Defense other than a military depart-

1 ment or Defense Agency, the Under Secretary
2 of Defense for Acquisition, Technology, and Lo-
3 gistics.

4 **SEC. 822. MAXIMIZING FIXED-PRICE PROCUREMENT CON-**
5 **TRACTS.**

6 (a) PLANS REQUIRED.—Subject to subsection (c),
7 the head of each executive agency covered by title III of
8 the Federal Property and Administrative Services Act of
9 1949 (41 U.S.C. 251 et seq.) or, in the case of the Depart-
10 ment of Defense, the Under Secretary of Defense for Ac-
11 quisition, Technology, and Logistics, shall develop and im-
12 plement a plan to maximize, to the fullest extent prac-
13 ticable, the use of fixed-price type contracts for the pro-
14 curement of goods and services by the agency or depart-
15 ment concerned. The plan shall contain measurable goals
16 and shall be completed and submitted to the Committee
17 on Oversight and Government Reform of the House of
18 Representatives, the Committee on Homeland Security
19 and Governmental Affairs of the Senate, and the Commit-
20 tees on Appropriations of the House of Representatives
21 and the Senate and, in the case of the Department of De-
22 fense and the Department of Energy, the Committees on
23 Armed Services of the Senate and the House of Represent-
24 atives, with a copy provided to the Comptroller General,

1 not later than 1 year after the date of the enactment of
2 this Act.

3 (b) COMPTROLLER GENERAL REVIEW.—The Comp-
4 troller General shall review the plans provided under sub-
5 section (a) and submit a report to Congress on the plans
6 not later than 18 months after the date of the enactment
7 of this Act.

8 (c) REQUIREMENT LIMITED TO CERTAIN AGEN-
9 CIES.—The requirement of subsection (a) shall apply only
10 to those agencies that awarded contracts in a total amount
11 of at least \$1,000,000,000 in the fiscal year preceding the
12 fiscal year in which the report is submitted.

13 **SEC. 823. PUBLIC DISCLOSURE OF JUSTIFICATION AND AP-**
14 **PROVAL DOCUMENTS FOR NONCOMPETITIVE**
15 **CONTRACTS.**

16 (a) CIVILIAN AGENCY CONTRACTS.—

17 (1) IN GENERAL.—Section 303 of the Federal
18 Property and Administrative Services Act of 1949
19 (41 U.S.C. 253) is amended by adding at the end
20 the following new subsection:

21 “(j)(1)(A) Except as provided in subparagraph (B),
22 in the case of a procurement permitted by subsection (c),
23 the head of an executive agency shall make publicly avail-
24 able, within 14 days after the award of the contract, the
25 documents containing the justification and approval re-

1 quired by subsection (f)(1) with respect to the procure-
2 ment.

3 “(B) In the case of a procurement permitted by sub-
4 section (c)(2), subparagraph (A) shall be applied by sub-
5 stituting ‘30 days’ for ‘14 days’.

6 “(2) The documents shall be made available on the
7 website of the agency and through the Federal Procure-
8 ment Data System.

9 “(3) This subsection does not require the public avail-
10 ability of information that is exempt from public disclosure
11 under section 552(b) of title 5, United States Code.”.

12 (2) CONFORMING AMENDMENT.—Section 303(f)
13 of such Act is amended—

14 (A) by striking paragraph (4); and

15 (B) by redesignating paragraph (5) as
16 paragraph (4).

17 (b) DEFENSE AGENCY CONTRACTS.—

18 (1) IN GENERAL.—Section 2304 of title 10,
19 United States Code, is amended by adding at the
20 end the following new subsection:

21 “(l)(1)(A) Except as provided in subparagraph (B),
22 in the case of a procurement permitted by subsection (c),
23 the head of an agency shall make publicly available, within
24 14 days after the award of the contract, the documents

1 containing the justification and approval required by sub-
 2 section (f)(1) with respect to the procurement.

3 “(B) In the case of a procurement permitted by sub-
 4 section (c)(2), subparagraph (A) shall be applied by sub-
 5 stituting ‘30 days’ for ‘14 days’.

6 “(2) The documents shall be made available on the
 7 website of the agency and through the Federal Procure-
 8 ment Data System.

9 “(3) This subsection does not require the public avail-
 10 ability of information that is exempt from public disclosure
 11 under section 552(b) of title 5.”.

12 (2) CONFORMING AMENDMENT.—Section
 13 2304(f) of such title is amended—

14 (A) by striking paragraph (4); and

15 (B) by redesignating paragraphs (5) and
 16 (6) as paragraphs (4) and (5), respectively.

17 **SEC. 824. DISCLOSURE OF GOVERNMENT CONTRACTOR**
 18 **AUDIT FINDINGS.**

19 (a) QUARTERLY REPORT TO CONGRESS.—

20 (1) REQUIREMENT.—The head of each Federal
 21 agency or department or, in the case of the Depart-
 22 ment of Defense, the Under Secretary of Defense for
 23 Acquisition, Technology, and Logistics, shall submit
 24 to the chairman and ranking member of each com-

1 mittee specified in paragraph (2) on a quarterly
2 basis a report that includes the following:

3 (A) A list of completed audits performed
4 by such agency or department issued during the
5 applicable quarter that describe contractor costs
6 in excess of \$10,000,000 that have been identi-
7 fied as unjustified, unsupported, questioned, or
8 unreasonable under any contract, task or deliv-
9 ery order, or subcontract.

10 (B) The specific amounts of costs identi-
11 fied as unjustified, unsupported, questioned, or
12 unreasonable and the percentage of their total
13 value of the contract, task or delivery order, or
14 subcontract.

15 (C) A list of completed audits performed
16 by such agency or department issued during the
17 applicable quarter that identify material defi-
18 ciencies in the performance of any contractor or
19 in any business system of any contractor under
20 any contract, task or delivery order, or sub-
21 contract.

22 (2) COMMITTEES.—The report described in
23 paragraph (1) shall be submitted to—

1 (A) the Committee on Oversight and Gov-
2 ernment Reform of the House of Representa-
3 tives;

4 (B) the Committee on Homeland Security
5 and Governmental Affairs of the Senate;

6 (C) the Committees on Appropriations of
7 the House of Representatives and the Senate;

8 (D) in the case of reports from the Depart-
9 ment of Defense or the Department of Energy,
10 the Committees on Armed Services of the Sen-
11 ate and the House of Representatives; and

12 (E) the committees of primary jurisdiction
13 over the agency or department submitting the
14 report.

15 (3) EXCEPTION.—Paragraph (1) shall not
16 apply to an agency or department with respect to a
17 calendar quarter if no audits described in paragraph
18 (1) were issued during that quarter.

19 (b) SUBMISSION OF INDIVIDUAL AUDITS.—

20 (1) REQUIREMENT.—The head of each Federal
21 agency or department shall provide, within 14 days
22 after a request in writing by the chairman or rank-
23 ing member of any committee listed in paragraph
24 (2), a full and unredacted copy of any audit de-
25 scribed in subsection (a)(1). Such copy shall include

1 an identification of information in the audit exempt
2 from public disclosure under section 552(b) of title
3 5, United States Code.

4 (2) COMMITTEES.—The committees listed in
5 this paragraph are the following:

6 (A) The Committee on Oversight and Gov-
7 ernment Reform of the House of Representa-
8 tives.

9 (B) The Committee on Homeland Security
10 and Governmental Affairs of the Senate.

11 (C) The Committees on Appropriations of
12 the House of Representatives and the Senate.

13 (D) In the case of the Department of De-
14 fense or the Department of Energy, the Com-
15 mittees on Armed Services of the Senate and
16 House of Representatives.

17 (E) The committees of primary jurisdiction
18 over the agency or department to which the re-
19 quest is made.

20 **SEC. 825. STUDY OF ACQUISITION WORKFORCE.**

21 (a) REQUIREMENT FOR STUDY.—The Administrator
22 for Federal Procurement Policy shall conduct a study of
23 the composition, scope, and functions of the Government-
24 wide acquisition workforce and develop a comprehensive

1 definition of, and method of measuring the size of, such
2 workforce.

3 (b) REPORT.—Not later than 1 year after the date
4 of the enactment of this Act, the Administrator shall sub-
5 mit to the relevant congressional committees a report on
6 the results of the study required by subsection (a), with
7 such findings and recommendations as the Administrator
8 determines appropriate.

9 **SEC. 826. REPORT TO CONGRESS.**

10 (a) REPORT.—Not later than 180 days after the date
11 of the enactment of this Act, the Director of the Office
12 of Government Ethics shall submit a report to Congress
13 that contains the Director’s recommendations on requiring
14 Government contractors that advise one or more Federal
15 agencies on procurement policy, and requiring federally
16 funded research and development centers, to comply with
17 restrictions relating to personal financial interests, such
18 as those that apply to Federal employees.

19 (b) DEFINITION.—In this section:

20 (1) GOVERNMENT CONTRACTOR.—The term
21 “Government contractor” means any person (other
22 than a Federal agency) with which a Federal agency
23 has entered into a contract to acquire goods or serv-
24 ices.

1 (2) FEDERAL AGENCY.—The term “Federal
2 agency” means—

3 (A) any executive department or inde-
4 pendent establishment in the executive branch
5 of the Government, including any wholly owned
6 Government corporation; and

7 (B) any establishment in the legislative or
8 judicial branch of the Government (except the
9 Senate, the House of Representatives, and the
10 Architect of the Capitol and any activities
11 under the Architect’s direction).

12 (3) FEDERALLY FUNDED RESEARCH AND DE-
13 VELOPMENT CENTER.—The term “federally funded
14 research and development center” means a federally
15 funded research and development center as identi-
16 fied by the National Science Foundation in accord-
17 ance with the Federal Acquisition Regulation.

18 **Subtitle D—Contracts Relating to**
19 **Iraq and Afghanistan**

20 **SEC. 831. MEMORANDUM OF UNDERSTANDING ON MAT-**
21 **TERS RELATING TO CONTRACTING.**

22 (a) MEMORANDUM OF UNDERSTANDING RE-
23 QUIRED.—The Secretary of Defense, the Secretary of
24 State, and the Administrator of the United States Agency
25 for International Development shall enter into a memo-

1 random of understanding regarding matters relating to
2 contracting for contracts in Iraq or Afghanistan.

3 (b) RESTRICTIONS ON CONTRACTING UNTIL MEMO-
4 RANDUM SIGNED.—

5 (1) RESTRICTION.—Except as provided in para-
6 graph (2), on and after January 1, 2008, no con-
7 tracts in Iraq or Afghanistan may be awarded by the
8 Department of Defense, the Department of State, or
9 the United States Agency for International Develop-
10 ment (A) unless the memorandum required by sub-
11 section (a) has been signed by the Secretary of De-
12 fense, the Secretary of State, or the Administrator
13 of the United States Agency for International Devel-
14 opment, respectively; and (B) the department or
15 agency concerned has initiated use of the common
16 database identified in such memorandum to track
17 contracts in Iraq or Afghanistan.

18 (2) WAIVER.—

19 (A) The President may waive the restric-
20 tion in paragraph (1) for a period of 45 days
21 if the President determines in writing that, but
22 for such a waiver, there would be substantial
23 harm to critical national security objectives and
24 submits the determination, including the rea-
25 sons for such determination, to the relevant

1 committees of Congress at least 15 days before
2 issuing the waiver.

3 (B) Such waiver may be renewed for one
4 additional 45-day period if the President sub-
5 mits a determination in writing to the relevant
6 committees of Congress that renewal of the
7 waiver is necessary to avoid substantial harm to
8 critical national security objectives.

9 (c) MATTERS COVERED.—The memorandum of un-
10 derstanding required by subsection (a) shall address, at
11 a minimum, the following:

12 (1) Identification of the major categories of
13 contracts in Iraq or Afghanistan being awarded by
14 the Department of Defense, the Department of
15 State, or the United States Agency for International
16 Development.

17 (2) Identification of the roles and responsibil-
18 ities of each department or agency for matters relat-
19 ing to contracting for contracts in Iraq or Afghani-
20 stan.

21 (3) Responsibility for authorizing the carrying
22 of weapons in performance of such contracts.

23 (4) Responsibility for establishing minimum
24 qualifications, including background checks, for per-

1 sonnel carrying weapons in performance of such con-
2 tracts.

3 (5) Responsibility for setting rules of engage-
4 ment for personnel carrying weapons in performance
5 of such contracts.

6 (6) Responsibility for establishing procedures
7 for, and the coordination of, movement of contractor
8 personnel in Iraq or Afghanistan.

9 (7) Identification of a common database that
10 will serve as a repository of information on all con-
11 tracts in Iraq or Afghanistan, and agreement on the
12 elements to be included in the database, including,
13 at a minimum, with respect to each contract—

14 (A) a brief description of the contract;

15 (B) the value of the contract;

16 (C) the amount of cost ascribed to over-
17 head for the contract;

18 (D) the amount of cost ascribed to security
19 for the contract;

20 (E) the total number of personnel em-
21 ployed on the contract; and

22 (F) the total number of personnel em-
23 ployed on the contract who provide security in
24 Iraq or Afghanistan.

1 (8) Responsibility for maintaining and updating
2 information in the common database identified
3 under paragraph (7).

4 (9) Responsibility for the collection and referral
5 to the appropriate Government agency of any infor-
6 mation relating to offenses under chapter 47 of title
7 10, United States Code (the Uniform Code of Mili-
8 tary Justice) or chapter 212 of title 18, United
9 States Code (commonly referred to as the Military
10 Extraterritorial Jurisdiction Act), including a clari-
11 fication of responsibilities under section 802(a)(10)
12 of title 10, United States Code (article 2(a) of the
13 Uniform Code of Military Justice), as amended by
14 section 552 of the John Warner National Defense
15 Authorization Act for Fiscal Year 2007 (Public Law
16 109–364).

17 (10) Responsibility for the issuance of guidance,
18 as appropriate, on equipment used by contractor
19 personnel, including guidance on appropriate vehi-
20 cles, uniforms, body armor, and weapons.

21 (11) Responsibility for the collection and main-
22 tenance of information relating to casualties suffered
23 by personnel working on contracts in Iraq or Af-
24 ghanistan.

25 (d) COPIES PROVIDED TO CONGRESS.—

1 (1) MEMORANDUM OF UNDERSTANDING.—Cop-
2 ies of the memorandum of understanding required
3 by subsection (a) shall be provided to the relevant
4 committees of Congress within 30 days after the
5 memorandum is signed.

6 (2) DATABASE.—The Secretary of Defense, the
7 Secretary of State, or the Administrator of the
8 United States Agency for International Development
9 shall provide access to the common database identi-
10 fied under subsection (c)(7) to the relevant commit-
11 tees of Congress.

12 (3) CONTRACTS.—Effective on the date of the
13 enactment of this Act, copies of any contracts
14 awarded in Iraq or Afghanistan shall be provided to
15 any of the relevant committees of Congress within
16 15 days after the submission of a request for such
17 contract or contracts from such committee to the de-
18 partment or agency managing the contract.

19 **SEC. 832. COMPTROLLER GENERAL REVIEWS AND RE-**
20 **PORTS ON CONTRACTING IN IRAQ AND AF-**
21 **GHANISTAN.**

22 (a) REVIEWS AND REPORTS REQUIRED.—

23 (1) IN GENERAL.—Every six months, the
24 Comptroller General shall review contracts in Iraq or

1 Afghanistan and submit to the relevant committees
2 of Congress a report on such review.

3 (2) MATTERS COVERED.—A report under this
4 subsection shall cover the following with respect to
5 the contracts in Iraq or Afghanistan reviewed for the
6 report:

7 (A) Total number of contracts awarded
8 during the period covered by the report.

9 (B) Total number of active contracts.

10 (C) Total value of all contracts awarded
11 during the reporting period.

12 (D) Total value of active contracts.

13 (E) Total number of contractor personnel
14 working on contracts during the reporting pe-
15 riod.

16 (F) Total number of contractor personnel
17 who have provided security in Iraq or Afghani-
18 stan for contracts during the reporting period.

19 (G) Categories of activities undertaken in
20 reviewed contracts.

21 (H) The extent to which such contracts
22 have used competitive procedures.

23 (I) The extent to which such contracts
24 have achieved the initial scope of requirements
25 included in the contracts.

1 (J) The effect of costs for security on such
2 contracts and whether contracting for security
3 on such contracts rather than government-pro-
4 vided security is more effective, efficient, and
5 consistent with the United States policy goals.

6 (K) Information on any specific contract or
7 class of contracts that the Comptroller General
8 determines raises issues of significant concern.

9 (3) SUBMISSION OF REPORTS.—The Comp-
10 troller General shall submit an initial report under
11 this subsection not later than March 1, 2008, and
12 shall submit an updated report every six months
13 thereafter until March 1, 2010.

14 (b) ACCESS TO DATABASE ON CONTRACTS.—The
15 Secretary of Defense and the Secretary of State shall pro-
16 vide full access to the database described in section
17 831(c)(7) to the Comptroller General for purposes of the
18 reviews carried out under this section.

19 **SEC. 833. DEFINITIONS.**

20 In this subtitle:

21 (1) MATTERS RELATING TO CONTRACTING.—
22 The term “matters relating to contracting”, with re-
23 spect to contracts in Iraq and Afghanistan, means
24 all matters relating to awarding, funding, managing,

1 tracking, monitoring, and providing oversight to con-
2 tracts and contractor personnel.

3 (2) CONTRACTS IN IRAQ OR AFGHANISTAN.—

4 The term “contracts in Iraq or Afghanistan” means
5 a contract with the Department of Defense, the De-
6 partment of State, or the United States Agency for
7 International Development, a subcontract at any tier
8 issued under such a contract, or a task order at any
9 tier issued under such a contract (including a con-
10 tract, subcontract, or task order issued by another
11 Government agency for the Department of Defense,
12 the Department of State, or the United States Agen-
13 cy for International Development), if the contract,
14 subcontract, or task order involves worked per-
15 formed in Iraq or Afghanistan for a period longer
16 than 14 days.

17 (3) RELEVANT COMMITTEES OF CONGRESS.—

18 The term “relevant committees of Congress” means
19 each of the following committees:

20 (A) The Committees on Armed Services of
21 the Senate and the House of Representatives.

22 (B) The Committee on Homeland Security
23 and Governmental Affairs of the Senate and the
24 Committee on Oversight and Government Re-
25 form of the House of Representatives.

1 (C) The Committee on Foreign Relations
2 of the Senate and the Committee on Foreign
3 Affairs of the House of Representatives.

4 (D) For purposes of contracts relating to
5 the National Foreign Intelligence Program, the
6 Select Committee on Intelligence of the Senate
7 and the Permanent Select Committee on Intel-
8 ligence of the House of Representatives.

9 **SEC. 834. COMPETITION FOR EQUIPMENT SUPPLIED TO**
10 **IRAQ AND AFGHANISTAN.**

11 (a) COMPETITION REQUIREMENT.—For the procure-
12 ment of pistols and other weapons described in subsection
13 (b), the Secretary of Defense shall ensure, consistent with
14 the provisions of section 2304 of title 10, United States
15 Code, that—

16 (1) full and open competition is obtained to the
17 maximum extent practicable;

18 (2) no responsible United States manufacturer
19 is excluded from competing for such procurements;
20 and

21 (3) products manufactured in the United States
22 are not excluded from the competition.

23 (b) PROCUREMENTS COVERED.—This section applies
24 to the procurement of the following:

1 (1) Pistols and other weapons less than 0.50
 2 caliber for assistance to the Army of Iraq, the Iraqi
 3 Police Forces, and other Iraqi security organiza-
 4 tions.

5 (2) Pistols and other weapons less than 0.50
 6 caliber for assistance to the Army of Afghanistan,
 7 the Afghani Police Forces, and other Afghani secu-
 8 rity organizations.

9 **Subtitle E—Other Matters**

10 **SEC. 841. RAPID COMMERCIAL INFORMATION TECH-** 11 **NOLOGY IDENTIFICATION DEMONSTRATION** 12 **PROJECT.**

13 (a) DEMONSTRATION PROJECT.—The Secretary of
 14 Defense, acting through the Assistant Secretary of De-
 15 fense for Networks and Information Integration, shall es-
 16 tablish a demonstration project to develop, implement, and
 17 assess the effectiveness of a comprehensive approach to
 18 identifying, assessing, stimulating investment in, rapidly
 19 acquiring, and coordinating the use of commercial infor-
 20 mation technologies (with an emphasis on commercial off-
 21 the-shelf information technologies). The demonstration
 22 project shall be known as the “Rapid Commercial Infor-
 23 mation Technology Identification Demonstration Pilot.”.

24 (b) MATTERS COVERED.—The demonstration project
 25 shall include the following:

1 (1) Developing a process to rapidly assess and
2 set priorities for significant needs of the Department
3 of Defense that could be met by commercial infor-
4 mation technology, including a process for—

5 (A) aligning needs with the requirements
6 of the combatant commanders; and

7 (B) evaluating commercial products of in-
8 terest against those needs.

9 (2) Providing for the hiring and support of em-
10 ployees (including the ability to request detailees
11 from other military or Federal organizations) who
12 can identify and assess promising commercial infor-
13 mation technologies and serve as intermediaries to
14 the Department.

15 (3) Enhancing internal Department data and
16 communications about promising or existing com-
17 mercial information technology or federally funded
18 information technologies projects.

19 (4) Identifying key commercial information
20 technologies and using existing mechanisms to make
21 them available to the Armed Forces.

22 (5) Developing and operating a suitable Web
23 portal or other significant virtual environment to fa-
24 cilitate communications with industry.

1 (6) Providing for acquisition guides for small
2 information technology companies with promising
3 technologies, to help them understand and navigate
4 the funding and acquisition processes of the Depart-
5 ment of Defense.

6 (7) Developing methods to measure program
7 performance and collecting data on an ongoing basis
8 to assess the effects of the process being used by the
9 demonstration program.

10 (c) PERIOD OF DEMONSTRATION PROJECT.—The
11 demonstration project shall be conducted for a period of
12 three years.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to the Secretary of Defense
15 \$10,000,000 for fiscal year 2008 to carry out the dem-
16 onstration project under this section, to be derived from
17 amounts provided in section 201(4) for research, develop-
18 ment, test, and evaluation, Defense-wide activities.

19 (e) REPORT TO CONGRESS.—Not later than 12
20 months after the date of the enactment of this Act, the
21 Secretary of Defense shall submit to the congressional de-
22 fense committees a report on the implementation of the
23 demonstration project required under this section.

1 **SEC. 842. REPORT TO CONGRESS REQUIRED ON DELAYS IN**
2 **MAJOR PHASES OF ACQUISITION PROCESS**
3 **FOR MAJOR AUTOMATED INFORMATION SYS-**
4 **TEM PROGRAMS.**

5 (a) REPORT REQUIRED FOR CERTAIN DELAYS.—In
6 the case of any major automated information system pro-
7 gram, if there is a delay in meeting any deadline for a
8 phase of the acquisition process for the program specified
9 in subsection (b), the Secretary of Defense, acting through
10 the Under Secretary of Defense for Acquisition, Tech-
11 nology, and Logistics, shall submit to the congressional
12 defense committees a report on the delay. The report shall
13 be submitted not later than 30 days after the delay occurs.

14 (b) DEADLINES.—The deadlines for a phase of the
15 acquisition process referred to in subsection (a) are the
16 following:

17 (1) With respect to approval of any analysis of
18 alternatives, within one year from the date each
19 analysis began.

20 (2) With respect to achieving Milestone B in ac-
21 cordance with section 2366a of title 10, United
22 States Code, within 18 months after the date of
23 Milestone A approval.

24 (3) With respect to completion of any capability
25 development document, within six months from the
26 time of determined need to the time of approval.

1 (c) MATTERS COVERED BY REPORT.—The report re-
2 quired by subsection (a)—

3 (1) shall set forth the reason or reasons the De-
4 partment of Defense was unable to complete the de-
5 layed process or processes on time; and

6 (2) shall include a written certification with a
7 supporting explanation stating that—

8 (A) the program is necessary for the effi-
9 cient management of the Department; and

10 (B) the most current estimates of the
11 costs, schedule, and performance parameters
12 with respect to the program and system are
13 reasonable; and the management structure for
14 the program is adequate to manage and control
15 program costs.

16 **SEC. 843. REQUIREMENT FOR LICENSING OF CERTAIN**
17 **MILITARY DESIGNATIONS AND LIKENESSES**
18 **OF WEAPONS SYSTEMS TO TOY AND HOBBY**
19 **MANUFACTURERS.**

20 (a) REQUIREMENT TO LICENSE CERTAIN ITEMS.—
21 Section 2260 of title 10, United States Code, is amend-
22 ed—

23 (1) by redesignating subsections (c), (d), and
24 (e) as subsections (d), (e), and (f), respectively; and

1 (2) by adding after subsection (b) the following
2 new subsection:

3 “(c) REQUIRED LICENSES.—(1) The Secretary con-
4 cerned shall license trademarks, service marks, certifi-
5 cation marks, and collective marks relating to military
6 designations and likenesses of military weapons systems
7 to any qualifying company upon receipt of a request from
8 the company.

9 “(2) For purposes of paragraph (1), a qualifying
10 company is any United States company that is a small
11 business concern and that—

12 “(A) is a toy or hobby manufacturer, dis-
13 tributor, or merchant; and

14 “(B) is determined by the Secretary concerned
15 to be qualified in accordance with such criteria as
16 may be prescribed by the Secretary of Defense.

17 “(3) The fee for a license under this subsection shall
18 be determined under regulations prescribed by the Sec-
19 retary of Defense. Any such fee shall be nominal and shall
20 be an amount not less than an amount needed to recover
21 all costs of the Department of Defense in processing the
22 request for the license and supplying the license.

23 “(4) A license under this subsection shall not be an
24 exclusive license.”.

1 (b) EFFECTIVE DATE.—The Secretary of Defense
2 shall prescribe regulations to implement the amendment
3 made by this section not later than 180 days after the
4 date of the enactment of this Act.

5 **SEC. 844. CHANGE IN GROUNDS FOR WAIVER OF LIMITA-**
6 **TION ON SERVICE CONTRACT TO ACQUIRE**
7 **MILITARY FLIGHT SIMULATOR.**

8 Section 832(b)(1) of the John Warner National De-
9 fense Authorization Act for Fiscal Year 2007 (Public Law
10 109–364; 120 Stat. 2331) is amended by striking “nec-
11 essary for national security purposes” and inserting “in
12 the national interest”.

13 **SEC. 845. EVALUATION OF COST OF COMPLIANCE WITH RE-**
14 **QUIREMENT TO BUY CERTAIN ARTICLES**
15 **FROM AMERICAN SOURCES.**

16 (a) EXCLUSION FROM PRICE OR COST COMPARI-
17 SON.—For all Department of Defense prime contract
18 awards and subcontract awards at any tier, in the event
19 that a price or cost comparison is made as part of an eval-
20 uation of offers for goods or services provided by a United
21 States firm and by a foreign source benefitting from the
22 exception provided in section 2533a(e)(1)(B) or
23 2533b(d)(1)(B) of title 10, United States Code, the cost
24 of compliance described in subsection (c) shall not be con-
25 sidered in such an evaluation.

1 (b) INCLUSION IN EVALUATION OF OFFERS.—The
2 cost of compliance shall be considered in the evaluation
3 of offers provided by United States firms and by foreign
4 sources submitting compliant offers.

5 (c) COST OF COMPLIANCE.—The cost of compliance
6 described in this subsection is the cost of compliance for
7 a United States firm to procure items grown, reprocessed,
8 reused, or produced in the United States, in accordance
9 with section 2533a of title 10, United States Code, or to
10 procure specialty metals melted or produced in the United
11 States, in accordance with section 2533b of such title 10.

12 **SEC. 846. REQUIREMENTS RELATING TO WAIVERS OF CER-**
13 **TAIN DOMESTIC SOURCE LIMITATIONS.**

14 (a) MULTI-CONTRACT AND CLASS WAIVERS.—A do-
15 mestic non-availability determination pursuant to section
16 2533b(b) of title 10, United States Code, that would apply
17 to more than one prime contract of the Department of
18 Defense shall be made only if the determination—

19 (1) has been proposed and finalized under a
20 formal rulemaking;

21 (2) specifies that the determination will expire
22 30 days after the Secretary concerned finds that the
23 determination is no longer justified; and

24 (3) requires an accounting of all end items,
25 components, or specialty metals that do not comply

1 with the requirement in section 2533b(a) of such
2 title.

3 (b) SINGLE CONTRACT WAIVERS.—In making a do-
4 mestic non-availability determination pursuant to
5 2533b(b) of such title that applies to a single prime con-
6 tract of the Department of Defense, the Secretary con-
7 cerned shall ensure, after making the determination,
8 that—

9 (1) the information used as justification in
10 making the determination is made publicly available
11 to the maximum extent practicable; and

12 (2) the contracting officer for the contract con-
13 cerned receives an accounting of all end items, com-
14 ponents, or specialty metals that do not comply with
15 the requirement in section 2533b (a) of such title.

16 (c) SPECIALTY METAL DEFINED.—In this section,
17 the term “specialty metal” has the meaning provided in
18 section 2533b(I) of title 10, United States Code.

19 (d) EFFECTIVE DATE.—This section shall be effec-
20 tive as of February 1, 2007.

21 **SEC. 847. MULTIPLE COST THRESHOLD BREACHES.**

22 (a) EVALUATION OF COST THRESHOLD
23 BREACHES.—Within 30 days following the end of a fiscal
24 year, each component of the Department of Defense shall
25 evaluate, for the preceding fiscal year—

1 (1) the number of acquisition programs within
2 the component that experienced significant and crit-
3 ical cost threshold breaches, as defined in section
4 2433 of title 10, United States Code; and

5 (2) the number of technology development pro-
6 grams within the component that, prior to a Mile-
7 stone B decision, required recertification by the
8 Joint Requirements Oversight Council.

9 (b) IDENTIFICATION AND REPORT ON SYSTEMIC DE-
10 FICIENCIES.—Within 90 days following the end of a fiscal
11 year, each component of the Department of Defense that
12 has identified more than two such programs under sub-
13 section (a), shall identify systemic deficiencies in its acqui-
14 sition policies or practices that may have contributed to
15 the cost growth in such programs and provide a report
16 to the Secretary of Defense outlining corrective actions to
17 be taken.

18 (c) ASSESSMENT OF CORRECTIVE ACTIONS.—Within
19 120 days following the end of a fiscal year, the Secretary
20 of Defense shall provide an assessment of the adequacy
21 of such corrective actions, along with the details of the
22 deficiencies leading to such cost growth, to the congres-
23 sional defense committees.

24 (d) DEFINITION OF COMPONENT.—In this section,
25 the term “component” means a military department, a

1 combatant command, a Defense Agency, and any part of
2 the Office of the Secretary of Defense that manages a
3 major defense acquisition program.

4 **SEC. 848. PHONE CARDS.**

5 (a) **COMPETITIVE PROCEDURES REQUIRED.**—When
6 the Secretary of Defense considers it necessary to provide
7 morale, welfare, and recreation telephone services for mili-
8 tary personnel serving in combat zones, he shall use com-
9 petitive procedures when entering into a contract to pro-
10 vide those services. In evaluating contract proposals for
11 such services, the Secretary shall require bid proposals to
12 include options that minimize the cost of the phone serv-
13 ices to individual users while providing individual users the
14 flexibility of using phone cards from other than the bid-
15 ding entity.

16 (b) **EFFECTIVE DATE.**—This section shall apply to
17 any new contract to provide morale welfare and recreation
18 phone services in a combat theater that is entered into
19 after the date of enactment of this Act. With regard to
20 the extension of any contract to provide such services that
21 is in existence on such date of enactment, the Secretary
22 shall examine with the contractor whether it is possible
23 to further reduce the cost of the services to the soldier
24 by allowing the use of phone cards other than the contrac-
25 tor's. The Secretary shall submit the results of his review

1 to the Committees on Armed Services of the Senate and
2 the House of Representatives.

3 **SEC. 849. JURISDICTION UNDER CONTRACT DISPUTES ACT**
4 **OF 1978 OVER CLAIMS, DISPUTES, AND AP-**
5 **PEALS ARISING OUT OF MARITIME CON-**
6 **TRACTS.**

7 Section 4 of the Contract Disputes Act of 1978 (41
8 U.S.C. 603) is amended by striking “of maritime con-
9 tracts,” and all that follows through the end of the section
10 and inserting “of maritime contracts, shall be governed
11 exclusively by this Act.”.

12 **SEC. 850. CLARIFICATION OF JURISDICTION OF THE**
13 **UNITED STATES DISTRICT COURTS TO HEAR**
14 **BID PROTEST DISPUTES INVOLVING MARI-**
15 **TIME CONTRACTS.**

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

18 “(d) Jurisdiction over any actions described under
19 subsection (b)(1) of this section arising out of a maritime
20 contract (as that term is used in the Contract Disputes
21 Act of 1978 (41 U.S.C. 601 et seq.)) or a proposed mari-
22 time contract shall be governed by this section, and shall
23 not be subject to the jurisdiction of the district courts of
24 the United States under chapter 309 of title 46, popularly

1 known as the Suits in Admiralty Act, or chapter 311 of
 2 title 46, popularly known as the Public Vessels Act.”.

3 **TITLE IX—DEPARTMENT OF DE-**
 4 **FENSE ORGANIZATION AND**
 5 **MANAGEMENT**

Subtitle A—Department of Defense Management

- Sec. 901. Additional requirements relating to limitation on major Department of Defense headquarters activities personnel.
- Sec. 902. Flexibility to adjust the number of deputy chiefs and assistant chiefs.
- Sec. 903. Change in eligibility requirements for appointment to Department of Defense leadership positions.
- Sec. 904. Revisions in functions and activities of special operations command.
- Sec. 905. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.
- Sec. 906. Management system of the Department of Defense.
- Sec. 907. Acquisition parity for Special Operations Command.
- Sec. 908. Department of Defense Board of Actuaries.

Subtitle B—Space Activities

- Sec. 911. Space protection policy and strategy.
- Sec. 912. Biennial report on management of space cadre within the Department of Defense.

Subtitle C—Chemical Demilitarization Program

- Sec. 921. Chemical demilitarization citizens advisory commissions.
- Sec. 922. Sense of Congress on completion of destruction of United States chemical weapons stockpile.

Subtitle D—Intelligence-Related Matters

- Sec. 931. Reports on foreign language proficiency.
- Sec. 932. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

Subtitle E—Roles and Missions Analysis

- Sec. 941. Analysis and organization of roles and missions of Department of Defense.
- Sec. 942. Identification of core competencies of the military departments and other entities within the Department of Defense.
- Sec. 943. Review of capabilities of the military departments and other entities.
- Sec. 944. Joint Requirements Oversight Council additional duties relating to core mission areas.
- Sec. 945. Requirement for certification of major systems prior to technology development.
- Sec. 946. Presentation of future-years mission budget by core mission area.
- Sec. 947. Future capability planning by Joint Requirements Oversight Council.

Subtitle F—Other Matters

Sec. 951. Department of Defense consideration of effect of climate change on Department facilities, capabilities, and missions.

Sec. 952. Interagency policy coordination.

Sec. 953. Expansion of employment creditable under service agreements under National Security Education Program.

Sec. 954. Study of national security interagency system.

1 **Subtitle A—Department of Defense** 2 **Management**

3 **SEC. 901. ADDITIONAL REQUIREMENTS RELATING TO LIM-** 4 **TATION ON MAJOR DEPARTMENT OF DE-** 5 **FENSE HEADQUARTERS ACTIVITIES PER-** 6 **SONNEL.**

7 Section 130a of title 10, United States Code, is
8 amended—

9 (1) in subsection (c)(2), by striking “may not
10 be changed except as provided by law.” and insert-
11 ing “may be changed only if the Secretary of De-
12 fense submits proposed changes to Congress with
13 the defense budget materials. Any such submitted
14 changes shall take effect on the January 1 following
15 the submission.”; and

16 (2) by adding at the end the following new sub-
17 sections:

18 “(e) FLEXIBILITY IN ORDER TO ACHIEVE COST SAV-
19 INGS OR ELIMINATE CONTRACTS ASSOCIATED WITH IN-
20 HERENTLY GOVERNMENTAL FUNCTIONS.—(1) If the Sec-
21 retary of a military department or the commander of a
22 combatant command certifies to the Secretary of Defense

1 that a waiver of the limitation in subsection (a) or a re-
2 allocation among the military departments or combatant
3 commands of the number of personnel permissible under
4 subsection (a) either is expected to result in a cost savings
5 or is necessary to eliminate a contract associated with an
6 inherently governmental function (including cost savings
7 or the elimination of a contract resulting from guidelines
8 and procedures prescribed pursuant to section 343 of the
9 National Defense Authorization Act for Fiscal Year 2006
10 (Public Law 109–163)), the Secretary of Defense shall
11 waive such limitation or make such reallocation to the ex-
12 tent necessary to achieve the cost savings or to eliminate
13 the contract.

14 “(2) The Secretary of Defense shall include a report,
15 with the defense budget materials for a fiscal year, out-
16 lining the uses of the waiver or reallocation authority pro-
17 vided in paragraph (1) during the preceding fiscal year,
18 including the number of times the waiver or reallocation
19 authority was used, the purposes for which it was used,
20 expected cost savings, if any, and the number of personnel
21 affected.

22 “(f) DEFENSE BUDGET MATERIALS.—In this sec-
23 tion, the term ‘defense budget materials’, with respect to
24 a fiscal year, means the materials submitted to Congress
25 by the Secretary of Defense in support of the budget for

1 that fiscal year that is submitted to Congress by the Presi-
2 dent under section 1105(a) of title 31.”.

3 **SEC. 902. FLEXIBILITY TO ADJUST THE NUMBER OF DEP-**
4 **UTY CHIEFS AND ASSISTANT CHIEFS.**

5 (a) ARMY.—Section 3035(b) of title 10, United
6 States Code, is amended to read as follows:

7 “(b) The Secretary of the Army shall prescribe the
8 number of Deputy Chiefs of Staff and Assistant Chiefs
9 of Staff, for a total of not more than eight positions.”.

10 (b) NAVY.—

11 (1) DEPUTY CHIEFS OF NAVAL OPERATIONS.—
12 Section 5036(a) of title 10, United States Code, is
13 amended—

14 (A) by striking “There are in the Office of
15 the Chief of Naval Operations not more than
16 five Deputy Chiefs of Naval Operations,” and
17 inserting “There are Deputy Chiefs of Naval
18 Operations in the Office of the Chief of Naval
19 Operations,”; and

20 (B) by adding at the end the following:
21 “The Secretary of the Navy shall prescribe the
22 number of Deputy Chiefs of Naval Operations
23 under this section and Assistant Chiefs of
24 Naval Operations under section 5037 of this

1 title, for a total of not more than eight posi-
2 tions.”.

3 (2) ASSISTANT CHIEFS OF NAVAL OPER-
4 ATIONS.—Section 5037(a) of such title is amend-
5 ed—

6 (A) by striking “There are in the Office of
7 the Chief of Naval Operations not more than
8 three Assistant Chiefs of Naval Operations,”
9 and inserting “There are Assistant Chiefs of
10 Naval Operations in the Office of the Chief of
11 Naval Operations,”; and

12 (B) by adding at the end the following:
13 “The Secretary of the Navy shall prescribe the
14 number of Assistant Chiefs of Naval Operations
15 in accordance with section 5036(a) of this
16 title.”.

17 (c) AIR FORCE.—Section 8035(b) of title 10, United
18 States Code, is amended to read as follows:

19 “(b) The Secretary of the Air Force shall prescribe
20 the number of Deputy Chiefs of Staff and Assistant Chiefs
21 of Staff, for a total of not more than eight positions.”.

1 **SEC. 903. CHANGE IN ELIGIBILITY REQUIREMENTS FOR AP-**
2 **POINTMENT TO DEPARTMENT OF DEFENSE**
3 **LEADERSHIP POSITIONS.**

4 (a) SECRETARY OF DEFENSE.—Section 113(a) of
5 title 10, United States Code, is amended by striking “10”
6 and inserting “five”.

7 (b) DEPUTY SECRETARY OF DEFENSE.—Section
8 132(a) of such title is amended by striking “ten” and in-
9 serting “five”.

10 (c) UNDER SECRETARY OF DEFENSE FOR POLICY.—
11 Section 134(a) of such title is amended by striking “10”
12 and inserting “five”.

13 **SEC. 904. REVISIONS IN FUNCTIONS AND ACTIVITIES OF**
14 **SPECIAL OPERATIONS COMMAND.**

15 (a) ADDITIONAL PRINCIPAL FUNCTION.—Section
16 167(a) of title 10, United States Code, is amended—

17 (1) by inserting “(1)” before “With the advice”;
18 and

19 (2) by striking the sentence beginning with
20 “The principal function” and inserting the following
21 new paragraph:

22 “(2) The principal functions of the command are—

23 “(A) to prepare special operations forces to
24 carry out assigned missions; and

1 “(B) if directed by the President or the Sec-
2 retary of Defense, to plan, synchronize, and carry
3 out global missions against terrorists.”.

4 (b) REPORT REQUIREMENTS.—

5 (1) REPORT ON UNCONVENTIONAL WARFARE.—

6 Not later than March 1, 2008, the Secretary of De-
7 fense shall submit to the congressional defense com-
8 mittees a report containing a plan to meet the fu-
9 ture requirements of unconventional warfare.

10 (2) ANNUAL REPORT ON PERSONNEL MANAGE-

11 MENT.—Not later than March 1, 2008, and not
12 later than September 1 each year thereafter, the
13 Secretary of Defense shall submit to the congres-
14 sional defense committees a report on the adequacy
15 of Department of Defense personnel management
16 programs to meet the needs of the special operations
17 command.

18 (c) ADDITIONAL SPECIAL OPERATIONS ACTIVI-
19 TIES.—Subsection (j) of section 167 of such title is
20 amended to read as follows:

21 “(j) SPECIAL OPERATIONS ACTIVITIES.—For pur-
22 poses of this section, special operations activities include
23 each of the following insofar as it relates to special oper-
24 ations:

25 “(1) Unconventional warfare.

1 “(2) Counterterrorism.

2 “(3) Counterinsurgency.

3 “(4) Counterproliferation of weapons of mass
4 destruction.

5 “(5) Direct action.

6 “(6) Strategic reconnaissance.

7 “(7) Foreign internal defense.

8 “(8) Civil-military operations.

9 “(9) Psychological and information operations.

10 “(10) Humanitarian assistance.

11 “(11) Theater search and rescue.

12 “(12) Such other activities as may be specified
13 by the President or the Secretary of Defense.”.

14 **SEC. 905. REDESIGNATION OF THE DEPARTMENT OF THE**
15 **NAVY AS THE DEPARTMENT OF THE NAVY**
16 **AND MARINE CORPS.**

17 (a) REDESIGNATION OF MILITARY DEPARTMENT.—
18 The military department designated as the Department of
19 the Navy is redesignated as the Department of the Navy
20 and Marine Corps.

21 (b) REDESIGNATION OF SECRETARY AND OTHER
22 STATUTORY OFFICES.—

23 (1) SECRETARY.—The position of the Secretary
24 of the Navy is redesignated as the Secretary of the
25 Navy and Marine Corps.

1 (2) OTHER STATUTORY OFFICES.—The posi-
2 tions of the Under Secretary of the Navy, the four
3 Assistant Secretaries of the Navy, and the General
4 Counsel of the Department of the Navy are redesign-
5 ated as the Under Secretary of the Navy and Ma-
6 rine Corps, the Assistant Secretaries of the Navy
7 and Marine Corps, and the General Counsel of the
8 Department of the Navy and Marine Corps, respec-
9 tively.

10 (c) CONFORMING AMENDMENTS TO TITLE 10,
11 UNITED STATES CODE.—

12 (1) DEFINITION OF “MILITARY DEPART-
13 MENT”.—Paragraph (8) of section 101(a) of title
14 10, United States Code, is amended to read as fol-
15 lows:

16 “(8) The term ‘military department’ means the
17 Department of the Army, the Department of the
18 Navy and Marine Corps, and the Department of the
19 Air Force.”.

20 (2) ORGANIZATION OF DEPARTMENT.—The text
21 of section 5011 of such title is amended to read as
22 follows: “The Department of the Navy and Marine
23 Corps is separately organized under the Secretary of
24 the Navy and Marine Corps.”.

1 (3) POSITION OF SECRETARY.—Section
2 5013(a)(1) of such title is amended by striking
3 “There is a Secretary of the Navy” and inserting
4 “There is a Secretary of the Navy and Marine
5 Corps”.

6 (4) CHAPTER HEADINGS.—

7 (A) The heading of chapter 503 of such
8 title is amended to read as follows:

9 **“CHAPTER 503—DEPARTMENT OF THE**
10 **NAVY AND MARINE CORPS”.**

11 (B) The heading of chapter 507 of such
12 title is amended to read as follows:

13 **“CHAPTER 507—COMPOSITION OF THE DE-**
14 **PARTMENT OF THE NAVY AND MARINE**
15 **CORPS”.**

16 (5) OTHER AMENDMENTS.—

17 (A) Title 10, United States Code, is
18 amended by striking “Department of the Navy”
19 and “Secretary of the Navy” each place they
20 appear other than as specified in paragraphs
21 (1), (2), (3), and (4) (including in section head-
22 ings, subsection captions, tables of chapters,
23 and tables of sections) and inserting “Depart-
24 ment of the Navy and Marine Corps” and “Sec-
25 retary of the Navy and Marine Corps”, respec-

1 tively, in each case with the matter inserted to
2 be in the same typeface and typestyle as the
3 matter stricken.

4 (B)(i) Sections 5013(f), 5014(b)(2),
5 5016(a), 5017(2), 5032(a), and 5042(a) of
6 such title are amended by striking “Assistant
7 Secretaries of the Navy” and inserting “Assist-
8 ant Secretaries of the Navy and Marine Corps”.

9 (ii) The heading of section 5016 of such
10 title, and the item relating to such section in
11 the table of sections at the beginning of chapter
12 503 of such title, are each amended by insert-
13 ing “and Marine Corps” after “of the Navy”,
14 with the matter inserted in each case to be in
15 the same typeface and typestyle as the matter
16 amended.

17 (d) TITLE 37, UNITED STATES CODE.—Title 37,
18 United States Code, is amended by striking “Department
19 of the Navy” and “Secretary of the Navy” each place they
20 appear and inserting “Department of the Navy and Ma-
21 rine Corps” and “Secretary of the Navy and Marine
22 Corps”, respectively.

23 (e) OTHER REFERENCES.—Any reference in any law
24 other than in title 10 or title 37, United States Code, or
25 in any regulation, document, record, or other paper of the

1 United States, to the Department of the Navy shall be
2 considered to be a reference to the Department of the
3 Navy and Marine Corps. Any such reference to an office
4 specified in subsection (b)(2) shall be considered to be a
5 reference to that office as redesignated by that subsection.

6 (f) EFFECTIVE DATE.—This section and the amend-
7 ments made by this section shall take effect on the first
8 day of the first month beginning more than 60 days after
9 the date of the enactment of this Act.

10 **SEC. 906. MANAGEMENT SYSTEM OF THE DEPARTMENT OF**
11 **DEFENSE.**

12 (a) DUTIES RELATING TO MANAGEMENT OF THE
13 DEPARTMENT OF DEFENSE.—The Secretary of Defense
14 shall assign duties relating to strategic level oversight of
15 all significant management issues of the Department of
16 Defense to a senior official of a rank not lower than an
17 Under Secretary of Defense.

18 (b) MANAGEMENT SYSTEM.—The Secretary of De-
19 fense shall adopt a management structure for the Depart-
20 ment of Defense, including business support areas, which
21 shall define roles, processes, and accountability for achiev-
22 ing the essential management goals of the Department of
23 Defense

24 (c) ESSENTIAL MANAGEMENT GOALS.—The Sec-
25 retary of Defense shall establish essential management

1 goals of the Department of Defense, including at a min-
2 imum, the following:

3 (1) A comprehensive business transformation
4 plan, with measurable performance goals and objec-
5 tives, to achieve an integrated management system
6 for business support areas of the Department of De-
7 fense.

8 (2) A well-defined enterprise-wide business sys-
9 tems architecture capable of providing accurate and
10 timely information in support of major investment
11 decisions.

12 (3) Financial statements for all elements of the
13 Department of Defense that receive clean audit
14 opinions during independent financial audits.

15 (d) REPORT.—Not later than 90 days after the date
16 of the enactment of this Act, the Secretary of Defense
17 shall provide to the Committee on Armed Services of the
18 Senate and the Committee on Armed Services of the
19 House of Representatives a report on the implementation
20 of this section. Matters covered in the report shall include
21 the following:

22 (1) The assignment of duties relating to man-
23 agement as required by subsection (a).

1 (2) Progress toward implementing a manage-
2 ment structure for the Department of Defense as re-
3 quired by subsection (b).

4 (3) A description of the essential management
5 goals of the Department of Defense established pur-
6 suant to subsection (c).

7 (4) A description of Department of Defense ef-
8 forts to achieve its essential management goals as
9 described pursuant to paragraph (3).

10 **SEC. 907. ACQUISITION PARITY FOR SPECIAL OPERATIONS**

11 **COMMAND.**

12 (a) REVISION IN GUIDANCE REGARDING EXERCISE
13 OF ACQUISITION AUTHORITY BY COMMANDERS OF COM-
14 BATANT COMMANDS.—Subparagraph (B) of section
15 905(b)(1) of the John Warner National Defense Author-
16 ization Act for Fiscal Year 2007 (Public Law 109–364;
17 120 Stat. 2353) is amended by striking “and mutually
18 supportive of” .

19 (b) REVISION IN CONSULTATION REQUIREMENT.—
20 Section 905(c) of such Act is amended by striking “and
21 the heads of Defense agencies referred to in that sub-
22 section” and inserting the following: “, and ensure that
23 the use of the acquisition authority by the heads of De-
24 fense Agencies referred to in that subsection is mutually

1 supportive of acquisition programs of the military depart-
2 ments”.

3 **SEC. 908. DEPARTMENT OF DEFENSE BOARD OF ACTU-**
4 **ARIES.**

5 (a) ESTABLISHMENT.—There is established in the
6 Department of Defense a Department of Defense Board
7 of Actuaries (hereinafter in this section referred to as the
8 “Board”).

9 (b) MEMBERSHIP.—

10 (1) IN GENERAL.—The Board shall consist of
11 three members who shall be appointed by the Presi-
12 dent from among qualified professional actuaries
13 who are members of the Society of Actuaries.

14 (2) TERMS.—(A) Except as provided in sub-
15 paragraph (B), the members of the Board shall
16 serve for a term of 15 years, except that a member
17 of the Board appointed to fill a vacancy occurring
18 before the end of the term for which his predecessor
19 was appointed shall serve only until the end of such
20 term. A member may serve after the end of his term
21 until his successor has taken office. A member of the
22 Board may be removed by the President.

23 (B) The three current members of the Depart-
24 ment of Defense Retirement Board of Actuaries and
25 the Department of Defense Education Benefits

1 Board of Actuaries shall serve the remainder of their
2 existing terms as members of the Board pursuant to
3 subparagraph (A).

4 (C) A member of the Board who is not other-
5 wise an employee of the United States is entitled to
6 receive pay at the daily equivalent of the annual rate
7 of basic pay of the highest rate of basic pay then
8 currently being paid under the General Schedule of
9 subchapter III of chapter 53 of title 5, United
10 States Code, for each day the member is engaged in
11 the performance of duties vested in the Board and
12 is entitled to travel expenses, including a per diem
13 allowance, in accordance with section 5703 of title 5.

14 (c) REPORT.—The Board shall report to the Sec-
15 retary of Defense annually on the actuarial status of the
16 Department of Defense Military Retirement Fund estab-
17 lished by section 1461 of title 10, United States Code, and
18 the Department of Defense Education Benefits Fund es-
19 tablished by section 2006 of title 10, and shall furnish
20 its advice and opinion on matters referred to it by the Sec-
21 retary.

22 (d) RECORDS.—The Secretary shall keep, or cause to
23 be kept, such records as necessary for determining the ac-
24 tuarial status of the Funds.

1 (e) DOD EDUCATION BENEFITS FUND.—The Board
2 shall review valuations of the Department of Defense Edu-
3 cation Benefits Fund under section 2006(f) of title 10,
4 United States Code, and shall recommend to the President
5 and thereafter to Congress such changes as in the Board’s
6 judgment are appropriate and necessary to protect the
7 public interest and maintain the Department of Defense
8 Education Benefits Fund on a sound actuarial basis.

9 (f) DOD MILITARY RETIREMENT FUND.—The
10 Board shall review valuations of the Department of De-
11 fense Military Retirement Fund under section 1465(c) of
12 title 10, United States Code, and shall report periodically,
13 not less than once every four years, to the President and
14 thereafter to Congress on the status of the Department
15 of Defense Military Retirement Fund. The Board shall in-
16 clude in such report recommendations for such changes
17 as in the Board’s judgment are appropriate and necessary
18 to protect the public interest and maintain the Depart-
19 ment of Defense Military Retirement Fund on a sound
20 actuarial basis.

21 (g) REPEAL OF SUPERSEDED PROVISIONS.—(1) Sec-
22 tion 1464 of title 10, United States Code, is repealed.

23 (2) Section 2006 of title 10 is amended by striking
24 subsection (e).

25 (h) CONFORMING AMENDMENTS.—

1 (1) The table of sections at the beginning of
2 chapter 74 of title 10, United States Code, is
3 amended by striking the item relating to section
4 1464.

5 (2) Section 1175(h)(4) of such title is amended
6 by striking “Retirement” the first place it appears.

7 (3) Section 1460(b) of such title is amended by
8 striking “Retirement”.

9 (4) Section 1466(c)(3) of such title is amended
10 by striking “Retirement”.

11 (5) Section 12521(6) of such title is amended
12 by striking “Department of Defense Education Ben-
13 efits Board of Actuaries referred to in section
14 2006(e)(1) of this title” and inserting “Department
15 of Defense Board of Actuaries”.

16 **Subtitle B—Space Activities**

17 **SEC. 911. SPACE PROTECTION POLICY AND STRATEGY.**

18 (a) POLICY.—It is the policy of the United States
19 that the Secretary of Defense accord, after the date of
20 the enactment of this Act, a greater priority within the
21 Nation’s space programs to the protection of national se-
22 curity space systems than the Secretary has accorded be-
23 fore the date of the enactment of this Act.

24 (b) STRATEGY.—The Secretary of Defense shall de-
25 velop a strategy, to be known as the Space Protection

1 Strategy, for the development and fielding by the United
2 States of the space capabilities that are necessary to en-
3 sure freedom of action in space for the United States.

4 (c) MATTERS INCLUDED.—The strategy required by
5 subsection (b) shall include each of the following:

6 (1) An identification of the threats to, and the
7 vulnerabilities of, the national security space systems
8 of the United States.

9 (2) A description of the systems currently con-
10 tained in the program of record of the Department
11 of Defense that provide space capabilities.

12 (3) For each period covered by the strategy, a
13 description of the space capabilities that are needed
14 for the period, and the space capabilities that are
15 desired for the period, including—

16 (A) the hardware, software, and other ma-
17 terials or services to be developed or procured;

18 (B) the management and organizational
19 changes to be achieved; and

20 (C) concepts of operations, tactics, tech-
21 niques, and procedures to be employed.

22 (4) For each period covered by the strategy, an
23 assessment of the gaps and shortfalls between the
24 space capabilities that are needed for the period
25 (and the space capabilities that are desired for the

1 period) and the space capabilities currently con-
2 tained in the program of record.

3 (5) For each period covered by the strategy, a
4 comprehensive plan for investment in space capabili-
5 ties that identifies specific program and technology
6 investments to be made in that period.

7 (6) A description of the current processes by
8 which the requirements of the Department of De-
9 fense for space systems protection are addressed in
10 space acquisition programs and during key milestone
11 decisions, an assessment of the adequacy of those
12 processes, and an identification of the actions of the
13 Department for addressing any inadequacies in
14 those processes.

15 (7) A description of the current processes by
16 which the Department of Defense program and
17 budget for space systems protection capabilities (in-
18 cluding capabilities that are incorporated into single
19 programs and capabilities that span multiple pro-
20 grams), an assessment of the adequacy of those
21 processes, and an identification of the actions of the
22 Department for addressing any inadequacies in
23 those processes.

24 (8) A description of the organizational and
25 management structure of the Department of De-

1 fense for addressing policy, planning, acquisition,
2 and operations with respect to space capabilities, a
3 description of the roles and responsibilities of each
4 organization, and an identification of the actions of
5 the Department for addressing any inadequacies in
6 that structure.

7 (d) PERIODS COVERED.—The strategy required by
8 subsection (b) shall cover the following periods:

9 (1) Fiscal years 2008 through 2013.

10 (2) Fiscal years 2014 through 2019.

11 (3) Fiscal years 2020 through 2025.

12 (e) SPACE CAPABILITIES DEFINED.—In this section,
13 the term “space capabilities” means capabilities, con-
14 sistent with international law and treaties, for space situa-
15 tional awareness and for space systems protection.

16 (f) REPORT; BIENNIAL UPDATE.—

17 (1) REPORT.—Not later than March 15, 2008,
18 the Secretary of Defense shall submit to the con-
19 gressional defense committees a report on the strat-
20 egy required by subsection (b), including each of the
21 matters required by subsection (c).

22 (2) BIENNIAL UPDATE.—Not later than March
23 15 of each even-numbered year after 2008, the Sec-
24 retary shall submit to the committees referred to in

1 paragraph (1) an update to the report required by
 2 paragraph (1).

3 (3) CLASSIFICATION.—The report required by
 4 paragraph (1), and each update required by para-
 5 graph (2), shall be in unclassified form, but may in-
 6 clude a classified annex.

7 (g) CONFORMING REPEAL.—Section 911 of the Na-
 8 tional Defense Authorization Act for Fiscal Year 2006
 9 (Public Law 109–163; 119 Stat. 3405; 10 U.S.C. 2271
 10 note) is repealed.

11 **SEC. 912. BIENNIAL REPORT ON MANAGEMENT OF SPACE**
 12 **CADRE WITHIN THE DEPARTMENT OF DE-**
 13 **FENSE.**

14 (a) IN GENERAL.—Chapter 23 of title 10, United
 15 States Code, is amended by adding at the end the fol-
 16 lowing new section:

17 **“§ 490. Space cadre management: biennial report**

18 “(a) REQUIREMENT.—The Secretary of Defense and
 19 each Secretary of a military department shall develop
 20 metrics and use these metrics to identify, track, and man-
 21 age space cadre personnel within the Department of De-
 22 fense to ensure the Department has sufficient numbers of
 23 personnel with the expertise, training, and experience to
 24 meet current and future national security space needs.

25 “(b) BIENNIAL REPORT REQUIRED.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this section, and
3 every even-numbered year thereafter, the Secretary
4 of Defense shall submit to the congressional defense
5 committees a report on the management of the space
6 cadre.

7 “(2) MATTERS INCLUDED.—The report re-
8 quired by paragraph (1) shall include—

9 “(A) the number of active duty, reserve
10 duty, and government civilian space-coded bil-
11 lets that—

12 “(i) are authorized or permitted to be
13 maintained for each military department
14 and defense agency;

15 “(ii) are needed or required for each
16 military department and defense agency
17 for the year in which the submission of the
18 report is required; and

19 “(iii) are needed or required for each
20 military department and defense agency
21 for each of the five years following the date
22 of the submission of the report;

23 “(B) the actual number of active duty, re-
24 serve duty, and government civilian personnel
25 that are coded or classified as space cadre per-

sonnel within the Department of Defense, including the military departments and defense agencies;

“(C) the number of personnel recruited or hired as accessions to serve in billets coded or classified as space cadre personnel for each military department and defense agency;

“(D) the number of personnel serving in billets coded or classified as space cadre personnel that discontinued serving each military department and defense agency during the preceding calendar year, categorized by rationale provided for discontinuing service;

“(E) for each of the reporting requirements in subparagraphs (A) through (D), further classification of the number of personnel by—

“(i) space operators, acquisition personnel, engineers, scientists, program managers, and other space-related areas identified by the Department;

“(ii) expertise or technical specialization area—

“(I) such as communications, missile warning, spacelift, and any

1 other space-related specialties identi-
2 fied by the Department or classifica-
3 tions used by the Department; and

4 “(II) consistent with section
5 1721 of this title for acquisition per-
6 sonnel;

7 “(iii) rank for active duty and reserve
8 duty personnel and grade for government
9 civilian personnel;

10 “(iv) qualification, expertise, or pro-
11 ficiency level consistent with service and
12 agency-defined qualification, expertise, or
13 proficiency levels; and

14 “(v) any other such space-related clas-
15 sification categories used by the Depart-
16 ment or military departments; and

17 “(F) any other metrics identified by the
18 Department to improve the identification,
19 tracking, training, and management of space
20 cadre personnel.

21 “(3) ASSESSMENTS.—The report required by
22 paragraph (1) shall also include the Secretary’s as-
23 sessment of the state of the Department’s space
24 cadre, the Secretary’s assessment of the space cad-
25 res of the military departments, and a description of

1 efforts to ensure the Department has a space cadre
 2 sufficient to meet current and future national secu-
 3 rity space needs.”.

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

“490. Space cadre management: biennial report.”.

7 **Subtitle C—Chemical**
 8 **Demilitarization Program**

9 **SEC. 921. CHEMICAL DEMILITARIZATION CITIZENS ADVI-**
 10 **SORY COMMISSIONS.**

11 (a) FUNCTIONS.—Section 172 of the National De-
 12 fense Authorization Act for Fiscal Year 1993 (50 U.S.C.
 13 1521 note) is amended—

14 (1) in each of subsections (b) and (f), by strik-
 15 ing “Assistant Secretary of the Army (Research, De-
 16 velopment and Acquisition)” and inserting “Assist-
 17 ant Secretary of the Army (Acquisition, Logistics,
 18 and Technology)”; and

19 (2) in subsection (g), by striking “Assistant
 20 Secretary of the Army (Research, Development, and
 21 Acquisition)” and inserting “Assistant Secretary of
 22 the Army (Acquisition, Logistics, and Technology)”.

23 (b) TERMINATION.—Such section is further amended
 24 in subsection (h) by striking “after the stockpile located
 25 in that commission’s State has been destroyed” and in-

1 setting “after the closure activities required pursuant to
2 regulations promulgated by the Administrator of the Envi-
3 ronmental Protection Agency pursuant to the Solid Waste
4 Disposal Act (42 U.S.C. 6901 et seq.) have been com-
5 pleted for the chemical agent destruction facility in the
6 commission’s State, or upon the request of the Governor
7 of the commission’s State, whichever occurs first”.

8 **SEC. 922. SENSE OF CONGRESS ON COMPLETION OF DE-**
9 **STRUCTION OF UNITED STATES CHEMICAL**
10 **WEAPONS STOCKPILE.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) The Convention on the Prohibition of the
14 Development, Production, Stockpiling and Use of
15 Chemical Weapons and on Their Destruction, done
16 at Paris on January 13, 1993 (commonly referred to
17 as the “Chemical Weapons Convention”), originally
18 required that destruction of the entire United States
19 chemical weapons stockpile be completed by April
20 29, 2007, and then subsequently extended five years
21 to April 29, 2012.

22 (2) Destroying existing chemical weapons is a
23 homeland security imperative and an arms control
24 priority and is required by United States law.

1 (3) The program met its one percent and 20
2 percent destruction deadlines early, and is working
3 towards its 45 percent destruction milestone date of
4 December 31, 2007, as extended.

5 (4) The mission of the Assembled Chemical
6 Weapons Alternatives (ACWA) program, established
7 in the Department of Defense by Congress in 1997,
8 is to safely destroy the chemical weapons stockpiles
9 located at Pueblo Chemical Depot, Colorado, and
10 Blue Grass Army Depot, Kentucky, through the
11 demonstration of systems employing alternative tech-
12 nologies to the incineration process.

13 (5) Current ACWA plans call for the use of
14 neutralization followed by on-site biotreatment of
15 aqueous secondary wastes to destroy the Pueblo
16 stockpile, and the use of neutralization followed by
17 on-site supercritical water oxidation treatment of
18 aqueous secondary wastes to destroy the Blue Grass
19 stockpile.

20 (6) Affected communities in Colorado and Ken-
21 tucky, represented respectively by the Colorado
22 Chemical Demilitarization Citizens' Advisory Com-
23 mission (CO CAC) and the Chemical Destruction
24 Community Advisory Board (CDCAB), have made

1 clear their preference for on-site treatment of aque-
2 ous secondary wastes over off-site treatment.

3 (7) Section 921(b)(3) of the John Warner Na-
4 tional Defense Authorization Act for Fiscal Year
5 2007 (Public Law 109–364; 120 Stat. 2359) con-
6 tained a Sense of Congress urging the Secretary of
7 Defense to ensure the elimination of the United
8 States chemical weapons stockpile in the shortest
9 time possible, consistent with the requirement to
10 protect public health, safety, and the environment.

11 (8) Section 921(b)(4) of that Act contained a
12 Sense of Congress urging the Secretary of Defense
13 to propose a credible treatment and disposal process
14 with the support of affected communities.

15 (b) SENSE OF CONGRESS.—It is the sense of Con-
16 gress the Department of Defense should—

17 (1) continue with its plan for on-site disposal of
18 the ACWA-managed stockpiles located at Pueblo
19 Chemical Depot, Colorado, and Blue Grass Army
20 Depot, Kentucky; and

21 (2) ensure that extensive consultation and noti-
22 fication processes exist between representatives of
23 the Department of Defense and representatives of
24 the relevant States and local communities.

1 **Subtitle D—Intelligence-Related**
2 **Matters**

3 **SEC. 931. REPORTS ON FOREIGN LANGUAGE PROFICIENCY.**

4 (a) IN GENERAL.—

5 (1) FOREIGN LANGUAGE PROFICIENCY RE-
6 PORTS.—Chapter 23 of title 10, United States Code,
7 as amended by this Act, is further amended by add-
8 ing at the end the following new section:

9 **“§ 491. Foreign language proficiency: annual reports**

10 “(a) IN GENERAL.—The Secretary of each military
11 department shall annually submit to the Secretary of De-
12 fense a report on the foreign language proficiency of the
13 personnel of the military department concerned.

14 “(b) CONTENTS.—Each report submitted under sub-
15 section (a) shall include, for each foreign language and,
16 where appropriate, dialect of a foreign language—

17 “(1) the number of positions of the military de-
18 partment concerned that require proficiency in the
19 foreign language or dialect;

20 “(2) the number of personnel of the military de-
21 partment that are serving in a position that—

22 “(A) requires proficiency in the foreign
23 language or dialect to perform the primary duty
24 of the position; and

1 “(B) does not require proficiency in the
2 foreign language or dialect to perform the pri-
3 mary duty of the position;

4 “(3) the number of personnel that are pro-
5 ficient in the foreign language or dialect that—

6 “(A) are authorized for the military de-
7 partment for which the report is submitted; and

8 “(B) the Secretary of the military depart-
9 ment concerned considers necessary for the
10 military department concerned for each of the
11 five years following the date of the submission
12 of the report;

13 “(4) the number of personnel of the military de-
14 partment concerned rated at each level of proficiency
15 of the Interagency Language Roundtable;

16 “(5) whether the number of personnel at each
17 level of proficiency of the Interagency Language
18 Roundtable meets the requirements of the military
19 department concerned;

20 “(6) the number of personnel serving or hired
21 to serve as linguists for the military department con-
22 cerned that are not qualified as linguists under the
23 standards of the Interagency Language Roundtable;

1 “(7) the number of personnel hired to serve as
2 linguists for the military department concerned dur-
3 ing the preceding calendar year;

4 “(8) the number of personnel serving as lin-
5 guists that discontinued serving the military depart-
6 ment concerned during the preceding calendar year;

7 “(9) the percentage of work requiring linguistic
8 skills that is fulfilled by an ally of the United States;

9 “(10) the percentage of work requiring lin-
10 guistic skills that is fulfilled by contractors; and

11 “(11) the percentage of work requiring lin-
12 guistic skills that is fulfilled by personnel of the in-
13 telligence community (as such term is defined in sec-
14 tion 3(4) of the National Security Act of 1947 (50
15 U.S.C. 401a(4))) that are not members of the armed
16 forces on active duty assigned to the military depart-
17 ment for which the report is submitted.

18 “(c) SECRETARY OF DEFENSE REPORT TO CON-
19 GRESS.—The Secretary of Defense shall annually submit
20 to the congressional defense committees a report con-
21 taining—

22 “(1) each report submitted to the Secretary of
23 Defense for a year under subsection (a);

24 “(2) for each foreign language and, where ap-
25 propriate, dialect of a foreign language—

1 “(A) the number of positions of the De-
2 partment of Defense that are not under the ju-
3 risdiction of the Secretary of a military depart-
4 ment that require proficiency in the foreign lan-
5 guage or dialect;

6 “(B) the number of personnel of the De-
7 partment of Defense that are not under the ju-
8 risdiction of the Secretary of a military depart-
9 ment that are serving in a position that—

10 “(i) requires proficiency in the foreign
11 language or dialect to perform the primary
12 duty of the position; and

13 “(ii) does not require proficiency in
14 the foreign language or dialect to perform
15 the primary duty of the position;

16 “(C) the number of personnel of the De-
17 partment of Defense that are not under the ju-
18 risdiction of the Secretary of a military depart-
19 ment that are proficient in the foreign language
20 or dialect that—

21 “(i) are authorized for the Depart-
22 ment of Defense, but not under the juris-
23 diction of the Secretary of a military de-
24 partment; and

1 “(ii) the Secretary of Defense con-
2 siders necessary for the Department of De-
3 fense (excluding personnel under the juris-
4 diction of the Secretary of a military de-
5 partment) for each of the five years fol-
6 lowing the date of the submission of the
7 report;

8 “(D) the number of personnel of the De-
9 partment of Defense that are not under the ju-
10 risdiction of the Secretary of a military depart-
11 ment rated at each level of proficiency of the
12 Interagency Language Roundtable;

13 “(E) whether the number of personnel at
14 each level of proficiency of the Interagency
15 Language Roundtable meets the requirements
16 of the Department of Defense;

17 “(F) the number of personnel serving or
18 hired to serve as linguists for the Department
19 of Defense that are not under the jurisdiction
20 of the Secretary of a military department that
21 are not qualified as linguists under the stand-
22 ards of the Interagency Language Roundtable;

23 “(G) the number of personnel hired during
24 the preceding calendar year to serve as linguists
25 for the Department of Defense that are not

1 under the jurisdiction of the Secretary of a mili-
2 tary department;

3 “(H) the number of personnel not under
4 the jurisdiction of the Secretary of a military
5 department serving as linguists that discon-
6 tinued serving the Department of Defense dur-
7 ing the preceding calendar year;

8 “(I) the percentage of work requiring lin-
9 guistic skills that is fulfilled by an ally of the
10 United States;

11 “(J) the percentage of work requiring lin-
12 guistic skills that is fulfilled by contractors; and

13 “(K) the percentage of work requiring lin-
14 guistic skills that is fulfilled by personnel of the
15 intelligence community (as such term is defined
16 in section 3(4) of the National Security Act of
17 1947 (50 U.S.C. 401a(4))) that are not mem-
18 bers of the armed forces on active duty as-
19 signed to the military department for which the
20 report is submitted; and

21 “(3) an assessment of the foreign language ca-
22 pacity and capabilities of the Department of Defense
23 as a whole.

24 “(d) NON-MILITARY PERSONNEL.—

1 “(1) SECRETARY OF MILITARY DEPARTMENT
2 REPORTS.—Except as provided in subsection
3 (a)(11), a report submitted under subsection (a)
4 shall cover only members of the armed forces on ac-
5 tive duty assigned to the military department con-
6 cerned.

7 “(2) SECRETARY OF DEFENSE REPORTS.—Ex-
8 cept as provided in subsection (c)(2)(K), a report
9 submitted under subsection (c) shall cover only
10 members of the armed forces on active duty assigned
11 to the Department of Defense.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of such chapter is amended
14 by adding at the end the following new item:

“491. Foreign language proficiency: annual reports.”.

15 (b) EFFECTIVE DATE.—

16 (1) INITIAL REPORT BY SECRETARY OF EACH
17 MILITARY DEPARTMENT.—The first report required
18 to be submitted by the Secretary of each military de-
19 partment under section 491(a) of title 10, United
20 States Code, as added by subsection (a), shall be
21 submitted not later than 180 days after the date of
22 the enactment of this Act.

23 (2) INITIAL REPORT BY SECRETARY OF DE-
24 FENSE.—The first report required to be submitted
25 by the Secretary of Defense under section 491(c) of

1 title 10, United States Code, as added by subsection
2 (a), shall be submitted not later than 240 days after
3 the date of the enactment of this Act.

4 **SEC. 932. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**
5 **STATES CODE, ARISING FROM ENACTMENT**
6 **OF THE INTELLIGENCE REFORM AND TER-**
7 **RORISM PREVENTION ACT OF 2004.**

8 (a) REFERENCES TO HEAD OF INTELLIGENCE COM-
9 MUNITY.—Title 10, United States Code, is amended by
10 striking “Director of Central Intelligence” each place it
11 appears in the following provisions and inserting “Director
12 of National Intelligence”:

- 13 (1) Section 192(c)(2).
14 (2) Section 193(d)(2).
15 (3) Section 193(e).
16 (4) Section 201(a).
17 (5) Section 201(c)(1).
18 (6) Section 425(a).
19 (7) Section 426(a)(3).
20 (8) Section 426(b)(2).
21 (9) Section 441(c).
22 (10) Section 441(d).
23 (11) Section 443(d).
24 (12) Section 2273(b)(1).
25 (13) Section 2723(a).

1 (b) REFERENCES TO HEAD OF CENTRAL INTEL-
2 LIGENCE AGENCY.—Such title is further amended by
3 striking “Director of Central Intelligence” each place it
4 appears in the following provisions and inserting “Director
5 of the Central Intelligence Agency”:

6 (1) Section 431(b)(1).

7 (2) Section 444.

8 (3) Section 1089(g).

9 (c) OTHER AMENDMENTS.—

10 (1) SUBSECTION HEADINGS.—

11 (A) SECTION 441(c).—The heading of sub-
12 section (c) of section 441 of such title is amend-
13 ed by striking “DIRECTOR OF CENTRAL INTEL-
14 LIGENCE” and inserting “DIRECTOR OF NA-
15 TIONAL INTELLIGENCE”.

16 (B) SECTION 443(d).—The heading of
17 subsection (d) of section 443 of such title is
18 amended by striking “DIRECTOR OF CENTRAL
19 INTELLIGENCE” and inserting “DIRECTOR OF
20 NATIONAL INTELLIGENCE”.

21 (2) SECTION 201.—Section 201 of such title is
22 further amended—

23 (A) in subsection (b)(1), to read as follows:

24 “(1) In the event of a vacancy in a position re-
25 ferred to in paragraph (2), before appointing an in-

1 dividual to fill the vacancy or recommending to the
 2 President an individual to be nominated to fill the
 3 vacancy, the Secretary of Defense shall obtain the
 4 concurrence of the Director of National Intelligence
 5 as provided in section 106(b) of the National Secu-
 6 rity Act of 1947 (50 U.S.C. 403–6(b)).”; and

7 (B) in subsection (c)(1), by striking “Na-
 8 tional Foreign Intelligence Program” and in-
 9 serting “National Intelligence Program”.

10 **Subtitle E—Roles and Missions** 11 **Analysis**

12 **SEC. 941. ANALYSIS AND ORGANIZATION OF ROLES AND** 13 **MISSIONS OF DEPARTMENT OF DEFENSE.**

14 (a) REQUIREMENT FOR QUADRENNIAL ROLES AND
 15 MISSIONS REVIEW.—

16 (1) IN GENERAL.—Chapter 2 of title 10, United
 17 States Code, is amended by inserting after section
 18 118a the following new section:

19 **“§ 118b. Quadrennial roles and missions review**

20 “(a) REVIEW REQUIRED.—(1) The Secretary of De-
 21 fense shall every four years conduct a comprehensive as-
 22 sessment (to be known as the ‘quadrennial roles and mis-
 23 sions review’) of the roles and missions of the Department
 24 of Defense. Each such quadrennial roles and missions re-

1 view shall be conducted in consultation with the Chairman
2 of the Joint Chiefs of Staff.

3 “(b) CONDUCT OF REVIEW.—Each quadrennial roles
4 and missions review shall be conducted so as—

5 “(1) to organize the significant missions of the
6 Department of Defense into core mission areas that
7 cover broad areas of military activity, such as domi-
8 nance of ground, air, maritime, and space environ-
9 ments; expeditionary warfare; mobility; homeland de-
10 fense; and cyberoperations; and

11 “(2) to ensure that the core mission areas are
12 defined so that the areas are mutually supportive
13 but with as little overlap in functions as is nec-
14 essary.

15 “(c) SUBMISSION TO CONGRESSIONAL COMMIT-
16 TEES.—(1) The Secretary shall submit a report on each
17 quadrennial roles and missions review to the Committee
18 on Armed Services of the Senate and the Committee on
19 Armed Services of the House of Representatives.

20 “(2) The report shall be submitted in the year fol-
21 lowing the year in which the review is conducted, but not
22 later than the date on which the President submits the
23 budget for the next fiscal year to Congress under section
24 1105(a) of title 31.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
 2 tions at the beginning of such chapter is amended
 3 by inserting after the item relating to section 118a
 4 the following new item:

“118b. Quadrennial roles and missions review.”.

5 (b) REPEAL OF SUPERSEDED PROVISION.—Section
 6 118(e) of title 10, United States Code, is amended—

7 (1) by striking paragraph (2); and

8 (2) by redesignating paragraph (3) as para-
 9 graph (2).

10 (c) DEADLINE FOR FIRST ROLES AND MISSIONS RE-
 11 VIEW.—The first roles and missions review under section
 12 118b of title 10, United States Code, as added by sub-
 13 section (a), shall be performed and completed during
 14 2008.

15 **SEC. 942. IDENTIFICATION OF CORE COMPETENCIES OF**
 16 **THE MILITARY DEPARTMENTS AND OTHER**
 17 **ENTITIES WITHIN THE DEPARTMENT OF DE-**
 18 **FENSE.**

19 (a) IN GENERAL.—

20 (1) REQUIREMENT.—Chapter 3 of title 10,
 21 United States Code, is amended by inserting after
 22 section 125 the following new section:

23 **“§ 125a. Core competencies**

24 “(a) REQUIREMENT TO IDENTIFY CORE COM-
 25 PETENCIES.—The Secretary of Defense, in consultation

1 with the Chairman of the Joint Chiefs of Staff and the
2 Secretaries of the military departments, shall identify core
3 competencies for each of the following:

4 “(1) Each military department.

5 “(2) The Office of the Secretary of Defense.

6 “(3) Each Defense Agency.

7 “(4) Each Department of Defense Field Activ-
8 ity.

9 “(5) Each combatant command with acquisition
10 authority.

11 “(b) BASIS OF COMPETENCIES.—In identifying the
12 core competencies of an entity listed in subsection (a), the
13 Secretary of Defense shall—

14 “(1) ensure that each core competency is clearly
15 associated with a core mission area of the Depart-
16 ment of Defense (as identified pursuant to the quad-
17 rennial roles and missions review under section 118b
18 of this title); and

19 “(2) base such identification on the ability of
20 an entity to provide doctrinal, organizational, train-
21 ing, materiel, leadership, personnel, and facilities so-
22 lutions to meet requirements within a core mission
23 area of the Department of Defense.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by adding at the end the following new item:

“125a. Core competencies.”.

4 (b) REPORT ON CORE COMPETENCIES.—The Sec-
5 retary of Defense shall submit to the Committees on
6 Armed Services of the Senate and the House of Represent-
7 atives a report on the core competencies identified under
8 section 125a of title 10, United States Code, as added by
9 subsection (a), not later than the date on which the budget
10 for fiscal year 2009 is submitted to Congress by the Presi-
11 dent under section 1105(a) of title 31, United States
12 Code.

13 **SEC. 943. REVIEW OF CAPABILITIES OF THE MILITARY DE-**
14 **PARTMENTS AND OTHER ENTITIES.**

15 (a) REVIEW REQUIRED.—The Secretary of Defense
16 shall conduct a review of the capabilities that each of the
17 following entities is performing or developing:

- 18 (1) Each military department.
19 (2) The Office of the Secretary of Defense.
20 (3) Each Defense Agency.
21 (4) Each Department of Defense Field Activity.
22 (5) Each combatant command with acquisition
23 authority.

24 (b) MATTERS COVERED.—In conducting the review,
25 the Secretary of Defense—

1 (1) shall determine whether any such capabili-
2 ties are outside the entity's core competencies (as
3 identified under section 125a of this title) or outside
4 a core mission area of the Department of Defense
5 (as identified pursuant to the quadrennial roles and
6 missions review under section 118b of this title);

7 (2) shall determine whether any core com-
8 petencies required to effectively perform the core
9 mission areas of the Department of Defense are not
10 being performed or developed in any entity listed in
11 subsection (a); and

12 (3) shall determine whether there is any dupli-
13 cation of a capability within a core mission area, and
14 provide a justification for such duplication.

15 (c) REPORT TO CONGRESS; LIMITATION.—Not later
16 than June 1, 2009, the Secretary shall submit to the Com-
17 mittees on Armed Services of the Senate and the House
18 of Representatives a report on the review. No new major
19 defense acquisition programs may be started in the De-
20 partment of Defense after June 1, 2009, until the report
21 has been submitted to such committees.

22 **SEC. 944. JOINT REQUIREMENTS OVERSIGHT COUNCIL AD-**
23 **DITIONAL DUTIES RELATING TO CORE MIS-**
24 **SION AREAS.**

25 (a) REVISIONS IN MISSION.—

1 (1) REVISIONS.—Subsection (b) of section 181
2 of title 10, United States Code, is amended to read
3 as follows:

4 “(b) MISSION.—In addition to other matters assigned
5 to it by the President or Secretary of Defense, the Joint
6 Requirements Oversight Council shall—

7 “(1) assist the Chairman of the Joint Chiefs of
8 Staff—

9 “(A) in identifying, assessing, and approv-
10 ing joint military requirements (including exist-
11 ing systems and equipment) to meet the na-
12 tional military strategy; and

13 “(B) in identifying the core mission area
14 associated with each such requirement;

15 “(2) assist the Chairman in establishing and
16 assigning priority levels for joint military require-
17 ments;

18 “(3) assist the Chairman in estimating the level
19 of resources required in the fulfillment of each joint
20 military requirement and in ensuring that such re-
21 source level is consistent with the level of priority as-
22 signed to such requirement; and

23 “(4) assist the Chairman in considering alter-
24 natives to any acquisition program that has been
25 identified to meet joint military requirements by

1 evaluating the cost, schedule, and performance cri-
2 teria of each alternative and of the identified pro-
3 gram.”.

4 (2) DEFINITIONS.—Section 181 of such title is
5 amended by adding at the end the following new
6 subsection:

7 “(e) DEFINITIONS.—In this section:

8 “(1) The term ‘joint military requirement’
9 means a capability necessary to fulfill a gap in a
10 core mission area of the Department of Defense.

11 “(2) The term ‘core mission area’ means a core
12 mission area of the Department of Defense identi-
13 fied under the most recent quadrennial roles and
14 missions review pursuant to section 118b of this
15 title.”.

16 (b) ADDITIONAL MEMBERS OF JOINT REQUIRE-
17 MENTS OVERSIGHT COUNCIL.—Section 181(c) of title 10,
18 United States Code, is amended—

19 (1) by redesignating subparagraphs (B), (C),
20 (D), and (E) as subparagraphs (D), (E), (F), and
21 (G), respectively; and

22 (2) by inserting after subparagraph (A) the fol-
23 lowing new subparagraphs:

24 “(B) the Under Secretary of Defense for Acqui-
25 sition, Technology, and Logistics;

1 “(C) the Director of the Office of Program
2 Analysis and Evaluation;”.

3 (c) ORGANIZATION.—Section 181 of such title is
4 amended—

5 (1) by redesignating subsections (d) and (e) (as
6 added by subsection (a)) as subsections (e) and (f),
7 respectively; and

8 (2) by inserting after subsection (c) the fol-
9 lowing new subsection (d):

10 “(d) ORGANIZATION.—The Joint Requirements Over-
11 sight Council shall organize its activities according to the
12 core missions areas of the Department of Defense. In any
13 review of a core mission area, the officer or official as-
14 signed to lead the review shall have a deputy from a dif-
15 ferent military department.”.

16 (d) DEADLINES.—Effective June 1, 2009, all joint
17 military requirements documents of the Joint Require-
18 ments Oversight Council produced to carry out its mission
19 under section 181(b)(1) of title 10, United States Code,
20 shall conform to the core mission areas organized and de-
21 fined under section 118b of such title. Not later than Oc-
22 tober 1, 2009, all such documents produced before June
23 1, 2009, shall conform to such structure.

24 (e) REVISED FUNCTION OF CHAIRMAN OF JOINT
25 CHIEFS OF STAFF.—Section 153(a)(4)(F) of title 10,

1 United States Code, is amended by striking “Assessing
2 military requirements for defense acquisition programs.”
3 and inserting “Advising the Secretary on the effective and
4 efficient coordination of all military requirements for de-
5 fense acquisition programs.”.

6 **SEC. 945. REQUIREMENT FOR CERTIFICATION OF MAJOR**
7 **SYSTEMS PRIOR TO TECHNOLOGY DEVELOP-**
8 **MENT.**

9 (a) REQUIREMENT FOR CERTIFICATION.—

10 (1) IN GENERAL.—Chapter 139 of title 10,
11 United States Code, is amended by inserting after
12 section 2366a the following new section:

13 **“§ 2366b. Major systems: requirement for Joint Re-**
14 **quirements Oversight Council certifi-**
15 **cation**

16 “(a) CERTIFICATION.—Before the start of technology
17 development for a major system, the Joint Requirements
18 Oversight Council shall certify—

19 “(1) that the system fulfills an approved initial
20 capabilities document;

21 “(2) that the system is being executed by an
22 entity with a relevant core competency as identified
23 by the Secretary of Defense under section 125a of
24 this title;

1 “(3) if the system duplicates a capability al-
2 ready provided by an existing system, the duplica-
3 tion provided by such system is necessary and ap-
4 propriate; and

5 “(4) that a cost estimate for the system has
6 been submitted and that the level of resources re-
7 quired to develop and procure the system is con-
8 sistent with the level of resources estimated by the
9 Joint Requirements Oversight Council for the initial
10 capabilities document identified under paragraph
11 (1).

12 “(b) NOTIFICATION.—With respect to a major sys-
13 tem certified by the Joint Requirements Oversight Council
14 under subsection (a), if the projected cost of the system,
15 at any time prior to Milestone B approval, exceeds the
16 cost estimate for the system submitted to the Council at
17 the time of the certification by at least 25 percent, the
18 Secretary of the military department concerned, or in the
19 case of Office of the Secretary of Defense, a Defense
20 Agency, or a Department of Defense Field Activity, the
21 Secretary of Defense, shall notify the Joint Requirements
22 Oversight Council. Upon receipt of such notification, the
23 Council shall consider whether to recommend that the pro-
24 gram be continued or that the program be terminated.

25 “(c) DEFINITIONS.—In this section:

1 “(1) The term ‘major system’ has the meaning
2 provided in section 2302(5) of this title.

3 “(2) The term ‘initial capabilities document’
4 means any capabilities requirement document ap-
5 proved by the Joint Requirements Oversight Council
6 that establishes the need for a materiel approach to
7 resolve a capability gap.

8 “(3) The term ‘technology development pro-
9 gram’ means a coordinated effort to assess tech-
10 nologies and refine user performance parameters to
11 fulfill a capability gap identified in an initial capa-
12 bilities document.

13 “(4) The term ‘entity’ means an entity listed in
14 section 125a(a) of this title.

15 “(5) The term ‘Milestone B approval’ has the
16 meaning provided that term in section 2366(e)(7) of
17 this title.”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions at the beginning of such chapter is amended
20 by adding at the end the following new item:

“2366b. Major systems: requirement for Joint Requirements Oversight Council
certification.”.

21 (b) EFFECTIVE DATE.—Section 2366b of title 10,
22 United States Code, as added by subsection (a), shall
23 apply to major systems on and after March 1, 2008.

1 **SEC. 946. PRESENTATION OF FUTURE-YEARS MISSION**
2 **BUDGET BY CORE MISSION AREA.**

3 (a) TIME OF SUBMISSION OF FUTURE-YEARS MIS-
4 SION BUDGET.—The second sentence of section 222(a) of
5 title 10, United States Code, is amended to read as fol-
6 lows: “That budget shall be submitted for any fiscal year
7 with the future-years defense program submitted under
8 section 221 of this title.”.

9 (b) ORGANIZATION OF FUTURE-YEARS MISSION
10 BUDGET.—The second sentence of section 222(b) of such
11 title is amended by striking “on the basis” and all that
12 follows through the end of the sentence and inserting the
13 following: “on the basis of both major force programs and
14 the core mission areas identified under the most recent
15 quadrennial roles and missions review pursuant to section
16 118b of this title.”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply with respect to the future-years
19 mission budget for fiscal year 2010 and each fiscal year
20 thereafter.

21 **SEC. 947. FUTURE CAPABILITY PLANNING BY JOINT RE-**
22 **QUIREMENTS OVERSIGHT COUNCIL.**

23 (a) REQUIREMENT FOR EXTENDED PLANNING AN-
24 NEXES.—Section 181 of title 10, United States Code, as
25 amended by this subtitle, is further amended—

1 (1) by redesignating subsection (f) as sub-
2 section (g); and

3 (2) by inserting after subsection (e) the fol-
4 lowing new subsection (f):

5 “(f) FUTURE CAPABILITY PLANNING.—(1)(A) The
6 Secretary of Defense shall direct the commanders of com-
7 batant commands to prepare extended planning annexes
8 to all operational and contingency plans. Each extended
9 planning annex shall—

10 “(i) include the commander’s assessment of the
11 capabilities needed to successfully accomplish the
12 missions for which the operational and contingency
13 plans were created;

14 “(ii) use a 15-year planning horizon and take
15 into account expected changes in threats, the geo-
16 political environment, and doctrine, training, and
17 operational concepts; and

18 “(iii) provide capability assessments for the
19 year in which the annex is submitted and for the
20 5th, 10th, and 15th years after such year.

21 “(B) The extended planning annexes shall be sub-
22 mitted to the Secretary of Defense and the Chairman of
23 the Joint Chiefs of Staff biannually.

24 “(2) The Joint Requirements Oversight Council
25 shall—

1 “(A) in consultation with the office responsible
2 for program analysis and evaluation within the Of-
3 fice of the Secretary of Defense and the Office of
4 the Under Secretary of Defense for Acquisition,
5 Technology, and Logistics, match—

6 “(i) the capabilities that are expected to be
7 provided by the acquisition programs in exist-
8 ence during the period covered by the most re-
9 cent extended planning annexes, including clas-
10 sified and compartmentalized programs, and
11 the science and technology programs in exist-
12 ence during that period, with

13 “(ii) capability needs identified in the ex-
14 tended planning annexes prepared under para-
15 graph (1);

16 “(B) in coordination with the commanders of
17 the combatant commands, and within 30 days after
18 submission of the extended planning annexes, iden-
19 tify gaps in capabilities not likely to be closed by ex-
20 isting acquisition programs and science and tech-
21 nology programs described in subparagraph (A)(i),
22 assign priorities for addressing such gaps, and iden-
23 tify areas where such programs are expected to pro-
24 vide capability beyond that which is required; and

1 “(C) develop a plan for the Department of De-
 2 fense to acquire needed joint capabilities and divest
 3 itself of unneeded capabilities, based on the extended
 4 planning annexes prepared under paragraph (1).

5 “(3) In this subsection, the term ‘operational and
 6 contingency plans’ means plans prepared by a commander
 7 of a combatant command to carry out missions assigned
 8 to the command under section 164 of this title.”.

9 (b) DEADLINE FOR FIRST EXTENDED PLANNING
 10 ANNEXES.—The first extended planning annexes under
 11 section 181(f) of title 10, United States Code, as added
 12 by subsection (a), shall be submitted under that section
 13 not later than 90 days after the date of the enactment
 14 of this Act.

15 **Subtitle F—Other Matters**

16 **SEC. 951. DEPARTMENT OF DEFENSE CONSIDERATION OF**
 17 **EFFECT OF CLIMATE CHANGE ON DEPART-**
 18 **MENT FACILITIES, CAPABILITIES, AND MIS-**
 19 **SIONS.**

20 Section 118 of title 10, United States Code, is
 21 amended by adding at the end the following new sub-
 22 section:

23 “(g) CONSIDERATION OF EFFECT OF CLIMATE
 24 CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES,
 25 AND MISSIONS.—(1) The first national security strategy

1 and national defense strategy prepared after the date of
2 the enactment of this subsection shall include guidance for
3 military planners—

4 “(A) to assess the risks of projected climate
5 change to current and future missions of the armed
6 forces;

7 “(B) to update defense plans based on these as-
8 sessments, including working with allies and part-
9 ners to incorporate climate mitigation strategies, ca-
10 pacity building, and relevant research and develop-
11 ment; and

12 “(C) to develop the capabilities needed to re-
13 duce future impacts.

14 “(2) The first quadrennial defense review prepared
15 after the date of the enactment of this subsection shall
16 also examine the capabilities of the armed forces to re-
17 spond to the consequences of climate change, in particular,
18 preparedness for natural disasters from extreme weather
19 events and other missions the armed forces may be asked
20 to support inside the United States and overseas.

21 “(3) For planning purposes to comply with the re-
22 quirements of this subsection, the Secretary of Defense
23 shall use—

1 “(A) the mid-range projections of the fourth as-
2 sessment report of the Intergovernmental Panel on
3 Climate Change;

4 “(B) subsequent mid-range consensus climate
5 projections if more recent information is available
6 when the next national security strategy, national
7 defense strategy, or quadrennial defense review, as
8 the case may be, is conducted; and

9 “(C) findings of appropriate and available esti-
10 mations or studies of the anticipated strategic, so-
11 cial, political, and economic effects of global climate
12 change and the implications of such effects on the
13 national security of the United States.

14 “(4) In this subsection, the term ‘national security
15 strategy’ means the annual national security strategy re-
16 port of the President under section 108 of the National
17 Security Act of 1947 (50 U.S.C. 404a).”.

18 **SEC. 952. INTERAGENCY POLICY COORDINATION.**

19 (a) **PLAN REQUIRED.**—Not later than 180 days after
20 the date of the enactment of this Act, the Secretary of
21 Defense shall develop and submit to Congress a plan to
22 improve and reform the interagency coordination process
23 on national security issues.

24 (b) **ELEMENTS.**—The elements of the plan shall in-
25 clude the following:

1 (1) Assigning either the Under Secretary of De-
2 fense for Policy or another official to be the lead pol-
3 icy official for improving and reforming the inter-
4 agency coordination process on national security
5 issues for the Department of Defense, with an expla-
6 nation of any decision to name an official other than
7 the Under Secretary and the relative advantages and
8 disadvantages of such decision.

9 (2) Giving the official assigned under para-
10 graph (1) the following responsibilities:

11 (A) To be the lead person at the Depart-
12 ment of Defense for the development of policy
13 affecting the national security interagency proc-
14 ess.

15 (B) To serve, or designate a person to
16 serve, as the representative of the Department
17 of Defense in Federal Government forums es-
18 tablished to address interagency policy, plan-
19 ning, or reforms.

20 (C) To advocate, on behalf of the Sec-
21 retary, for greater interagency coordination and
22 contributions in the execution of the National
23 Security Strategy and particularly specific oper-
24 ational objectives undertaken pursuant to that
25 strategy.

1 (D) To make recommendations to the Sec-
2 retary of Defense on changes to existing De-
3 partment of Defense regulations or laws to im-
4 prove the interagency process.

5 (E) To serve as the coordinator for all
6 planning and training assistance that is—

7 (i) designed to improve the inter-
8 agency process or the capabilities of other
9 agencies to work with the Department of
10 Defense; and

11 (ii) provided by the Department of
12 Defense at the request of other agencies.

13 (F) To serve as the lead official in Depart-
14 ment of Defense for the development of
15 deployable joint interagency task forces.

16 (c) FACTORS TO BE CONSIDERED.—In drafting the
17 plan, the Secretary of Defense shall also consider the fol-
18 lowing factors:

19 (1) How the official assigned under subsection
20 (b)(1) shall provide input to the Secretary of De-
21 fense on an ongoing basis on how to incorporate the
22 need to coordinate with other agencies into the es-
23 tablishment and reform of combatant commands.

24 (2) How such official shall develop and make
25 recommendations to the Secretary of Defense on a

1 regular or an ongoing basis on changes to military
2 and civilian personnel to improve interagency coordi-
3 nation.

4 (3) How such official shall work with the com-
5 batant command that has the mission for joint
6 warfighting experimentation and other interested
7 agencies to develop exercises to test and validate
8 interagency planning and capabilities.

9 (4) How such official shall lead, coordinate, or
10 participate in after-action reviews of operations,
11 tests, and exercises to capture lessons learned re-
12 garding the functioning of the interagency process
13 and how those lessons learned will be disseminated.

14 (5) The role of such official in ensuring that fu-
15 ture defense planning guidance takes into account
16 the capabilities and needs of other agencies.

17 (d) RECOMMENDATION ON CHANGES IN LAW.—The
18 Secretary of Defense may submit with the plan or with
19 any future budget submissions recommendations for any
20 changes to law that are required to enhance the ability
21 of the official assigned under subsection (b)(1) in the De-
22 partment of Defense to coordinate defense interagency ef-
23 forts or to improve the ability of the Department of De-
24 fense to work with other agencies.

1 (e) ANNUAL REPORT.—If an official is named by the
2 Secretary of Defense under subsection (b)(1), the official
3 shall annually submit to Congress a report, beginning in
4 the fiscal year following the naming of the official, on
5 those actions taken by the Department of Defense to en-
6 hance national security interagency coordination, the
7 views of the Department of Defense on efforts and chal-
8 lenges in improving the ability of agencies to work to-
9 gether, and suggestions on changes needed to laws or reg-
10 ulations that would enhance the coordination of efforts of
11 agencies.

12 (f) DEFINITION.—In this section, the term “inter-
13 agency coordination”, within the context of Department
14 of Defense involvement, means the coordination that oc-
15 curs between elements of the Department of Defense and
16 engaged Federal Government agencies for the purpose of
17 achieving an objective.

18 (g) CONSTRUCTION.—Nothing in this provision shall
19 be construed as preventing the Secretary of Defense from
20 naming an official with the responsibilities listed in sub-
21 section (b) before the submission of the report required
22 under this section.

1 **SEC. 953. EXPANSION OF EMPLOYMENT CREDITABLE**
2 **UNDER SERVICE AGREEMENTS UNDER NA-**
3 **TIONAL SECURITY EDUCATION PROGRAM.**

4 Paragraph (2) of subsection (b) of section 802 of the
5 David L. Boren National Security Education Act of 1991
6 (50 U.S.C. 1902), as most recently amended by section
7 945 of the John Warner National Defense Authorization
8 Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
9 2367), is amended—

10 (1) in subparagraph (A)—

11 (A) in clause (i) by striking “or” at the
12 end; and

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

14 “(iii) for not less than one academic
15 year in a position in the field of education
16 in a discipline related to the study sup-
17 ported by the program if the recipient
18 demonstrates to the Secretary of Defense
19 that no position is available in the depart-
20 ments, agencies, and offices covered by
21 clauses (i) and (ii); or”; and

22 (2) in subparagraph (B)—

23 (A) in clause (i) by striking “or” at the
24 end;

25 (B) in clause (ii) by striking “and” at the
26 end and inserting “or”; and

1 (C) by adding at the end the following:

2 “(iii) for not less than one academic
3 year in a position in the field of education
4 in a discipline related to the study sup-
5 ported by the program if the recipient
6 demonstrates to the Secretary of Defense
7 that no position is available in the depart-
8 ments, agencies, and offices covered by
9 clauses (i) and (ii); and”.

10 **SEC. 954. STUDY OF NATIONAL SECURITY INTERAGENCY**
11 **SYSTEM.**

12 (a) STUDY REQUIRED.—The Secretary of Defense
13 may enter into an agreement with an independent, non-
14 profit, nonpartisan organization to conduct a study on the
15 national security interagency system.

16 (b) REPORT.—The agreement entered into under
17 subsection (a) shall require the organization to submit to
18 Congress and the President a report containing the results
19 of the study conducted pursuant to such agreement and
20 any recommendations for changes to the national security
21 interagency system (including legislative or regulatory
22 changes).

23 (c) SUBMISSION DATE.—The agreement entered into
24 under subsection (a) shall require the organization to sub-
25 mit the report required under subsection (b) not later than

1 180 days after the date on which the Secretary makes
 2 funds appropriated pursuant to section 301(5) available
 3 to the organization.

4 (d) NATIONAL SECURITY INTERAGENCY SYSTEM DE-
 5 FINED.—In this section, the term “national security inter-
 6 agency system” means the structures, mechanisms, and
 7 processes by which the departments, agencies, and ele-
 8 ments of the Federal Government that have national secu-
 9 rity missions integrate their policies, capabilities, exper-
 10 tise, and activities to accomplish such missions.

11 (e) FUNDING.—Of the amounts authorized to be ap-
 12 propriated by section 301(5), not more than \$4,000,000
 13 shall be available to carry out this section.

14 **TITLE X—GENERAL PROVISIONS**

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. United States contribution to NATO common-funded budgets in fis-
 cal year 2008.

Subtitle B—Policy Relating to Vessels and Shipyards

Sec. 1011. Limitation on leasing of foreign-built vessels.

Sec. 1012. Policy relating to major combatant vessels of the strike forces of the
 United States Navy.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of authority for joint task forces to provide support to law
 enforcement agencies conducting counter-terrorism activities.

Sec. 1022. Expansion of authority to provide additional support for counter-
 drug activities in certain foreign countries.

Subtitle D—Reports

Sec. 1031. Extension and modification of report relating to hardened and deep-
 ly buried targets.

Sec. 1032. Comptroller General review of the Joint Improvised Explosive De-
 vice Defeat Organization.

- Sec. 1033. Report on a national joint modeling and simulation development strategy.
- Sec. 1034. Report on impact on families of military personnel serving multiple overseas deployments.
- Sec. 1035. Commercial aviation technologies.
- Sec. 1036. Review of Department of Defense procedures to classify excess defense articles and defense services with military technology components.

Subtitle E—Other Matters

- Sec. 1041. Enhancement of corrosion control and prevention functions within Department of Defense.
- Sec. 1042. Support by National Guard for national special security events and other critical national security activities.
- Sec. 1043. Improved authority to provide rewards for assistance in combating terrorism.
- Sec. 1044. Revision of proficiency flying definition.
- Sec. 1045. Support for non-Federal development and testing of material for chemical agent defense.
- Sec. 1046. Congressional Commission on the Strategic Posture of the United States.
- Sec. 1047. Technical and clerical amendments.
- Sec. 1048. Repeal of certification requirement.
- Sec. 1049. Prohibition on sale by Department of Defense of parts for F-14 fighter aircraft.
- Sec. 1050. Maintenance of capability for space-based nuclear detection.
- Sec. 1051. Additional weapons of mass destruction civil support teams.
- Sec. 1052. Sense of Congress regarding need to replace Army M109 155mm self-propelled howitzer.
- Sec. 1053. Sense of Congress regarding detainees at Naval Station, Guantanamo Bay, Cuba.
- Sec. 1054. Repeal of provisions in section 1076 of Public Law 109–364 relating to use of Armed Forces in major public emergencies.
- Sec. 1055. Sense of Congress regarding a memorial for members of the Armed Forces who died in air crash in Bakers Creek, Australia.
- Sec. 1056. Background investigations required for civilians entering military facilities and installations.
- Sec. 1057. A report on transferring individuals detained at Naval Station, Guantanamo Bay, Cuba.
- Sec. 1058. Study and report on use of power management software.

1 **Subtitle A—Financial Matters**

2 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

3 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

- 4 (1) **AUTHORITY.**—Upon determination by the
- 5 Secretary of Defense that such action is necessary in
- 6 the national interest, the Secretary may transfer

1 amounts of authorizations made available to the De-
2 partment of Defense in this division for fiscal year
3 2008 between any such authorizations for that fiscal
4 year (or any subdivisions thereof). Amounts of au-
5 thorizations so transferred shall be merged with and
6 be available for the same purposes as the authoriza-
7 tion to which transferred.

8 (2) LIMITATION.—The total amount of author-
9 izations that the Secretary may transfer under the
10 authority of this section may not exceed
11 \$4,500,000,000.

12 (b) LIMITATIONS.—The authority provided by this
13 section to transfer authorizations—

14 (1) may only be used to provide authority for
15 items that have a higher priority than the items
16 from which authority is transferred; and

17 (2) may not be used to provide authority for an
18 item that has been denied authorization by Con-
19 gress.

20 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
21 transfer made from one account to another under the au-
22 thority of this section shall be deemed to increase the
23 amount authorized for the account to which the amount
24 is transferred by an amount equal to the amount trans-
25 ferred.

1 (d) NOTICE TO CONGRESS.—The Secretary shall
2 promptly notify Congress of each transfer made under
3 subsection (a).

4 (e) PROHIBITION ON TRANSFERS FROM GUARD AND
5 RESERVE ACCOUNTS.—Funds authorized in this division
6 for an account of the National Guard or other reserve
7 components of the Armed Forces may not be a source of
8 funds for transfer to a different account other than an-
9 other account of the National Guard or other reserve com-
10 ponent.

11 **SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COM-**
12 **MON-FUNDED BUDGETS IN FISCAL YEAR 2008.**

13 (a) FISCAL YEAR 2008 LIMITATION.—The total
14 amount contributed by the Secretary of Defense in fiscal
15 year 2008 for the common-funded budgets of NATO may
16 be any amount up to, but not in excess of, the amount
17 specified in subsection (b) (rather than the maximum
18 amount that would otherwise be applicable to those con-
19 tributions under the fiscal year 1998 baseline limitation).

20 (b) TOTAL AMOUNT.—The amount of the limitation
21 applicable under subsection (a) is the sum of the following:

22 (1) The amounts of unexpended balances, as of
23 the end of fiscal year 2007, of funds appropriated
24 for fiscal years before fiscal year 2008 for payments
25 for those budgets.

1 (2) The amount specified in subsection (c)(1).

2 (3) The amount specified in subsection (c)(2).

3 (4) The total amount of the contributions au-
4 thorized to be made under section 2501.

5 (c) AUTHORIZED AMOUNTS.—Amounts authorized to
6 be appropriated by titles II and III of this Act are avail-
7 able for contributions for the common-funded budgets of
8 NATO as follows:

9 (1) Of the amount provided in section 201(1),
10 \$1,031,000 for the Civil Budget.

11 (2) Of the amount provided in section 301(1),
12 \$362,159,000 for the Military Budget.

13 (d) DEFINITIONS.—For purposes of this section:

14 (1) COMMON-FUNDED BUDGETS OF NATO.—
15 The term “common-funded budgets of NATO”
16 means the Military Budget, the Security Investment
17 Program, and the Civil Budget of the North Atlantic
18 Treaty Organization (and any successor or addi-
19 tional account or program of NATO).

20 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—
21 The term “fiscal year 1998 baseline limitation”
22 means the maximum annual amount of Department
23 of Defense contributions for common-funded budgets
24 of NATO that is set forth as the annual limitation
25 in section 3(2)(C)(ii) of the resolution of the Senate

1 giving the advice and consent of the Senate to the
2 ratification of the Protocols to the North Atlantic
3 Treaty of 1949 on the Accession of Poland, Hun-
4 gary, and the Czech Republic (as defined in section
5 4(7) of that resolution), approved by the Senate on
6 April 30, 1998.

7 **Subtitle B—Policy Relating to**
8 **Vessels and Shipyards**

9 **SEC. 1011. LIMITATION ON LEASING OF FOREIGN-BUILT**
10 **VESSELS.**

11 (a) IN GENERAL.—

12 (1) CONTRACTS FOR LEASES FOR MORE THAN
13 24 MONTHS.—Chapter 141 of title 10, United States
14 Code, is amended by inserting after section 2401a
15 the following new section:

16 **“§ 2401b. Limitation on lease of foreign-built vessels**

17 “(a) LIMITATION.—The Secretary of a military de-
18 partment may not make a contract for a lease or charter
19 of a vessel for a term of more than 24 months (including
20 all options to renew or extend the contract) if the hull,
21 or a component of the hull and superstructure of the ves-
22 sel, is constructed in a foreign shipyard.

23 “(b) PRESIDENTIAL WAIVER FOR NATIONAL SECU-
24 RITY INTEREST.—(1) The President may authorize excep-
25 tions to the limitation in subsection (a) when the President

1 determines that it is in the national security interest of
2 the United States to do so.

3 “(2) The President shall transmit notice to Congress
4 of any such determination, and no contract may be made
5 pursuant to the exception authorized until the end of the
6 30-day period beginning on the date on which the notice
7 of the determination is received by Congress.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of such chapter is amended
10 by inserting after the item relating to section 2401a
11 the following new item:

“2401b. Limitation on lease of foreign-built vessels.”.

12 (b) EFFECTIVE DATE.—Section 2401b of title 10,
13 United States Code, as added by subsection (a), shall
14 apply with respect to contracts entered into after the date
15 of the enactment of this Act.

16 **SEC. 1012. POLICY RELATING TO MAJOR COMBATANT VES-**
17 **SELS OF THE STRIKE FORCES OF THE**
18 **UNITED STATES NAVY.**

19 (a) INTEGRATED NUCLEAR POWER SYSTEMS.—It is
20 the policy of the United States to construct the major
21 combatant vessels of the strike forces of the United States
22 Navy, including all new classes of such vessels, with inte-
23 grated nuclear power systems.

24 (b) REQUIREMENT TO REQUEST NUCLEAR VES-
25 SELS.—If a request is submitted to Congress in the budget

1 for a fiscal year for construction of a new class of major
2 combatant vessel for the strike forces of the United States,
3 the request shall be for such a vessel with an integrated
4 nuclear power system, unless the Secretary of Defense
5 submits with the request a notification to Congress that
6 the inclusion of an integrated nuclear power system in
7 such vessel is not in the national interest.

8 (c) DEFINITIONS.—In this section:

9 (1) MAJOR COMBATANT VESSELS OF THE
10 STRIKE FORCES OF THE UNITED STATES NAVY.—

11 The term “major combatant vessels of the strike
12 forces of the United States Navy” means the fol-
13 lowing:

14 (A) Submarines.

15 (B) Aircraft carriers.

16 (C) Cruisers, battleships, or other large
17 surface combatants whose primary mission in-
18 cludes protection of carrier strike groups, expe-
19 ditionary strike groups, and vessels comprising
20 a sea base.

21 (2) INTEGRATED NUCLEAR POWER SYSTEM.—

22 The term “integrated nuclear power system” means
23 a ship engineering system that uses a naval nuclear
24 reactor as its energy source and generates sufficient
25 electric energy to provide power to the ship’s elec-

1 trical loads, including its combat systems and pro-
2 pulsion motors.

3 (3) BUDGET.—The term “budget” means the
4 budget that is submitted to Congress by the Presi-
5 dent under section 1105(a) of title 31, United States
6 Code.

7 **Subtitle C—Counter-Drug** 8 **Activities**

9 **SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK** 10 **FORCES TO PROVIDE SUPPORT TO LAW EN-** 11 **FORCEMENT AGENCIES CONDUCTING** 12 **COUNTER-TERRORISM ACTIVITIES.**

13 Section 1022(b) of the National Defense Authoriza-
14 tion Act for Fiscal Year 2004 (Public Law 108–136; 10
15 U.S.C. 371 note) is amended by striking “and 2007” and
16 inserting “through 2008”.

17 **SEC. 1022. EXPANSION OF AUTHORITY TO PROVIDE ADDI-** 18 **TIONAL SUPPORT FOR COUNTER-DRUG AC-** 19 **TIVITIES IN CERTAIN FOREIGN COUNTRIES.**

20 Subsection (b) of section 1033 of the National De-
21 fense Authorization Act for Fiscal Year 1998 (Public Law
22 105–85; 111 Stat. 1881), as amended by section 1021 of
23 the National Defense Authorization Act for Fiscal Year
24 2004 (Public Law 108–136, 117 Stat. 1593) and section
25 1022 of the John Warner National Defense Authorization

1 Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
 2 2382), is further amended by adding at the end the fol-
 3 lowing new paragraphs:

4 “(17) The Government of Mexico.

5 “(18) The Government of the Dominican Re-
 6 public.”.

7 **Subtitle D—Reports**

8 **SEC. 1031. EXTENSION AND MODIFICATION OF REPORT RE-** 9 **LATING TO HARDENED AND DEEPLY BURIED** 10 **TARGETS.**

11 Section 1032 of the Bob Stump National Defense
 12 Authorization Act for Fiscal Year 2003 (Public Law 107–
 13 314; 116 Stat. 2643; 10 U.S.C. 2358 note) is amended—

14 (1) in the heading, by striking “**ANNUAL RE-**
 15 **PORT ON WEAPONS**” and inserting “**REPORT ON**
 16 **CAPABILITIES**”;

17 (2) in subsection (a)—

18 (A) in the heading, by striking “ANNUAL”;

19 (B) by striking “April 1 of each year” and
 20 inserting “March 1, 2009, and every two years
 21 thereafter,”;

22 (C) by striking “Director of Central Intel-
 23 ligence” and inserting “Director of National In-
 24 telligence”;

1 (D) by striking “the preceding fiscal year”
2 and inserting “the preceding two fiscal years
3 and planned for the current fiscal year and the
4 next fiscal year”; and

5 (E) by striking “to develop weapons” and
6 inserting “to develop capabilities”;

7 (3) in subsection (b)—

8 (A) in the matter preceding paragraph (1),
9 by striking “The report for a fiscal year” and
10 inserting “A report submitted”;

11 (B) in paragraph (1), by striking “were
12 undertaken during that fiscal year” and insert-
13 ing “were or will be undertaken during the
14 four-fiscal-year period covered by the report”;
15 and

16 (C) in paragraph (2) in the matter pre-
17 ceding subparagraph (A), by striking “were un-
18 dertaken during such fiscal year” and inserting
19 “were or will be undertaken during the four-fis-
20 cal-year period covered by the report”; and

21 (4) in subsection (d), by striking “April 1,
22 2007” and inserting “March 1, 2013”.

1 **SEC. 1032. COMPTROLLER GENERAL REVIEW OF THE JOINT**
2 **IMPROVISED EXPLOSIVE DEVICE DEFEAT OR-**
3 **GANIZATION.**

4 (a) EVALUATION REQUIRED.—The Comptroller Gen-
5 eral of the United States shall conduct a review of the
6 Joint Improvised Explosive Device Defeat Organization
7 and its activities.

8 (b) ANALYSES REQUIRED.—The review required by
9 subsection (a) shall include an analysis of each of the fol-
10 lowing:

11 (1) The appropriateness and efficacy of the ef-
12 forts of the Organization to achieve its mission, in-
13 cluding strategy, plans, technologies developed, and
14 programs funded.

15 (2) The process used by the Organization to se-
16 lect appropriate and effective technologies and other
17 solutions to achieve its mission.

18 (3) The ability of the Organization to respond
19 to rapidly changing threats and to anticipate future
20 threats.

21 (4) The performance of the Organization in
22 leading, advocating, and coordinating all of the ac-
23 tivities of the Department of Defense to defeat im-
24 proved explosive devices and an assessment of the
25 Organization's authority to do so.

11 (7) The feedback from the warfighter with re-
12 spect to the efforts of the Organization.

19 SEC. 1033. REPORT ON A NATIONAL JOINT MODELING AND
20 SIMULATION DEVELOPMENT STRATEGY.

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1 eling and simulation requirements and that outlines a plan
2 that details the Department's modeling and simulation co-
3 ordination efforts. Such a plan shall—

4 (1) identify the unique modeling and simulation
5 capabilities of the components of the Department
6 and the Combatant Commands;

7 (2) identify incentives to reduce duplicative
8 modeling and simulation capabilities of the compo-
9 nents of the Department and the Combatant Com-
10 mands and recommend capabilities to be divested
11 where such duplication is not necessary;

12 (3) recommend capabilities to be leveraged from
13 within other Federal agencies, national laboratories,
14 State and local governments, academia, private in-
15 dustry, and United States and international stand-
16 ards organizations; and

17 (4) be capable of supporting joint training, ex-
18 perimentation, systems acquisition, test and evalua-
19 tion, assessment, and planning.

20 (b) SUBMISSION OF REPORT.—Not later than nine
21 months after the date of the enactment of this Act, the
22 Secretary shall submit the report under subsection (a).

23 (c) MATTERS TO BE INCLUDED.—The report under
24 subsection (a) shall include the following:

1 (1) An identification and description of the
2 types of joint training, experimentation, systems ac-
3 quisition, test and evaluation, assessment, and plan-
4 ning that would be conducted using such a joint ca-
5 pability, together with a description of how such a
6 joint capability would enhance accomplishment of
7 the four priorities as focus of the 2006 Quadrennial
8 Defense Review (QDR) Report of the Secretary of
9 Defense issued on February 6, 2006.

10 (2) A discussion of how establishment of such
11 a joint capability would promote modeling and sim-
12 ulation innovation and transformation throughout
13 the Department of Defense to improve operational
14 capabilities and enhance national security.

15 (3) A methodology, framework, and options
16 that include consideration of leveraging existing ca-
17 pabilities that would accommodate requirements
18 among all the Armed Forces, including common in-
19 frastructure and data.

20 (4) A management plan for coordinating be-
21 tween functional and organizational stakeholders, as
22 well as a plan to continuously introduce new mod-
23 eling and simulation technologies and divest out-
24 dated capabilities.

1 (5) Options to allow non-defense users to access
2 such a modeling and simulation capability, as appro-
3 priate, for homeland security and consequence man-
4 agement for Federal, State, and local requirements.

5 (6) Cost estimates and resource requirements to
6 establish and maintain such a strategy, including es-
7 timates of costs and resource requirements for the
8 use of government civilian and military, and contract
9 personnel for the performance of management, oper-
10 ational, and logistics activities for such a capability.

11 (7) An explanation of the relationship between
12 and among such a capability and the Office of the
13 Secretary of Defense, the Joint Staff, the military
14 departments, commanders of combatant commands,
15 Federal agencies, national laboratories, State and
16 local governments, academia, private industry,
17 United States and international standards organiza-
18 tions, and international partners with responsibility
19 to use modeling and simulation to meet their mis-
20 sion.

21 (8) A timeline for the establishment of such a
22 capability and for such a capability to achieve—

23 (A) initial operational capability; and

24 (B) full operational capability.

1 (9) At least two alternative modeling and sim-
2 ulation coordination plans, including a Joint Mod-
3 eling and Simulation Development Strategy, pro-
4 vided that such plans include the required matters
5 in subsection (a) and subsection (c), excluding sub-
6 section (c)(8), and provided that such reports were
7 submitted to the Secretary by a commander of a
8 Unified Combatant Command or Service Chief.

9 **SEC. 1034. REPORT ON IMPACT ON FAMILIES OF MILITARY**
10 **PERSONNEL SERVING MULTIPLE OVERSEAS**
11 **DEPLOYMENTS.**

12 Not later than 180 days after the date of enactment
13 of this Act, the Secretary of Defense shall submit a report
14 to Congress regarding the impact, including the financial
15 and emotional effects, of multiple overseas deployments on
16 the families of members of the Armed Forces serving those
17 multiple deployments as part of Operation Iraqi Freedom
18 and Operation Enduring Freedom.

19 **SEC. 1035. COMMERCIAL AVIATION TECHNOLOGIES.**

20 (a) STUDY.—The Secretary of Defense shall conduct
21 a study to examine the methods by which United States
22 air carriers and aviation technology companies research,
23 develop, and deploy commercial aviation technologies, in-
24 cluding processes and products, and to determine the ap-
25 plicability of the technologies to military use.

1 (b) CONTENTS.—In conducting the study, the Sec-
2 retary shall determine whether technologies developed for
3 commercial air carriers in any of the following areas are
4 well-suited for technology transition programs:

- 5 (1) Flight planning.
- 6 (2) Flight operations and tracking.
- 7 (3) Aircraft maintenance, repair, and overhaul.
- 8 (4) Increasing fuel efficiency.
- 9 (5) Optimizing labor productivity.

10 (c) REPORT.—Not later than 180 days after the date
11 of the enactment of this Act, the Secretary shall submit
12 to the Committee on Armed Services and the Committee
13 on Appropriations of the Senate and the Committee on
14 Armed Services and the Committee on Appropriations of
15 the House of Representatives a report on the results of
16 the study, together with recommendations on whether the
17 Department of Defense would benefit from commercial
18 aviation technology solutions and, if so, which types of so-
19 lutions would best support the mission of the Department.

20 **SEC. 1036. REVIEW OF DEPARTMENT OF DEFENSE PROCE-**
21 **DURES TO CLASSIFY EXCESS DEFENSE ARTI-**
22 **CLES AND DEFENSE SERVICES WITH MILI-**
23 **TARY TECHNOLOGY COMPONENTS.**

24 (a) REVIEW REQUIRED.—The Secretary of Defense,
25 with the concurrence of the Secretary of State, shall con-

1 duct a thorough review of the procedures by which the
2 Department of Defense classifies defense articles and de-
3 fense services with military technology components as ex-
4 cess to the needs of the Department to identify the extent
5 to which, and the manner in which, existing classification
6 procedures have failed to prevent the transfer of defense
7 articles and defense services with military technology com-
8 ponents to terrorists, state sponsors of terrorism, and
9 other unfriendly countries or groups.

10 (b) REPORT.—Not later than 180 days after the date
11 of the enactment of this Act, the Secretary of Defense,
12 with the concurrence of the Secretary of State, shall sub-
13 mit to Congress a report that contains—

14 (1) the results of the review of the existing clas-
15 sification procedures conducted under subsection (a);
16 and

17 (2) the measures to be implemented by the De-
18 partment of Defense to rectify the deficiencies of the
19 existing classification procedures, including rec-
20 ommendations for any legislative changes that may
21 be necessary to implement the measures.

22 (c) DEFINITION.—As used in this section, the term
23 “defense articles and defense services with military tech-
24 nology components” means those defense articles and de-
25 fense services designated by the President pursuant to sec-

tion 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)), commonly known as the United States Munitions List.

Subtitle E—Other Matters

SEC. 1041. ENHANCEMENT OF CORROSION CONTROL AND PREVENTION FUNCTIONS WITHIN DEPARTMENT OF DEFENSE.

(a) OFFICE OF CORROSION POLICY AND OVERSIGHT.—(1) Section 2228 of title 10, United States Code, is amended by striking the section heading and subsection (a) and inserting the following:

“§ 2228. Office of Corrosion Policy and Oversight

“(a) OFFICE AND DIRECTOR.—(1) There is an Office of Corrosion Policy and Oversight within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(2) The Office shall be headed by a Director of Corrosion Policy and Oversight, who shall be assigned to such position by the Under Secretary from among civilian employees of the Department of Defense with the qualifications described in paragraph (3). The Director is responsible in the Department of Defense to the Secretary of Defense (after the Under Secretary of Defense for Acquisition, Technology, and Logistics) for the prevention and mitigation of corrosion of the military equipment and in-

1 frastructure of the Department of Defense. The Director
2 shall report directly to the Under Secretary.

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

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

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

15 “(4) The Secretary of Defense shall designate the po-
16 sition of Director as a critical acquisition position under
17 section 1733(b)(1)(C) of this title.”.

18 (2) Section 2228(b) of such title is amended—

19 (A) in paragraph (1), by striking “official or or-
20 ganization designated under subsection (a)” and in-
21 serting “Director of Corrosion Policy and Oversight
22 (in this section referred to as the ‘Director’)”; and

23 (B) in paragraphs (2), (3), (4), and (5), by
24 striking “designated official or organization” and in-
25 serting “Director”.

1 (b) ADDITIONAL AUTHORITY FOR DIRECTOR OF OF-
2 FICE.—Section 2228 of such title is further amended—

3 (1) by redesignating subsections (c) and (d) as
4 subsections (d) and (f), respectively; and

5 (2) by inserting after subsection (b) the fol-
6 lowing new subsection:

7 “(c) ADDITIONAL AUTHORITIES FOR DIRECTOR.—
8 The Director is authorized to—

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

11 “(2) participate in the process within the De-
12 partment of Defense for the development of relevant
13 directives and instructions; and

14 “(3) interact directly with the corrosion preven-
15 tion industry, trade associations, and scientific orga-
16 nizations engaged in corrosion prevention, including
17 the National Academy of Sciences.”.

18 (c) REPORT REQUIREMENT.—Section 2228 of such
19 title is further amended by inserting after subsection (d)
20 (as redesignated by subsection (b)) the following new sub-
21 section:

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

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

3 “(B) The return on investment that would be
4 achieved by implementing the strategy.

5 “(C) The funds requested in the budget com-
6 pared to the funding requirements.

7 “(D) A justification if the funding requirements
8 are not fully funded in the budget.

9 “(2) Within 60 days after submission of the budget
10 for a fiscal year, the Comptroller General shall provide to
11 the congressional defense committees—

12 “(A) an analysis of the budget submission for
13 corrosion control and prevention by the Department
14 of Defense; and

15 “(B) an analysis of the report required under
16 paragraph (1).”.

17 (d) DEFINITIONS.—Subsection (f) of section 2228 of
18 such title, as redesignated by subsection (b), is amended
19 by adding at the end the following new paragraphs:

20 “(4) The term ‘budget’, with respect to a fiscal
21 year, means the budget for that fiscal year that is
22 submitted to Congress by the President under sec-
23 tion 1105(a) of title 31.

24 “(5) The term ‘defense budget materials’, with
25 respect to a fiscal year, means the materials sub-

mitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.”.

SEC. 1042. SUPPORT BY NATIONAL GUARD FOR NATIONAL SPECIAL SECURITY EVENTS AND OTHER CRITICAL NATIONAL SECURITY ACTIVITIES.

(a) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

“§ 116. Defense support of civil authorities

“(a) IN GENERAL.—At the request of a Federal department or agency head in accordance with this section, and when authorized by the Secretary of Defense, the Governor of a State may employ under this title units or members of the National Guard of that State to provide defense support of civil authorities to the requesting Federal department or agency.

“(b) ACTIVITIES INCLUDED IN DEFENSE SUPPORT OF CIVIL AUTHORITIES.—Defense support of civil authorities activities authorized by subsection (a) include support provided for national special security events and other activities determined by the Secretary of Defense as being critical to national security, including—

“(1) ground reconnaissance activities;

“(2) airborne reconnaissance activities;

“(3) logistical support;

1 “(4) emergency medical assistance and services;
2 “(5) communications services;
3 “(6) security assistance and services; and
4 “(7) air and ground transportation.

5 “(c) REIMBURSEMENT.—(1) Subject to the excep-
6 tions in paragraph (3), the costs incurred by the National
7 Guard shall be reimbursed to the Department of Defense
8 from the appropriations available to the Federal depart-
9 ment or agency to which the support is provided. The re-
10 imbursement shall include the costs of—

11 “(A) the pay, allowances, clothing, subsistence,
12 gratuities, travel, and related expenses of personnel
13 of the National Guard of that State;

14 “(B) the operation and maintenance of the
15 equipment and facilities of the National Guard of
16 that State; and

17 “(C) the procurement of services and equip-
18 ment, and the leasing of equipment, for the National
19 Guard of that State.

20 “(2) Any funds received by the Department of De-
21 fense as reimbursement for support provided by units or
22 members of the National Guard under this section shall
23 be credited, at the option of the Secretary of Defense, to—

24 “(A) the appropriation, fund, or account from
25 which funds were expended for the support; or

1 “(B) the appropriate appropriation, fund, or ac-
2 count currently available for such purpose.

3 “(3) A Federal department or agency to which sup-
4 port is provided under this section is not required to reim-
5 burse the Department of Defense for such support if the
6 Secretary of Defense waives reimbursement. The Sec-
7 retary of Defense may waive the reimbursement require-
8 ment under this section if—

9 “(A) the support is provided in the normal
10 course of military training or operations; or

11 “(B) the support provided results in a benefit
12 to units or members of the National Guard pro-
13 viding the support that is substantially equivalent to
14 that which would otherwise be obtained from mili-
15 tary operations or training.

16 “(d) REQUIREMENTS FOR REQUESTS.—Requests for
17 assistance from Federal departments or agencies under
18 this section shall be submitted to the Secretary of Defense.
19 Any such request shall include the following:

20 “(1) The specific support capability requested.

21 “(2) The duration of the requested support ac-
22 tivities.

23 “(3) A certification that the requested support
24 activities will be fully reimbursable.

1 “(4) A certification from the Governor of the
2 State concerned that the requested support will be
3 provided at a time when the personnel involved are
4 not in Federal service.

5 “(e) CHARACTERIZATION OF SERVICE.—All duty per-
6 formed under this section shall be considered to be full-
7 time National Guard duty under section 502(f) of this
8 title.

9 “(f) DURATION OF SUPPORT.—The period for which
10 support may be provided to a Federal department or agen-
11 cy under this section shall be limited to 180 days. When
12 requested by the head of a Federal department or agency,
13 the Secretary of Defense may, with the concurrence of the
14 Governor of the State concerned, extend the period of time
15 for an additional 90 days to meet extraordinary cir-
16 cumstances.

17 “(g) TRAINING AND BENEFITS.—(1) A member of
18 the National Guard performing duty under this section
19 shall, in addition to performing such duty, participate in
20 the training required under section 502(a) of this title.
21 The pay, allowances, and other benefits of the member
22 while participating in the training shall be the same as
23 those to which the member is entitled while performing
24 the duty under this section. The member is not entitled
25 to additional pay, allowances, or other benefits for partici-

1 pation in training required under section 502(a)(1) of this
2 title.

3 “(2) To ensure that the use of units and personnel
4 of the National Guard of a State for activities specified
5 in subsection (b) does not degrade the training and readi-
6 ness of such units and personnel, the following require-
7 ments shall apply in determining the activities that units
8 and personnel of the National Guard of a State may per-
9 form:

10 “(A) The performance of the activities may not
11 affect adversely the quality of that training or other-
12 wise interfere with the ability of a member or unit
13 of the National Guard to perform the military func-
14 tions of the member or unit.

15 “(B) The performance of the activities may not
16 degrade the military skills of the members of the
17 National Guard performing those activities.

18 “(h) LIMITATION ON PROVISION OF SUPPORT AC-
19 TIVITIES.—Defense support of civil authorities activities
20 conducted under authority of this section may not be pro-
21 vided if the provision of such support will affect adversely
22 the military preparedness of the United States.

23 “(i) RELATIONSHIP TO OTHER AUTHORITIES.—
24 Nothing in this section shall be construed as a limitation
25 on the authority of any unit of the National Guard of a

1 State, when such unit is not in Federal service, to perform
2 functions authorized to be performed by the National
3 Guard by the laws of the State concerned.

4 “(j) DEFINITIONS.—For purposes of this section:

5 “(1) The term ‘State’ means each of the several
6 States, the District of Columbia, the Commonwealth
7 of Puerto Rico, or a territory or possession of the
8 United States.

9 “(2) The term ‘national special security event’
10 means an event designated as such as authorized by
11 the President that, by virtue of its political, eco-
12 nomic, social, or religious significance, may be the
13 target of terrorism or other criminal activity.”.

14 (b) CLERICAL AND CONFORMING AMENDMENTS.—

15 (1) The table of sections at the beginning of
16 such chapter is amended by adding at the end the
17 following new item:

“116. Defense support of civil authorities.”.

18 (2) Section 115(i)(13) of title 10, United States
19 Code, is amended by inserting “or defense support
20 of civil authorities under section 116 of such title”
21 after “title 32”.

1 **SEC. 1043. IMPROVED AUTHORITY TO PROVIDE REWARDS**
2 **FOR ASSISTANCE IN COMBATING TER-**
3 **RORISM.**

4 (a) INCREASED AMOUNTS.—Section 127b of title 10,
5 United States Code, is amended—

6 (1) in subsection (b), by striking “\$200,000”
7 and inserting “\$5,000,000”;

8 (2) in subsection (c)(1)(B), by striking
9 “\$50,000” and inserting “\$1,000,000”; and

10 (3) in subsection (d)(2), by striking
11 “\$100,000” and inserting “\$2,000,000”.

12 (b) INVOLVEMENT OF ALLIED FORCES.—Such sec-
13 tion is further amended—

14 (1) in subsection (a)—

15 (A) in the matter preceding paragraph (1),
16 by inserting after “United States Government
17 personnel” the following: “, or government per-
18 sonnel of allied forces participating in a com-
19 bined operation with the armed forces,”;

20 (B) in paragraph (1), by inserting after
21 “armed forces” the following: “, or of allied
22 forces participating in a combined operation
23 with the armed forces,”; and

24 (C) in paragraph (2), by inserting after
25 “armed forces” the following: “, or of allied

1 forces participating in a combined operation
2 with the armed forces”; and

3 (2) in subsection (c), by adding at the end the
4 following:

5 “(3)(A) Subject to subparagraphs (B) and (C), an
6 official who has authority delegated under paragraph (1)
7 or (2) may use that authority, acting through government
8 personnel of allied forces, to offer and make rewards.

9 “(B) The Secretary of Defense shall prescribe policies
10 and procedures for making rewards in the manner de-
11 scribed in subparagraph (A), which shall include guidance
12 for the accountability of funds used for making rewards
13 in that manner. The policies and procedures shall not take
14 effect until 30 days after the date on which the Secretary
15 submits the policies and procedures to the congressional
16 defense committees. Rewards may not be made in the
17 manner described in subparagraph (A) except under poli-
18 cies and procedures that have taken effect.

19 “(C) Rewards may not be made in the manner de-
20 scribed in subparagraph (A) after September 30, 2010.

21 “(D) Not later than April 1, 2008, the Secretary of
22 Defense shall submit to the congressional defense commit-
23 tees a report on the implementation of this paragraph.
24 The report shall identify each reward made in the manner

1 described in subparagraph (A) and, for each such re-
2 ward—

3 “(i) identify the type, amount, and recipient of
4 the reward;

5 “(ii) explain the reason for making the reward;
6 and

7 “(iii) assess the success of the reward in ad-
8 vancing the effort to combat terrorism.”.

9 (c) ANNUAL REPORT TO INCLUDE SPECIFIC INFOR-
10 MATION ON ADDITIONAL AUTHORITY.—Section 127b of
11 title 10, United States Code, is further amended in sub-
12 section (f)(2) by adding at the end the following new sub-
13 paragraph:

14 “(D) Information on the implementation of
15 paragraph (3) of subsection (c).”.

16 **SEC. 1044. REVISION OF PROFICIENCY FLYING DEFINITION.**

17 Subsection (c) of section 2245 of title 10, United
18 States Code, is amended to read as follows:

19 “(c) In this section, the term ‘proficiency flying’
20 means flying performed under competent orders by a rated
21 or designated member of the armed forces while serving
22 in a non-aviation assignment or in an assignment in which
23 skills would normally not be maintained in the perform-
24 ance of assigned duties.”.

1 **SEC. 1045. SUPPORT FOR NON-FEDERAL DEVELOPMENT**
2 **AND TESTING OF MATERIAL FOR CHEMICAL**
3 **AGENT DEFENSE.**

4 (a) **AUTHORITY TO PROVIDE TOXIC CHEMICALS OR**
5 **PRECURSORS.—**

6 (1) **IN GENERAL.**—The Secretary of Defense, in
7 coordination with the heads of other elements of the
8 Federal Government, may make available, to a
9 State, a unit of local government, or a private entity
10 incorporated in the United States, small quantities
11 of a toxic chemical or precursor for the development
12 or testing, in the United States, of material that is
13 designed to be used for protective purposes.

14 (2) **TERMS AND CONDITIONS.**—Any use of the
15 authority under paragraph (1) shall be subject to
16 such terms and conditions as the Secretary considers
17 appropriate.

18 (b) **PAYMENT OF COSTS AND DISPOSITION OF**
19 **FUNDS.—**

20 (1) **IN GENERAL.**—The Secretary shall ensure,
21 through the advance payment required by paragraph
22 (2) and through any other payments that may be re-
23 quired, that a recipient of toxic chemicals or precu-
24 sors under subsection (a) pays for all actual costs,
25 including direct and indirect costs, associated with
26 providing the toxic chemicals or precursors.

1 (2) ADVANCE PAYMENT.—In carrying out para-
2 graph (1), the Secretary shall require each recipient
3 to make an advance payment in an amount that the
4 Secretary determines will equal all such actual costs.

5 (3) CREDITS.—A payment received under this
6 subsection shall be credited to the account that was
7 used to cover the costs for which the payment was
8 provided. Amounts so credited shall be merged with
9 amounts in that account, and shall be available for
10 the same purposes, and subject to the same condi-
11 tions and limitations, as other amounts in that ac-
12 count.

13 (c) CHEMICAL WEAPONS CONVENTION.—The Sec-
14 retary shall ensure that toxic chemicals and precursors are
15 made available under this section for uses and in quan-
16 tities that comply with the Convention on the Prohibition
17 of the Development, Production, Stockpiling and Use of
18 Chemical Weapons and on Their Destruction, signed at
19 Paris on January 13, 1993, and entered into force with
20 respect to the United States on April 29, 1997.

21 (d) DEFINITIONS.—In this section, the terms “pre-
22 cursor”, “protective purposes”, and “toxic chemical” have
23 the meanings given those terms in the convention referred
24 to in subsection (c), in paragraph 2, paragraph 9(b), and
25 paragraph 1, respectively, of article II of that convention.

1 **SEC. 1046. CONGRESSIONAL COMMISSION ON THE STRA-**
2 **TEGIC POSTURE OF THE UNITED STATES.**

3 (a) ESTABLISHMENT.—There is hereby established a
4 commission to be known as the “Congressional Commis-
5 sion on the Strategic Posture of the United States”. The
6 purpose of the commission is to examine and make rec-
7 ommendations with respect to the long-term strategic pos-
8 ture of the United States.

9 (b) COMPOSITION.—

10 (1) MEMBERSHIP.—The commission shall be
11 composed of 12 members appointed as follows:

12 (A) Three by the chairman of the Com-
13 mittee on Armed Services of the House of Rep-
14 resentatives.

15 (B) Three by the ranking minority member
16 of the Committee on Armed Services of the
17 House of Representatives.

18 (C) Three by the chairman of the Com-
19 mittee on Armed Services of the Senate.

20 (D) Three by the ranking minority member
21 of the Committee on Armed Services of the
22 Senate.

23 (2) CHAIRMAN; VICE CHAIRMAN.—

24 (A) IN GENERAL.—The chairman of the
25 Committee on Armed Services of the House of
26 Representatives and the chairman of the Com-

1 mittee on Armed Services of the Senate shall
2 jointly designate one member of the commission
3 to serve as chairman of the commission and one
4 member to serve as vice chairman.

5 (B) CONSULTATION.—The designations
6 under subparagraph (A) shall be made in con-
7 sultation with the ranking minority members of
8 the committees described in that subparagraph.

9 (3) PERIOD OF APPOINTMENT; VACANCIES.—
10 Members shall be appointed for the life of the com-
11 mission. Any vacancy in the commission shall be
12 filled in the same manner as the original appoint-
13 ment.

14 (c) DUTIES.—

15 (1) REVIEW.—The commission shall conduct a
16 review of the strategic posture of the United States,
17 including a strategic threat assessment and a de-
18 tailed review of nuclear weapons policy, strategy,
19 and force structure.

20 (2) ASSESSMENT AND RECOMMENDATIONS.—

21 (A) ASSESSMENT.—The commission shall
22 assess the benefits and risks associated with the
23 current strategic posture and nuclear weapons
24 policies of the United States.

1 (B) RECOMMENDATIONS.—The commis-
2 sion shall make recommendations as to the
3 most appropriate strategic posture and most ef-
4 fective nuclear weapons strategy.

5 (d) COOPERATION FROM GOVERNMENT.—

6 (1) COOPERATION.—In carrying out its duties,
7 the commission shall receive the full and timely co-
8 operation of the Secretary of Defense, the Secretary
9 of Energy, the Secretary of State, the Director of
10 National Intelligence, and any other United States
11 Government official in providing the commission
12 with analyses, briefings, and other information nec-
13 essary for the fulfillment of its responsibilities.

14 (2) LIAISON.—The Secretary of Defense, the
15 Secretary of Energy, the Secretary of State, and the
16 Director of National Intelligence shall each des-
17 ignate at least one officer or employee of the De-
18 partment of Defense, the Department of Energy, the
19 Department of State, and the intelligence commu-
20 nity, respectively, to serve as a liaison officer be-
21 tween the department (or the intelligence commu-
22 nity, as the case may be) and the commission.

23 (e) REPORT.—Not later than December 1, 2008, the
24 commission shall submit to the President, the Secretary
25 of Defense, the Secretary of Energy, the Secretary of

1 State, the Committee on Armed Services of the Senate,
2 and the Committee on Armed Services of the House of
3 Representatives a report on the commission's findings,
4 conclusions, and recommendations. The report shall iden-
5 tify the strategic posture and nuclear weapons strategy
6 recommended under subsection (c)(2)(B) and shall in-
7 clude—

8 (1) the military capabilities and force structure
9 necessary to support the strategy, including conven-
10 tional means of providing global strike capabilities;

11 (2) the number of nuclear weapons required to
12 support the strategy, including the number of re-
13 placement warheads required, if any;

14 (3) the appropriate qualitative analysis, includ-
15 ing force-on-force exchange modeling, to calculate
16 the effectiveness of the strategy under various sce-
17 narios;

18 (4) the nuclear infrastructure (that is, the size
19 of the nuclear complex) required to support the
20 strategy;

21 (5) an assessment of the role of missile defenses
22 in the strategy;

23 (6) an assessment of the role of nonprolifera-
24 tion programs in the strategy;

1 (7) the political and military implications of the
2 strategy for the United States and its allies; and

3 (8) any other information or recommendations
4 relating to the strategy (or to the strategic posture)
5 that the commission considers appropriate.

6 (f) FUNDING.—Of the amounts appropriated or oth-
7 erwise made available pursuant to this Act to the Depart-
8 ment of Defense, \$5,000,000 is available to fund the ac-
9 tivities of the commission.

10 (g) TERMINATION.—The commission shall terminate
11 on June 1, 2009.

12 (h) CONFORMING REPEAL.—Section 1051 of the Na-
13 tional Defense Authorization Act for Fiscal Year 2006
14 (Public Law 109–163; 119 Stat. 3431) is repealed.

15 **SEC. 1047. TECHNICAL AND CLERICAL AMENDMENTS.**

16 (a) TITLE 10, UNITED STATES CODE.—Title 10,
17 United States Code, is amended as follows:

18 (1) Chapter 3 is amended—

19 (A) by redesignating the section 127c
20 added by section 1201(a) of the John Warner
21 National Defense Authorization Act for Fiscal
22 Year 2007 (Public Law 109–364; 120 Stat.
23 2410) as section 127d and transferring that
24 section so as to appear immediately after the
25 section 127c added by section 1231(a) of the

1 National Defense Authorization Act for Fiscal
2 Year 2006 (Public Law 109–163; 119 Stat.
3 3467); and

4 (B) by revising the table of sections at the
5 beginning of such chapter to reflect the redesign-
6 nation and transfer made by paragraph (1).

7 (2) Section 629(d)(1) is amended by inserting
8 a comma after “(a)”.

9 (3) Section 637(b)(3) is amended by striking
10 “section 1251(b)” and inserting “section 1253”.

11 (4) Section 662(b) is amended by striking
12 “paragraphs (1), (2), and (3) of subsection (a)” and
13 inserting “paragraphs (1) and (2) of subsection
14 (a)”.

15 (5) Section 1034(b)(2) is amended by inserting
16 “unfavorable” before “action” the second place it
17 appears.

18 (6) Section 1076b(j) is amended—

19 (A) by striking “section 205(9)” and in-
20 serting “205(10)”; and

21 (B) by striking “1970)” and inserting
22 “1970 (title II of Public Law 91–373; 26
23 U.S.C. 3304 note))”.

24 (7) The table of sections at the beginning of
25 chapter 137 is amended by striking the item relating

1 to section 2333 and inserting the following new
2 item:

“2333. Joint policies on requirements definition, contingency program management, and contingency contracting.”.

3 (8) The table of sections at the beginning of
4 chapter 141 is amended by inserting a period at the
5 end of the item relating to section 2410p.

6 (9) The table of sections at the beginning of
7 chapter 152 is amended by inserting a period at the
8 end of the item relating to section 2567.

9 (10) Section 2583(e) is amended by striking
10 “DOGS” and inserting “ANIMALS”.

11 (11) Section 2668(e) is amended by striking
12 “and (d)” and inserting “and (e)”.

13 (12) Section 12304(a) is amended by striking
14 the second period at the end.

15 (13) Section 14310(d)(1) is amended by insert-
16 ing a comma after “(a)”.

17 (b) TITLE 37, UNITED STATES CODE.—Section
18 302c(d)(1) of title 37, United States Code, is amended
19 by striking “Services Corps” and inserting “Service
20 Corps”.

21 (c) JOHN WARNER NATIONAL DEFENSE AUTHOR-
22 IZATION ACT FOR FISCAL YEAR 2007.—Effective as of
23 October 17, 2006, and as if included therein as enacted,
24 the John Warner National Defense Authorization Act for

1 Fiscal Year 2007 (Public Law 109–364) is amended as
2 follows:

3 (1) Section 333(a) (120 Stat. 2150) is amend-
4 ed—

5 (A) by striking “Section 332(c)” and in-
6 serting “Section 332”; and

7 (B) in paragraph (1), by inserting “in sub-
8 section (c),” after “(1)”.

9 (2) Section 348(2) (120 Stat. 2159) is amended
10 by striking “60 days of” and inserting “60 days
11 after”.

12 (3) Section 511(a)(2)(D)(i) (120 Stat. 2182) is
13 amended by inserting a comma after “title”.

14 (4) Section 591(b)(1) (120 Stat. 2233) is
15 amended by inserting a period after “this title”.

16 (5) Section 606(b)(1)(A) (120 Stat. 2246) is
17 amended by striking “in” and inserting “In”.

18 (6) Section 670(b) (120 Stat. 2269) is amended
19 by striking “such title” and inserting “such chap-
20 ter”.

21 (7) Section 673 (120 Stat. 2271) is amended—

22 (A) in subsection (a)(1), by inserting “the
23 second place it appears” before “and inserting”;

24 (B) in subsection (b)(1)—

1 (i) by striking “Section” and inserting
2 “Subsection (a) of section”; and

3 (ii) by inserting “the second place it
4 appears” before “and inserting”; and

5 (C) in subsection (c)(1), by inserting “the
6 second place it appears” before “and inserting”.

7 (8) Section 842(a)(2) (120 Stat. 2337) is
8 amended by striking “adding at the end” and insert-
9 ing “inserting after the item relating to section
10 2533a”.

11 (9) Section 1017(b)(2) (120 Stat. 2379; 10
12 U.S.C. 2631 note) is amended by striking “section
13 27” and all that follows through the period at the
14 end and inserting “sections 12112 and 50501 and
15 chapter 551 of title 46, United States Code.”.

16 (10) Section 1071(f) (120 Stat. 2402) is
17 amended by striking “identical” both places it ap-
18 pears.

19 (11) Section 1231(d) (120 Stat. 2430; 22
20 U.S.C. 2776a(d)) is amended by striking “note”.

21 (12) Section 2404(b)(2)(A)(ii) (120 Stat. 2459)
22 is amended by striking “2906 of such Act” and in-
23 serting “2906A of such Act”.

24 (13) Section 2831 (120 Stat. 2480) is amend-
25 ed—

1 (A) by striking “Section 2667(d)” and in-
2 serting “Section 2667(e)”; and

3 (B) by inserting “as redesignated by sec-
4 tion 662(b)(1) of this Act,” after “Code,”.

5 (d) PUBLIC LAW 109–366.—Effective as of October
6 17, 2006, and as if included therein as enacted, Public
7 Law 109–366 is amended as follows:

8 (1) Section 8(a)(3) (120 Stat. 2636) is amend-
9 ed by inserting a semicolon after “subsection”.

10 (2) Section 9(1) (120 Stat. 2636) is amended
11 by striking “No. 1.” and inserting “No. 1,”.

12 (e) NATIONAL DEFENSE AUTHORIZATION ACT FOR
13 FISCAL YEAR 2006.—Effective as of January 6, 2006,
14 and as if included therein as enacted, the National De-
15 fense Authorization Act for Fiscal Year 2006 (Public Law
16 109–163) is amended as follows:

17 (1) Section 571 (119 Stat. 3270) is amended
18 by striking “931 et seq.)” and inserting “921 et
19 seq.)”.

20 (2) Section 1052(j) (119 Stat. 3435) is amend-
21 ed by striking “Section 1049” and inserting “Sec-
22 tion 1409”.

23 (f) NATIONAL DEFENSE AUTHORIZATION ACT FOR
24 FISCAL YEAR 2004.—The National Defense Authoriza-

1 tion Act for Fiscal Year 2004 (Public Law 108–136) is
2 amended as follows:

3 (1) Section 706(a) (117 Stat. 1529; 10 U.S.C.
4 1076b note) is amended by striking “those pro-
5 gram” and inserting “those programs”.

6 (2) Section 1413(a) (117 Stat. 1665; 41 U.S.C.
7 433 note) is amended by striking “(A))” and insert-
8 ing “(A)))”.

9 (3) Section 1602(e)(3) (117 Stat. 1683; 10
10 U.S.C. 2302 note) is amended by inserting “Secu-
11 rity” after “Health”.

12 (g) NATIONAL DEFENSE AUTHORIZATION ACT FOR
13 FISCAL YEAR 1994.—Section 845(a) of the National De-
14 fense Authorization Act for Fiscal Year 1994 (10 U.S.C.
15 2371 note) is amended—

16 (1) in paragraph (2)(A), by inserting “Re-
17 search” after “Defense Advanced”; and

18 (2) in paragraph (3), by inserting “Research”
19 after “Defense Advanced”.

20 (h) NATIONAL DEFENSE AUTHORIZATION ACT FOR
21 FISCAL YEAR 1993.—Section 722(a)(1) of the National
22 Defense Authorization Act for Fiscal Year 1993 (Public
23 Law 102–484; 10 U.S.C. 1073 note) is amended by strik-
24 ing “155 Stat.” and inserting “115 Stat.”.

1 **SEC. 1048. REPEAL OF CERTIFICATION REQUIREMENT.**

2 Section 1063 of the National Defense Authorization
3 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
4 3445) is repealed.

5 **SEC. 1049. PROHIBITION ON SALE BY DEPARTMENT OF DE-**
6 **FENSE OF PARTS FOR F-14 FIGHTER AIR-**
7 **CRAFT.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) The Department of Defense is responsible
11 for demilitarizing and auctioning off sensitive sur-
12 plus United States military equipment.

13 (2) F-14 “Tomcat” fighter aircraft have re-
14 cently been retired, and their parts are being made
15 available by auction in large quantities.

16 (3) Iran is the only country, besides the United
17 States, flying F-14 fighter aircraft and is pur-
18 chasing surplus parts for such aircraft from brokers.

19 (4) The Government Accountability Office has,
20 as a result of undercover investigative work, declared
21 the acquisition of the surplus United States military
22 equipment, including parts for F-14 fighter aircraft,
23 to be disturbingly effortless.

24 (5) Upon the seizure of such sensitive surplus
25 military equipment being sold to Iran, United States
26 customs agents have discovered these same items,

1 having been resold by the Department of Defense,
2 being brokered illegally to Iran again.

3 (6) Iran is pursuing a nuclear weapons capa-
4 bility, and the Department of State has identified
5 Iran as the most active state sponsor of terrorism.

6 (7) Iran continues to provide funding, safe
7 haven, training, and weapons to known terrorist
8 groups, including Hizballah, HAMAS, the Palestine
9 Islamic Jihad, and the Popular Front for the Lib-
10 eration of Palestine.

11 (8) The sale of spare parts for F-14 fighter
12 aircraft could make it more difficult to confront the
13 nuclear weapons capability of Iran and would
14 strengthen the ground war capability of Iran. To
15 prevent these threats to regional and global security,
16 the sale of spare parts for F-14 fighter aircraft
17 should be prohibited.

18 (b) PROHIBITION ON SALE BY DEPARTMENT OF DE-
19 FENSE.—

20 (1) IN GENERAL.—Notwithstanding any other
21 provision of law and except as provided in paragraph
22 (2), the Department of Defense may not sell (wheth-
23 er directly or indirectly) any parts for F-14 fighter
24 aircraft, whether through the Defense Reutilization

1 and Marketing Service or through another agency or
2 element of the Department.

3 (2) EXCEPTION.—Paragraph (1) shall not
4 apply with respect to the sale of parts for F–14
5 fighter aircraft to a museum or similar organization
6 located in the United States that is involved in the
7 preservation of F–14 fighter aircraft for historical
8 purposes.

9 (c) PROHIBITION ON EXPORT LICENSE.—No license
10 for the export of parts for F–14 fighter aircraft to a non-
11 United States person or entity may be issued by the
12 United States Government.

13 **SEC. 1050. MAINTENANCE OF CAPABILITY FOR SPACE-**
14 **BASED NUCLEAR DETECTION.**

15 The Secretary of Defense shall maintain the capa-
16 bility for space-based nuclear detection at a level that
17 meets or exceeds the level of capability as of the date of
18 the enactment of this Act.

19 **SEC. 1051. ADDITIONAL WEAPONS OF MASS DESTRUCTION**
20 **CIVIL SUPPORT TEAMS.**

21 Section 1403(a) of the Bob Stump National Defense
22 Authorization Act for Fiscal Year 2003 (10 U.S.C. 12310
23 note) is amended—

24 (1) in paragraph (1)—

1 (A) by striking “23” and inserting “25”;

2 and

3 (B) by striking “55” and inserting “57”;

4 and

5 (2) in paragraph (2), by striking “55” and in-
6 serting “57”.

7 **SEC. 1052. SENSE OF CONGRESS REGARDING NEED TO RE-**
8 **PLACE ARMY M109 155MM SELF-PROPELLED**
9 **HOWITZER.**

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

11 (1) Military historians recognize the M109
12 155mm self-propelled howitzer as a pioneer of the
13 configuration of modern mechanized artillery.

14 (2) The M109 was first used by the Army in
15 combat during the Vietnam War.

16 (3) The Marine Corps also made use of the
17 M109 during the Vietnam War, primarily in defen-
18 sive ways similar to the Army.

19 (4) The Army adapted the M109 for use during
20 the Gulf War, adding capability for more lethal
21 DPICM rounds.

22 (5) The M109 has most recently demonstrated
23 its usefulness in Operation Iraqi Freedom, depend-
24 ably placing rounds downrange about two minutes
25 after obtaining its mission.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that, while the M109 155mm self-propelled howitzer
3 has been a dependable military weapon for 40 years and
4 recognizing the budgeting challenges facing the Armed
5 Forces, the Army—

6 (1) has not been timely in procuring a replace-
7 ment for the M109; and

8 (2) should transition to the NLOS-C as the re-
9 placement for the M109.

10 **SEC. 1053. SENSE OF CONGRESS REGARDING DETAINEES**

11 **AT NAVAL STATION, GUANTANAMO BAY,**
12 **CUBA.**

13 It is the sense of Congress that—

14 (1) the Nation extends its gratitude to the mili-
15 tary personnel who guard and interrogate some of
16 the world's most dangerous men every day at Naval
17 Station, Guantanamo Bay, Cuba;

18 (2) the international community, in general,
19 and in particular, the home countries of the detain-
20 ees who remain in detention despite having been or-
21 dered released by a Department of Defense adminis-
22 trative review board, should work with the Depart-
23 ment of Defense to facilitate and expedite the repa-
24 triation of such detainees;

1 (3) detainees at Guantanamo Bay, to the max-
2 imum extent possible, should be charged and expedi-
3 tiously prosecuted for crimes committed against the
4 United States; and

5 (4) operations at Guantanamo Bay should be
6 carried out in a way that upholds the national inter-
7 est and core values of the American people.

8 **SEC. 1054. REPEAL OF PROVISIONS IN SECTION 1076 OF**
9 **PUBLIC LAW 109-364 RELATING TO USE OF**
10 **ARMED FORCES IN MAJOR PUBLIC EMER-**
11 **GENCIES.**

12 (a) INTERFERENCE WITH STATE AND FEDERAL
13 LAWS.—

14 (1) IN GENERAL.—Section 333 of title 10,
15 United States Code, is amended to read as follows:

16 **“§ 333. Interference with State and Federal law**

17 “The President, by using the militia or the armed
18 forces, or both, or by any other means, shall take such
19 measures as he considers necessary to suppress, in a
20 State, any insurrection, domestic violence, unlawful com-
21 bination, or conspiracy, if it—

22 “(1) so hinders the execution of the laws of that
23 State, and of the United States within the State,
24 that any part or class of its people is deprived of a
25 right, privilege, immunity, or protection named in

1 the Constitution and secured by law, and the con-
2 stituted authorities of that State are unable, fail, or
3 refuse to protect that right, privilege, or immunity,
4 or to give that protection; or

5 “(2) opposes or obstructs the execution of the
6 laws of the United States or impedes the course of
7 justice under those laws.

8 In any situation covered by clause (1), the State shall be
9 considered to have denied the equal protection of the laws
10 secured by the Constitution.”.

11 (2) PROCLAMATION TO DISPERSE.—Section 334
12 of such title is amended by striking “or those ob-
13 structing the enforcement of the laws” after “insur-
14 gents”.

15 (3) HEADING AMENDMENT.—The heading of
16 chapter 15 of such title is amended to read as fol-
17 lows:

18 **“CHAPTER 15—INSURRECTION”.**

19 (4) CLERICAL AMENDMENTS.—

20 (A) The table of sections at the beginning
21 of chapter 15 of such title is amended by strik-
22 ing the item relating to section 333 and insert-
23 ing the following new item:

“333. Interference with State and Federal law.”.

24 (B) The tables of chapters at the begin-
25 ning of subtitle A of title 10, United States

1 Code, and at the beginning of part I of such
 2 subtitle, are each amended by striking the item
 3 relating to chapter 15 and inserting the fol-
 4 lowing new item:

“15. Insurrection 331”.

5 (b) REPEAL OF SECTION RELATING TO PROVISION
 6 OF SUPPLIES, SERVICES, AND EQUIPMENT.—

7 (1) IN GENERAL.—Section 2567 of title 10,
 8 United States Code, is repealed.

9 (2) CLERICAL AMENDMENT.—The table of sec-
 10 tions at the beginning of chapter 152 of such title
 11 is amended by striking the item relating to section
 12 2567.

13 (c) CONFORMING AMENDMENT.—Section 12304(c) of
 14 such title is amended by striking “Except to perform” and
 15 all that follows through “this section” and inserting “No
 16 unit or member of a reserve component may be ordered
 17 to active duty under this section to perform any of the
 18 functions authorized by chapter 15 or section 12406 of
 19 this title or, except as provided in subsection (b),”.

20 (d) EFFECTIVE DATE.—The amendments made by
 21 this section shall take effect on the date of the enactment
 22 of this Act.

1 **SEC. 1055. SENSE OF CONGRESS REGARDING A MEMORIAL**
2 **FOR MEMBERS OF THE ARMED FORCES WHO**
3 **DIED IN AIR CRASH IN BAKERS CREEK, AUS-**
4 **TRALIA.**

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

6 (1) During the Second World War, the United
7 States Army Air Corps established rest and recre-
8 ation facilities in Mackay, Queensland, Australia.

9 (2) From the end of January 1943 until early
10 1944, thousands of United States servicemen were
11 ferried from jungle battlefields in New Guinea to
12 Mackay.

13 (3) These servicemen traveled by air transport
14 to spend an average of 10 days on a rest and relax-
15 ation furlough.

16 (4) They usually were carried by two B-17C
17 Flying Fortresses converted for transport duty.

18 (5) On Monday, June 14, 1943, at about 6
19 a.m., a B-17C, Serial Number 40-2072, took off
20 from Mackay Airport for Port Moresby.

21 (6) There were 6 crew members and 35 pas-
22 sengers aboard.

23 (7) The aircraft took off into fog and soon
24 made two left turns at low altitude.

25 (8) A few minutes after takeoff, when it was
26 five miles south of Mackay, the plane crashed at

1 Bakers Creek, killing everyone on board except Cor-
2 poral Foye Kenneth Roberts of Wichita Falls,
3 Texas, the sole survivor of the accident.

4 (9) The cause of the crash remains a mystery,
5 and the incident remains relatively unknown outside
6 of Australia.

7 (10) United States officials, who were under or-
8 ders not to reveal the presence of Allied troops in
9 Australia, kept the crash a military secret during the
10 war.

11 (11) Due to wartime censorship, the news
12 media did not report the crash.

13 (12) Relatives of the victims received telegrams
14 from the United States War Department stating lit-
15 tle more than that the serviceman had been killed
16 somewhere in the South West Pacific.

17 (13) The remains of the 40 crash victims were
18 flown to Townsville, Queensland, where they were
19 buried in the Belgian Gardens United States mili-
20 tary cemetery on June 19, 1943.

21 (14) In early 1946, they were disinterred and
22 shipped to Hawaii, where 13 were reburied in the
23 National Memorial Cemetery of the Pacific, and the
24 remainder were returned to the United States main-
25 land for reburial.

1 (15) 15 years ago, Robert S. Cutler was read-
2 ing his father's wartime journal and found a ref-
3 erence to the tragic B-17C airplane accident.

4 (16) This discovery inspired Mr. Cutler to em-
5 bark upon a research project that would consume
6 more than a decade and take him to Australia.

7 (17) Retired United States Air Force Chief
8 Master Sergeant Teddy W. Hanks, of Wichita Falls,
9 Texas, who lost four of his World War II buddies in
10 the crash, compiled a list of the casualties from
11 United States archives in 1993 and began searching
12 for their families.

13 (18) The Bakers Creek Memorial Association,
14 in conjunction with the Washington Post and retired
15 United States Army genealogy experts Charles
16 Gailey and Arvon Staats, located 23 additional fami-
17 lies of victims of the accident during the past two
18 years.

19 (19) Joy Shingleton, Donnie Tenney, Wendy
20 Andrus, and Wilma Post, the family of Army Air
21 Corps Corporal Edward J. Tenney, of Buckhannon,
22 West Virginia, helped to bring this recently uncov-
23 ered World War II tragedy to light.

1 (20) The commander of the United States Fifth
2 Air Force officially had notified the relatives of 36
3 of the 40 victims.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that an appropriate site in Arlington National Ceme-
6 tery should be provided for a memorial marker to honor
7 the memory of the 40 members of the Armed Forces of
8 the United States who lost their lives in the air crash at
9 Bakers Creek, Australia, on June 14, 1943, provided that
10 the Secretary of the Army have exclusive authority to ap-
11 prove the design and site for the memorial marker.

12 **SEC. 1056. BACKGROUND INVESTIGATIONS REQUIRED FOR**
13 **CIVILIANS ENTERING MILITARY FACILITIES**
14 **AND INSTALLATIONS.**

15 (a) BACKGROUND INVESTIGATIONS.—

16 (1) IN GENERAL.—Chapter 80 of title 10,
17 United States Code, is amended by adding at the
18 end the following new section:

19 **“§ 1567. Civilian entry to military installations or fa-**
20 **cilities: background investigation re-**
21 **quired**

22 “(a) IN GENERAL.—Any unescorted civilian seeking
23 access to a military installation or facility, or any civilian
24 who is an employee of a contractor or vendor of a military
25 installation or facility, may not be allowed to enter the

1 installation or facility unless a background investigation
2 has been conducted on such individual in accordance with
3 subsection (b).

4 “(b) BACKGROUND INVESTIGATION.—A background
5 investigation required under this section—

6 “(1) shall be conducted by the Department of
7 Defense through the National Crime Information
8 Center of the Federal Bureau of Investigation;

9 “(2) shall verify the citizenship of the individual
10 and make every effort to verify the individual’s true
11 identity; and

12 “(3) shall determine whether there is an out-
13 standing warrant for the individual’s arrest and
14 whether the individual is on a terrorist watch list.

15 “(c) EXEMPTION FOR DEPARTMENT OF DEFENSE
16 IDENTIFICATION CARD HOLDERS.—The requirement for
17 a background investigation under this section shall not
18 apply to individuals possessing a valid Department of De-
19 fense identification card.

20 “(d) WAIVER FOR COMMUNITY EVENTS.—The base
21 commander of a military installation or facility may waive
22 the requirement for a background investigation under this
23 section for persons attending base-sponsored community
24 activities.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by adding at the end the following new item:

“1567. Civilian entry to military installations or facilities: background investiga-
tion required.”.

4 (b) EFFECTIVE DATE.—Section 1567 of title 10,
5 United States Code, as added by subsection (a), shall take
6 effect on the date of the enactment of this Act.

7 **SEC. 1057. A REPORT ON TRANSFERRING INDIVIDUALS DE-**
8 **TAINED AT NAVAL STATION, GUANTANAMO**
9 **BAY, CUBA.**

10 (a) REPORT REQUIRED.—Not later than 60 days
11 after the date of the enactment of this Act, the Secretary
12 of Defense shall submit to the congressional defense com-
13 mittees a report that contains a plan for the transfer of
14 each individual presently detained at Naval Station, Guan-
15 tanamo Bay, Cuba, under the control of the Joint Task
16 Force Guantanamo, who is or has ever been classified as
17 an “enemy combatant” (referred to in this section as a
18 “detainee”).

19 (b) CONTENTS OF REPORT.—The report required
20 under subsection (a) shall include each of the following:

21 (1) An identification of the number of detainees
22 who, as of December 31, 2007, the Department esti-
23 mates—

1 (A) will have been charged with one or
2 more crimes and may, therefore, be tried before
3 a military commission;

4 (B) will be subject of an order calling for
5 the release or transfer of the detainee from the
6 Guantanamo Bay facility; or

7 (C) will not have been charged with any
8 crimes and will not be subject to an order call-
9 ing for the release or transfer of the detainee
10 from the Guantanamo Bay facility, but whom
11 the Department wishes to continue to detain.

12 (2) A description of the actions required to be
13 undertaken, by the Secretary of Defense, possibly
14 the heads of other Federal agencies, and Congress,
15 to ensure that detainees who are subject to an order
16 calling for their release or transfer from the Guanta-
17 namo Bay facility have, in fact, been released.

18 **SEC. 1058. STUDY AND REPORT ON USE OF POWER MAN-**
19 **AGEMENT SOFTWARE.**

20 (a) STUDY.—The Secretary of Defense shall conduct
21 a study on the use of power management software by civil-
22 ian and military personnel and facilities of the Depart-
23 ment of Defense to reduce the use of electricity in com-
24 puter monitors and personal computers. This study shall
25 include recommendations for baseline electric power use,

1 for ensuring robust monitoring and verification of power
 2 use requirements on a continuing basis, and for potential
 3 technological solutions or best practices for achieving these
 4 efficiency objectives.

5 (b) REPORT.—Not later than 60 days after the date
 6 of the enactment of this Act, the Secretary shall submit
 7 to Congress a report containing the results of the study
 8 under subsection (a), including a description of the rec-
 9 ommendations developed under the study.

10 **TITLE XI—CIVILIAN PERSONNEL** 11 **MATTERS**

Sec. 1101. Compensation for Federal wage system employees for certain travel hours.

Sec. 1102. Special benefits for civilian employees assigned on deployment temporary change of station.

Sec. 1103. Accumulation of annual leave by senior level employees.

Sec. 1104. Travel compensation for wage grade personnel.

Sec. 1105. Death gratuity authorized for Federal employees.

Sec. 1106. Modifications to the National Security Personnel System.

Sec. 1107. Annuity commencing dates.

Sec. 1108. Flexibility in setting pay for employees who move from a Department of Defense or Coast Guard nonappropriated fund instrumentality position to a position in the General Schedule pay system.

Sec. 1109. Transportation of dependents, household effects, and personal property to former home following death of Federal employee where death resulted from disease or injury incurred in a combat zone.

Sec. 1110. Use of leave transfer program by wounded veterans who are Federal employees.

Sec. 1111. Requirement for full implementation of personnel demonstration project.

Sec. 1112. Extension of information technology exchange program with respect to the Department of Defense.

1 **SEC. 1101. COMPENSATION FOR FEDERAL WAGE SYSTEM**
2 **EMPLOYEES FOR CERTAIN TRAVEL HOURS.**

3 Clause (iv) of section 5544(a) of title 5, United
4 States Code, is amended by striking “administratively.”
5 and inserting “administratively (including travel by such
6 employee to such event and the return of such employee
7 from such event to his or her official duty station).”.

8 **SEC. 1102. SPECIAL BENEFITS FOR CIVILIAN EMPLOYEES**
9 **ASSIGNED ON DEPLOYMENT TEMPORARY**
10 **CHANGE OF STATION.**

11 (a) **AUTHORITY.**—Subchapter II of chapter 57 of title
12 5, United States Code, is amended by inserting after sec-
13 tion 5737 the following:

14 **“§ 5737a. Employees temporarily deployed in contin-**
15 **gency operations**

16 “(a) **DEFINITIONS.**—For purposes of this section—
17 “(1) the term ‘covered employee’ means an indi-
18 vidual who—

19 “(A) is an employee of an Executive agen-
20 cy or a military department, excluding a Gov-
21 ernment controlled corporation; and

22 “(B) is assigned on a temporary change of
23 station in support of a contingency operation;

24 “(2) the term ‘temporary change of station’, as
25 used with respect to an employee, means an assign-
26 ment—

1 “(A) from the employee’s official duty sta-
2 tion to a temporary duty station; and

3 “(B) for which such employee is eligible for
4 expenses under section 5737; and

5 “(3) the term ‘contingency operation’ has the
6 meaning given such term by section 1482a(c) of title
7 10.

8 “(b) **QUARTERS AND RATIONS.**—The head of an
9 agency may provide quarters and rations, without charge,
10 to any covered employee of such agency during the period
11 of such employee’s temporary assignment (as described in
12 subsection (a)(1)(B)).

13 “(c) **STORAGE OF MOTOR VEHICLE.**—The head of an
14 agency may provide for the storage, without charge, or
15 for the reimbursement of the cost of storage, of a motor
16 vehicle that is owned or leased by a covered employee of
17 such agency (or by a dependent of such an employee) and
18 that is for the personal use of the covered employee. This
19 subsection shall apply—

20 “(1) with respect to storage during the period
21 of the employee’s temporary assignment (as de-
22 scribed in subsection (a)(1)(B)) and, notwith-
23 standing section 5737(b), for such additional period
24 of time as the agency head may determine; and

1 “(2) in the case of a covered employee, with re-
 2 spect to not more than one motor vehicle as of any
 3 given time.

4 “(d) RELATIONSHIP TO OTHER BENEFITS.—Any
 5 benefits under this section shall be in addition to (and not
 6 in lieu of) any other benefits for which the covered em-
 7 ployee is otherwise eligible.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
 9 for chapter 57 of such title is amended by inserting after
 10 the item relating to section 5737 the following:

 “5737a. Employees temporarily deployed in contingency operations.”.

11 **SEC. 1103. ACCUMULATION OF ANNUAL LEAVE BY SENIOR**
 12 **LEVEL EMPLOYEES.**

13 Section 6304(f)(1) of title 5, United States Code, is
 14 amended—

15 (1) in the matter before subparagraph (A), by
 16 striking “in a position in—” and inserting “in—”;

17 (2) in subparagraphs (A) through (E), by in-
 18 serting “a position in” before “the”;

19 (3) in subparagraph (D), by striking “or” at
 20 the end;

21 (4) in subparagraph (E), by striking the period
 22 at the end and inserting a semicolon; and

23 (5) by adding after subparagraph (E) the fol-
 24 lowing:

1 “(F) a position to which section 5376 ap-
2 plies; or

3 “(G) a position designated under section
4 1607(a) of title 10 as an Intelligence Senior
5 Level position.”.

6 **SEC. 1104. TRAVEL COMPENSATION FOR WAGE GRADE PER-**
7 **SONNEL.**

8 (a) **ELIGIBILITY FOR COMPENSATORY TIME OFF FOR**
9 **TRAVEL.**—Section 5550b(a) of title 5, United States
10 Code, is amended by striking “section 5542(b)(2),” and
11 inserting “any provision of section 5542(b)(2) or
12 5544(a),”.

13 (b) **CONFORMING AMENDMENT.**—Section
14 5541(2)(xi) of such title is amended by striking “section
15 5544” and inserting “section 5544 or 5550b”.

16 (c) **EFFECTIVE DATE.**—The amendments made by
17 this section shall take effect on the earlier of—

18 (1) the effective date of any regulations pre-
19 scribed to carry out such amendments; or

20 (2) the 90th day after the date of the enact-
21 ment of this Act.

1 **SEC. 1105. DEATH GRATUITY AUTHORIZED FOR FEDERAL**
2 **EMPLOYEES.**

3 (a) DEATH GRATUITY AUTHORIZED.—Chapter 81 of
4 title 5, United States Code, is amended by inserting after
5 section 8102 the following new section:

6 **“§ 8102a. Death gratuity for injuries incurred in con-**
7 **nection with employee’s service with an**
8 **Armed Force**

9 “(a) DEATH GRATUITY AUTHORIZED.—The United
10 States shall pay a death gratuity of \$100,000 to or for
11 the survivor prescribed by subsection (d) immediately
12 upon receiving official notification of the death of an em-
13 ployee who dies of injuries incurred in connection with the
14 employee’s service with an Armed Force in a contingency
15 operation, or who dies of injuries incurred in connection
16 with a terrorist incident occurring during the employee’s
17 service with an Armed Force.

18 “(b) RETROACTIVE PAYMENT IN CERTAIN CASES.—
19 Subsection (a) applies in the case of an employee who dies
20 on or after October 7, 2001, as a result of injuries in-
21 curred in connection with the employee’s service with an
22 Armed Force in the theater of operations of Operation En-
23 during Freedom or Operation Iraqi Freedom.

24 “(c) OTHER BENEFITS.—The death gratuity payable
25 under this section is in addition to any death benefits oth-
26 erwise provided for in law.

1 “(d) ELIGIBLE SURVIVORS.—

2 “(1) Subject to paragraph (5), a death gratuity
3 payable upon the death of a person covered by sub-
4 section (a) shall be paid to or for the living survivor
5 highest on the following list:

6 “(A) The employee’s surviving spouse.

7 “(B) The employee’s children, as pre-
8 scribed by paragraph (2), in equal shares.

9 “(C) If designated by the employee, any
10 one or more of the following persons:

11 “(i) The employee’s parents or per-
12 sons in loco parentis, as prescribed by
13 paragraph (3).

14 “(ii) The employee’s brothers.

15 “(iii) The employee’s sisters.

16 “(D) The employee’s parents or persons in
17 loco parentis, as prescribed by paragraph (3),
18 in equal shares.

19 “(E) The employee’s brothers and sisters
20 in equal shares.

21 Subparagraphs (C) and (E) of this paragraph in-
22 clude brothers and sisters of the half blood and
23 those through adoption.

24 “(2) Paragraph (1)(B) applies, without regard
25 to age or marital status, to—

1 “(A) legitimate children;

2 “(B) adopted children;

3 “(C) stepchildren who were a part of the
4 decedent’s household at the time of death;

5 “(D) illegitimate children of a female dece-
6 dent; and

7 “(E) illegitimate children of a male dece-
8 dent—

9 “(i) who have been acknowledged in
10 writing signed by the decedent;

11 “(ii) who have been judicially deter-
12 mined, before the decedent’s death, to be
13 his children;

14 “(iii) who have been otherwise proved,
15 by evidence satisfactory to the employing
16 agency, to be children of the decedent; or

17 “(iv) to whose support the decedent
18 had been judicially ordered to contribute.

19 “(3) Subparagraphs (C) and (D) of paragraph
20 (1), so far as they apply to parents and persons in
21 loco parentis, include fathers and mothers through
22 adoption, and persons who stood in loco parentis to
23 the decedent for a period of not less than one year
24 at any time before the decedent became an em-
25 ployee. However, only one father and one mother, or

1 their counterparts in loco parentis, may be recog-
2 nized in any case, and preference shall be given to
3 those who exercised a parental relationship on the
4 date, or most nearly before the date, on which the
5 decedent became an employee.

6 “(4) Beginning on the date of the enactment of
7 this paragraph, a person covered by this section may
8 designate another person to receive not more than
9 50 percent of the amount payable under this section.
10 The designation shall indicate the percentage of the
11 amount, to be specified only in 10 percent incre-
12 ments up to the maximum of 50 percent, that the
13 designated person may receive. The balance of the
14 amount of the death gratuity shall be paid to or for
15 the living survivors of the person concerned in ac-
16 cordance with subparagraphs (A) through (E) of
17 paragraph (1).

18 “(5) If a person entitled to all or a portion of
19 a death gratuity under paragraph (1) or (4) dies be-
20 fore the person receives the death gratuity, it shall
21 be paid to the living survivor next in the order pre-
22 scribed by paragraph (1).

23 “(e) DEFINITIONS.—(1) The term ‘contingency oper-
24 ation’ has the meaning given to that term in section
25 1482a(c) of title 10, United States Code.

1 “(2) The term ‘employee’ has the meaning provided
 2 in section 8101 of this title, but also includes a non-
 3 appropriated fund instrumentality employee, as defined in
 4 section 1587(a)(1) of title 10.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 at the beginning of chapter 81 of such title is amended
 7 by inserting after the item relating to section 8102 the
 8 following new item:

“8102a. Death gratuity for injuries incurred in connection with employee’s service with an Armed Force.”.

9 **SEC. 1106. MODIFICATIONS TO THE NATIONAL SECURITY**
 10 **PERSONNEL SYSTEM.**

11 (a) IN GENERAL.—Section 9902 of title 5, United
 12 States Code, is amended—

13 (1) in subsection (a), by striking “Notwith-
 14 standing any other provision of this part, the” and
 15 inserting “The”;

16 (2) in subsection (b)(4)—

17 (A) by striking “collectively as provided for
 18 in this chapter,” and inserting “collectively,”;
 19 and

20 (B) by striking “the provisions of this
 21 chapter and”;

22 (3) in subsection (b)(6), by striking subpara-
 23 graph (I) and inserting the following:

1 “(I) A pay-for-performance evaluation sys-
2 tem to reward individual or group performance.

3 Any such system—

4 “(i) shall be based on an equitable
5 method for appraising and compensating
6 employees;

7 “(ii) shall ensure that rates of pay
8 (including those described in subchapter
9 IV of chapter 53 and those payable to em-
10 ployees paid from nonappropriated funds)
11 are adjusted at the same time and by the
12 same percentages as would be required
13 under sections 5303 through 5304a for
14 rates subject to those sections, except that
15 no such adjustment may be made if or to
16 the extent that the resulting rate would ex-
17 ceed the maximum rate allowable under
18 such system;

19 “(iii) may not be implemented before
20 the requirements described in section
21 4703(b) have been met by the Secretary
22 and the Director jointly with respect to
23 such system;

24 “(iv) may not provide for any waiver
25 with respect to such system that would not

1 be allowable under any paragraph of sec-
2 tion 4703(c); and

3 “(v) shall be subject to the provisions
4 of subsections (f) and (g) of section
5 4703.”;

6 (4) in subsection (c)(1), by striking “October 1,
7 2008” each place it appears and inserting “October
8 1, 2011”;

9 (5) in subsection (d)—

10 (A) in the matter before paragraph (1), by
11 striking “are (to the extent not otherwise speci-
12 fied in this title)—” and inserting “are—”; and

13 (B) in paragraph (2), by inserting “43,”
14 after “41,” and by inserting “75, 77,” after
15 “73,”;

16 (6) in subsection (e)(3), by striking the period
17 at the end and inserting “, except as provided in
18 subsection (b)(6)(I)(ii).”;

19 (7) in subsection (f)(4), strike “The” and insert
20 “Subject to subsection (d)(2), the”;

21 (8) in subsection (g)—

22 (A) by striking paragraph (2) and insert-
23 ing the following:

24 “(2) The decision to bargain at a level above the level
25 of exclusive recognition shall be mutually agreed to by the

1 Secretary and the labor organization at an organizational
2 level above the level of exclusive recognition.”;

3 (B) in paragraph (3), by striking “are ex-
4 cluded from” and inserting “may be included
5 in”; and

6 (C) by striking paragraph (4); and

7 (9) by striking subsections (h), (k), and (m)
8 and redesignating subsections (i), (j), and (l) as sub-
9 sections (h), (i), and (j), respectively.

10 (b) SAVINGS PROVISION.—Any rate of pay which is
11 in effect with respect to an employee immediately before
12 this section takes effect, and which was determined under
13 a performance management system established under sec-
14 tion 9902(b)(6) of title 5, United States Code, shall re-
15 main in effect until—

16 (1) such rate is modified, superseded, or ren-
17 dered inapplicable—

18 (A) in accordance with such system, as last
19 in effect before this section takes effect; or

20 (B) in accordance with a system estab-
21 lished under such section 9902(b)(6), as
22 amended by this section (hereinafter referred to
23 as a “successor system”); or

24 (2) such employee otherwise ceases to be cov-
25 ered by such system (as described in paragraph

1 (1)(A)), whether by transferring to a position not
2 covered by the system (as so described) or otherwise.
3 The performance management system (as described in
4 paragraph (1)(A)) shall remain in effect, in accordance
5 with its terms, until all employees who, immediately before
6 this section takes effect, are subject to the system (as so
7 described) have either become subject to a successor sys-
8 tem or have otherwise ceased to be covered by the system
9 (as so described). Such system (as so described) shall not
10 apply in the case of any employee, or during any period
11 of time, not described in the preceding sentence.

12 **SEC. 1107. ANNUITY COMMENCING DATES.**

13 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
14 8345(b)(1) of title 5, United States Code, is amended by
15 striking “the first day of the month after” both places
16 it appears and inserting “the day after”.

17 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—
18 Section 8464(a) of such title is amended to read as fol-
19 lows:

20 “(a) Except as otherwise provided in this chapter—

21 “(1) an annuity payable from the Fund com-
22 mences on the day after—

23 “(A) separation from the service, in the
24 case of an employee or Member retiring under
25 section 8412 or 8414; or

1 “(B) pay ceases, and the applicable age
2 and service requirements are met, in the case of
3 an employee or Member retiring under section
4 8413; and

5 “(2) an annuity payable from the Fund com-
6 mences on the day after separation from the service
7 or the day after pay ceases and the requirements for
8 title to an annuity are met in the case of an em-
9 ployee or Member retiring under section 8451.”.

10 **SEC. 1108. FLEXIBILITY IN SETTING PAY FOR EMPLOYEES**
11 **WHO MOVE FROM A DEPARTMENT OF DE-**
12 **FENSE OR COAST GUARD NON-**
13 **APPROPRIATED FUND INSTRUMENTALITY**
14 **POSITION TO A POSITION IN THE GENERAL**
15 **SCHEDULE PAY SYSTEM.**

16 The first sentence of section 5334(f) of title 5, United
17 States Code, is amended by striking “any step of such
18 grade that does not exceed the highest previous rate of
19 basic pay received by that employee during the employee’s
20 service described in section 2105(c).” and inserting “any
21 step of such grade that does not exceed—

22 “(1) if the highest previous rate of basic pay re-
23 ceived by that employee during the employee’s serv-
24 ice described in section 2105(c) is equal to a rate of

1 the appropriate grade, such rate of the appropriate
2 grade;

3 “(2) if the employee’s highest previous rate of
4 basic pay (as described in paragraph (1)) is between
5 two rates of the appropriate grade, the higher of
6 those two rates; or

7 “(3) if the employee’s highest previous rate of
8 basic pay (as described in paragraph (1)) exceeds
9 the maximum rate of the appropriate grade, the
10 maximum rate of the appropriate grade.”.

11 **SEC. 1109. TRANSPORTATION OF DEPENDENTS, HOUSE-**
12 **HOLD EFFECTS, AND PERSONAL PROPERTY**
13 **TO FORMER HOME FOLLOWING DEATH OF**
14 **FEDERAL EMPLOYEE WHERE DEATH RE-**
15 **SULTED FROM DISEASE OR INJURY IN-**
16 **CURRED IN A COMBAT ZONE.**

17 (a) IN GENERAL.—Section 5742 of title 5, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 “(f)(1) The benefits of subsection (b)(2) may not be
21 denied, solely because the dependents were residing within
22 the continental United States when the employee died, if
23 such employee died as a result of disease or injury in-
24 curred while holding a position or performing one or more

1 functions in support of military operations of the United
2 States in a combat zone.

3 “(2) For purposes of paragraph (1)—

4 “(A) the term ‘continental United States’ has
5 the meaning given such term by section 5721(3);
6 and

7 “(B) the term ‘combat zone’ has the meaning
8 given such term by section 1580 of title 10.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall apply with respect to deaths occurring
11 on or after the date of the enactment of this Act.

12 **SEC. 1110. USE OF LEAVE TRANSFER PROGRAM BY WOUND-**
13 **ED VETERANS WHO ARE FEDERAL EMPLOY-**
14 **EES.**

15 (a) IN GENERAL.—Section 6333(b) of title 5, United
16 States Code, is amended—

17 (1) by striking “A leave” and inserting “(1)
18 Except as provided in paragraph (2), a leave”; and

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

21 “(2) The requirement to exhaust annual leave and
22 sick leave under paragraph (1) shall not apply in the case
23 of a leave recipient who, while a member of the Armed
24 Forces, including a member of the National Guard or a
25 Reserve, sustained a combat-related disability (as defined

1 in section 1413a(e) of title 10) and is undergoing medical
2 treatment (as defined by the Office of Personnel Manage-
3 ment) for that combat-related disability. The preceding
4 sentence shall apply to a member described in that sen-
5 tence only so long as the member continues to undergo
6 medical treatment for the disability, but in no case for
7 more than five years.”.

8 **SEC. 1111. REQUIREMENT FOR FULL IMPLEMENTATION OF**
9 **PERSONNEL DEMONSTRATION PROJECT.**

10 (a) REQUIREMENT.—The Secretary of Defense shall
11 take all necessary actions to fully implement and use the
12 authorities provided to the Secretary under section 342(b)
13 of the National Defense Authorization Act for Fiscal Year
14 1995 (Public Law 103–337; 108 Stat. 2721), as amended
15 by section 1114 of the Floyd D. Spence National Defense
16 Authorization Act for Fiscal Year 2001 (as enacted into
17 law by Public Law 106–398; 114 Stat. 1654A–315), to
18 carry out personnel management demonstration projects
19 at Department of Defense laboratories that are exempted
20 by section 9902(c) of title 5, United States Code, from
21 inclusion in the Department of Defense National Security
22 Personnel System.

23 (b) EXPANDED AUTHORITY FOR DIRECTORS.—The
24 Secretary of Defense shall also implement a process and
25 implementation plan to expand the authorities provided to

1 the laboratories described in subsection (a) to provide the
2 research laboratory directors enhanced ability to make
3 program, funding, personnel, and other decisions that are
4 necessary to carry out the mission of the laboratory.

5 (c) OTHER LABORATORIES.—Any flexibility available
6 to any demonstration laboratory shall be available for use
7 at any other laboratory as enumerated in section
8 9902(c)(2) of title 5, United States Code.

9 (d) SUBMISSION OF LIST AND DESCRIPTION.—Not
10 later than March 1 of each year, beginning with March
11 1, 2008, the Secretary of Defense shall submit to Congress
12 a list and description of the demonstration project notices,
13 amendments, and changes requested by the laboratories
14 during the preceding calendar year. The list shall include
15 all approved and disapproved notices, amendments, and
16 changes, and the reasons for disapproval or delay in ap-
17 proval.

18 **SEC. 1112. EXTENSION OF INFORMATION TECHNOLOGY EX-**
19 **CHANGE PROGRAM WITH RESPECT TO THE**
20 **DEPARTMENT OF DEFENSE.**

21 Section 3702(d) of title 5, United States Code, is
22 amended by striking all that follows “may commence
23 after” and inserting the following: “the end of—

1 “(1) the 5-year period beginning on the date of
 2 the enactment of this chapter, except as provided in
 3 paragraph (2); or

4 “(2) in the case of the Department of Defense,
 5 the 8-year period beginning on the date of the enact-
 6 ment of this chapter.”.

7 **TITLE XII—MATTERS RELATING** 8 **TO FOREIGN NATIONS**

Subtitle A—Assistance and Training

- Sec. 1201. Military-to-military contacts and comparable activities.
- Sec. 1202. Authority for support of military operations to combat terrorism.
- Sec. 1203. Medical care and temporary duty travel expenses for liaison officers of certain foreign nations.
- Sec. 1204. Extension and expansion of Department of Defense authority to participate in multinational military centers of excellence.
- Sec. 1205. Reauthorization of Commanders' Emergency Response Program.
- Sec. 1206. Expansion of program to build the capacity of foreign military forces to include Pakistan's other security forces.
- Sec. 1207. Authority to provide assistance to foreign nations to assist in recovery and accounting activities for missing United States Government personnel.
- Sec. 1208. Authority to provide automatic identification system data on maritime shipping to foreign countries and international organizations.
- Sec. 1209. Report on foreign assistance-related programs, projects, and activities carried out by the Department of Defense.

Subtitle B—Matters Relating to Iraq

- Sec. 1221. Modification of authorities relating to the Special Inspector General for Iraq Reconstruction.
- Sec. 1222. Continuation of prohibition on establishment of permanent military installations in Iraq or United States control over oil resources of Iraq.
- Sec. 1223. Report on Department of Defense efforts to build the capacity of the Government of Iraq to carry out reconstruction activities in Iraq.
- Sec. 1224. Report on implementation of Multi-National Forces–Iraq/United States Embassy Baghdad Joint Campaign Plan and efforts to achieve political reform in Iraq.
- Sec. 1225. Report on training of the Iraqi Security Forces.
- Sec. 1226. Sense of Congress on responsibilities of the Iraqi Council of Representatives to enact laws to achieve political reform and diminish support for the insurgency in Iraq.

Subtitle C—Matters Relating to Afghanistan

- Sec. 1231. Special Inspector General for Afghanistan Reconstruction.
 Sec. 1232. Report on progress toward security and stability in Afghanistan.
 Sec. 1233. Report on progress of the Department of Defense's counter-narcotics program for Afghanistan.
 Sec. 1234. United States plan for sustaining the Afghanistan National Security Forces.
 Sec. 1235. Report on operational status of the airfield located in Abeche, Chad.

Subtitle D—Other Matters

- Sec. 1241. Cooperative research and development agreements: NATO organizations; allied and friendly foreign countries.
 Sec. 1242. Extension of Counterproliferation Program Review Committee.
 Sec. 1243. Sense of Congress concerning the Western Hemisphere Institute for Security Cooperation.
 Sec. 1244. Sense of Congress concerning the strategic military capabilities and intentions of the People's Republic of China.

1 **Subtitle A—Assistance and** 2 **Training**

3 **SEC. 1201. MILITARY-TO-MILITARY CONTACTS AND COM-** 4 **PARABLE ACTIVITIES.**

5 Section 168(c) of title 10, United States Code, is
 6 amended by adding at the end the following new para-
 7 graph:

8 “(9) The assignment of personnel described in
 9 paragraph (3) or (4) on a non-reciprocal basis if the
 10 Secretary of Defense determines that such an as-
 11 signment, rather than an exchange of personnel, is
 12 in the interests of the United States.”.

13 **SEC. 1202. AUTHORITY FOR SUPPORT OF MILITARY OPER-** 14 **ATIONS TO COMBAT TERRORISM.**

15 (a) MODIFICATION OF REPORTING REQUIREMENT.—
 16 Subsection (f) of section 1208 of the Ronald W. Reagan
 17 National Defense Authorization Act for Fiscal Year 2005

1 (Public Law 108–375; 118 Stat. 2086–2087) is amended
2 to read as follows:

3 “(f) ANNUAL REPORT.—

4 “(1) REPORT REQUIRED.—Not later than 120
5 days after the close of each fiscal year during which
6 subsection (a) is in effect, the Secretary of Defense
7 shall submit to the congressional defense committees
8 a report on support provided under that subsection
9 during that fiscal year.

10 “(2) MATTERS TO BE INCLUDED.—Each report
11 required by paragraph (1) shall describe the support
12 provided, including—

13 “(A) the country involved in the activity,
14 the individual or force receiving the support,
15 and, to the maximum extent practicable, the
16 specific region of each country involved in the
17 activity;

18 “(B) the respective dates and a summary
19 of congressional notifications for each activity;

20 “(C) the unified commander for each activ-
21 ity, as well as the related objectives, as estab-
22 lished by that commander;

23 “(D) the total amount obligated to provide
24 the support;

1 “(E) for each activity that amounts to
2 more than \$500,000, specific budget details
3 that explain the overall funding level for that
4 activity; and

5 “(F) a statement providing a brief assess-
6 ment of the outcome of the support, including
7 specific indications of how the support
8 furthered the mission objective of special oper-
9 ations forces and the types of follow-on support,
10 if any, that may be necessary.”.

11 (b) ANNUAL LIMITATION.—Subsection (g) of such
12 section is amended—

13 (1) in the heading, by striking “FISCAL YEAR
14 2005” and inserting “ANNUAL”; and

15 (2) by striking “fiscal year 2005” and inserting
16 “each fiscal year during which subsection (a) is in
17 effect”.

18 (c) EXTENSION OF PERIOD OF AUTHORITY.—Sub-
19 section (h) of such section is amended by striking “2007”
20 and inserting “2010”.

21 **SEC. 1203. MEDICAL CARE AND TEMPORARY DUTY TRAVEL**
22 **EXPENSES FOR LIAISON OFFICERS OF CER-**
23 **TAIN FOREIGN NATIONS.**

24 (a) AUTHORITY.—Subsection (a) of section 1051a of
25 title 10, United States Code, is amended—

1 (1) by striking “involved in a coalition” and in-
2 serting “involved in a military operation”; and

3 (2) by striking “coalition operation” and insert-
4 ing “military operation”.

5 (b) MEDICAL CARE AND TEMPORARY DUTY TRAVEL
6 EXPENSES.—Subsection (b) of such section is amended—

7 (1) in the heading, by striking “AND SUBSIST-
8 ENCE” inserting “, SUBSISTENCE, AND MEDICAL
9 CARE”;

10 (2) in paragraph (2), by adding at the end the
11 following:

12 “(C) Expenses for medical care at a civilian
13 medical facility if—

14 “(i) adequate medical care is not available
15 to the liaison officer at a local military medical
16 treatment facility;

17 “(ii) the Secretary determines that pay-
18 ment of such medical expenses is necessary and
19 in the best interests of the United States; and

20 “(iii) medical care is not otherwise avail-
21 able to the liaison officer pursuant to any treaty
22 or other international agreement.”; and

23 (3) by adding at the end the following:

24 “(3) The Secretary may pay the mission-related
25 travel expenses of a liaison officer described in sub-

1 section (a) if such travel is in support of the na-
2 tional interests of the United States and the com-
3 mander of the headquarters to which the liaison offi-
4 cer is temporarily assigned directs round-trip travel
5 from the assigned headquarters to one or more loca-
6 tions.”.

7 (c) DEFINITION.—Subsection (d) of such section is
8 amended—

9 (1) by striking “(d) DEFINITIONS.—” and all
10 that follows through “(1) The term” and inserting
11 “(d) DEFINITION.—In this section, the term”; and
12 (2) by striking paragraph (2).

13 (d) EXPIRATION OF AUTHORITY.—Such section is
14 further amended by striking subsection (e).

15 (e) CONFORMING AND CLERICAL AMENDMENTS.—
16 (1) The heading for such section is amended to read as
17 follows:

18 **“§ 1051a. Liaison officers of certain foreign nations;**
19 **administrative services and support;**
20 **travel, subsistence, medical care, and**
21 **other personal expenses”.**

22 (2) The table of sections at the beginning of chapter
23 53 of title 10, United States Code, is amended by striking
24 the item relating to section 1051a and inserting the fol-
25 lowing:

“1051a. Liaison officers of certain foreign nations; administrative services and support; travel, subsistence, medical care, and other personal expenses.”.

1 **SEC. 1204. EXTENSION AND EXPANSION OF DEPARTMENT**
2 **OF DEFENSE AUTHORITY TO PARTICIPATE IN**
3 **MULTINATIONAL MILITARY CENTERS OF EX-**
4 **CELLENCE.**

5 (a) EXTENSION OF AUTHORITY.—Subsection (a) of
6 section 1205 of the John Warner National Defense Au-
7 thorization Act for Fiscal Year 2007 (Public Law 109–
8 364; 1202 Stat. 2416) is amended by striking “fiscal year
9 2007” and inserting “fiscal years 2007 and 2008”.

10 (b) APPROVAL OF CENTERS.—Subsection (c)(1) of
11 such section is amended—

12 (1) by striking “the Military Committee of the
13 North Atlantic Treaty Organization (NATO)” and
14 inserting “the Department of Defense”; and

15 (2) by striking “for the benefit of NATO”.

16 (c) LIMITATION ON AMOUNTS AVAILABLE FOR PAR-
17 TICIPATION.—Subsection (e) of such section is amended
18 by striking paragraph (2) and inserting the following new
19 paragraph:

20 “(2) LIMITATION ON AMOUNT.—The amount
21 available under paragraph (1)(A) for the expenses
22 referred to in that paragraph may not exceed—

23 “(A) in fiscal year 2007, \$3,000,000; and

24 “(B) in fiscal year 2008, \$5,000,000.”.

1 (d) REPORTS.—Subsection (g) of such section is
2 amended—

3 (1) in paragraph (1)—

4 (A) by inserting “and October 31, 2008,”
5 after “October 31, 2007,”; and

6 (B) by striking “fiscal year 2007” and in-
7 serting “fiscal years 2007 and 2008”; and

8 (2) in paragraph (2)(A), by striking “during
9 fiscal year 2007” and inserting “during the pre-
10 ceding fiscal year”.

11 **SEC. 1205. REAUTHORIZATION OF COMMANDERS’ EMER-**
12 **GENCY RESPONSE PROGRAM.**

13 (a) AUTHORITY.—Subsection (a) of section 1202 of
14 the National Defense Authorization Act for Fiscal Year
15 2006 (Public Law 109–163; 119 Stat. 3455–3456) is
16 amended—

17 (1) in the heading, by striking “FISCAL YEARS
18 2006 AND 2007” and inserting “FISCAL YEARS
19 2008 AND 2009”; and

20 (2) by striking “fiscal years 2006 and 2007”
21 and inserting “fiscal years 2008 and 2009”.

22 (b) QUARTERLY REPORTS.—Subsection (b) of such
23 section is amended by striking “fiscal years 2006 and
24 2007” and inserting “fiscal years 2008 and 2009”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section take effect on October 1, 2007.

3 **SEC. 1206. EXPANSION OF PROGRAM TO BUILD THE CAPAC-**
4 **ITY OF FOREIGN MILITARY FORCES TO IN-**
5 **CLUDE PAKISTAN'S OTHER SECURITY**
6 **FORCES.**

7 (a) AUTHORITY.—Subsection (a) of section 1206 of
8 the National Defense Authorization Act for Fiscal Year
9 2006 (Public Law 109–163; 119 Stat. 3456–3458), as
10 amended by section 1206 of the John Warner National
11 Defense Authorization Act of Fiscal Year 2007 (Public
12 Law 109–364; 120 Stat. 2418), is amended—

13 (1) by striking “The Secretary of Defense” and
14 inserting the following:

15 “(1) IN GENERAL.—The Secretary of Defense”;

16 (2) by redesignating paragraphs (1) and (2) as
17 subparagraphs (A) and (B), respectively; and

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

19 “(2) ADDITIONAL AUTHORITY TO BUILD THE
20 CAPACITY OF PAKISTAN'S OTHER SECURITY
21 FORCES.—The Secretary of Defense, with the con-
22 currence of the Secretary of State, may use the au-
23 thority in paragraph (1) to provide assistance to
24 build the capacity of a Pakistan's other security
25 forces that are critical to the success of

1 counterterrorist operations, such as forces respon-
2 sible for border protection and interdiction (includ-
3 ing forces that guard coastal waters) and internal
4 security forces specifically responsible for
5 counterterrorism operations, in order for Pakistan to
6 conduct the operations described in paragraph
7 (1)(A).”.

8 (b) CONGRESSIONAL NOTIFICATION; SPECIFIED
9 CONGRESSIONAL COMMITTEES.—Subsection (e) of such
10 section is amended—

11 (1) in paragraph (1)—

12 (A) by striking “Whenever” and inserting
13 the following:

14 “(A) IN GENERAL.—Whenever”; and

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

17 “(B) NOTIFICATION RELATING TO AU-
18 THORITY TO BUILD THE CAPACITY OF PAKI-
19 STAN’S OTHER SECURITY FORCES.—Not less
20 than 30 days prior to the obligation or expendi-
21 ture of funds to carry out any activities under
22 subsection (a)(2), the Secretary of Defense
23 shall notify the congressional committees speci-
24 fied in paragraph (3) of such proposed obliga-
25 tion or expenditure.”; and

1 (2) in paragraph (3)(B), by striking “Com-
 2 mittee on International Relations” and inserting
 3 “Committee on Foreign Affairs”.

4 (c) REPORT.—Paragraphs (1), (2), and (3) of sub-
 5 section (f) of such section are each amended by inserting
 6 “or Pakistan’s other security forces” after “foreign mili-
 7 tary forces”.

8 (d) CONFORMING AND CLERICAL AMENDMENTS.—
 9 (1) The heading for such section is amended by adding
 10 at the end before the period the following: “**AND PAKI-**
 11 **STAN’S OTHER SECURITY FORCES**”.

12 (2) The table of contents in section 2(b) of the Na-
 13 tional Defense Authorization Act for Fiscal Year 2006 and
 14 the table of sections at the beginning of title XII of such
 15 Act are each amended by striking the item relating to sec-
 16 tion 1206 and inserting the following:

“Sec. 1206. Authority to build the capacity of foreign military forces and Paki-
 stan’s other security forces.”.

17 **SEC. 1207. AUTHORITY TO PROVIDE ASSISTANCE TO FOR-**
 18 **EIGN NATIONS TO ASSIST IN RECOVERY AND**
 19 **ACCOUNTING ACTIVITIES FOR MISSING**
 20 **UNITED STATES GOVERNMENT PERSONNEL.**

21 (a) ASSISTANCE AUTHORIZED.—The Secretary of
 22 Defense, with the concurrence of the Secretary of State,
 23 is authorized to provide assistance to foreign nations to
 24 assist the Department of Defense in recovery and account-

1 ing activities for missing United States Government per-
2 sonnel.

3 (b) TYPES OF ASSISTANCE.—Assistance authorized
4 under subsection (a) may include the provision of equip-
5 ment, supplies, services, training, and funding to foreign
6 nations to assist in recovery and accounting activities de-
7 scribed in such subsection. The authority to provide assist-
8 ance under subsection (a) is in addition to any other au-
9 thority to provide assistance to foreign nations for such
10 purposes.

11 (c) LIMITATION.—Assistance authorized under sub-
12 section (a) may not exceed \$1,000,000 in any fiscal year.

13 **SEC. 1208. AUTHORITY TO PROVIDE AUTOMATIC IDENTI-**
14 **FICATION SYSTEM DATA ON MARITIME SHIP-**
15 **PING TO FOREIGN COUNTRIES AND INTER-**
16 **NATIONAL ORGANIZATIONS.**

17 (a) AUTHORITY TO PROVIDE DATA.—The Secretary
18 of Defense, with the concurrence of the Secretary of State,
19 may authorize the Secretary of a military department or
20 a commander of a combatant command to exchange or
21 furnish automatic identification system data broadcast by
22 merchant or private ships and collected by the United
23 States to a foreign country or international organization
24 pursuant to an agreement for the exchange or production
25 of such data. Such data may be transferred pursuant to

1 this section without cost to the recipient country or inter-
2 national organization.

3 (b) DEFINITIONS.—In this section:

4 (1) AUTOMATIC IDENTIFICATION SYSTEM.—The
5 term “automatic identification system” means a sys-
6 tem that is used to satisfy the requirements of the
7 Automatic Identification System under the Inter-
8 national Convention for the Safety of Life at Sea,
9 signed at London on November 1, 1974 (TIAS
10 9700).

11 (2) GEOGRAPHIC COMBATANT COMMANDER.—
12 The term “commander of a combatant command”
13 means a commander of a combatant command (as
14 such term is defined in section 161(c) of title 10,
15 United States Code) with a geographic area of re-
16 sponsibility.

17 **SEC. 1209. REPORT ON FOREIGN ASSISTANCE-RELATED**
18 **PROGRAMS, PROJECTS, AND ACTIVITIES CAR-**
19 **RIED OUT BY THE DEPARTMENT OF DE-**
20 **FENSE.**

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 appropriate congressional
24 committees a report that contains a description of all for-
25 eign assistance-related programs, projects, and activities

1 carried out by the Department of Defense during the prior
2 fiscal year pursuant to any provision of law that author-
3 izes or appropriates funds for such programs, projects,
4 and activities.

5 (b) MATTERS TO BE INCLUDED.—The report re-
6 quired by subsection (a) shall include information on a
7 country-by-country basis of each foreign assistance-re-
8 lated program, project, or activity of the Department of
9 Defense and each foreign-assistance related program,
10 project, or activity that the Department of Defense under-
11 takes or implements on behalf of any other department
12 or agency of the United States Government, such as a pro-
13 gram, project, or activity under the Foreign Assistance
14 Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms Export
15 Control Act (22 U.S.C. 2751 et seq.).

16 (c) DEFINITION.—In this section, the term “appro-
17 priate congressional committees” means—

18 (1) the Committee on Appropriations, the Com-
19 mittee on Armed Services, and the Committee on
20 Foreign Affairs of the House of Representatives;
21 and

22 (2) the Committee on Appropriations, the Com-
23 mittee on Armed Services, and the Committee on
24 Foreign Relations of the Senate.

Subtitle B—Matters Relating to Iraq

SEC. 1221. MODIFICATION OF AUTHORITIES RELATING TO THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

(a) PURPOSES.—Subsection (a)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234–1238; 5 U.S.C. App., note to section 8G of Public Law 95–452) is amended by striking “to the Iraq Relief and Reconstruction Fund” and inserting “for the reconstruction of Iraq”.

(b) ASSISTANT INSPECTORS GENERAL.—Subsection (d)(1) of such section is amended by striking “the Iraq Relief and Reconstruction Fund” and inserting “amounts appropriated or otherwise made available for the reconstruction of Iraq”.

(c) SUPERVISION.—Subsection (e)(2) of such section is amended by striking “the Iraq Relief and Reconstruction Fund” and inserting “amounts appropriated or otherwise made available for the reconstruction of Iraq”.

(d) DUTIES.—Subsection (f)(1) of such section is amended by striking “to the Iraq Relief and Reconstruction Fund” and inserting “for the reconstruction of Iraq”.

1 (e) PERSONNEL, FACILITIES, AND OTHER RE-
2 SOURCES.—Subsection (h)(3) of such section is amended
3 by striking “my enter” and inserting “may enter”.

4 (f) REPORTS.—Subsection (i) of such section is
5 amended by striking “to the Iraq Relief and Reconstruc-
6 tion Fund” each place it appears and inserting “for the
7 reconstruction of Iraq”.

8 (g) DEFINITIONS.—Subsection (m) of such section is
9 amended—

10 (1) in the heading, by striking “APPROPRIATE
11 COMMITTEES OF CONGRESS DEFINED” and insert-
12 ing “DEFINITIONS”;

13 (2) by striking “In this section, the term” and
14 inserting the following: “In this section—

15 “(1) the term”;

16 (3) by redesignating paragraphs (1) and (2) as
17 subparagraphs (A) and (B), respectively;

18 (4) by striking the period at the end and insert-
19 ing “; and”; and

20 (5) by adding at the end the following:

21 “(2) the term ‘amounts appropriated or other-
22 wise made available for the reconstruction of Iraq’
23 means amounts appropriated or otherwise made
24 available for any fiscal year—

1 “(A) to the Iraq Relief and Reconstruction
2 Fund, the Iraq Security Forces Fund, and the
3 Commanders’ Emergency Response Program
4 authorized under section 1202 of the National
5 Defense Authorization for Fiscal Year 2006
6 (Public Law 109–163; 119 Stat. 3455–3456);
7 or

8 “(B) for assistance for the reconstruction
9 of Iraq under—

10 “(i) the Economic Support Fund au-
11 thorized under chapter 4 of part II of the
12 Foreign Assistance Act of 1961 (22 U.S.C.
13 2346 et seq.);

14 “(ii) the International Narcotics Con-
15 trol and Law Enforcement account author-
16 ized under section 481 of the Foreign As-
17 sistance Act of 1961 (22 U.S.C. 2291); or

18 “(iii) any other provision of law.”.

19 (h) TERMINATION.—Subsection (o) of such section is
20 amended—

21 (1) in paragraph (1)—

22 (A) by striking “(A)”;

23 (B) by striking “to the Iraq Relief and Re-
24 construction Fund” the first place it appears

1 and inserting “for the reconstruction of Iraq”;

2 and

3 (C) by striking subparagraph (B); and

4 (2) in paragraph (2)—

5 (A) by striking “funds deemed to be”; and

6 (B) by striking “to the Iraq Relief and Re-
7 construction Fund” and inserting “for the re-
8 construction of Iraq”.

9 **SEC. 1222. CONTINUATION OF PROHIBITION ON ESTAB-**
10 **LISHMENT OF PERMANENT MILITARY IN-**
11 **STALLATIONS IN IRAQ OR UNITED STATES**
12 **CONTROL OVER OIL RESOURCES OF IRAQ.**

13 Section 1519 of the John Warner National Defense
14 Authorization Act for Fiscal Year 2007 (Public Law 109–
15 364; 120 Stat. 2444) is amended by inserting after “this
16 Act” the following: “or any other Act for any fiscal year”.

17 **SEC. 1223. REPORT ON DEPARTMENT OF DEFENSE EF-**
18 **FORTS TO BUILD THE CAPACITY OF THE GOV-**
19 **ERNMENT OF IRAQ TO CARRY OUT RECON-**
20 **STRUCTION ACTIVITIES IN IRAQ.**

21 (a) **REPORT REQUIRED.**—Not later than 180 days
22 after the date of the enactment of this Act, and every six
23 months thereafter, the Secretary of Defense shall submit
24 to Congress a report on efforts of the Department of De-

1 fense to build the capacity of the Government of Iraq to
2 carry out reconstruction activities in Iraq.

3 (b) MATTERS TO BE INCLUDED.—The report re-
4 quired by subsection (a) shall include a description of the
5 following:

6 (1) Efforts to improve the ability of the Govern-
7 ment of Iraq—

8 (A) to assess the needs for the reconstruc-
9 tion of Iraq;

10 (B) to assess the sustainability of recon-
11 struction projects carried out by the Govern-
12 ment of Iraq, on all levels; and

13 (C) to effectively budget and carry out the
14 design and implementation of reconstruction
15 projects.

16 (2) Efforts to improve the ability of the Govern-
17 ment of Iraq—

18 (A) to enter into competitively-awarded
19 contracts for the reconstruction of Iraq; and

20 (B) to oversee that such contracts are
21 properly and effectively carried out in a cost-ef-
22 ficient manner.

23 (3) Such other matters as the Secretary of De-
24 fense considers appropriate.

1 **SEC. 1224. REPORT ON IMPLEMENTATION OF MULTI-NA-**
2 **TIONAL FORCES–IRAQ/UNITED STATES EM-**
3 **BASSY BAGHDAD JOINT CAMPAIGN PLAN**
4 **AND EFFORTS TO ACHIEVE POLITICAL RE-**
5 **FORM IN IRAQ.**

6 (a) **REPORT REQUIRED.**—Not later than September
7 30, 2007, the Secretary of Defense, in coordination with
8 the Secretary of State, shall submit to the appropriate
9 congressional committees a report detailing the status of
10 implementation of the Multi-National Forces–Iraq/United
11 States Embassy Baghdad Joint Campaign Plan (herein-
12 after in this section referred to as the “Joint Campaign
13 Plan”) since January 1, 2007, and efforts by the Govern-
14 ment of Iraq to achieve political reform in Iraq.

15 (b) **ASSESSMENT REQUIRED.**—The Commander,
16 Multi-National Forces–Iraq and the United States Amba-
17 sador to Iraq shall jointly submit to the Secretary of De-
18 fense and the Secretary of State an assessment of the situ-
19 ation in Iraq. The assessment shall be submitted in time
20 to be included in the report required by subsection (a),
21 and shall be included in the report, together with any com-
22 ments thereon by the Secretary of Defense or the Sec-
23 retary of State.

24 (c) **ELEMENTS.**—The assessment required by sub-
25 section (b) shall include the following elements:

1 (1) A detailed description of the Joint Cam-
2 paign Plan, or any subsequent revisions, updates, or
3 documents that replace or supersede the Joint Cam-
4 paign Plan, including goals, phases, or other mile-
5 stones contained in the Joint Campaign Plan. Spe-
6 cifically, the description shall include the following:

7 (A) An explanation of conditions required
8 to move through phases of the Joint Campaign
9 Plan and the measurements used to determine
10 progress.

11 (B) An assessment of what conditions in
12 the Joint Campaign Plan have been achieved
13 and what conditions have not been achieved.
14 The assessment of those conditions that have
15 not been achieved shall include a discussion of
16 the factors that have precluded such progress.

17 (C) A description of any companion or
18 equivalent plan of the Government of Iraq used
19 to measure progress for Iraqi Security Forces
20 undertaking joint operations with Coalition
21 forces.

22 (2) Efforts by the Government of Iraq in taking
23 the following actions:

1 (A) Enacting a broadly-accepted hydro-
2 carbon law that equitably shares revenue among
3 all Iraqis.

4 (B) Adopting laws necessary for the con-
5 duct of provincial and local elections, taking
6 steps to implement such laws, and setting a
7 schedule to conduct provincial and local elec-
8 tions.

9 (C) Reforming current laws governing the
10 de-Baathification process in a manner that en-
11 courages national reconciliation.

12 (D) Amending the Constitution of Iraq in
13 a manner that encourages national reconcili-
14 ation.

15 (E) Allocating and beginning expenditure
16 of \$10 billion in Iraqi revenues for reconstruc-
17 tion projects, including delivery of essential
18 services, and implementing such reconstruction
19 projects on an equitable basis.

20 (F) Making significant efforts to plan and
21 implement disarmament, demobilization, and re-
22 integration programs relating to Iraqi militias.

23 (3) An assessment of security in each region of
24 Iraq and an overall assessment of security for the
25 country, to include the following:

1 (A) Trends in casualties among Coalition
2 forces, Iraqi Security Forces, and civilians.

3 (B) Trends in weekly attacks on Coalition
4 forces, Iraqi Security Forces, and civilians.

5 (C) Trends in sectarian violence, including
6 both the number of incidents and the casualties
7 that have resulted.

8 (D) Trends in high-profile attacks, includ-
9 ing attacks utilizing suicide bombings and vehi-
10 cle-borne improvised explosive devices.

11 (4) An assessment of the effectiveness of Iraqi
12 Security Forces, to include the following:

13 (A) The number of battalions in the Iraqi
14 Army currently conducting operations against
15 insurgents, the level of personnel strength of
16 such battalions, and efforts by the Iraqi or Coa-
17 lition authorities to increase the number of such
18 battalions.

19 (B) The number of Iraqi Security Force
20 units, at the battalion level and above, that are
21 operating independently of Coalition forces or
22 with only support of Coalition forces.

23 (C) The anticipated period of time remain-
24 ing until the Iraqi Security Forces are fully

1 trained and capable of providing security in
2 Iraq without support of Coalition forces.

3 (d) FURTHER ASSESSMENT REQUIRED.—Based on
4 the information provided in subsection (c), the Secretary
5 of Defense shall include in the report required by sub-
6 section (a)—

7 (1) an assessment of the levels of United States
8 Armed Forces required in Iraq for the six-month pe-
9 riod beginning on October 1, 2007, the missions to
10 be undertaken by the Armed Forces, and the incre-
11 mental costs of any proposed changes to such levels
12 or missions; and

13 (2) a description of the range of contingency
14 plans under consideration for changes to levels of
15 United States Armed Forces or missions during
16 such period.

17 (e) UPDATE OF REPORT.—

18 (1) UPDATE REQUIRED.—Not later than 180
19 days after the submission of the report required by
20 subsection (a), and every 180 days thereafter until
21 United States combat forces have been redeployed
22 from Iraq, the Secretary of Defense shall submit to
23 the appropriate congressional committees an update
24 of the report required by subsection (a).

1 (2) MATTERS TO BE INCLUDED.—Each update
2 of the report required by subsection (a) shall include
3 an update of the assessment and any comments
4 thereon required by subsection (b), an update of the
5 elements described in subsection (c), and an update
6 of the further assessment required by paragraph (1)
7 of subsection (d) for the six-month period beginning
8 on the date of the submission of the update and an
9 update of the contingency plans required by para-
10 graph (2) of subsection (d) for such six-month pe-
11 riod.

12 (f) FORM.—The report required by subsection (a)
13 and each update of the report required by subsection (e),
14 including assessments contained therein, shall be sub-
15 mitted in unclassified form, to the maximum extent prac-
16 ticable, but may contain a classified annex.

17 (g) APPROPRIATE CONGRESSIONAL COMMITTEES
18 DEFINED.—In this section, the term “appropriate con-
19 gressional committees” means—

20 (1) the Committee on Armed Services, the
21 Committee on Appropriations, and the Committee on
22 Foreign Affairs of the House of Representatives;
23 and

1 (2) the Committee on Armed Services, the
2 Committee on Appropriations, and the Committee on
3 Foreign Relations of the Senate.

4 **SEC. 1225. REPORT ON TRAINING OF THE IRAQI SECURITY**
5 **FORCES.**

6 (a) REPORT REQUIRED.—Not later than 90 days
7 after the date of the enactment of this Act, and every
8 three months thereafter, the Secretary of Defense shall
9 submit to the appropriate congressional committees an as-
10 sessment of the Iraqi Security Forces.

11 (b) MATTERS TO BE INCLUDED.—The report re-
12 quired by subsection (a) shall address the following mat-
13 ters:

14 (1) The level of training, readiness, operational
15 proficiency, and any other measures used to assess
16 the effectiveness of each battalion or larger forma-
17 tion or equivalent of the Iraqi Army, Iraqi National
18 Police, Iraqi Police Service, and all other security
19 and intelligence forces under the control of the Min-
20 istry of Defense or the Ministry of the Interior of
21 Iraq.

22 (2) The number of battalions in the Iraqi Army
23 currently conducting operations, the type of oper-
24 ations conducted, and efforts by Iraqi or Coalition

1 authorities to increase the number of such oper-
2 ations.

3 (3) The number of Iraqi Army battalions and
4 Iraqi National Police units that can operate without
5 support from Coalition forces.

6 (4) The amount and type of support from Coa-
7 lition forces required by the Iraqi Security Forces at
8 each Transition Readiness Assessment (TRA) level.

9 (5) The level of readiness and effectiveness of
10 units of the Iraqi Security Forces in provinces where
11 the United States has formally transferred responsi-
12 bility for the security of the province to the Iraqi Se-
13 curity Forces under the Provincial Iraqi Control
14 (PIC) process.

15 (6) The contribution each battalion or larger
16 formation or equivalent of the Iraqi Army, Iraqi Na-
17 tional Police, Iraqi Police Service, and all other secu-
18 rity and intelligence forces under the control of the
19 Ministry of Defense or the Ministry of the Interior
20 of Iraq are making to overall stability in their area
21 of operation.

22 (7) Other measurements used by Iraqi and Coa-
23 lition authorities to assess the capability of the Iraqi
24 Security Forces.

1 (c) FORM.—The report required by subsection (a)
2 shall be submitted in unclassified form, to the maximum
3 extent practicable, but may include a classified annex, as
4 appropriate.

5 (d) DEFINITION.—In this section, the term “appro-
6 priate congressional committees” means—

7 (1) the Committee on Armed Services and the
8 Committee on Foreign Affairs of the House of Rep-
9 resentatives; and

10 (2) the Committee on Armed Services and the
11 Committee on Foreign Relations of the Senate.

12 **SEC. 1226. SENSE OF CONGRESS ON RESPONSIBILITIES OF**
13 **THE IRAQI COUNCIL OF REPRESENTATIVES**
14 **TO ENACT LAWS TO ACHIEVE POLITICAL RE-**
15 **FORM AND DIMINISH SUPPORT FOR THE IN-**
16 **SURGENCY IN IRAQ.**

17 It is the sense of Congress that the Iraqi Council of
18 Representatives should not recess for an extended period
19 of time without first making substantial progress to-
20 ward—

21 (1) enacting a broadly-accepted hydrocarbon
22 law that equitably shares revenue among all Iraqis;

23 (2) adopting laws necessary for the conduct of
24 provincial and local elections, taking steps to imple-

1 ment such laws, and setting a schedule to conduct
2 provincial and local elections;

3 (3) reforming current laws governing the de-
4 Baathification process in a manner that encourages
5 national reconciliation;

6 (4) amending the Constitution of Iraq in a
7 manner that encourages national reconciliation; and

8 (5) enacting other legislation that helps to
9 begin the process of political reconciliation and re-
10 duce the support for the insurgency in Iraq.

11 **Subtitle C—Matters Relating to**
12 **Afghanistan**

13 **SEC. 1231. SPECIAL INSPECTOR GENERAL FOR AFGHANI-**
14 **STAN RECONSTRUCTION.**

15 (a) PURPOSES.—The purposes of this section are as
16 follows:

17 (1) To provide for the independent and objec-
18 tive conduct and supervision of audits and investiga-
19 tions relating to the programs and operations funded
20 with amounts appropriated or otherwise made avail-
21 able to the Department of Defense for the recon-
22 struction of Afghanistan.

23 (2) To provide for the independent and objec-
24 tive leadership and coordination of, and rec-
25 ommendations on, policies designed to—

1 (A) promote economy efficiency, and effec-
2 tiveness in the administration of the programs
3 and operations described in paragraph (1); and

4 (B) prevent and detect waste, fraud, and
5 abuse in such programs and operations.

6 (3) To provide for an independent and objective
7 means of keeping the Secretary of Defense fully and
8 currently informed about problems and deficiencies
9 relating to the administration of such programs and
10 operations and the necessity for and progress for
11 corrective action.

12 (b) OFFICE OF INSPECTOR GENERAL.—There is
13 hereby established the Office of the Special Inspector Gen-
14 eral for Afghanistan Reconstruction to carry out the pur-
15 poses of subsection (a).

16 (c) APPOINTMENT OF INSPECTOR GENERAL; RE-
17 MOVAL.—(1) The head of the Office of the Special Inspec-
18 tor General for Afghanistan Reconstruction is the Special
19 Inspector General for Afghanistan Reconstruction (in this
20 section referred to as the “Inspector General”), who shall
21 be appointed by the President.

22 (2) The appointment of Inspector General shall be
23 made solely on the basis of integrity and demonstrated
24 ability in accounting, auditing, financial analysis, law,

1 management analysis, public administration, or investiga-
2 tions.

3 (3) The nomination of an individual as Inspector
4 General shall be made not later than 30 days after the
5 date of the enactment of this Act.

6 (4) The annual rate of basic pay of the Inspector
7 General shall be the annual rate of basic pay provided for
8 positions at level IV of the Executive Schedule under sec-
9 tion 5315 of title 5, United States Code.

10 (5) The requirements described in paragraphs (4)
11 and (5) of section 3001(c) of the Emergency Supplemental
12 Appropriations Act for Defense and for the Reconstruc-
13 tion of Iraq and Afghanistan, 2004 (Public Law 108–106;
14 117 Stat. 1234–1238; 5 U.S.C. App., note to section 8G
15 of Public Law 95–452) shall apply to the Inspector Gen-
16 eral in the same manner and to the same extent as such
17 requirements apply to the Special Inspector General for
18 Iraq Reconstruction.

19 (d) ASSISTANT INSPECTORS GENERAL.—The Inspec-
20 tor General shall, in accordance with applicable laws and
21 regulations governing the civil service—

22 (1) appoint an Assistant Inspector General for
23 Auditing who shall have the responsibility for super-
24 vising the performance of auditing activities relating
25 to programs and operations supported by amounts

1 appropriated or otherwise made available to the De-
2 partment of Defense for the reconstruction of Af-
3 ghanistan; and

4 (2) appoint an Assistant Inspector General for
5 Investigations who shall have the responsibility for
6 supervising the performance of investigative activi-
7 ties relating to such programs and operations.

8 (e) SUPERVISION.—(1) Except as provided in para-
9 graph (2), the Inspector General shall report directly to,
10 and be under the general supervision of, the Secretary of
11 Defense.

12 (2) No officer of the Department of Defense shall
13 prevent or prohibit the Inspector General from initiating,
14 carrying out, or completing any audit or investigation re-
15 lated to amounts appropriated or otherwise made available
16 to the Department of Defense for the reconstruction of
17 Afghanistan or from issuing any subpoena during the
18 course of any such audit or investigation.

19 (f) DUTIES.—(1) It shall be the duty of the Inspector
20 General to conduct, supervise, and coordinate audits and
21 investigations of the treatment, handling, and expenditure
22 of amounts appropriated or otherwise made available to
23 the Department of Defense for the reconstruction of Af-
24 ghanistan, and of the programs, operations, and contracts
25 carried out utilizing such funds, including—

1 (A) the oversight and accounting of the ob-
2 ligation and expenditure of such funds;

3 (B) the monitoring and review of recon-
4 struction activities funded by such funds;

5 (C) the monitoring and review of contracts
6 funded by such funds;

7 (D) the monitoring and review of the
8 transfer of such funds and associated informa-
9 tion between and among departments, agencies,
10 and entities of the United States and private
11 and nongovernmental entities; and

12 (E) the maintenance of records on the use
13 of such funds to facilitate future audits and in-
14 vestigations of the use of such funds.

15 (2) The Inspector General shall establish, maintain,
16 and oversee such systems, procedures, and controls as the
17 Inspector General considers appropriate to discharge the
18 duty under paragraph (1).

19 (3) In addition to the duties specified in paragraphs
20 (1) and (2), the Inspector General shall also have the du-
21 ties and responsibilities of inspectors general under the In-
22 spector General Act of 1978.

23 (4) In carrying out the duties, responsibilities, and
24 authorities of the Inspector General under this section, the
25 Inspector General shall coordinate with, and receive the

1 cooperation of, the Inspector General of the Department
2 of Defense.

3 (g) POWERS AND AUTHORITIES.—(1) In carrying out
4 the duties specified in subsection (f), the Inspector Gen-
5 eral shall have the authorities provided in section 6 of the
6 Inspector General Act of 1978, including the authorities
7 under subsection (e) of such section.

8 (2) The Inspector General shall carry out the duty
9 specified in subsection (f)(1) in accordance with section
10 4(b)(1) of the Inspector General Act of 1978.

11 (h) PERSONNEL, FACILITIES, AND OTHER RE-
12 SOURCES.—(1) The powers and authorities described in
13 paragraphs (1) through (3) of section 3001(h) of the
14 Emergency Supplemental Appropriations Act for Defense
15 and for the Reconstruction of Iraq and Afghanistan, 2004
16 shall apply to the Inspector General in the same manner
17 and to the same extent as such requirements apply to the
18 Special Inspector General for Iraq Reconstruction.

19 (2) Whenever information or assistance requested by
20 the Inspector General is, in the judgment of the Inspector
21 General, unreasonably refused or not provided from any
22 department, agency, or other entity of the Federal Govern-
23 ment, the Inspector General shall report the circumstances
24 to the Secretary of Defense and to the congressional de-
25 fense committees.

1 (3) The Secretary of Defense shall provide the In-
2 specter General with appropriate and adequate office
3 space at appropriate locations of the Department of De-
4 fense in Afghanistan, together with such equipment, office
5 supplies, and communications facilities and services as
6 may be necessary for the operation of such offices, and
7 shall provide necessary maintenance services for such of-
8 fices and the equipment and facilities located therein.

9 (i) REPORTS.—(1) Not later than 30 days after the
10 end of each fiscal-year quarter, the Inspector General shall
11 submit to the congressional defense committees a report
12 summarizing, for the period of that quarter and, to the
13 extent possible, the period from the end of such quarter
14 to the time of the submission of the report, the activities
15 during such period of the Inspector General and the activi-
16 ties under programs and operations funded with amounts
17 appropriated or otherwise made available to the Depart-
18 ment of Defense for the reconstruction of Afghanistan.
19 Each report shall include, for the period covered by such
20 report, a detailed statement of all obligations, expendi-
21 tures, and revenues of the Department of Defense associ-
22 ated with reconstruction and rehabilitation activities in Af-
23 ghanistan, including the following:

24 (A) Obligations and expenditures of appro-
25 priated funds by the Department of Defense.

1 (B) A project-by-project and program-by-
2 program accounting of the costs incurred to
3 date by the Department of Defense for the re-
4 construction of Afghanistan, together with the
5 estimate of the Department of Defense of the
6 costs to complete each project and each pro-
7 gram.

8 (C) Revenues attributable to or consisting
9 of funds provided by foreign nations or inter-
10 national organizations to programs and projects
11 funded by the Department of Defense, and any
12 obligations or expenditures of such revenues.

13 (D) Revenues attributable to or consisting
14 of foreign assets seized or frozen that con-
15 tribute to programs and projects funded by the
16 Department of Defense, and any obligations or
17 expenditures of such revenues.

18 (E) Operating expenses of agencies or enti-
19 ties receiving amounts appropriated or other-
20 wise made available to the Department of De-
21 fense for the reconstruction of Afghanistan.

22 (F) In the case of any contract described
23 in paragraph (2)—

24 (i) the amount of the contract or
25 other agreement;

1 (ii) a brief discussion of the scope of
2 the contract or other agreement;

3 (iii) a discussion of how the Depart-
4 ment of Defense identified, and solicited
5 offers from, potential contractors to per-
6 form the contract, together with a list of
7 the potential contractors that were issued
8 solicitations for the offers; and

9 (iv) the justification and approval doc-
10 uments on which was based the determina-
11 tion to use procedures other than proce-
12 dures that provide for full and open com-
13 petition.

14 (2) A contract described in this paragraph is any
15 major contract or other agreement that is entered into by
16 the Department of Defense that involves the use of
17 amounts appropriated or otherwise made available to the
18 Department of Defense for the reconstruction of Afghani-
19 stan with any public or private sector entity for any of
20 the following purposes:

21 (A) To build or rebuild physical infrastructure
22 of Afghanistan.

23 (B) To establish or reestablish a political or so-
24 cietal institution of Afghanistan.

1 (C) To provide products or services to the peo-
2 ple of Afghanistan.

3 (3) The Inspector General shall submit to the con-
4 gressional defense committees semiannual reports meeting
5 the requirements of section 5 of the Inspector General Act
6 of 1978. The first such report for a year, covering the
7 first six months of the year, shall be submitted not later
8 than July 31 of that year, and the second such report,
9 covering the second six months of the year, shall be sub-
10 mitted not later than January 31 of the following year.

11 (4) The Inspector General shall publish each report
12 under this subsection in both English and other languages,
13 which the Inspector General determines are widely used
14 and understood in Afghanistan, on the Internet website
15 of the Department of Defense.

16 (5) Each report under this subsection may include
17 a classified annex if the Inspector General considers it nec-
18 essary.

19 (6) Nothing in this subsection shall be construed to
20 authorize the public disclosure of information that is—

21 (A) specifically prohibited from disclosure by
22 any other provision of law;

23 (B) specifically required by Executive order to
24 be protected from disclosure in the interest of na-

1 tional defense or national security or in the conduct
2 of foreign affairs; or

3 (C) a part of an ongoing criminal investigation.

4 (j) REPORT COORDINATION.—(1) The Inspector Gen-
5 eral shall also submit each report under subsection (i) to
6 the Secretary of Defense.

7 (2)(A) Not later than 30 days after receipt of a re-
8 port under paragraph (1), the Secretary of Defense may
9 submit to the congressional defense committees any com-
10 ments on the matters covered by the report as the Sec-
11 retary of Defense considers appropriate.

12 (B) A report under this paragraph may include a
13 classified annex if the Secretary of Defense considers it
14 necessary.

15 (k) TRANSPARENCY.—(1) Not later than 60 days
16 after the date of the submittal to Congress of a report
17 under subsection (i), the Secretary of Defense shall make
18 copies of such report available to the public upon request,
19 and at a reasonable cost.

20 (2) Not later than 60 days after the date of the sub-
21 mittal to Congress under subsection (j)(2) of comments
22 on a report under subsection (i), the Secretary of Defense
23 shall make copies of such comments available to the public
24 upon request, and at a reasonable cost.

1 (l) WAIVER.—(1) The President may waive the re-
2 quirement under paragraph (1) or (2) of subsection (k)
3 with respect to availability to the public of any element
4 in a report under subsection (i), or any comment under
5 subsection (j)(2), if the President determines that the
6 waiver is justified for national security reasons.

7 (2) The President shall publish a notice of each waiv-
8 er made under this subsection in the Federal Register no
9 later than the date on which a report required under para-
10 graph (1) or (3) of subsection (i), or any comment under
11 subsection (j)(2), is submitted to Congress. The reports
12 required under paragraph (1) or (3) of subsection (i), and
13 the comments required under subsection (j)(2), shall
14 specify whether waivers under this subsection were made
15 and with respect to which elements in the reports or which
16 comments, as appropriate.

17 (m) DEFINITION.—In this section, the term
18 “amounts appropriated or otherwise made available to the
19 Department of Defense for the reconstruction of Afghani-
20 stan” means amounts appropriated or otherwise made
21 available for any fiscal year—

22 (1) to the Afghanistan Security Forces Fund;

23 (2) to the program to assist the people of Af-
24 ghanistan established under subsection (a)(2) of sec-
25 tion 1202 of the National Defense Authorization for

1 Fiscal Year 2006 (Public Law 109–163; 119 Stat.
2 3455–3456); or

3 (3) to the Department of Defense for assistance
4 for the reconstruction of Afghanistan under any
5 other provision of law.

6 (n) FUNDING.—(1) Of the amounts appropriated for
7 fiscal year 2008 to the Afghanistan Security Forces Fund,
8 such sums as may be necessary shall be available to carry
9 out this section.

10 (2) The amount available under paragraph (1) shall
11 remain available until expended.

12 (o) TERMINATION.—(1) The Office of the Inspector
13 General shall terminate 10 months after 80 percent of the
14 funds appropriated or otherwise made available to the De-
15 partment of Defense for the reconstruction of Afghanistan
16 have been expended.

17 (2) The Special Inspector General for Afghanistan
18 Reconstruction shall, prior to the termination of the Office
19 of the Special Inspector General under paragraph (1), pre-
20 pare and submit to the congressional defense committees
21 a final forensic audit report on all funds deemed to be
22 amounts appropriated or otherwise made available to the
23 Department of Defense for the reconstruction of Afghani-
24 stan.

1 **SEC. 1232. REPORT ON PROGRESS TOWARD SECURITY AND**
2 **STABILITY IN AFGHANISTAN.**

3 (a) REPORT REQUIRED.—Not later than 90 days
4 after the date of the enactment of this Act, the Secretary
5 of Defense shall submit to the appropriate congressional
6 committees a report on progress toward security and sta-
7 bility in Afghanistan.

8 (b) COORDINATION.—The report required by sub-
9 section (a) shall be prepared in coordination with the Sec-
10 retary of State, the Attorney General, the Administrator
11 of the Drug Enforcement Administration, the Adminis-
12 trator of the United States Agency for International De-
13 velopment, the Secretary of Agriculture, and the head of
14 any other department or agency of the Government of the
15 United States involved with activities relating to security
16 and stability in Afghanistan.

17 (c) MATTERS TO BE INCLUDED: STRATEGIC DIREC-
18 TION OF UNITED STATES ACTIVITIES RELATING TO SE-
19 CURITY AND STABILITY IN AFGHANISTAN.—The report
20 required by subsection (a) shall include a description of
21 the strategic direction of activities of the United States
22 relating to security and stability in Afghanistan. Such de-
23 scription shall include a general overview followed by a
24 separate detailed section for each of the following:

25 (1) AFGHANISTAN NATIONAL SECURITY FORCES
26 CAPACITY-BUILDING.—A description of the following:

1 (A) A clear, comprehensive and effective
2 long-term strategy and budget, with defined ob-
3 jectives, for activities relating to strengthening
4 the resources, capabilities, and effectiveness of
5 the Afghanistan National Army (ANA) and the
6 Afghanistan National Police (ANP) of the Af-
7 ghanistan National Security Forces (ANSF),
8 which ensure that a strong and fully-capable
9 ANSF is able to independently and effectively
10 conduct operations and maintain security and
11 stability in Afghanistan (hereinafter in this sec-
12 tion referred to as “ANSF capacity-building”).

13 (B) Any actions to achieve the following
14 goals with respect to ANSF capacity-building,
15 and the results of such actions:

16 (i) Improve coordination with all rel-
17 evant departments and agencies of the
18 United States Government, as well as
19 countries participating in the North Atlan-
20 tic Treaty Organization International As-
21 sistance Force (NATO–ISAF) and other
22 international partners.

23 (ii) Improve ANSF recruitment and
24 retention, including through improved vet-
25 ting and salaries for ANSF.

1 (iii) Increase and improve ANSF
2 training and mentoring.

3 (iv) Strengthen the partnership be-
4 tween the Governments of the United
5 States and Afghanistan.

6 (2) PROVINCIAL RECONSTRUCTION TEAMS AND
7 OTHER RECONSTRUCTION AND DEVELOPMENT AC-
8 TIVITIES.—A description of the following:

9 (A) A clear, comprehensive and effective
10 long-term strategy and budget, with defined ob-
11 jectives, for activities relating to reconstruction
12 and development in Afghanistan.

13 (B) Any actions to achieve the following
14 goals with respect to activities relating to recon-
15 struction and development in Afghanistan, and
16 the results of such actions:

17 (i) Improve coordination with all rel-
18 evant departments and agencies of the
19 United States Government, as well as
20 NATO–ISAF countries and other inter-
21 national partners.

22 (ii) Clarify a single chain of command
23 and operations plans for provincial recon-
24 struction teams (PRTs) in Afghanistan.

1 (iii) Increase staffing, particularly
2 staffing of civilian specialists, and increase
3 staff training for PRTs.

4 (iv) Expand the National Solidarity
5 Program and other efforts to develop the
6 ability of the Afghan people to assume
7 greater responsibility for their own recon-
8 struction and development projects.

9 (v) Strengthen the partnership be-
10 tween the Governments of the United
11 States and Afghanistan.

12 (vi) Strengthen reconstruction and de-
13 velopment oversight activities, including
14 implementation of any recommendations of
15 the Special Inspector General for Afghani-
16 stan Reconstruction.

17 (3) REGIONAL CONSIDERATIONS.—A descrip-
18 tion of any actions and the results of such actions
19 to increase cooperation with countries geographically
20 located around Afghanistan’s border, with a par-
21 ticular focus on improving security and stability in
22 the Afghanistan-Pakistan border areas.

23 (d) MATTERS TO BE INCLUDED: PERFORMANCE IN-
24 DICATORS AND MEASURES OF PROGRESS TOWARD SUS-

1 TAINABLE LONG-TERM SECURITY AND STABILITY IN AF-
2 GHANISTAN.—

3 (1) IN GENERAL.—The report required by sub-
4 section (a) shall set forth, in a section separate from
5 any other section of the report, a comprehensive set
6 of performance indicators and measures of progress
7 toward sustainable long-term security and stability
8 in Afghanistan, as specified in paragraph (2), and
9 shall include performance standards and progress
10 goals, together with a notional timetable for achiev-
11 ing such goals.

12 (2) PERFORMANCE INDICATORS AND MEASURES
13 OF PROGRESS SPECIFIED.—The performance indica-
14 tors and measures of progress specified in this para-
15 graph shall include, at a minimum, the following:

16 (A) Key measures of political stability re-
17 lating to both central and local Afghan govern-
18 ance.

19 (B) An assessment of military operations
20 of NATO–ISAF and NATO–ISAF countries,
21 and an assessment of separate military oper-
22 ations by United States forces. Such assess-
23 ments shall include number of engagements per
24 day, trends relating to the numbers and types
25 of hostile encounters, equipment used, effect of

1 national caveats that limit operations, geo-
2 graphic location of operations, and number of
3 civilian casualties.

4 (C) For the Afghanistan National Army
5 (ANA), and separately for the Afghanistan Na-
6 tional Police (ANP), of the Afghanistan Na-
7 tional Security Forces (ANSF) an assessment
8 of the following:

9 (i) Recruitment and retention num-
10 bers; rates of absenteeism; vetting proce-
11 dures and mechanisms; salaries; numbers
12 trained and mentored; type of training and
13 mentoring, including training and men-
14 toring providers and numbers receiving
15 classroom or field training; organizational
16 force structure; equipment used; oper-
17 ational performance, including ANA and
18 ANP that are: (I) capable of conducting
19 operations independently; (II) capable of
20 conducting operations with the support of
21 the United States, NATO–ISAF forces, or
22 other Coalition forces; or (III) not ready to
23 conduct operations.

1 (ii) Effectiveness of ANA or ANP of-
2 ficers and the ANA and ANP chain of
3 command.

4 (iii) Extent to which insurgents have
5 infiltrated the ANA and ANP.

6 (iv) Number of United States and Co-
7 alition trainers, mentors, and advisors
8 needed to support the ANA and ANP and
9 associated ministries.

10 (v) Estimated number and capability
11 level of ANA and ANP needed to perform
12 duties now undertaken by the United
13 States, NATO–ISAF forces, and other Co-
14 alition forces, including securing Afghani-
15 stan’s border with Pakistan and providing
16 adequate levels of law and order through-
17 out Afghanistan.

18 (D) An assessment of the estimated
19 strength of the insurgency in Afghanistan and
20 the extent to which it is composed of non-Af-
21 ghan fighters and utilizing weapons or weapons-
22 related materials from countries other than Af-
23 ghanistan.

24 (E) A description of all terrorist and insur-
25 gent groups operating in Afghanistan, including

1 the number, size, equipment, strength, military
2 effectiveness, sources of support, legal status,
3 and any efforts to disarm or reintegrate each
4 insurgent group.

5 (F) An assessment of security and sta-
6 bility, including terrorist and insurgent activity,
7 in Afghanistan-Pakistan border areas and in
8 Pakistan's Federally Administered Tribal Areas
9 (FATA).

10 (G) An assessment of United States mili-
11 tary requirements, including planned force rota-
12 tions, through the end of calendar year 2008.

13 (e) UPDATE OF REPORT.—Not later than 90 days
14 after the submission of the report required by subsection
15 (a), and every 90 days thereafter, the Secretary of Defense
16 shall submit to the appropriate congressional committees
17 an update of the report.

18 (f) FORM.—The report required by subsection (a)
19 and updates of the report required by subsection (e) shall
20 be submitted in unclassified form, but may include a clas-
21 sified annex, if necessary.

22 (g) CONGRESSIONAL BRIEFINGS.—The Secretary of
23 Defense shall supplement the report required by sub-
24 section (a) and updates of the report required by sub-
25 section (e) with regular briefings to the appropriate con-

1 gressional committees on the subject matter of the report
2 or updates of the report.

3 (h) APPROPRIATE CONGRESSIONAL COMMITTEES
4 DEFINED.—In this section, the term “appropriate con-
5 gressional committees” means—

6 (1) the Committee on Armed Services, the
7 Committee on Appropriations, and the Committee on
8 Foreign Affairs of the House of Representatives;
9 and

10 (2) the Committee on Armed Services, the
11 Committee on Appropriations, and the Committee on
12 Foreign Relations of the Senate.

13 **SEC. 1233. REPORT ON PROGRESS OF THE DEPARTMENT**
14 **OF DEFENSE’S COUNTER-NARCOTICS PRO-**
15 **GRAM FOR AFGHANISTAN.**

16 (a) REPORT REQUIRED.—Not later than 90 days
17 after the date of the enactment of this Act, the Secretary
18 of Defense shall submit to Congress a report on—

19 (1) the counter-narcotics objectives of the De-
20 partment of Defense for Afghanistan; and

21 (2) the strategy for implementing such objec-
22 tives.

23 (b) MATTERS TO BE INCLUDED.—The report re-
24 quired by subsection (a) shall—

1 (1) identify the role and responsibilities of the
2 Department of Defense in addressing any of the ap-
3 plicable five pillars that comprise the counter-nar-
4 cotics strategy and implementation plan for Afghani-
5 stan: public information, rural development (alter-
6 native livelihoods), elimination and eradication ac-
7 tivities, law enforcement and interdiction, and law
8 enforcement and justice reform;

9 (2) describe the strategic direction of activities
10 of the Department of Defense relating to counter-
11 narcotics efforts in Afghanistan, and specifically in-
12 clude a description of—

13 (A) a clear, comprehensive and effective
14 long-term strategy and any planned budget,
15 with defined objectives; and

16 (B) actions that the Department of De-
17 fense has undertaken and has planned, to—

18 (i) improve coordination with all rel-
19 evant departments and agencies of the
20 United States Government;

21 (ii) strengthen significantly the Af-
22 ghanistan National Counter-Narcotics Po-
23 lice;

24 (iii) build the capacity of the Afghan
25 Government to assume greater responsi-

1 bility for counter-narcotics related-activi-
2 ties;

3 (iv) improve counter-narcotics intel-
4 ligence capabilities;

5 (v) strengthen capabilities in support
6 of narcotics-related interdiction activities;

7 (vi) effectively address problems with
8 any counter-narcotics strategies involving
9 the Department of Defense; and

10 (vii) address other elements of the ap-
11 plicable five pillars that comprise the
12 counter-narcotics strategy and implementa-
13 tion plan for Afghanistan as described in
14 paragraph (1); and

15 (3) set forth, in a section separate from any
16 other section of the report, a comprehensive set of
17 performance indicators and measures of progress for
18 the Department of Defense's programs relating to
19 counter-narcotics efforts in Afghanistan, which shall
20 include performance standards and progress goals,
21 together with a notional timetable for achieving such
22 goals.

23 (c) UPDATE OF REPORT.—Not later than 90 days
24 after the submission of the report required by subsection

1 (a), and every 90 days thereafter, the Secretary of Defense
2 shall submit to Congress an update of the report.

3 (d) CONCURRENT SUBMISSION OF REPORT.—The re-
4 port required by subsection (a) and updates of the report
5 required by subsection (c) shall be submitted concurrently
6 with the report required by section 1232 of this Act (relat-
7 ing to progress toward security and stability in Afghanis-
8 stan).

9 (e) FORM.—The report required by subsection (a)
10 and updates of the report required by subsection (c) shall
11 be submitted in unclassified form, but may include a clas-
12 sified annex, if necessary.

13 **SEC. 1234. UNITED STATES PLAN FOR SUSTAINING THE AF-**
14 **GHANISTAN NATIONAL SECURITY FORCES.**

15 (a) PLAN REQUIRED.—Not later than 90 days after
16 the date of the enactment of this Act, the Secretary of
17 Defense shall submit to the appropriate congressional
18 committees a long-term detailed plan for sustaining the
19 Afghanistan National Army and the Afghanistan National
20 Police of the Afghanistan National Security Forces
21 (ANSF). The plan required by this subsection shall ensure
22 that a strong and fully-capable ANSF will be able to inde-
23 pendently and effectively conduct operations and maintain
24 long-term security and stability in Afghanistan.

1 (b) COORDINATION.—The plan required by sub-
2 section (a) shall be prepared in coordination with the Sec-
3 retary of State and the Attorney General.

4 (c) MATTERS TO BE INCLUDED.—The plan required
5 by subsection (a) shall include a description of the fol-
6 lowing matters relating to sustainability of the ANSF:

7 (1) A clear, comprehensive and effective long-
8 term strategy and budget, with defined objectives.

9 (2) A mechanism for tracking funding, includ-
10 ing obligations and expenditures, as well as equip-
11 ment, training, and services provided for the ANSF
12 by the United States, countries participating in the
13 North Atlantic Treaty Organization International
14 Security Assistance Force (NATO–ISAF countries),
15 and other international partners.

16 (3) A comprehensive set of performance indica-
17 tors and measures of progress related to sustaining
18 the ANSF, which shall include performance stand-
19 ards and progress goals, together with a notional
20 timetable for achieving such goals.

21 (4) Actions to achieve the following goals:

22 (A) Effective Afghan security institutions
23 with fully-capable leadership and staff, includ-
24 ing a reformed Ministry of Interior, a fully-es-
25 tablished Ministry of Defense, and logistics, in-

1 intelligence, medical, and recruiting units (ANSF-
2 sustaining institutions).

3 (B) Fully-trained, equipped and capable
4 ANSF in sufficient numbers.

5 (C) Strong ANSF-readiness assessment
6 tools and metrics.

7 (D) A strong core of senior-level ANSF of-
8 ficers.

9 (E) Strong ANSF communication and con-
10 trol between central command and regions,
11 provinces, and districts.

12 (F) A robust mentoring and advising pro-
13 gram for the ANSF.

14 (G) A strong professional military training
15 and education program for all junior, mid-level,
16 and senior ANSF officials.

17 (H) Effective merit-based salary, rank,
18 promotion, and incentive structures for the
19 ANSF.

20 (I) An established code of professional
21 standards for the ANSF.

22 (J) A mechanism for incorporating lessons
23 learned and best practices into ANSF oper-
24 ations.

1 (K) An ANSF personnel accountability
2 system with effective internal discipline proce-
3 dures and mechanisms.

4 (L) A system for addressing ANSF per-
5 sonnel complaints.

6 (M) A strong record-keeping system to
7 track ANSF equipment and personnel issues,
8 and other ANSF oversight mechanisms.

9 (5) Coordination with all relevant United States
10 Government departments and agencies, as well as
11 NATO–ISAF countries and other international part-
12 ners, including on—

13 (A) funding;

14 (B) reform and establishment of ANSF-
15 sustaining institutions; and

16 (C) efforts to ensure that progress on sus-
17 taining the ANSF is reinforced with progress in
18 other pillars of the Afghan security sector, par-
19 ticularly progress on building an effective judi-
20 ciary, curbing production and trafficking of il-
21 licit narcotics, and demobilizing, disarming, and
22 reintegrating militia fighters.

23 (d) UPDATE OF PLAN.—Not later than 90 days after
24 the submission of the plan required by subsection (a), and
25 every 90 days thereafter, the Secretary of Defense, in co-

1 ordination with the Secretary of State and the Attorney
2 General, shall submit to the appropriate congressional
3 committees an update of the plan required by subsection
4 (a), as necessary.

5 (e) CONCURRENT SUBMISSION OF PLAN.—The plan
6 required by subsection (a), and any update of the plan
7 required by subsection (d), shall be submitted concurrently
8 with the report required by section 1232 of this Act (relat-
9 ing to progress toward security and stability in Afghani-
10 stan).

11 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
12 FINED.—In this section, the term “appropriate congres-
13 sional committees” means—

14 (1) the Committee on Armed Services, the
15 Committee on Appropriations, the Committee on
16 Foreign Affairs, and the Committee on the Judiciary
17 of the House of Representatives; and

18 (2) the Committee on Armed Services, the
19 Committee on Appropriations, the Committee on
20 Foreign Relations, and the Committee on the Judici-
21 ary of the Senate.

22 **SEC. 1235. REPORT ON OPERATIONAL STATUS OF THE AIR-**
23 **FIELD LOCATED IN ABECHÉ, CHAD.**

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

1 (1) Sudan has been ravaged by civil war for
2 four decades.

3 (2) More than two million people have died in
4 Southern Sudan over the past two decades due to
5 war-related causes and famine and millions have
6 been displaced from their homes.

7 (3) The airfield located in Abeche, Chad is near
8 the border between Chad and Sudan.

9 (4) Although the Abeche airfield is currently
10 used for military transportation and humanitarian
11 missions, it may be in need of upgrades to allow for
12 increased air traffic, including upgrades to the air-
13 strip and hangers.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the United States, with the concurrence of the
16 Government of Chad, should help provide for the nec-
17 essary upgrades to the airfield located in Abeche, Chad
18 in order to support potential North Atlantic Treaty Orga-
19 nization operations, facilitate a possible United Nations
20 deployment to Chad and the Darfur region of Sudan, and
21 support humanitarian operations.

22 (c) REPORT.—Not later than 90 days after the date
23 of the enactment of this Act, the Secretary of Defense
24 shall submit to Congress a report on the current oper-
25 ational status of the airfield located in Abeche, Chad and

1 recommendations for upgrades to the Abeche airfield to
 2 support enhanced operations and a large increase in air
 3 traffic, including a cost-estimate for such upgrades.

4 **Subtitle D—Other Matters**

5 **SEC. 1241. COOPERATIVE RESEARCH AND DEVELOPMENT**

6 **AGREEMENTS: NATO ORGANIZATIONS; AL-** 7 **LIED AND FRIENDLY FOREIGN COUNTRIES.**

8 Subsection (e) of section 2350a of title 10, United
 9 States Code, is amended—

10 (1) in paragraph (1)—

11 (A) by striking “an arms cooperation op-
 12 portunities document” each place it appears
 13 and inserting “a cooperative opportunities docu-
 14 ment”; and

15 (B) in subparagraph (B), by striking “a
 16 Mission Need Statement” and inserting “an
 17 analysis of alternatives plan”; and

18 (2) in paragraph (2), by striking “An arms co-
 19 operation opportunities document” and inserting “A
 20 cooperative opportunities document”.

21 **SEC. 1242. EXTENSION OF COUNTERPROLIFERATION PRO-** 22 **GRAM REVIEW COMMITTEE.**

23 (a) MEMBERS.—Section 1605 of the National De-
 24 fense Authorization Act for Fiscal Year 1994 (22 U.S.C.
 25 2751 note) is amended in subsection (a)(1)—

1 (1) in subparagraph (C) by striking “Director
2 of Central Intelligence” and inserting “Director of
3 National Intelligence”; and

4 (2) by adding at the end the following:

5 “(E) The Secretary of State.

6 “(F) The Secretary of Homeland Security.

7 “(G) The Secretary of Health and Human
8 Services.

9 “(H) The Administrator of the Environ-
10 mental Protection Agency.”.

11 (b) ACCESS TO INFORMATION.—Subsection (d) of
12 such section is amended by inserting after “Department
13 of Energy,” the following: “the Department of State, the
14 Department of Homeland Security, the Department of
15 Health and Human Services, the Environmental Protec-
16 tion Agency,”.

17 (c) TERMINATION.—Subsection (f) of such section is
18 amended by striking “2008” and inserting “2013”.

19 (d) SUBMISSION OF REPORT.—Section 1503 of the
20 National Defense Authorization Act for Fiscal Year 1995
21 (22 U.S.C. 2751 note) is amended—

22 (1) in subsection (a)—

23 (A) by striking “ANNUAL” and inserting
24 “BIENNIAL”; and

1 (B) by striking “May 1 each year” and in-
2 serting “March 1 each odd-numbered year”;
3 and

4 (2) in subsection (b)(5)—

5 (A) by striking “fiscal year preceding” and
6 inserting “two fiscal years preceding”; and

7 (B) by striking “preceding fiscal year” and
8 inserting “preceding fiscal years”.

9 **SEC. 1243. SENSE OF CONGRESS CONCERNING THE WEST-**
10 **ERN HEMISPHERE INSTITUTE FOR SECURITY**
11 **COOPERATION.**

12 It is the sense of Congress that—

13 (1) the education and training facility of the
14 Department of Defense known as the Western
15 Hemisphere Institute for Security Cooperation is
16 succeeding in meeting its stated mission of providing
17 professional education and training to eligible mili-
18 tary personnel, law enforcement officials, and civil-
19 ians of nations of the Western Hemisphere that sup-
20 port the democratic principles set forth in the Char-
21 ter of the Organization of American States, while
22 fostering mutual knowledge, transparency, con-
23 fidence, and cooperation among the participating na-
24 tions and promoting democratic values and respect
25 for human rights; and

1 (2) therefore, the Institute is an invaluable edu-
2 cation and training facility which the Department of
3 Defense should continue to utilize in order to help
4 foster a spirit of partnership and interoperability
5 among the United States military and the militaries
6 of participating nations.

7 **SEC. 1244. SENSE OF CONGRESS CONCERNING THE STRA-**
8 **TEGIC MILITARY CAPABILITIES AND INTEN-**
9 **TIONS OF THE PEOPLE'S REPUBLIC OF**
10 **CHINA.**

11 It is the sense of Congress that—

12 (1) United States military war-fighting capabili-
13 ties are potentially threatened by the strategic mili-
14 tary capabilities and intentions of the People's Re-
15 public of China, as demonstrated by—

16 (A) the October 2006 undetected broach of
17 a Chinese SONG-class diesel-electric submarine
18 in close proximity of the USS Kitty Hawk in
19 international waters; and

20 (B) the January 2007 test of a direct as-
21 cent anti-satellite (ASAT) weapon, posing a po-
22 tential threat to United States military assets
23 in space;

24 (2) it is in the national security interests of the
25 United States to make every effort to understand

1 China's strategic military capabilities and intentions;
 2 and

3 (3) as part of such an effort, the Secretary of
 4 Defense should expand efforts to develop an accu-
 5 rate assessment of China's strategic military mod-
 6 ernization, particularly with regard to its sea- and
 7 space-based strategic capabilities.

8 **TITLE XIII—COOPERATIVE**
 9 **THREAT REDUCTION WITH**
 10 **STATES OF THE FORMER SO-**
 11 **VIET UNION**

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. New initiatives for the Cooperative Threat Reduction Program.

Sec. 1304. Requirements relating to chemical weapons destruction at
 Shchuch'ye, Russia.

Sec. 1305. Repeal of restrictions on Cooperative Threat Reduction Program.

Sec. 1306. Authority to use Cooperative Threat Reduction funds outside the
 former Soviet Union.

Sec. 1307. Clarification of amounts for Cooperative Threat Reduction pro-
 grams.

12 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
 13 **DUCTION PROGRAMS AND FUNDS.**

14 (a) SPECIFICATION OF CTR PROGRAMS.—For pur-
 15 poses of section 301 and other provisions of this Act, Co-
 16 operative Threat Reduction programs are the programs
 17 specified in section 1501(b) of the National Defense Au-
 18 thorization Act for Fiscal Year 1997 (Public Law 104–
 19 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

1 (b) FISCAL YEAR 2008 COOPERATIVE THREAT RE-
2 Duction FUNDS DEFINED.—As used in this title, the
3 term “fiscal year 2008 Cooperative Threat Reduction
4 funds” means the funds appropriated pursuant to the au-
5 thorization of appropriations in section 301 for Coopera-
6 tive Threat Reduction programs.

7 (c) AVAILABILITY OF FUNDS.—Funds appropriated
8 pursuant to the authorization of appropriations in section
9 301 for Cooperative Threat Reduction programs shall be
10 available for obligation for three fiscal years.

11 **SEC. 1302. FUNDING ALLOCATIONS.**

12 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
13 \$398,000,000 authorized to be appropriated to the De-
14 partment of Defense for fiscal year 2008 in section
15 301(19) for Cooperative Threat Reduction programs, the
16 following amounts may be obligated for the purposes spec-
17 ified:

18 (1) For strategic offensive arms elimination in
19 the Russian Federation, \$77,900,000.

20 (2) For nuclear weapons storage security in
21 Russia, \$23,000,000.

22 (3) For nuclear weapons transportation security
23 in Russia, \$37,700,000.

1 (4) For weapons of mass destruction prolifera-
2 tion prevention in the states of the former Soviet
3 Union, \$38,000,000.

4 (5) For biological weapons proliferation preven-
5 tion in the former Soviet Union, \$144,400,000.

6 (6) For chemical weapons destruction in Rus-
7 sia, \$42,700,000.

8 (7) For defense and military contacts,
9 \$8,000,000.

10 (8) For new Cooperative Threat Reduction ini-
11 tiatives that are outside the scope of existing Coop-
12 erative Threat Reduction programs and projects,
13 \$7,000,000.

14 (9) For activities designated as Other Assess-
15 ments/Administration costs, \$19,300,000, of which
16 \$300,000 is to expand staff capacity, capabilities,
17 and resources necessary for activities related to new
18 Cooperative Threat Reduction initiatives authorized
19 under paragraph (8).

20 (b) REPORT ON OBLIGATION OR EXPENDITURE OF
21 FUNDS FOR OTHER PURPOSES.—No fiscal year 2008 Co-
22 operative Threat Reduction funds may be obligated or ex-
23 pended for a purpose other than a purpose listed in para-
24 graphs (1) through (9) of subsection (a) until 30 days
25 after the date that the Secretary of Defense submits to

1 Congress a report on the purpose for which the funds will
2 be obligated or expended and the amount of funds to be
3 obligated or expended. Nothing in the preceding sentence
4 shall be construed as authorizing the obligation or expend-
5 iture of fiscal year 2008 Cooperative Threat Reduction
6 funds for a purpose for which the obligation or expendi-
7 ture of such funds is specifically prohibited under this title
8 or any other provision of law.

9 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
10 AMOUNTS.—

11 (1) IN GENERAL.—Subject to paragraphs (2)
12 and (3), in any case in which the Secretary of De-
13 fense determines that it is necessary to do so in the
14 national interest, the Secretary may obligate
15 amounts appropriated for fiscal year 2008 for a pur-
16 pose listed in any of the paragraphs in subsection
17 (a) in excess of the specific amount authorized for
18 that purpose.

19 (2) NOTICE-AND-WAIT REQUIRED.—An obliga-
20 tion of funds for a purpose stated in any of the
21 paragraphs in subsection (a) in excess of the specific
22 amount authorized for such purpose may be made
23 using the authority provided in paragraph (1) only
24 after—

1 (A) the Secretary submits to Congress no-
2 tification of the intent to do so together with a
3 complete discussion of the justification for
4 doing so; and

5 (B) 15 days have elapsed following the
6 date of the notification.

7 (3) RESTRICTION.—The Secretary may not,
8 under the authority provided in paragraph (1), obli-
9 gate amounts for a purpose stated in any of para-
10 graphs (6) through (9) of subsection (a) in excess of
11 125 percent of the specific amount authorized for
12 such purpose.

13 **SEC. 1303. NEW INITIATIVES FOR THE COOPERATIVE**
14 **THREAT REDUCTION PROGRAM.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that—

17 (1) the Department of Defense Cooperative
18 Threat Reduction (CTR) Program should be
19 strengthened and expanded, in part by developing
20 new CTR initiatives;

21 (2) such new initiatives should—

22 (A) increase international security and
23 threat reduction cooperation, capacity building,
24 and security and elimination of nuclear, chem-
25 ical, and biological weapons and weapons-re-

1 lated materials that pose a threat to United
2 States national security interests;

3 (B) be well-coordinated with the Depart-
4 ment of Energy, the Department of State, and
5 any other relevant United States Government
6 agency or department;

7 (C) include robust transparency, account-
8 ability, verification measures and mechanisms,
9 and legal frameworks between the United
10 States and CTR partner countries;

11 (D) reflect engagement with non-govern-
12 mental experts, including the National Academy
13 of Sciences, on possible options for strength-
14 ening and expanding the CTR Program;

15 (E) include active work with the Russian
16 Federation and other countries to establish
17 strong CTR partnerships that, among other
18 things—

19 (i) increase the role of scientists and
20 government officials from Russia and other
21 partner countries in designing CTR pro-
22 grams and projects; and

23 (ii) increase financial contributions
24 and additional commitments to CTR pro-
25 grams and projects from Russia and other

1 partner countries, as evidence that the pro-
2 grams and projects reflect national prior-
3 ities and will be sustainable;

4 (F) benefit from broad efforts to increase
5 international contributions, in addition to con-
6 tributions from CTR partner countries, for
7 CTR programs and projects;

8 (G) incorporate a strong focus on national
9 programs and sustainability, which includes ac-
10 tions to address concerns raised and rec-
11 ommendations made by the Government Ac-
12 countability Office, in its report of February
13 2007 titled “Progress Made in Improving Secu-
14 rity at Russian Nuclear Sites, but the Long-
15 Term Sustainability of U.S. Funded Security
16 Upgrades is Uncertain”, regarding safe-
17 guarding nuclear warheads and materials;

18 (H) demonstrate an increased focus on and
19 development of CTR programs and projects
20 that eliminate and secure nuclear, chemical,
21 and biological weapons and weapons-related
22 materials at the source; and

23 (I) include active efforts to expand the
24 scope of existing CTR programs and projects
25 and develop new CTR programs and projects in

1 Russia and the former Soviet Union, and in
2 countries and regions outside the former Soviet
3 Union, where appropriate and in the interest of
4 United States national security; and

5 (3) such new initiatives could include—

6 (A) new CTR programs and projects in
7 Asia and the Middle East;

8 (B) activities relating to the
9 denuclearization of the Democratic People's Re-
10 public on Korea and security of the Korean pe-
11 ninsula; and

12 (C) development of rapid-response and
13 short-term capabilities to respond to unforeseen
14 contingencies or pursue quickly emergent op-
15 portunities.

16 (b) NATIONAL ACADEMY OF SCIENCES STUDY.—

17 (1) STUDY.—Not later than 30 days after the
18 date of the enactment of this Act, the Secretary of
19 Defense shall enter into an arrangement with the
20 National Academy of Sciences under which the
21 Academy shall carry out a study to analyze options
22 for strengthening and expanding the CTR Program.

23 (2) MATTERS TO BE INCLUDED IN STUDY.—

24 The Secretary shall provide for the study under
25 paragraph (1) to include—

1 (A) an assessment of each new CTR initia-
2 tive described in subsection (a); and

3 (B) an identification of options and formu-
4 lation of recommendations for strengthening
5 and expanding the CTR Program.

6 (c) SECRETARY OF DEFENSE REPORT.—

7 (1) IN GENERAL.—Not later than March 31,
8 2008, the Secretary of Defense shall submit to the
9 congressional defense committees, and to the Com-
10 mittee on Foreign Relations of the Senate and the
11 Committee on Foreign Affairs of the House of Rep-
12 resentatives, a report on new CTR initiatives. The
13 report shall include—

14 (A) the results of the study carried out
15 under subsection (b), including any report or
16 other document received from the National
17 Academy of Sciences with respect to such
18 study;

19 (B) the Secretary's assessment of the
20 study; and

21 (C) a specific action plan for the develop-
22 ment and implementation of new CTR initia-
23 tives and the use of any funds authorized and
24 appropriated for fiscal year 2008 for such ini-
25 tiatives, which shall include a discussion of each

1 new CTR initiative described in subsection (a)
2 and the action plan for implementing the rec-
3 ommendations, if any, of the study carried out
4 under subsection (b) that the Secretary has de-
5 cided to pursue.

6 (2) CLASSIFICATION.—The report shall be in
7 unclassified form but may include a classified annex
8 if necessary.

9 (d) FUNDING.—Of the amounts made available pur-
10 suant to the authorization of appropriations in section
11 301(19) for new CTR initiatives under the CTR Program,
12 \$1,000,000 shall be available to carry out this section.

13 **SEC. 1304. REQUIREMENTS RELATING TO CHEMICAL WEAP-**
14 **ONS DESTRUCTION AT SHCHUCH'YE, RUSSIA.**

15 (a) NOTICE OF AGREEMENT REQUIRED.—

16 (1) IN GENERAL.—Not later than 30 days after
17 the commencement of negotiations for, or the sign-
18 ing and finalization of, an agreement described in
19 paragraph (2), the Secretary of Defense shall pro-
20 vide the congressional defense committees with for-
21 mal written notice of the commencement of negotia-
22 tions for that agreement or the signing or finaliza-
23 tion of that agreement, as the case may be.

1 (2) AGREEMENT.—Paragraph (1) applies to
2 any agreement with the Russian Federation, the im-
3 plementation of which would have the effect of—

4 (A) transferring to Russia any responsibil-
5 ities relating to the scope of work for the
6 Shchuch'ye project that are, as of the date of
7 the enactment of this Act, responsibilities of the
8 Department of Defense; or

9 (B) otherwise changing the implementation
10 of the project in any manner inconsistent with
11 the purpose and intent of the amounts author-
12 ized and appropriated for the project.

13 (b) REPORT REQUIRED.—Not later than 60 days
14 after the date of the enactment of this Act, the Secretary
15 of Defense shall submit to the congressional defense com-
16 mittees a report on the Shchuch'ye project. The report
17 shall include—

18 (1) a current and detailed cost estimate for
19 completion of the project; and

20 (2) a specific strategic and operating plan for
21 completion of the project, which includes—

22 (A) active engagement with Russia on se-
23 curing appropriate contractors and other mat-
24 ters relating to project completion;

1 (B) a comprehensive assessment of alter-
2 native contracting options;

3 (C) robust Department project manage-
4 ment and oversight, including management and
5 oversight with respect to the performance of
6 any contractors;

7 (D) project quality assurance and sustain-
8 ability measures, including measures to ensure
9 security of the chemical weapons stockpile at
10 the project site;

11 (E) metrics for measuring project progress
12 with a timetable for achieving goals;

13 (F) coordination of the Department's ef-
14 forts relating to the project with the Depart-
15 ment of Energy and other departments or agen-
16 cies of the United States Government, inter-
17 national partners, and non-governmental ex-
18 perts who may be helpful in facilitating the
19 project; and

20 (G) a project completion date.

21 (c) SUBMISSIONS REQUIRED BEFORE IMPLEMENTA-
22 TION OF AGREEMENT.—The Secretary of Defense may
23 not implement any agreement described in subsection
24 (a)(2) until 90 days after the date on which the Secretary

1 has submitted to the congressional defense committees all
2 of the following:

3 (1) The report required by subsection (b).

4 (2) A copy of the signed and finalized agree-
5 ment.

6 (3) The Secretary's certification that the signed
7 and finalized agreement accomplishes each of the
8 following:

9 (A) Describes the respective responsibilities
10 of the Department and Russia relating to com-
11 pletion of the Shchuch'ye project, including in
12 the areas of management, oversight, implemen-
13 tation, security, quality assurance, and sustain-
14 ability.

15 (B) Specifies the date of project comple-
16 tion.

17 (C) Provides the safeguards needed to en-
18 sure timely and effective project completion.

19 (D) Ensures that the chemical weapons
20 stockpile at the project site is secure.

21 (d) CONGRESSIONAL BRIEFINGS.—The Secretary of
22 Defense shall supplement the report required by sub-
23 section (b) with regular briefings to the congressional de-
24 fense committees on the subject matter of the report.

1 (e) DEFINITION.—In this section, the terms
2 “Shchuch’ye project” and “project” mean the Cooperative
3 Threat Reduction (CTR) Program chemical weapons de-
4 struction project located in the area of Shchuch’ye in Rus-
5 sia.

6 **SEC. 1305. REPEAL OF RESTRICTIONS ON COOPERATIVE**
7 **THREAT REDUCTION PROGRAM.**

8 (a) SOVIET NUCLEAR THREAT REDUCTION ACT OF
9 1991.—Section 211(b) of the Soviet Nuclear Threat Re-
10 duction Act of 1991 (title II of Public Law 102–228; 22
11 U.S.C. 2551 note) is repealed.

12 (b) COOPERATIVE THREAT REDUCTION ACT OF
13 1993.—Section 1203(d) of the Cooperative Threat Reduc-
14 tion Act of 1993 (title XII of Public Law 103–160; 22
15 U.S.C. 5952(d)) is repealed.

16 (c) RUSSIAN CHEMICAL WEAPONS DESTRUCTION
17 FACILITIES.—Section 1305 of the National Defense Au-
18 thorization Act for Fiscal Year 2000 (Public Law 106–
19 65; 22 U.S.C. 5952 note) is repealed.

20 **SEC. 1306. AUTHORITY TO USE COOPERATIVE THREAT RE-**
21 **DUCTION FUNDS OUTSIDE THE FORMER SO-**
22 **VIET UNION.**

23 (a) MODIFICATION OF CERTIFICATION REQUIRE-
24 MENT.—Section 1308 of the National Defense Authoriza-

tion Act for Fiscal Year 2004 (Public Law 108–136; 22 U.S.C. 5963) is amended in subsection (a)—

(1) by striking “the President may” and inserting “the Secretary of Defense may”; and

(2) by striking “if the President” and inserting “if the Secretary of Defense, with the concurrence of the Secretary of State,”.

(b) REPEAL OF FUNDING LIMITATION.—Section 1308 of that Act is further amended by striking subsection (c).

(c) CONGRESSIONAL NOTICE REQUIREMENT.—Section 1308 of that Act is further amended in subsection (d)—

(1) in paragraph (1)—

(A) by striking “The President may not” and inserting “The Secretary of Defense may not”; and

(B) by striking “until the President” and inserting “until the Secretary of Defense”;

(2) in paragraph (2)—

(A) by striking “Not later than 10 days after” and inserting “Not later than 15 days prior to”;

(B) by striking “the President shall” and inserting “the Secretary of Defense shall”; and

1 (C) by striking “Congress” and inserting
 2 “the Committee on Armed Services and the
 3 Committee on Foreign Affairs of the House of
 4 Representatives and the Committee on Armed
 5 Services and Committee on Foreign Relations
 6 of the Senate”; and

7 (3) by adding at the end the following:

8 “(3) In the case of a situation that threatens human
 9 life or safety or where a delay would severely undermine
 10 the national security of the United States, notification
 11 under paragraph (2) shall be made not later than 10 days
 12 after obligating funds under the authority in subsection
 13 (a) for a project or activity.”.

14 **SEC. 1307. CLARIFICATION OF AMOUNTS FOR COOPERA-**
 15 **TIVE THREAT REDUCTION PROGRAMS.**

16 The amount in section 1302(a)(9), and the cor-
 17 responding amounts in section 1302(a) (in the matter pre-
 18 ceding paragraph (1)) and in section 301(19), are hereby
 19 increased by \$48,000, all of which is to expand staff ca-
 20 pacity, capabilities, and resources necessary for activities
 21 related to new Cooperative Threat Reduction initiatives.

22 **TITLE XIV—WOUNDED WARRIOR**
 23 **ASSISTANCE**

Sec. 1401. Definitions.

Subtitle A—Improved Assistance for Wounded Warriors

- Sec. 1411. Improvements to medical and dental care for members of the Armed Forces assigned to hospitals in an outpatient status.
- Sec. 1412. Establishment of a Department of Defense-wide Ombudsman Office.
- Sec. 1413. Establishment of toll-free hot line for reporting deficiencies in medical-related support facilities and expedited response to reports of deficiencies.
- Sec. 1414. Notification to Congress of hospitalization of combat wounded service members.
- Sec. 1415. Independent medical advocate for members before medical evaluation boards.
- Sec. 1416. Training and workload for physical evaluation board liaison officers.
- Sec. 1417. Standardized training program and curriculum for Department of Defense disability evaluation system.
- Sec. 1418. Improved training for health care professionals, medical care case managers, and service member advocates on particular conditions of recovering service members.
- Sec. 1419. Pilot program to establish an Army Wounded Warrior Battalion at an appropriate active duty base.
- Sec. 1420. Criteria for removal of member from temporary disability retired list.
- Sec. 1421. Improved transition of members of the Armed Forces to Department of Veterans Affairs upon retirement or separation.
- Sec. 1422. Establishment of Medical Support Fund for support of members of the Armed Forces returning to military service or civilian life.
- Sec. 1423. Oversight Board for Wounded Warriors.
- Sec. 1424. Option for members of reserve components to use military medical treatment facilities closest to home for certain injuries.
- Sec. 1425. Plans and research for reducing post traumatic stress disorder.

Subtitle B—Studies and Reports

- Sec. 1431. Annual report on military medical facilities.
- Sec. 1432. Access of recovering service members to adequate outpatient residential facilities.
- Sec. 1433. Evaluation and report on Department of Defense and Department of Veterans Affairs disability evaluation systems.
- Sec. 1434. Study and report on support services for families of recovering service members.
- Sec. 1435. Report on traumatic brain injury classifications.
- Sec. 1436. Evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer Program.
- Sec. 1437. Study and report on standard soldier patient tracking system.
- Sec. 1438. Study and report on waiting periods for appointments at Department of Veterans Affairs medical facilities.
- Sec. 1439. Department of Defense study on the feasibility of measuring family member satisfaction with health care services.

Subtitle C—General Provisions

- Sec. 1451. Moratorium on conversion to contractor performance of Department of Defense functions at military medical facilities.
- Sec. 1452. Prohibition on transfer of resources from medical care.
- Sec. 1453. Increase in physicians at hospitals of the Department of Veterans Affairs.
- Sec. 1454. Transportation of remains of deceased members of the Armed Forces and certain other persons.

1 **SEC. 1401. DEFINITIONS.**

2 In this title:

3 (1) CONGRESSIONAL DEFENSE COMMITTEES.—

4 The term “congressional defense committees” has
5 the meaning given that term in section 101(a)(16)
6 of title 10, United States Code.

7 (2) DISABILITY EVALUATION SYSTEM.—The
8 term “disability evaluation system” means the De-
9 partment of Defense system or process for evalu-
10 ating the nature of and extent of disabilities affect-
11 ing members of the armed forces (other than the
12 Coast Guard) and comprised of medical evaluation
13 boards, physical evaluation boards, counseling of
14 members, and final disposition by appropriate per-
15 sonnel authorities, as operated by the Secretaries of
16 the military departments, and, in the case of the
17 Coast Guard, a similar system or process operated
18 by the Secretary of Homeland Security.

19 (3) FAMILY MEMBER.—The term “family mem-
20 ber”, with respect to a recovering service member,
21 has the meaning given that term in section 411h(b)
22 of title 37, United States Code.

23 (4) RECOVERING SERVICE MEMBER.—The term
24 “recovering service member” means a member of the
25 Armed Forces, including a member of the National
26 Guard or a Reserve, who is undergoing medical

1 treatment, recuperation, or therapy, or is otherwise
 2 in medical hold or holdover status, for an injury, ill-
 3 ness, or disease incurred or aggravated while on ac-
 4 tive duty in the Armed Forces.

5 (5) MEDICAL CARE.—The term “medical care”
 6 includes mental health care.

7 **Subtitle A—Improved Assistance** 8 **for Wounded Warriors**

9 **SEC. 1411. IMPROVEMENTS TO MEDICAL AND DENTAL** 10 **CARE FOR MEMBERS OF THE ARMED FORCES** 11 **ASSIGNED TO HOSPITALS IN AN OUTPATIENT** 12 **STATUS.**

13 (a) MEDICAL AND DENTAL CARE OF MEMBERS AS-
 14 SIGNED TO HOSPITALS IN AN OUTPATIENT STATUS.—

15 (1) IN GENERAL.—Chapter 55 of title 10,
 16 United States Code, is amended by inserting after
 17 section 1074k the following new section:

18 **“§ 1074l. Management of medical and dental care:**
 19 **members assigned to receive care in an**
 20 **outpatient status**

21 **“(a) MEDICAL CARE CASE MANAGERS.—(1) A mem-**
 22 **ber in an outpatient status at a military medical treatment**
 23 **facility shall be assigned a medical care case manager.**

24 **“(2)(A) The duties of the medical care case manager**
 25 **shall include the following with respect to the member (or**

1 the member's immediate family if the member is incapable
2 of making judgments about personal medical care):

3 “(i) To assist in understanding the member's
4 medical status.

5 “(ii) To assist in receiving prescribed medical
6 care.

7 “(iii) To conduct a review, at least once a week,
8 of the member's medical status.

9 “(B) The weekly medical status review described in
10 subparagraph (A)(iii) shall be conducted in person with
11 the member. If such a review is not practicable, the med-
12 ical care case manager shall provide a written statement
13 to the case manager's supervisor indicating why an in-per-
14 son medical status review was not possible.

15 “(3)(A) Except as provided in subparagraph (B),
16 each medical care case manager shall be assigned to man-
17 age not more than 17 members in an outpatient status.

18 “(B) The Secretary concerned may waive for up to
19 120 days the requirement of subparagraph (A) if required
20 due to unforeseen circumstances.

21 “(4)(A) The medical care case manager office at each
22 facility shall be headed by a commissioned officer of appro-
23 priate rank and appropriate military occupation specialty,
24 designator, or specialty code.

1 “(B) For purposes of subparagraph (A), an appro-
2 priate military occupation specialty, designator, or spe-
3 cialty code includes membership in the Army Medical
4 Corps, Army Medical Service Corps, Army Nurse Corps,
5 Navy Medical Corps, Navy Medical Service Corps, Navy
6 Nurse Corps, Air Force Medical Service, or other corps
7 comprised of health care professionals at the discretion of
8 the Secretary of Defense.

9 “(5) The Secretary of Defense shall establish a stand-
10 ard training program and curriculum for medical care case
11 managers. Successful completion of the training program
12 is required before a person may assume the duties of a
13 medical care case manager.

14 “(6) The Secretary concerned shall ensure that med-
15 ical care case managers have the resources necessary to
16 ensure that they expeditiously carry out the responsibil-
17 ities and duties of their position.

18 “(b) SERVICE MEMBER ADVOCATE.—(1) A member
19 in an outpatient status shall be assigned a service member
20 advocate.

21 “(2) The duties of the service member advocate shall
22 include—

23 “(A) communicating with the member and with
24 the member’s family or other individuals designated
25 by the member;

1 “(B) assisting with oversight of the member’s
2 welfare and quality of life; and

3 “(C) assisting the member in resolving prob-
4 lems involving financial, administrative, personnel,
5 transitional, and other matters.

6 “(3)(A) Except as provided in subparagraph (B),
7 each service member advocate shall be assigned to not
8 more than 30 members in an outpatient status.

9 “(B) The Secretary concerned may waive for up to
10 120 days the requirement of subparagraph (A) if required
11 due to unforeseen circumstances.

12 “(4) The service member advocate office at each facil-
13 ity shall be headed by a commissioned officer of appro-
14 priate rank and appropriate military occupation specialty,
15 designator, or specialty code in order to handle service-
16 specific personnel and financial issues.

17 “(5) The Secretary of Defense shall establish a stand-
18 ard training program and curriculum for service member
19 advocates. Successful completion of the training program
20 is required before a person may assume the duties of a
21 service member advocate.

22 “(6) A service member advocate shall continue to per-
23 form the duties described in paragraph (2) with respect
24 to a member until the member is returned to duty or sepa-
25 rated or retired from the armed forces.

1 “(7) The Secretary concerned shall ensure that serv-
2 ice member advocates have the resources necessary to en-
3 sure that they expeditiously carry out the responsibilities
4 and duties of their position.

5 “(c) OUTREACH.—The Secretary of Defense shall
6 make available to each member in an outpatient status
7 at a military medical treatment facility, and to the family
8 members of all such members, information on the avail-
9 ability of services provided by the medical care case man-
10 agers and service member advocates, including informa-
11 tion on how to contact such managers and advocates and
12 how to use their services.

13 “(d) SEMIANNUAL SURVEYS BY SECRETARIES CON-
14 CERNED.—The Secretary concerned shall conduct a semi-
15 annual survey of members in an outpatient status at in-
16 stallations under the Secretary’s supervision. The survey
17 shall include, at a minimum, the members’ assessment of
18 the quality of medical care at the facility, the timeliness
19 of medical care at the facility, the adequacy of living facili-
20 ties and other quality of life programs, the adequacy of
21 case management support, and the fairness and timeliness
22 of the physical disability evaluation system. The survey
23 shall be conducted in coordination with installation med-
24 ical commanders and authorities, and shall be coordinated

1 with such commanders and authorities before submission
2 to the Secretary.

3 “(e) DEFINITIONS.—In this section:

4 “(1) The term ‘member in an outpatient status’
5 means a member of the armed forces assigned to a
6 military medical treatment facility as an outpatient
7 or to a unit established for the purpose of providing
8 command and control of members receiving medical
9 care as outpatients.

10 “(2) The term ‘disability evaluation system’
11 means the Department of Defense system or process
12 for evaluating the nature of and extent of disabilities
13 affecting members of the armed forces (other than
14 the Coast Guard) and comprised of medical evalua-
15 tion boards, physical evaluation boards, counseling
16 of members, and final disposition by appropriate
17 personnel authorities, as operated by the Secretaries
18 of the military departments, and, in the case of the
19 Coast Guard, a similar system or process operated
20 by the Secretary of Homeland Security.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of such chapter is amended
23 by adding at the end the following new item:

“1074l. Management of medical and dental care: members assigned to receive
care in an outpatient status.”.

1 (b) EFFECTIVE DATE.—Section 1074l of title 10,
2 United States Code, as added by subsection (a), shall take
3 effect 180 days after the date of the enactment of this
4 Act.

5 **SEC. 1412. ESTABLISHMENT OF A DEPARTMENT OF DE-**
6 **FENSE-WIDE OMBUDSMAN OFFICE.**

7 (a) ESTABLISHMENT.—The Secretary of Defense
8 shall establish a Department of Defense-wide Ombudsman
9 Office (in this section referred to as the “Ombudsman Of-
10 fice”) within the Office of the Secretary of Defense.

11 (b) FUNCTIONS.—

12 (1) IN GENERAL.—The functions of the Om-
13 budsman Office are to provide policy guidance to,
14 and oversight of, the ombudsman offices in the mili-
15 tary departments.

16 (2) POLICY GUIDANCE.—The Ombudsman Of-
17 fice shall develop policy guidance with respect to the
18 following:

19 (A) Providing assistance to and answering
20 questions from recovering service members and
21 their families regarding—

22 (i) administrative processes, financial
23 matters, and non-military related services
24 available to the members and their families

1 throughout the member's evaluation, treat-
2 ment, and recovery;

3 (ii) transfer to the care of the Depart-
4 ment of Veterans Affairs; and

5 (iii) support services available upon
6 the member's return home.

7 (B) Accountability standards, including—

8 (i) creating and maintaining case files
9 for individual specific questions received,
10 and initiating inquiries and tracking re-
11 sponses for all such questions;

12 (ii) setting standards for timeliness of
13 responses; and

14 (iii) setting standards for account-
15 ability to recovering service members and
16 their families, including requirements for
17 daily updates to the members and their
18 families about steps being taken to allevi-
19 ate problems and concerns until problems
20 are addressed.

21 (c) STATUS REPORTS.—The ombudsman office in
22 each military department shall submit status reports of
23 actions taken to address individual concerns to the Om-
24 budsman Office, at such times as the Ombudsman Office
25 considers appropriate.

1 (d) RESPONSES FROM OTHER OFFICES.—The Sec-
2 retary of Defense shall ensure that all other offices within
3 the Department of Defense and the military departments
4 respond in a timely manner to resolve questions and re-
5 quests from the Ombudsman Office on behalf of recov-
6 ering service members and their families, including offices
7 responsible for medical matters (including medical hold-
8 over processes), financial and accounting matters, legal
9 matters, human resources matters, reserve component
10 matters, installation and management matters, and phys-
11 ical disability matters.

12 (e) STAFF OF THE OFFICE.—The staff of the Om-
13 budsman Office shall include representatives from each
14 military department, including persons with experience in
15 medical holdover processes and other medical matters.

16 **SEC. 1413. ESTABLISHMENT OF TOLL-FREE HOT LINE FOR**
17 **REPORTING DEFICIENCIES IN MEDICAL-RE-**
18 **LATED SUPPORT FACILITIES AND EXPEDITED**
19 **RESPONSE TO REPORTS OF DEFICIENCIES.**

20 (a) ESTABLISHMENT.—Chapter 80 of title 10,
21 United States Code, is amended by adding at the end the
22 following new section:

1 **“§ 1567. Identification and investigation of defi-**
2 **ciencies in adequacy, quality, and state of**
3 **repair of medical-related support facili-**
4 **ties**

5 “(a) TOLL-FREE HOT LINE.—The Secretary of De-
6 fense shall establish and maintain a toll-free telephone
7 number (commonly referred to as a ‘hot line’) at which
8 personnel are accessible at all times to collect, maintain,
9 and update information regarding possible deficiencies in
10 the adequacy, quality, and state of repair of medical-re-
11 lated support facilities. The Secretary shall widely dissemi-
12 nate information regarding the existence and availability
13 of the toll-free telephone number to members of the armed
14 forces and their dependents.

15 “(b) CONFIDENTIALITY.—(1) Individuals who seek to
16 provide information through use of the toll-free telephone
17 number under subsection (a) shall be notified, immediately
18 before they provide such information, of their option to
19 elect, at their discretion, to have their identity remain con-
20 fidential.

21 “(2) In the case of information provided through use
22 of the toll-free telephone number by an individual who
23 elects to maintain the confidentiality of his or her identity,
24 any individual who, by necessity, has had access to such
25 information for purposes of conducting the investigation
26 or executing the response plan required by subsection (c)

1 may not disclose the identity of the individual who pro-
2 vided the information.

3 “(c) INVESTIGATION AND RESPONSE PLAN.—Not
4 later than 96 hours after a report of deficiencies in the
5 adequacy, quality, or state of repair of a medical-related
6 support facility is received by way of the toll-free telephone
7 number or other source, the Secretary of Defense shall
8 ensure that—

9 “(1) the deficiencies referred to in the report
10 are investigated; and

11 “(2) if substantiated, a plan of action for reme-
12 diation of the deficiencies is developed and imple-
13 mented.

14 “(d) RELOCATION.—If the Secretary of Defense de-
15 termines, on the basis of the investigation conducted in
16 response to a report of deficiencies at a medical-related
17 support facility, that conditions at the facility violate
18 health and safety standards, the Secretary shall relocate
19 the occupants of the facility while the violations are cor-
20 rected.

21 “(e) MEDICAL-RELATED SUPPORT FACILITY DE-
22 FINED.—In this section, the term ‘medical-related support
23 facility’ means any facility of the Department of Defense
24 that provides support to any of the following:

1 “(1) Members of the armed forces admitted for
2 treatment to a military medical treatment facility.

3 “(2) Members of the armed forces assigned to
4 a military medical treatment facility as an out-
5 patient.

6 “(3) Family members accompanying any mem-
7 ber described in paragraph (1) or (2) as a nonmed-
8 ical attendant.”.

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

 “1567. Identification and investigation of deficiencies in adequacy, quality, and
 state of repair of medical-related support facilities.”.

12 (c) EFFECTIVE DATE.—The toll-free telephone num-
13 ber required to be established by section 1567 of title 10,
14 United States Code, as added by subsection (a), shall be
15 fully operational not later than 180 days after the date
16 of the enactment of this Act.

17 **SEC. 1414. NOTIFICATION TO CONGRESS OF HOSPITALIZA-**
18 **TION OF COMBAT WOUNDED SERVICE MEM-**
19 **BERS.**

20 (a) NOTIFICATION REQUIRED.—Chapter 55 of title
21 10, United States Code, is further amended by inserting
22 after section 1074l the following new section:

1 **“§ 1074m. Notification to Congress of hospitalization**
2 **of combat wounded members**

3 “(a) NOTIFICATION REQUIRED.—The Secretary con-
4 cerned shall provide notification of the hospitalization of
5 any member of the armed forces evacuated from a theater
6 of combat to the appropriate Members of Congress.

7 “(b) APPROPRIATE MEMBERS.—In this section, the
8 term ‘appropriate Members of Congress’, with respect to
9 the member of the armed forces about whom notification
10 is being made, means the Senators and the Members of
11 the House of Representatives representing the States or
12 districts, respectively, that include the member’s home of
13 record and, if different, the residence of the next of kin,
14 or a different location as provided by the member.

15 “(c) CONSENT OF MEMBER REQUIRED.—The notifi-
16 cation under subsection (a) may be provided only with the
17 consent of the member of the armed forces about whom
18 notification is to be made. In the case of a member who
19 is unable to provide consent, information and consent may
20 be provided by next of kin.”.

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

“1074m. Notification to Congress of hospitalization of combat wounded mem-
bers.”.

1 **SEC. 1415. INDEPENDENT MEDICAL ADVOCATE FOR MEM-**
2 **BERS BEFORE MEDICAL EVALUATION**
3 **BOARDS.**

4 (a) ASSIGNMENT OF INDEPENDENT MEDICAL ADVO-
5 CATE.—Section 1222 of title 10, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(d) INDEPENDENT MEDICAL ADVOCATE FOR MEM-
9 BERS BEFORE MEDICAL EVALUATION BOARDS.—(1) The
10 Secretary of each military department shall ensure, in the
11 case of any member of the armed forces being considered
12 by a medical evaluation board under that Secretary’s su-
13 pervision, that the member has access to a physician or
14 other appropriate health care professional who is inde-
15 pendent of the medical evaluation board.

16 “(2) The physician or other health care professional
17 assigned to a member shall—

18 “(A) serve as an advocate for the best interests
19 of the member; and

20 “(B) provide the member with advice and coun-
21 sel regarding the medical condition of the member
22 and the findings and recommendations of the med-
23 ical evaluation board.”.

24 (b) CLERICAL AMENDMENTS.—

25 (1) SECTION HEADING.—The heading of such
26 section is amended to read as follows:

1 **“§ 1222. Physical evaluation boards and medical eval-**
 2 **uation boards”.**

3 (2) TABLE OF SECTIONS.—The table of sections
 4 at the beginning of chapter 61 of such title is
 5 amended by striking the item relating to section
 6 1222 and inserting the following new item:

“1222. Physical evaluation boards and medical evaluation boards.”.

7 (c) EFFECTIVE DATE.—Subsection (d) of section
 8 1222 of title 10, United States Code, as added by sub-
 9 section (a), shall apply with respect to medical evaluation
 10 boards convened after the end of the 180-day period begin-
 11 ning on the date of the enactment of this Act.

12 **SEC. 1416. TRAINING AND WORKLOAD FOR PHYSICAL EVAL-**
 13 **UATION BOARD LIAISON OFFICERS.**

14 (a) REQUIREMENTS.—Section 1222(b) of title 10,
 15 United States Code, is amended—

16 (1) in paragraph (1)—

17 (A) by striking “establishing—” and all
 18 that follows through “a requirement” and in-
 19 serting “establishing a requirement”; and

20 (B) by striking “that Secretary; and” and
 21 all that follows through the end of subpara-
 22 graph (B) and inserting “that Secretary. A
 23 physical evaluation board liaison officer may
 24 not be assigned more than 20 members at any
 25 one time, except that the Secretary concerned

1 may authorize the assignment of additional
2 members, for not more than 120 days, if re-
3 quired due to unforeseen circumstances.”;

4 (2) in paragraph (2), by inserting after “(2)”
5 the following new sentences: “The Secretary of De-
6 fense shall establish a standardized training program
7 and curriculum for physical evaluation board liaison
8 officers. Successful completion of the training pro-
9 gram is required before a person may assume the
10 duties of a physical evaluation board liaison offi-
11 cer.”; and

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

14 “(3) In this subsection, the term ‘physical evaluation
15 board liaison officer’ includes any person designated as,
16 or assigned the duties of, an assistant to a physical evalua-
17 tion board liaison officer.”.

18 (b) EFFECTIVE DATE.—The limitation on the max-
19 imum number of members of the Armed Forces who may
20 be assigned to a physical evaluation board liaison officer
21 shall take effect 180 days after the date of the enactment
22 of this Act. The training program and curriculum for
23 physical evaluation board liaison officers shall be imple-
24 mented not later than 180 days after the date of the en-
25 actment of this Act.

1 **SEC. 1417. STANDARDIZED TRAINING PROGRAM AND CUR-**
2 **RICULUM FOR DEPARTMENT OF DEFENSE**
3 **DISABILITY EVALUATION SYSTEM.**

4 (a) TRAINING PROGRAM REQUIRED.—Section 1216
5 of title 10, United States Code, is amended by adding at
6 the end the following new subsection:

7 “(e)(1) The Secretary of Defense shall establish a
8 standardized training program and curriculum for persons
9 described in paragraph (2) who are involved in the dis-
10 ability evaluation system. The training under the program
11 shall be provided as soon as practicable in coordination
12 with other training associated with the responsibilities of
13 the person.

14 “(2) Persons covered by paragraph (1) include:

15 “(A) Commanders.

16 “(B) Enlisted members who perform super-
17 visory functions.

18 “(C) Health care professionals.

19 “(D) Others persons with administrative, pro-
20 fessional, or technical responsibilities in the dis-
21 ability evaluation system.

22 “(3) In this subsection, the term ‘disability evaluation
23 system’ means the Department of Defense system or proc-
24 ess for evaluating the nature of and extent of disabilities
25 affecting members of the armed forces (other than the
26 Coast Guard) and comprised of medical evaluation boards,

1 physical evaluation boards, counseling of members, and
2 final disposition by appropriate personnel authorities, as
3 operated by the Secretaries of the military departments,
4 and, in the case of the Coast Guard, a similar system or
5 process operated by the Secretary of Homeland Security.”.

6 (b) EFFECTIVE DATE.—The standardized training
7 program and curriculum required by subsection (e) of sec-
8 tion 1216 of title 10, United States Code, as added by
9 subsection (a), shall be established not later than 180 days
10 after the date of the enactment of this Act.

11 **SEC. 1418. IMPROVED TRAINING FOR HEALTH CARE PRO-**
12 **FESSIONALS, MEDICAL CARE CASE MAN-**
13 **AGERS, AND SERVICE MEMBER ADVOCATES**
14 **ON PARTICULAR CONDITIONS OF RECOV-**
15 **ERING SERVICE MEMBERS.**

16 (a) RECOMMENDATIONS.—Not later than 90 days
17 after the date of the enactment of this Act, the Secretary
18 of Defense shall submit to the appropriate congressional
19 committees a report setting forth recommendations for the
20 improvement of the training provided to health care pro-
21 fessionals, medical care case managers, and service mem-
22 ber advocates who provide care for or assistance to recov-
23 ering service members. The recommendations shall in-
24 clude, at a minimum, specific recommendations to ensure
25 that such health care professionals, medical care case

1 managers, and service member advocates are adequately
2 trained and able to detect early warning signs of post-
3 traumatic stress disorder (PTSD), suicidal or homicidal
4 thoughts or behaviors, and other behavioral health con-
5 cerns among recovering service members and make
6 prompt notification to the appropriate health care profes-
7 sionals.

8 (b) ANNUAL REVIEW OF TRAINING.—Not later than
9 180 days after the date of the enactment of this Act and
10 annually thereafter throughout the global war on terror,
11 the Secretary shall submit to the appropriate congres-
12 sional committees a report on the following:

13 (1) The progress made in providing the training
14 recommended under subsection (a).

15 (2) The quality of training provided to health
16 care professionals, medical care case managers, and
17 service member advocates, and the number of such
18 professionals, managers, and advocates trained.

19 (3) The progress made in developing the track-
20 ing system under subsection (c) and the results of
21 the system.

22 (c) TRACKING SYSTEM.—Not later than 180 days
23 after the date of the enactment of this Act, the Secretary
24 shall develop a system to track the number of notifications
25 made by medical care case managers and service member

1 advocates to health care professionals regarding early
2 warning signs of post-traumatic stress disorder and sui-
3 cide in recovering service members assigned to the man-
4 agers and advocates.

5 **SEC. 1419. PILOT PROGRAM TO ESTABLISH AN ARMY**
6 **WOUNDED WARRIOR BATTALION AT AN AP-**
7 **PROPRIATE ACTIVE DUTY BASE.**

8 (a) PILOT PROGRAM REQUIRED.—

9 (1) ESTABLISHMENT.—The Secretary of the
10 Army shall establish a pilot program, at an appro-
11 priate active duty base with a major medical facility,
12 based on the Wounded Warrior Regiment program
13 of the Marine Corps. The pilot program shall be
14 known as the Army Wounded Warrior Battalion.

15 (2) PURPOSE.—Under the pilot program, the
16 Battalion shall track and assist members of the
17 Armed Forces in an outpatient status who are still
18 in need of medical treatment through—

19 (A) the course of their treatment;

20 (B) medical and physical evaluation
21 boards;

22 (C) transition back to their parent units;

23 and

1 (D) medical retirement and subsequent
2 transition into the Department of Veterans Af-
3 fairs medical system.

4 (3) ORGANIZATION.—The commanding officer
5 of the Battalion shall be selected by the Army Chief
6 of Staff and shall be a post-command, at O-5 or O-
7 5 select, with combat experience in Operation Iraqi
8 Freedom or Operation Enduring Freedom. The
9 chain-of-command shall be filled by previously
10 wounded junior officers and non-commissioned offi-
11 cers when available and appropriate.

12 (4) FACILITIES.—The base selected for the
13 pilot program shall provide adequate physical infra-
14 structure to house the Army Wounded Warrior Bat-
15 talion. Any funds necessary for construction or ren-
16 ovation of existing facilities shall be allocated from
17 the Department of Defense Medical Support Fund
18 established under this title.

19 (5) COORDINATION.—The Secretary of the
20 Army shall consult with appropriate Marine Corps
21 counterparts to ensure coordination of best practices
22 and lessons learned.

23 (6) PERIOD OF PILOT PROGRAM.—The pilot
24 program shall be in effect for a period of one year.

1 (b) REPORTING REQUIREMENT.—Not later than 90
2 days after the end of the one-year period for the pilot
3 project, the Secretary of the Army shall submit to Con-
4 gress a report containing—

5 (1) an evaluation of the results of the pilot
6 project;

7 (2) an assessment of the Army’s ability to es-
8 tablish Wounded Warrior Battalions at other major
9 Army bases;

10 (3) recommendations regarding—

11 (A) the adaptability of the Wounded War-
12 rior Battalion concept for the Army’s larger
13 wounded population; and

14 (B) closer coordination and sharing of re-
15 sources with counterpart programs of the Ma-
16 rine Corps.

17 (c) EFFECTIVE DATE.—The pilot program required
18 by this section shall be implemented not later than 180
19 days after the date of the enactment of this Act.

20 **SEC. 1420. CRITERIA FOR REMOVAL OF MEMBER FROM**
21 **TEMPORARY DISABILITY RETIRED LIST.**

22 (a) CRITERIA.—Section 1210(e) of title 10, United
23 States Code, is amended by inserting “of a permanent na-
24 ture and stable and is” after “physical disability is”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply to any case received for consid-
3 eration by a physical evaluation board after the date of
4 the enactment of this Act.

5 **SEC. 1421. IMPROVED TRANSITION OF MEMBERS OF THE**
6 **ARMED FORCES TO DEPARTMENT OF VET-**
7 **ERANS AFFAIRS UPON RETIREMENT OR SEP-**
8 **ARATION.**

9 (a) TRANSITION OF MEMBERS SEPARATED OR RE-
10 TIRED.—

11 (1) TRANSITION PROCESS.—Chapter 58 of title
12 10, United States Code, is amended by inserting
13 after section 1142 the following new section:

14 **“§ 1142a. Process for transition of members to health**
15 **care and physical disability systems of**
16 **Department of Veterans Affairs**

17 “(a) TRANSITION PLAN.—(1) The Secretary of De-
18 fense shall ensure that each member of the armed forces
19 who is being separated or retired under chapter 61 of this
20 title receives a written transition plan that—

21 “(A) specifies the recommended schedule and
22 milestones for the transition of the member from
23 military service; and

24 “(B) provides for a coordinated transition of
25 the member from the Department of Defense dis-

1 ability system to the Department of Veterans Af-
2 fairs.

3 “(2) A member being separated or retired under
4 chapter 61 of this title shall receive the transition plan
5 before the separation or retirement date of the member.

6 “(3) The transition plan for a member under this
7 subsection shall include information and guidance de-
8 signed to assist the member in understanding and meeting
9 the schedule and milestones for the member’s transition.

10 “(b) FORMAL TRANSITION PROCESS.—(1) The Sec-
11 retary of Defense, in cooperation with the Secretary of
12 Veterans Affairs, shall establish a formal process for the
13 transmittal to the Secretary of Veterans Affairs of the
14 records and other information described in paragraph (2)
15 as part of the separation or retirement of a member of
16 the armed forces under chapter 61 of this title.

17 “(2) The records and other information to be trans-
18 mitted under paragraph (1) with respect to a member
19 shall include, at a minimum, the following:

20 “(A) The member’s address and contact infor-
21 mation.

22 “(B) The member’s DD–214 discharge form,
23 which shall be transmitted electronically.

1 “(C) A copy of the member’s service record, in-
2 cluding medical records and any results of a Phys-
3 ical Evaluation Board.

4 “(D) Whether the member is entitled to transi-
5 tional health care, a conversion health policy, or
6 other health benefits through the Department of De-
7 fense under section 1145 of this title.

8 “(E) Any requests by the member for assist-
9 ance in enrolling in, or completed applications for
10 enrollment in, the health care system of the Depart-
11 ment of Veterans Affairs for health care benefits for
12 which the member may be eligible under laws admin-
13 istered by the Secretary of Veterans Affairs.

14 “(F) Any requests by the member for assist-
15 ance in applying for, or completed applications for,
16 compensation and vocational rehabilitation benefits
17 to which the member may be entitled under laws ad-
18 ministered by the Secretary of Veterans Affairs, if
19 the member is being medically separated or is being
20 retired under chapter 61 of this title.

21 “(3) Before transmittal of medical records of a mem-
22 ber to the Department of Veterans Affairs, the Secretary
23 of Defense shall ensure that the member (or an individual
24 legally recognized to make medical decisions on behalf of
25 that member) is presented with a written form, the vol-

1 untary signing of which shall authorize the transfer of the
2 medical records of the member from the Department of
3 Defense to the Department of Veterans Affairs pursuant
4 to the Health Insurance Portability and Accountability
5 Act of 1996. Nothing in this paragraph shall be construed
6 as limiting or otherwise altering the applicability of the
7 Health Insurance Portability and Accountability Act of
8 1996 to medical records maintained by the Department
9 of Defense and the Department of Veterans Affairs.

10 “(4) With the consent of the member, the member’s
11 address and contact information shall also be submitted
12 to the department or agency for veterans affairs of the
13 State in which the member intends to reside after the sep-
14 aration or retirement of the member.

15 “(c) MEETING.—(1) The formal process required by
16 subsection (b) for the transmittal of records and other in-
17 formation with respect to a member shall include a meet-
18 ing between representatives of the Secretary concerned
19 and the Secretary of Veterans Affairs, which shall take
20 place at a location designated by the Secretaries. The
21 member shall be informed of the meeting at least 30 days
22 in advance of the meeting, except that the member may
23 waive the notice requirement in order to accelerate trans-
24 mission of the member’s records and other information to
25 the Department of Veterans Affairs.

1 “(2) A member shall be given an opportunity to sub-
2 mit a written statement for consideration by the Secretary
3 of Veterans Affairs.

4 “(d) TIME FOR TRANSMITTAL OF RECORDS.—The
5 Secretary concerned shall provide for the transmittal to
6 the Department of Veterans Affairs of records and other
7 information with respect to a member at the earliest prac-
8 ticable date. In no case should the transmittal occur later
9 than the date of the separation or retirement of the mem-
10 ber.

11 “(e) ARMED FORCES.—In this section, the term
12 ‘armed forces’ means the Army, Navy, Air Force, and Ma-
13 rine Corps.”.

14 (2) TABLE OF SECTIONS.—The table of sections
15 at the beginning of such chapter is amended by in-
16 serting after the item relating to section 1142 the
17 following new item:

“1142a. Process for transition of members to health care and physical disability
systems of Department of Veterans Affairs.”.

18 (b) UNIFORM SEPARATION AND EVALUATION PHYS-
19 ICAL.—Section 1145 of such title is amended—

20 (1) by redesignating subsections (d) and (e) as
21 subsections (e) and (f), respectively; and

22 (2) by inserting after subsection (c) the fol-
23 lowing new subsection:

1 “(d) UNIFORM SEPARATION AND EVALUATION PHYS-
2 ICAL.—The joint separation and evaluation physical, as
3 described in DD–2808 and DD–2697, shall be used by
4 the Secretary of Defense in connection with the medical
5 separation or retirement of all members of the armed
6 forces, including members separated or retired under
7 chapter 61 of this title. The Secretary of Veterans Affairs
8 shall adopt the same separation and evaluation physical
9 for use by the Department of Veterans Affairs.”.

10 (c) INTEROPERABILITY OF CRITICAL MEDICAL IN-
11 FORMATION AND BI-DIRECTIONAL ACCESS.—

12 (1) INTEROPERABILITY AND ACCESS IMPROVE-
13 MENT.—The Secretary of Defense and Secretary of
14 Veterans Affairs shall jointly establish and imple-
15 ment a process to ensure an interoperable, bi-direc-
16 tional, real-time exchange of critical medical infor-
17 mation between the Department of Defense and the
18 Department of Veterans Affairs.

19 (2) CRITICAL MEDICAL INFORMATION DE-
20 FINED.—In this subsection, the term “critical med-
21 ical information” includes, at a minimum, outpatient
22 notes, clinical notes, radiographs, laboratory data,
23 information regarding medications, operation notes,
24 narrative summaries, and discharge summaries.

25 (d) CO-LOCATION OF VA BENEFIT TEAMS.—

1 (1) CO-LOCATION.—The Secretary of Defense
2 and the Secretary of Veterans Affairs shall jointly
3 determine the optimal locations for the deployment
4 of Department of Veterans Affairs benefits team to
5 support recovering service members assigned to mili-
6 tary medical treatment facilities, medical-related
7 support facilities, and community-based health care
8 organizations.

9 (2) MILITARY MEDICAL TREATMENT FACILITY
10 DEFINED.—In this subsection, the term “medical-re-
11 lated support facility” has the meaning given that
12 term in subsection (b) of section 492 of title 10,
13 United States Code, as added by section 1431(a).

14 (e) REPEAL OF SUPERSEDED CHAPTER 61 MEDICAL
15 RECORD TRANSMITTAL REQUIREMENT.—

16 (1) REPEAL.—Section 1142 of such title is
17 amended by striking subsection (c).

18 (2) SECTION HEADING.—The heading of such
19 section is amended to read as follows:

20 **“§ 1142. Preseparation counseling”.**

21 (3) TABLE OF SECTIONS.—The table of sections
22 at the beginning of chapter 58 of such title is
23 amended by striking the item relating to section
24 1142 and inserting the following new item:

“1142. Preseparation counseling.”.

1 (f) EFFECTIVE DATES.—Section 1142a of title 10,
2 United States Code, as added by subsection (a), and sub-
3 section (d) of section 1145 of such title, as added by sub-
4 section (b), shall apply with respect to members of the
5 Armed Forces who are separated or retired from the
6 Armed Forces on or after the first day of the eighth month
7 beginning after the date of the enactment of this Act. The
8 requirements of subsections (c) and (d), and the amend-
9 ments made by subsection (e), shall take effect on the first
10 day of such eighth month.

11 **SEC. 1422. ESTABLISHMENT OF MEDICAL SUPPORT FUND**
12 **FOR SUPPORT OF MEMBERS OF THE ARMED**
13 **FORCES RETURNING TO MILITARY SERVICE**
14 **OR CIVILIAN LIFE.**

15 (a) ESTABLISHMENT AND PURPOSE.—There is es-
16 tablished on the books of the Treasury a fund to be known
17 as the Department of Defense Medical Support Fund
18 (hereinafter in this section referred to as the “Fund”),
19 which shall be administered by the Secretary of the Treas-
20 ury.

21 (b) PURPOSES.—The Fund shall be used—

22 (1) to support programs and activities relating
23 to the medical treatment, care, rehabilitation, recov-
24 ery, and support of wounded and injured members

1 of the Armed Forces and their return to military
2 service or transition to civilian society; and

3 (2) to support programs and facilities intended
4 to support the families of wounded and injured
5 members of the Armed Forces.

6 (c) ASSETS OF FUND.—There shall be deposited into
7 the Fund any amount appropriated to the Fund, which
8 shall constitute the assets of the Fund.

9 (d) TRANSFER OF FUNDS.—

10 (1) AUTHORITY TO TRANSFER.—The Secretary
11 of Defense may transfer amounts in the Fund to ap-
12 propriations accounts for military personnel; oper-
13 ation and maintenance; procurement; research, de-
14 velopment, test, and evaluation; military construc-
15 tion; and the Defense Health Program. Amounts so
16 transferred shall be merged with and available for
17 the same purposes and for the same time period as
18 the appropriation account to which transferred.

19 (2) ADDITION TO OTHER AUTHORITY.—The
20 transfer authority provided in paragraph (1) is in
21 addition to any other transfer authority available to
22 the Department of Defense. Upon a determination
23 that all or part of the amounts transferred from the
24 Fund are not necessary for the purposes for which

1 transferred, such amounts may be transferred back
2 to the Fund.

3 (3) NOTIFICATION.—The Secretary of Defense
4 shall, not fewer than five days before making a
5 transfer from the Fund, notify the congressional de-
6 fense committees in writing of the details of the
7 transfer. The Secretary shall provide an summary of
8 transfers from the Fund during a fiscal year in the
9 defense budget materials accompanying the budget
10 for that fiscal year submitted by the President under
11 section 1105(a) of title 31, United States Code.

12 (e) WOUNDED WARRIOR REGIMENT PROGRAM.—The
13 Secretary of Defense shall ensure that \$10,000,000 for
14 fiscal year 2008 is transferred from the Medical Support
15 Fund to support programs, activities, and facilities associ-
16 ated with the Marine Corps Wounded Warrior Regiment
17 program, to be used as follows:

18 (1) \$6,550,000 for Case Management and Pa-
19 tient Support.

20 (2) \$1,200,000 for Wounded Warrior Interim
21 Regimental Headquarters Building conversion.

22 (3) \$1,300,000 for Case Management System
23 Development.

24 (4) \$95,000 for Support Equipment.

1 (f) FUNDING.—Of the amounts authorized to be ap-
2 propriated pursuant to section 421 for military personnel
3 accounts, \$50,000,000 is authorized for the Department
4 of Defense Medical Support Fund. Such funds shall re-
5 main available through September 30, 2008.

6 **SEC. 1423. OVERSIGHT BOARD FOR WOUNDED WARRIORS.**

7 (a) ESTABLISHMENT.—There is hereby established a
8 board to be known as the Oversight Board for Wounded
9 Warriors (in this section referred to as the “Oversight
10 Board”).

11 (b) COMPOSITION.—The Oversight Board shall be
12 composed of 12 members, of whom—

13 (1) two shall be appointed by the majority lead-
14 er of the Senate;

15 (2) two shall be appointed by the minority lead-
16 er of the Senate;

17 (3) two shall be appointed by the Speaker of
18 the House of Representatives;

19 (4) two shall be appointed by the minority lead-
20 er of the House of Representatives;

21 (5) two shall be appointed by the Secretary of
22 Veterans Affairs; and

23 (6) two shall be appointed by the Secretary of
24 Defense.

1 (c) QUALIFICATIONS.—All members of the Oversight
2 Board shall have sufficient knowledge of, or experience
3 with, the military healthcare system, the disability evalua-
4 tion system, or the experience of a recovering service mem-
5 ber or family member of a recovering service member.

6 (d) APPOINTMENT.—

7 (1) TERM.—Each member of the Oversight
8 Board shall be appointed for a term of three years.
9 A member may be reappointed for one or more addi-
10 tional terms.

11 (2) VACANCIES.—Any vacancy in the Oversight
12 Board shall be filled in the same manner in which
13 the original appointment was made.

14 (e) DUTIES.—

15 (1) ADVICE AND CONSULTATION.—The Over-
16 sight Board shall provide advice and consultation to
17 the Secretary of Defense and the Committees on
18 Armed Services of the Senate and the House of Rep-
19 resentatives regarding—

20 (A) the process for streamlining the dis-
21 ability evaluation systems of the military de-
22 partments;

23 (B) the process for correcting and improv-
24 ing the ratios of case managers and service

1 member advocates to recovering service mem-
2 bers;

3 (C) the need to revise Department of De-
4 fense policies to improve the experience of re-
5 covering service members while under Depart-
6 ment of Defense care;

7 (D) the need to revise Department of De-
8 fense policies to improve counseling, outreach,
9 and general services provided to family mem-
10 bers of recovering service members;

11 (E) the need to revise Department of De-
12 fense policies regarding the provision of quality
13 lodging to recovering service members; and

14 (F) such other matters relating to the eval-
15 uation and care of recovering service members,
16 including evaluation under disability evaluation
17 systems, as the Board considers appropriate.

18 (2) VISITS TO MILITARY MEDICAL TREATMENT
19 FACILITIES.—In carrying out its duties, each mem-
20 ber of the Oversight Board shall visit not less than
21 three military medical treatment facilities each year,
22 and the Board shall conduct each year one meeting
23 of all the members of the Board at a military med-
24 ical treatment facility.

1 (f) STAFF.—The Secretary shall make available the
2 services of at least two officials or employees of the De-
3 partment of Defense to provide support and assistance to
4 members of the Oversight Board.

5 (g) TRAVEL EXPENSES.—Members of the Oversight
6 Board shall be allowed travel expenses, including per diem
7 in lieu of subsistence, at rates authorized for employees
8 of agencies under subchapter I of chapter 57 of title 5,
9 United States Code, while away from their homes or reg-
10 ular places of business in the performance of service for
11 the Oversight Board.

12 (h) ANNUAL REPORTS.—The Oversight Board shall
13 submit to the Secretary of Defense and the Committees
14 on Armed Services of the Senate and the House of Rep-
15 resentatives each year a report on its activities during the
16 preceding year, including any findings and recommenda-
17 tions of the Oversight Board as a result of such activities.

18 **SEC. 1424. OPTION FOR MEMBERS OF RESERVE COMPO-**
19 **NENTS TO USE MILITARY MEDICAL TREAT-**
20 **MENT FACILITIES CLOSEST TO HOME FOR**
21 **CERTAIN INJURIES.**

22 The Secretary of Defense shall expand the opportuni-
23 ties for recovering service members of the reserve compo-
24 nents to receive treatment on an outpatient basis at a mili-
25 tary medical treatment facility or other location des-

1 ignited by the Secretary closest to the member's home
2 rather than closest to the base from which the member
3 was deployed.

4 **SEC. 1425. PLANS AND RESEARCH FOR REDUCING POST**
5 **TRAUMATIC STRESS DISORDER.**

6 (a) PLANS FOR REDUCING POST TRAUMATIC STRESS
7 DISORDER.—

8 (1) PLAN FOR PREVENTION.—

9 (A) IN GENERAL.—The Secretary of De-
10 fense shall develop a plan to incorporate evi-
11 dence-based preventive and early-intervention
12 measures, practices, or procedures that reduce
13 the likelihood that personnel in combat will de-
14 velop post-traumatic stress disorder or other
15 stress-related psychopathologies (including sub-
16 stance use conditions) into—

17 (i) basic and pre-deployment training
18 for enlisted members of the Armed Forces,
19 noncommissioned officers, and officers;

20 (ii) combat theater operations; and

21 (iii) post-deployment service.

22 (B) UPDATES.—The Secretary of Defense
23 shall update the plan under subparagraph (A)
24 periodically to incorporate, as the Secretary
25 considers appropriate, the results of relevant re-

1 search, including research conducted pursuant
2 to subsection (b).

3 (2) RESEARCH.—Subject to subsection (b), the
4 Secretary of Defense shall develop a plan, in con-
5 sultation with the Department of Veterans Affairs,
6 the National Institutes of Health, and the National
7 Academy of Sciences, to conduct such research as is
8 necessary to develop the plan described in paragraph
9 (1).

10 (b) EVIDENCE-BASED RESEARCH AND TRAINING.—

11 (1) WORKING GROUP.—The Secretary of De-
12 fense shall conduct a study, in coordination with the
13 Department of Veterans Affairs, the National Insti-
14 tutes of Health, and the National Academy of
15 Sciences' Institute of Medicine, to determine the fea-
16 sibility of establishing a working group tasked with
17 researching and developing evidence-based measures,
18 practices, or procedures that reduce the likelihood
19 that personnel in combat will develop post-traumatic
20 stress disorder or other stress-related psychological
21 pathologies (including substance use conditions).
22 The working group shall include personnel with ex-
23 perience in a combat theater, and behavioral health
24 personnel who have experience providing treatment
25 to individuals with experience in a combat theater.

1 (2) PEER-REVIEWED RESEARCH PROGRAM.—

2 Not later than 180 days after the date of the enact-
3 ment of this Act, the Secretary of Defense shall sub-
4 mit to Congress a plan for a peer-reviewed research
5 program within the Defense Health Program’s re-
6 search and development function to research and de-
7 velop evidence-based preventive and early interven-
8 tion measures, practices, or procedures that reduce
9 the likelihood that personnel in combat will develop
10 post-traumatic stress disorder or other stress-related
11 psychopathologies (including substance use condi-
12 tions).

13 (c) REPORT.—The Secretary of Defense shall submit
14 to Congress a report on the plans and studies required
15 under this section.

16 **Subtitle B—Studies and Reports**

17 **SEC. 1431. ANNUAL REPORT ON MILITARY MEDICAL FACILI-** 18 **TIES.**

19 (a) IN GENERAL.—

20 (1) REPORT REQUIREMENT.—Chapter 23 of
21 title 10, United States Code, as amended by this
22 Act, is further amended by adding at the end the
23 following new section:

1 **“§ 492. Annual report on military medical facilities**

2 “(a) ANNUAL REPORT.—Not later than the date on
3 which the President submits the budget for a fiscal year
4 to Congress pursuant to section 1105 of title 31, the Sec-
5 retary of Defense shall submit to the Committees on
6 Armed Services of the Senate and the House of Represent-
7 atives a report on the adequacy, suitability, and quality
8 of medical facilities and medical-related support facilities
9 at each military installation within the Department of De-
10 fense.

11 “(b) RESPONSE TO HOT-LINE INFORMATION.—The
12 Secretary of Defense shall include in each report informa-
13 tion regarding—

14 “(1) any deficiencies in the adequacy, quality,
15 or state of repair of medical-related support facilities
16 raised as a result of information received during the
17 period covered by the report through the toll-free hot
18 line maintained pursuant to section 1567 of this
19 title; and

20 “(2) the investigations conducted and plans of
21 action prepared under such section to respond to
22 such deficiencies.

23 “(c) MEDICAL-RELATED SUPPORT FACILITY.—In
24 this section, the term ‘medical-related support facility’ is
25 any facility of the Department of Defense that provides
26 support to any of the following:

1 “(1) Members of the armed forces admitted for
2 treatment to military medical treatment facilities.

3 “(2) Members of the armed forces assigned to
4 military medical treatment facilities as an out-
5 patient.

6 “(3) Family members accompanying any mem-
7 ber described in paragraph (1) or (2) as a nonmed-
8 ical attendant.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of such chapter is amended
11 by adding at the end the following new item:

“492. Annual report on military medical facilities.”.

12 (b) EFFECTIVE DATE.—The first report under sec-
13 tion 492 of title 10, United States Code, as added by sub-
14 section (a), shall be submitted not later than the date of
15 submission of the budget for fiscal year 2009.

16 **SEC. 1432. ACCESS OF RECOVERING SERVICE MEMBERS TO**
17 **ADEQUATE OUTPATIENT RESIDENTIAL FA-**
18 **CILITIES.**

19 (a) REQUIRED INSPECTIONS OF FACILITIES.—All
20 quarters of the United States and housing facilities under
21 the jurisdiction of the Armed Forces that are occupied by
22 recovering service members shall be inspected on a semi-
23 annual basis for the first two years after the enactment
24 of this Act and annually thereafter by the inspectors gen-
25 eral of the regional medical commands.

1 (b) INSPECTOR GENERAL REPORTS.—The inspector
2 general for each regional medical command shall—

3 (1) submit a report on each inspection of a fa-
4 cility conducted under subsection (a) to the post
5 commander at such facility, the commanding officer
6 of the hospital affiliated with such facility, the sur-
7 geon general of the military department that oper-
8 ates such hospital, the Secretary of the military de-
9 partment concerned, the Assistant Secretary of De-
10 fense for Health Affairs, the Oversight Board for
11 Wounded Warriors established pursuant to section
12 1423, and the appropriate congressional committees;
13 and

14 (2) post each such report on the Internet
15 website of such regional medical command.

16 **SEC. 1433. EVALUATION AND REPORT ON DEPARTMENT OF**
17 **DEFENSE AND DEPARTMENT OF VETERANS**
18 **AFFAIRS DISABILITY EVALUATION SYSTEMS.**

19 (a) EVALUATION.—The Secretary of Defense and the
20 Secretary of Veterans Affairs shall conduct a joint evalua-
21 tion of the disability evaluation systems used by the De-
22 partment of Defense and the Department of Veterans Af-
23 fairs for the purpose of—

24 (1) improving the consistency of the two dis-
25 ability evaluation systems; and

1 (2) evaluating the feasibility of, and potential
2 options for, consolidating the two systems.

3 (b) RELATION TO VETERANS' DISABILITY BENEFITS
4 COMMISSION.—In conducting the evaluation of the dis-
5 ability evaluation systems used by the Department of De-
6 fense and the Department of Veterans Affairs, the Sec-
7 retary of Defense and the Secretary of Veterans Affairs
8 shall consider the findings and recommendations of the
9 Veterans' Disability Benefits Commission established pur-
10 suant to title XV of the National Defense Authorization
11 Act for Fiscal Year 2004 (Public Law 108–136; 38 U.S.C.
12 1101 note).

13 (c) REPORT.—Not later than 180 days after the date
14 of the submission of the final report of the Veterans' Dis-
15 ability Benefits Commission, the Secretary of Defense and
16 the Secretary of Veterans Affairs shall submit to Congress
17 a report containing—

18 (1) the results of the evaluation; and

19 (2) the recommendations of the Secretaries for
20 improving the consistency of the two disability eval-
21 uation systems and such other recommendations as
22 the Secretaries consider appropriate.

1 **SEC. 1434. STUDY AND REPORT ON SUPPORT SERVICES**
2 **FOR FAMILIES OF RECOVERING SERVICE**
3 **MEMBERS.**

4 (a) **STUDY REQUIRED.**—The Secretary of Defense
5 shall conduct a study of the provision of support services
6 for families of recovering service members.

7 (b) **MATTERS COVERED.**—The study under sub-
8 section (a) shall include the following:

9 (1) A determination of the types of support
10 services that are currently provided by the Depart-
11 ment of Defense to family members described in
12 subsection (c), and the cost of providing such serv-
13 ices.

14 (2) A determination of additional types of sup-
15 port services that would be feasible for the Depart-
16 ment to provide to such family members, and the
17 costs of providing such services, including the fol-
18 lowing types of services:

19 (A) The provision of medical care at mili-
20 tary medical treatment facilities.

21 (B) The provision of job placement services
22 offered by the Department of Defense to any
23 family member caring for a recovering service
24 member for more than 45 days during a one-
25 year period.

1 (C) The provision of meals without charge
2 at military medical treatment facilities.

3 (3) A survey of military medical treatment fa-
4 cilities to estimate the number of family members to
5 whom the support services would be provided.

6 (4) A determination of any discrimination in
7 employment that such family members experience,
8 including denial of retention in employment, pro-
9 motion, or any benefit of employment by an em-
10 ployer on the basis of the person's absence from em-
11 ployment as described in subsection (c), and a deter-
12 mination, in consultation with the Secretary of
13 Labor, of the options available for such family mem-
14 bers.

15 (c) COVERED FAMILY MEMBERS.—A family member
16 described in this subsection is a family member of a recov-
17 ering service member who is—

18 (1) on invitational orders while caring for the
19 recovering service member;

20 (2) a non-medical attendee caring for the recov-
21 ering service member; or

22 (3) receiving per diem payments from the De-
23 partment of Defense while caring for the recovering
24 service member.

1 (d) REPORT.—Not later than 180 days after the date
2 of the enactment of this Act, the Secretary of Defense
3 shall submit to the Committees on Armed Services of the
4 Senate and the House of Representatives a report on the
5 results of the study, with such findings and recommenda-
6 tions as the Secretary considers appropriate.

7 **SEC. 1435. REPORT ON TRAUMATIC BRAIN INJURY CLASSI-**
8 **FICATIONS.**

9 (a) INTERIM REPORT.—Not later than 90 days after
10 the date of the enactment of this Act, the Secretary of
11 Defense shall submit to the Committees on Armed Serv-
12 ices of the Senate and the House of Representatives an
13 interim report describing the changes undertaken within
14 the Department of Defense to ensure that traumatic brain
15 injury victims receive a proper medical designation con-
16 comitant with their injury as opposed to the current med-
17 ical designation which assigns a generic “organic psy-
18 chiatric disorder” classification.

19 (b) FINAL REPORT.—Not later than 180 days after
20 the date of the enactment of this Act, the Secretary of
21 Defense shall submit to the Committees on Armed Serv-
22 ices of the Senate and the House of Representatives a
23 final report concerning traumatic brain injury classifica-
24 tions and an explanation and justification of the Depart-
25 ment’s use of the international classification of disease

1 (ICD) 9 designation, recommendations for transitioning to
2 ICD 10 or 11, and the benefits the civilian community
3 experiences from using ICD 10.

4 **SEC. 1436. EVALUATION OF THE POLYTRAUMA LIAISON OF-**
5 **FICER/NON-COMMISSIONED OFFICER PRO-**
6 **GRAM.**

7 (a) EVALUATION REQUIRED.—The Secretary of De-
8 fense shall conduct an evaluation of the Polytrauma Liai-
9 son Officer/Non-Commissioned Officer program, which is
10 the program operated by each of the military departments
11 and the Department of Veterans Affairs for the purpose
12 of—

13 (1) assisting in the seamless transition of mem-
14 bers of the Armed Forces from the Department of
15 Defense health care system to the Department of
16 Veterans Affairs system; and

17 (2) expediting the flow of information and com-
18 munication between military treatment facilities and
19 the Veterans Affairs Polytrauma Centers.

20 (b) MATTERS COVERED.—The evaluation of the
21 Polytrauma Liaison Officer/Non-Commissioned Officer
22 program shall include evaluating the following areas:

23 (1) The program's effectiveness in the following
24 areas:

25 (A) Handling of military patient transfers.

1 (B) Ability to access military records in a
2 timely manner.

3 (C) Collaboration with Polytrauma Center
4 treatment teams.

5 (D) Collaboration with Veteran Service Or-
6 ganizations.

7 (E) Functioning as the Polytrauma Cen-
8 ter's subject-matter expert on military issues.

9 (F) Supporting and assisting family mem-
10 bers.

11 (G) Providing education, information, and
12 referrals to members of the Armed Forces and
13 their family members.

14 (H) Functioning as uniformed advocates
15 for members of the Armed Forces and their
16 family members.

17 (I) Inclusion in Polytrauma Center meet-
18 ings.

19 (J) Completion of required administrative
20 reporting.

21 (K) Ability to provide necessary adminis-
22 trative support to all members of the Armed
23 Forces.

24 (2) Manpower requirements to effectively carry
25 out all required functions of the Polytrauma Liaison

1 Officer/Non-Commissioned Officer program given
2 current and expected case loads.

3 (3) Expansion of the program to incorporate
4 Navy and Marine Corps officers and senior enlisted
5 personnel.

6 (c) REPORTING REQUIREMENT.—Not later than 90
7 days after the date of the enactment of this Act, the Sec-
8 retary of Defense shall submit to Congress a report con-
9 taining—

10 (1) the results of the evaluation; and

11 (2) recommendations for any improvements in
12 the program.

13 **SEC. 1437. STUDY AND REPORT ON STANDARD SOLDIER PA-**
14 **TIENT TRACKING SYSTEM.**

15 (a) STUDY REQUIRED.—The Secretary of Defense
16 shall conduct a study on the feasibility of developing a
17 joint soldier tracking system for recovering service mem-
18 bers.

19 (b) MATTERS COVERED.—The study under sub-
20 section (a) shall include the following:

21 (1) Review of the feasibility of allowing each re-
22 covering service member, each family member of
23 such a member, each commander of a military in-
24 stallation retaining medical holdover patients, each
25 patient navigator, and ombudsman office personnel,

1 at all times, to be able to locate and understand ex-
2 actly where a recovering service member is in the
3 medical holdover process.

4 (2) A determination of whether the tracking
5 system can be designed to ensure that—

6 (A) the commander of each military med-
7 ical facility where recovering service members
8 are located is able to track appointments of
9 such members to ensure they are meeting time-
10 liness and other standards that serve the mem-
11 ber; and

12 (B) each recovering service member is able
13 to know when his appointments and other med-
14 ical evaluation board or physical evaluation
15 board deadlines will be and that they have been
16 scheduled in a timely and accurate manner.

17 (3) Any other information needed to conduct
18 oversight of care of the member through out the
19 medical holdover process.

20 (c) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act, the Secretary of Defense
22 shall submit to the Committees on Armed Services of the
23 Senate and the House of Representatives a report on the
24 results of the study, with such findings and recommenda-
25 tions as the Secretary considers appropriate.

1 **SEC. 1438. STUDY AND REPORT ON WAITING PERIODS FOR**
2 **APPOINTMENTS AT DEPARTMENT OF VET-**
3 **ERANS AFFAIRS MEDICAL FACILITIES.**

4 (a) **STUDY REQUIRED.**—The Secretary of Veterans
5 Affairs shall conduct a study on the average length of time
6 between the desired date for which a veteran seeks to
7 schedule an appointment for health care at a Department
8 of Veterans Affairs medical facility and the date on which
9 such appointment is completed.

10 (b) **FOCUS OF STUDY.**—In conducting the study
11 under subsection (a), the Secretary shall focus on appoint-
12 ments scheduled and completed at Department medical fa-
13 cilities located in both rural and urban areas.

14 (c) **REPORT.**—Not later than 180 days after the date
15 of the enactment of this Act, the Secretary shall submit
16 a report to Congress containing the findings of the study
17 under subsection (a) and recommendations for decreasing
18 the waiting time between the desired date of an appoint-
19 ment and the completion of the appointment to a max-
20 imum of 15 days.

21 **SEC. 1439. DEPARTMENT OF DEFENSE STUDY ON THE FEA-**
22 **SIBILITY OF MEASURING FAMILY MEMBER**
23 **SATISFACTION WITH HEALTH CARE SERV-**
24 **ICES.**

25 The Secretary of Defense shall conduct a study on
26 the feasibility of measuring family member satisfaction

1 with the quality of health care services provided to pa-
2 tients, particularly those patients incapacitated by injuries
3 that render them unable to respond completely to surveys
4 on their own.

5 **Subtitle C—General Provisions**

6 **SEC. 1451. MORATORIUM ON CONVERSION TO CON-** 7 **TRACTOR PERFORMANCE OF DEPARTMENT** 8 **OF DEFENSE FUNCTIONS AT MILITARY MED-** 9 **ICAL FACILITIES.**

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

11 (1) The conduct of public-private competitions
12 for the performance of Department of Defense func-
13 tions, based on Office of Management and Budget
14 Circular A–76, can lead to dramatic reductions in
15 the workforce, undermining an agency’s ability to
16 perform its mission.

17 (2) The Army Garrison commander at the Wal-
18 ter Reed Army Medical Center has stated that the
19 extended A–76 competition process contributed to
20 the departure of highly skilled administrative and
21 maintenance personnel, which led to the problems at
22 the Walter Reed Army Medical Center.

23 (b) MORATORIUM.—During the one-year period be-
24 ginning on the date of the enactment of this Act, no study
25 or competition may be begun or announced pursuant to

1 section 2461 of title 10, United States Code, or otherwise
2 pursuant to Office of Management and Budget Circular
3 A-76 relating to the possible conversion to performance
4 by a contractor of any Department of Defense function
5 carried out at a military medical facility.

6 (c) REPORT REQUIRED.—Not later than 180 days
7 after the date of the enactment of this Act, the Secretary
8 of Defense shall submit to the Committee on Armed Serv-
9 ices of the Senate and the Committee on Armed Services
10 of the House of Representatives a report on the public-
11 private competitions being conducted for Department of
12 Defense functions carried out at military medical facilities
13 as of the date of the enactment of this Act by each military
14 department and defense agency. Such report shall in-
15 clude—

16 (1) for each such competition—

17 (A) the cost of conducting the public-pri-
18 vate competition;

19 (B) the number of military personnel and
20 civilian employees of the Department of De-
21 fense affected;

22 (C) the estimated savings identified and
23 the savings actually achieved;

1 (D) an evaluation whether the anticipated
2 and budgeted savings can be achieved through
3 a public-private competition; and

4 (E) the effect of converting the perform-
5 ance of the function to performance by a con-
6 tractor on the quality of the performance of the
7 function;

8 (2) a description of any public-private competi-
9 tion the Secretary would conduct if the moratorium
10 under subsection (b) were not in effect; and

11 (3) an assessment of whether any method of
12 business reform or reengineering other than a pub-
13 lic-private competition could, if implemented in the
14 future, achieve any anticipated or budgeted savings.

15 **SEC. 1452. PROHIBITION ON TRANSFER OF RESOURCES**
16 **FROM MEDICAL CARE.**

17 Neither the Secretary of Defense nor the Secretaries
18 of the military departments may transfer funds or per-
19 sonnel from medical care functions to administrative func-
20 tions within the Department of Defense in order to comply
21 with the new administrative requirements imposed by this
22 title or the amendments made by this title.

1 **SEC. 1453. INCREASE IN PHYSICIANS AT HOSPITALS OF THE**
 2 **DEPARTMENT OF VETERANS AFFAIRS.**

3 The Secretary of Veterans Affairs shall increase the
 4 number of resident physicians at hospitals of the Depart-
 5 ment of Veterans Affairs.

6 **SEC. 1454. TRANSPORTATION OF REMAINS OF DECEASED**
 7 **MEMBERS OF THE ARMED FORCES AND CER-**
 8 **TAIN OTHER PERSONS.**

9 Section 1482(a)(8) of title 10, United States Code,
 10 is amended by adding at the end the following new sen-
 11 tence: “When transportation of the remains includes
 12 transportation by aircraft under section 562 of the John
 13 Warner National Defense Authorization Act for Fiscal
 14 Year 2007 (Public Law 109–364; 10 U.S.C. 1482 note),
 15 the Secretary concerned shall provide, to the maximum ex-
 16 tent practicable, for delivery of the remains by air to the
 17 commercial, general aviation, or military airport nearest
 18 to the place selected by the designee.”

19 **TITLE XV—AUTHORIZATION OF**
 20 **ADDITIONAL APPROPRIA-**
 21 **TIONS FOR OPERATION IRAQI**
 22 **FREEDOM AND OPERATION**
 23 **ENDURING FREEDOM**

Sec. 1501. Purpose and statement of congressional policy.

Sec. 1502. Army procurement.

Sec. 1503. Navy and Marine Corps procurement.

Sec. 1504. Air Force procurement.

Sec. 1505. Joint Improvised Explosive Device Defeat Fund.

Sec. 1506. Defense-wide activities procurement.
 Sec. 1507. Research, development, test, and evaluation.
 Sec. 1508. Operation and maintenance.
 Sec. 1509. Working capital funds.
 Sec. 1510. Other Department of Defense programs.
 Sec. 1511. Iraq Freedom Fund.
 Sec. 1512. Iraq Security Forces Fund.
 Sec. 1513. Afghanistan Security Forces Fund.
 Sec. 1514. Military personnel.
 Sec. 1515. Authorized Army construction and land acquisition projects.
 Sec. 1516. Authorized Navy construction and land acquisition projects.
 Sec. 1517. National Nuclear Security Administration.
 Sec. 1518. Treatment as additional authorizations.

1 **SEC. 1501. PURPOSE AND STATEMENT OF CONGRESSIONAL**
 2 **POLICY.**

3 (a) PURPOSE.—The purpose of this title is to author-
 4 ize appropriations for the Department of Defense for fiscal
 5 year 2008 to provide additional funds for Operation Iraqi
 6 Freedom and Operation Enduring Freedom.

7 (b) POLICY.—Congress has provided members of the
 8 Armed Forces deployed outside of the United States, and
 9 the families of such members, with ongoing funds for their
 10 protection and operations and will continue to support
 11 their service and valor on behalf of the United States.

12 **SEC. 1502. ARMY PROCUREMENT.**

13 Funds are hereby authorized to be appropriated for
 14 fiscal year 2008 for procurement accounts of the Army
 15 in amounts as follows:

- 16 (1) For aircraft procurement, \$1,677,706,000.
 17 (2) For ammunition procurement,
 18 \$313,000,000.

1 (3) For weapons and tracked combat vehicles
2 procurement, \$4,780,172,000.

3 (4) For missile procurement, \$295,626,000.

4 (5) For other procurement, \$11,123,699,000.

5 **SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.**

6 (a) NAVY.—Funds are hereby authorized to be appro-
7 priated for fiscal year 2008 for procurement accounts for
8 the Navy in amounts as follows:

9 (1) For aircraft procurement, \$2,917,958,000

10 (2) For weapons procurement, \$251,281,000

11 (3) For other procurement, \$727,580,000.

12 (b) MARINE CORPS.—Funds are hereby authorized to
13 be appropriated for fiscal year 2008 for the procurement
14 account for the Marine Corps in the amount of
15 \$3,863,267,000.

16 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
17 are hereby authorized to be appropriated for fiscal year
18 2008 for the procurement account for ammunition for the
19 Navy and the Marine Corps in the amount of
20 \$590,090,000.

21 **SEC. 1504. AIR FORCE PROCUREMENT.**

22 Funds are hereby authorized to be appropriated for
23 fiscal year 2008 for procurement accounts for the Air
24 Force in amounts as follows:

25 (1) For aircraft procurement, \$5,189,709,000.

1 (2) For ammunition procurement, \$74,005,000.

2 (3) For missile procurement, \$1,800,000.

3 (4) For other procurement, \$3,926,810,000.

4 **SEC. 1505. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
5 **FUND.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
7 are hereby authorized for fiscal year 2008 for the Joint
8 Improvised Explosive Device Defeat Fund in the amount
9 of \$4,000,000,000.

10 (b) USE AND TRANSFER OF FUNDS.—Subsections
11 (b) and (c) of section 1514 of the John Warner National
12 Defense Authorization Act for Fiscal Year 2007 (Public
13 Law 109–364; 120 Stat. 2439) shall apply to the funds
14 appropriated pursuant to the authorization of appropria-
15 tions in subsection (a).

16 (c) REVISION OF MANAGEMENT PLAN.—The Sec-
17 retary of Defense shall revise the management plan re-
18 quired by section 1514(d) of the John Warner National
19 Defense Authorization Act for Fiscal Year 2007 to iden-
20 tify projected transfers and obligations through September
21 30, 2008.

22 (d) DURATION OF AUTHORITY.—Section 1514(f) of
23 the John Warner National Defense Authorization Act for
24 Fiscal Year 2007 is amended by striking “September 30,
25 2009” and inserting “September 30, 2010”.

1 **SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2008 for the procurement account for Defense-
4 wide in the amount of \$594,768,000.

5 **SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
6 **TION.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2008 for the use of the Department of Defense
9 for research, development, test, and evaluation as follows:

10 (1) For the Army, \$91,278,000.

11 (2) For the Navy, \$516,303,000.

12 (3) For the Air Force, \$816,041,000.

13 (4) For Defense-wide activities, \$727,498,000

14 **SEC. 1508. OPERATION AND MAINTENANCE.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2008 for the use of the Armed Forces for ex-
17 penses, not otherwise provided for, for operation and
18 maintenance, in amounts as follows:

19 (1) For the Army, \$45,350,964,000.

20 (2) For the Navy, \$5,426,407,000.

21 (3) For the Marine Corps, \$4,013,093,000.

22 (4) For the Air Force, \$10,536,330,000.

23 (5) For Defense-wide activities,
24 \$6,098,990,000.

25 (6) For the Army Reserve , \$158,410,000.

26 (7) For the Navy Reserve, \$69,598,000.

1 (8) For the Marine Corps Reserve,
2 \$68,000,000.

3 (9) For the Army National Guard,
4 \$466,150,000.

5 (10) For the Air National Guard, \$31,168,000.

6 (11) For the Strategic Readiness Fund,
7 \$1,000,000,000.

8 **SEC. 1509. WORKING CAPITAL FUNDS.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 2008 for the use of the Armed Forces and other
11 activities and agencies of the Department of Defense for
12 providing capital for working capital and revolving funds
13 in amounts as follows:

14 (1) For the Defense Working Capital Funds,
15 \$1,676,275,000.

16 (2) For the National Defense Sealift Fund,
17 \$5,100,000.

18 **SEC. 1510. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

19 (a) DEFENSE HEALTH PROGRAM.—Funds are here-
20 by authorized to be appropriated for the Department of
21 Defense for fiscal year 2008 for expenses, not otherwise
22 provided for, for the Defense Health Program in the
23 amount of \$1,022,842,000 for operation and maintenance.

24 (b) DRUG INTERDICTION AND COUNTER-DRUG AC-
25 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized

1 to be appropriated for the Department of Defense for fis-
2 cal year 2008 for expenses, not otherwise provided for, for
3 Drug Interdiction and Counter-Drug Activities, Defense-
4 wide in the amount of \$257,618,000.

5 (c) DEFENSE INSPECTOR GENERAL.—Funds are
6 hereby authorized to be appropriated for the Department
7 of Defense for fiscal year 2008 for expenses, not otherwise
8 provided for, for the Office of the Inspector General of
9 the Department of Defense in the amount of \$4,394,000
10 for operation and maintenance.

11 **SEC. 1511. IRAQ FREEDOM FUND.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2008 for the Iraq Freedom Fund in the amount
14 of \$107,500,000.

15 **SEC. 1512. IRAQ SECURITY FORCES FUND.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
17 are hereby authorized to be appropriated for fiscal year
18 2008 for the Iraq Security Forces Fund in the amount
19 of \$2,000,000,000.

20 (b) USE, TRANSFER, AND OTHER REQUIREMENTS
21 REGARDING FUNDS.—Subsections (b), (c), and (d) of sec-
22 tion 1516 of the John Warner National Defense Author-
23 ization Act for Fiscal Year 2007 (Public Law 109–364;
24 120 Stat. 2441) shall apply to the funds appropriated pur-

1 suant to the authorization of appropriations in subsection
2 (a).

3 (c) DURATION OF AUTHORITY.—Section 1516(g) of
4 the John Warner National Defense Authorization Act for
5 Fiscal Year 2007 is amended by striking “September 30,
6 2008” and inserting “September 30, 2009”.

7 **SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
9 are hereby authorized to be appropriated for fiscal year
10 2008 for the Afghanistan Security Forces Fund in the
11 amount of \$2,700,000,000.

12 (b) USE, TRANSFER, AND OTHER REQUIREMENTS
13 REGARDING FUNDS.—Subsections (b), (c), and (d) of sec-
14 tion 1517 of the John Warner National Defense Author-
15 ization Act for Fiscal Year 2007 (Public Law 109–364;
16 120 Stat. 2442) shall apply to the funds appropriated pur-
17 suant to the authorization of appropriations in subsection
18 (a).

19 (c) DURATION OF AUTHORITY.—Section 1517(g) of
20 the John Warner National Defense Authorization Act for
21 Fiscal Year 2007 is amended by striking “September 30,
22 2008” and inserting “September 30, 2009”.

1 **SEC. 1514. MILITARY PERSONNEL.**

2 There is hereby authorized to be appropriated to the
3 Department of Defense for military personnel accounts for
4 fiscal year 2008 a total of \$17,471,763,000.

5 **SEC. 1515. AUTHORIZED ARMY CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 (a) AUTHORIZED PROJECTS.—Using amounts appro-
8 priated pursuant to the authorization of appropriations in
9 subsection (b) the Secretary of the Army may acquire real
10 property and carry out military construction projects for
11 the installations or locations outside the United States,
12 and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan Iraq	Bagram Air Base	\$103,000,000
	Camp Adder	\$31,850,000
	Al Asad	\$46,100,000
	Camp Anaconda	\$49,200,000
	Fallujah	\$880,000
	Camp Marez	\$880,000
	Mosul	\$43,000,000
	Camp Ramadi	\$880,000
	Scania	\$5,000,000
	Camp Speicher	\$54,900,000
	Camp Taqqadum	\$880,000
	Tikrit	\$43,000,000
	Camp Victory	\$24,600,000
	Camp Warrior	\$880,000
	Various Locations	\$102,000,000

13 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
14 are hereby authorized to be appropriated for fiscal years
15 beginning after September 30, 2007, for military con-
16 struction, land acquisition, and military family housing
17 functions of the Department of the Army in the total
18 amount of \$526,450,000 as follows:

(1) For military construction projects outside the United States authorized by subsection (a), \$507,050,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$19,400,000.

SEC. 1516. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) AUTHORIZED PROJECTS.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b), 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
California	Camp Pendleton	\$102,034,000
	Twenty-Nine Palms	\$4,440,000
North Carolina	Camp Lejeune	\$43,310,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$169,071,000, as follows:

1 (1) For military construction projects inside the
 2 United States authorized by subsection (a),
 3 \$149,814,000.

4 (2) For architectural and engineering services
 5 and construction design under section 2807 of title
 6 10, United States Code, \$7,491,000.

7 (3) For construction and acquisition, planning
 8 and design, and improvement of military family
 9 housing and facilities, \$11,766,000.

10 **SEC. 1517. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
 11 **TION.**

12 Funds are hereby authorized to be appropriated for
 13 fiscal year 2008 to the Department of Energy for the Na-
 14 tional Nuclear Security Administration for defense nuclear
 15 nonproliferation in the amount of \$50,000,000.

16 **SEC. 1518. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

17 The amounts authorized to be appropriated by this
 18 title are in addition to amounts otherwise authorized to
 19 be appropriated by this Act.

20 **TITLE XVI—NATIONAL GUARD**
 21 **ENHANCEMENT**

Sec. 1601. Short title.

Subtitle A—National Guard Bureau

Sec. 1611. Enhancement of duties and position of Chief of the National Guard Bureau.

Sec. 1612. Establishment of National Guard Bureau as joint activity of Department of Defense.

Sec. 1613. Enhancement of functions of National Guard Bureau.

- Sec. 1614. Requirement for Secretary of Defense to prepare annual plan for response to natural disasters and terrorist events.
 Sec. 1615. Determination of Department of Defense civil support requirements.
 Sec. 1616. Conforming and clerical amendments.

Subtitle B—Additional Reserve Component Enhancement

- Sec. 1621. United States Northern Command.
 Sec. 1622. Council of Governors.
 Sec. 1623. Reserve Components Policy Board.
 Sec. 1624. Requirements for certain high-level positions to be held by reserve component general or flag officers.
 Sec. 1625. Retirement age and years of service limitations on certain reserve general and flag officers.
 Sec. 1626. Additional reporting requirements relating to National Guard equipment.

1 **SEC. 1601. SHORT TITLE.**

2 This title may be cited as the “National Guard Em-
 3 powerment Act”.

4 **Subtitle A—National Guard Bureau**

5 **SEC. 1611. ENHANCEMENT OF DUTIES AND POSITION OF**
 6 **CHIEF OF THE NATIONAL GUARD BUREAU.**

7 (a) PRINCIPAL ADVISER TO SECRETARY OF DE-
 8 FENSE THROUGH CHAIRMAN OF JOINT CHIEFS OF STAFF
 9 ON NATIONAL GUARD MATTERS.—Subsection (c) of sec-
 10 tion 10502 of title 10, United States Code, is amended
 11 by inserting after “principal adviser” the following: “to
 12 the Secretary of Defense (through the Chairman of the
 13 Joint Chiefs of Staff),”.

14 (b) ADVISER TO COMMANDER OF THE UNITED
 15 STATES NORTHERN COMMAND AND SECRETARY OF
 16 HOMELAND SECURITY.—Subsection (c) of such section is
 17 further amended—

18 (1) by inserting “(1)” before “The Chief”; and

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

3 “(2) The Chief of the National Guard Bureau also
4 is an adviser on such matters to the commander of the
5 combatant command the geographic area of responsibility
6 of which includes the United States and to the Secretary
7 of Homeland Security.”.

8 (c) APPOINTMENT TO OFFICE IN GRADE OF GEN-
9 ERAL.—Subsection (d) of such section is amended by
10 striking “lieutenant general” and inserting “general”.

11 (d) APPOINTMENT PROCESS.—Subsection (a) of such
12 section is amended—

13 (1) by redesignating paragraphs (1), (2), and
14 (3) as subparagraphs (A), (B), and (C), respectively;

15 (2) by inserting “(1)” before “There is”; and

16 (3) by adding at the end the following new
17 paragraphs:

18 “(2) The Secretary of Defense shall establish a proc-
19 ess to identify, from among the officers of the Army Na-
20 tional Guard of the United States and Air National Guard
21 of the United States recommended under paragraph
22 (1)(A), the best qualified officer or officers whom the Sec-
23 retary of Defense will recommend for consideration by the
24 President for appointment as Chief of the National Guard
25 Bureau.

1 “(3) In establishing the process under paragraph (2),
2 the Secretary of Defense shall—

3 “(A) consider such procedural recommendations
4 as the current Chief of the National Guard Bureau
5 may provide;

6 “(B) employ a selection advisory board, which
7 shall be appointed, chartered, and instructed by agree-
8 ment between the Secretary of the Army and the
9 Secretary of the Air Force; and

10 “(C) incorporate the requirements of section
11 601(d) of this title relating to a performance evalua-
12 tion and necessary qualifications for the position.”.

13 (e) REPEAL OF PROHIBITION ON CHIEF HOLDING
14 OFFICE AFTER AGE 64.—Subsection (b) of such section
15 is amended by striking “An officer may not hold that of-
16 fice after becoming 64 years of age.”.

17 (f) APPOINTMENT OF NEXT CHIEF OF THE NA-
18 TIONAL GUARD BUREAU.—Not later than 120 days after
19 the date of the enactment of this Act, the Secretary of
20 Defense shall submit to the President recommendations
21 regarding the best qualified officer or officers for consider-
22 ation by the President for appointment as the next Chief
23 of the National Guard Bureau under section 10502 of title
24 10, United States Code, as amended by this section. The
25 amendments made by subsections (c), (d), and (e) shall

1 apply with respect to such appointment. The officer serv-
2 ing in the office of Chief of the National Guard Bureau
3 as of the date of the enactment of this Act may be rec-
4 ommended for appointment and appointed to that office
5 to serve in the grade of general.

6 **SEC. 1612. ESTABLISHMENT OF NATIONAL GUARD BUREAU**
7 **AS JOINT ACTIVITY OF DEPARTMENT OF DE-**
8 **FENSE.**

9 (a) JOINT ACTIVITY OF THE DEPARTMENT OF DE-
10 FENSE.—Subsection (a) of section 10501 of title 10,
11 United States Code, is amended by striking “joint bureau
12 of the Department of the Army and the Department of
13 the Air Force” and inserting “joint activity of the Depart-
14 ment of Defense”.

15 (b) JOINT MANPOWER REQUIREMENTS.—

16 (1) IN GENERAL.—Chapter 1011 of such title is
17 amended by adding at the end the following new sec-
18 tion:

19 **“§ 10508. National Guard Bureau: general provisions**

20 “The manpower requirements of the National Guard
21 Bureau as a joint activity of the Department of Defense
22 shall be determined in accordance with regulations pre-
23 scribed by the Secretary of Defense, in consultation with
24 the Chairman of the Joint Chiefs of Staff.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by adding at the end the following new item:

“10508. National Guard Bureau: general provisions.”.

4 **SEC. 1613. ENHANCEMENT OF FUNCTIONS OF NATIONAL**
5 **GUARD BUREAU.**

6 (a) ADDITIONAL GENERAL FUNCTIONS.—Section
7 10503 of title 10, United States Code, is amended—

8 (1) by predesignating paragraph (12), as para-
9 graph (13); and

10 (2) by inserting after paragraph (11) the fol-
11 lowing new paragraph (12):

12 “(12)(A) Facilitating and coordinating with the
13 entities listed in subparagraph (B) the use of Na-
14 tional Guard personnel and resources for operations
15 conducted under title 32, or in support of State mis-
16 sions.

17 “(B) The entities listed in this subparagraph
18 for purposes of subparagraph (A) are the following:

19 “(i) Other Federal agencies.

20 “(ii) The Adjutants General of the States.

21 “(iii) The United States Joint Forces
22 Command.

23 “(iv) The combatant command the geo-
24 graphic area of responsibility of which includes
25 the United States,”.

1 (b) CHARTER DEVELOPED AND PRESCRIBED BY
2 SECRETARY OF DEFENSE.—Section 10503 of such title
3 is amended—

4 (1) in the matter preceding paragraph (1)—

5 (A) by striking “The Secretary of the
6 Army and the Secretary of the Air Force shall
7 jointly develop” and inserting “The Secretary of
8 Defense, in consultation with the Chairman of
9 the Joint Chiefs of Staff, the Secretary of the
10 Army, and the Secretary of the Air Force, shall
11 develop”; and

12 (B) by striking “cover” in the second sen-
13 tence and inserting “reflect the full scope of the
14 duties and activities of the Bureau, including”;
15 and

16 (2) in paragraph (12), by striking “the Secre-
17 taries” and inserting “the Secretary of Defense”.

18 **SEC. 1614. REQUIREMENT FOR SECRETARY OF DEFENSE TO**
19 **PREPARE ANNUAL PLAN FOR RESPONSE TO**
20 **NATURAL DISASTERS AND TERRORIST**
21 **EVENTS.**

22 (a) REQUIREMENT FOR ANNUAL PLAN.—Not later
23 than March 1, 2008, and each March 1 thereafter, the
24 Secretary of Defense, in consultation with the commander
25 of the United States Northern Command and the Chief

1 of the National Guard Bureau, shall prepare and submit
2 to Congress a plan for coordinating the use of the Na-
3 tional Guard and members of the Armed Forces on active
4 duty when responding to natural disasters, acts of ter-
5 rorism, and other man-made disasters as identified in the
6 national planning scenarios described in subsection (e).

7 (b) INFORMATION TO BE PROVIDED TO SEC-
8 RETARY.—To assist the Secretary of Defense in preparing
9 the plan, the National Guard Bureau, pursuant to its pur-
10 pose as channel of communications as set forth in section
11 10501(b) of title 10, United States Code, shall provide to
12 the Secretary information gathered from Governors, adju-
13 tants general of States, and other State civil authorities
14 responsible for homeland preparation and response to nat-
15 ural and man-made disasters.

16 (c) TWO VERSIONS.—The plan shall set forth two
17 versions of response, one using only members of the Na-
18 tional Guard, and one using both members of the National
19 Guard and members of the regular components of the
20 Armed Forces.

21 (d) MATTERS COVERED.—The plan shall cover, at a
22 minimum, the following:

23 (1) Protocols for the Department of Defense,
24 the National Guard Bureau, and the Governors of
25 the several States to carry out operations in coordi-

1 nation with each other and to ensure that Governors
2 and local communities are properly informed and re-
3 main in control in their respective States and com-
4 munities.

5 (2) An identification of operational procedures,
6 command structures, and lines of communication to
7 ensure a coordinated, efficient response to contin-
8 gencies.

9 (3) An identification of the training and equip-
10 ment needed for both National Guard personnel and
11 members of the Armed Forces on active duty to pro-
12 vide military assistance to civil authorities and for
13 other domestic operations to respond to hazards
14 identified in the national planning scenarios.

15 (e) NATIONAL PLANNING SCENARIOS.—The plan
16 shall provide for response to the following hazards: Nu-
17 clear detonation, biological attack, biological disease out-
18 break/pandemic flu, the plague, chemical attack-blister
19 agent, chemical attack-toxic industrial chemicals, chemical
20 attack-nerve agent, chemical attack-chlorine tank explo-
21 sion, major hurricane, major earthquake, radiological at-
22 tack-radiological dispersal device, explosives attack-bomb-
23 ing using improvised explosive device, biological attack-
24 food contamination, biological attack-foreign animal dis-
25 ease and cyber attack.

1 **SEC. 1615. DETERMINATION OF DEPARTMENT OF DEFENSE**

2 **CIVIL SUPPORT REQUIREMENTS.**

3 (a) DETERMINATION OF REQUIREMENTS.—The Sec-
4 retary of Defense shall determine the military-unique ca-
5 pabilities needed to be provided by the Department of De-
6 fense to support civil authorities in an incident of national
7 significance or a catastrophic incident.

8 (b) PLAN FOR FUNDING CAPABILITIES.—

9 (1) PLAN.—The Secretary of Defense shall de-
10 velop and implement a plan, in coordination with the
11 Secretaries of the military departments and the
12 Chairman of the Joint Chiefs of Staff, for providing
13 the funds and resources necessary to develop and
14 maintain the following:

15 (A) The military-unique capabilities deter-
16 mined under subsection (a).

17 (B) Any additional capabilities determined
18 by the Secretary to be necessary to support the
19 use of the active components and the reserve
20 components of the armed forces for homeland
21 defense missions, domestic emergency re-
22 sponses, and providing military support to civil
23 authorities.

24 (2) TERM OF PLAN.—The plan required under
25 paragraph (1) shall cover at least five years.

1 (c) BUDGET.—The Secretary of Defense shall include
2 in the materials accompanying the budget submitted for
3 each fiscal year a request for funds necessary to carry out
4 the plan required under subsection (b) during the fiscal
5 year covered by the budget. The defense budget materials
6 shall delineate and explain the budget treatment of the
7 plan for each component of each military department, each
8 combatant command, and each affected Defense Agency.

9 (d) IMPLEMENTATION.—In carrying out this section,
10 the Secretary of Defense, acting through the chairman of
11 the Joint Chiefs of Staff, shall ensure the appropriate as-
12 signment of responsibilities, coordination of the efforts,
13 and prioritization of renouncing by the appropriate com-
14 batant commands, the military departments, and the Na-
15 tional Guard Bureau.

16 (e) DEFINITIONS.—In this section:

17 (1) The term “military-unique capabilities”
18 means those capabilities that, in the view of the Sec-
19 retary of Defense—

20 (A) cannot be provided by other Federal,
21 State or local civilian agencies; and

22 (B) are essential to provide support to civil
23 authorities in an incident of national signifi-
24 cance or a catastrophic incident.

1 (2) The term “defense budget materials”, with
 2 respect to a fiscal year, means the materials sub-
 3 mitted to Congress by the Secretary of Defense in
 4 support of the budget for that fiscal year.

5 (f) STRATEGIC PLANNING GUIDANCE.—Section
 6 113(g)(2) of title 10, United States Code, is amended by
 7 striking “contingency plans” at the end of the first sen-
 8 tence and inserting the following: “contingency plans, in-
 9 cluding plans for providing support to civil authorities in
 10 an incident of national significance or a catastrophic inci-
 11 dent, for homeland defense, and for military support to
 12 civil authorities”.

13 **SEC. 1616. CONFORMING AND CLERICAL AMENDMENTS.**

14 (a) CONFORMING AMENDMENT.—The heading of sec-
 15 tion 10503 of such title is amended to read as follows:
 16 **“§ 10503. Functions of National Guard Bureau: char-**
 17 **ter”.**

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 at the beginning of chapter 1011 of such title is amended
 20 by striking the item relating to section 10503 and insert-
 21 ing the following new item:

“10503. Functions of National Guard Bureau: charter.”.

22 **Subtitle B—Additional Reserve**
 23 **Component Enhancement**

24 **SEC. 1621. UNITED STATES NORTHERN COMMAND.**

25 (a) MANPOWER REVIEW.—

1 (1) REVIEW BY CHAIRMAN OF THE JOINT
2 CHIEFS OF STAFF.—Not later than one year after
3 the date of the enactment of this Act, the Chairman
4 of the Joint Chiefs of Staff shall submit to the Sec-
5 retary of Defense a review of the civilian and mili-
6 tary positions, job descriptions, and assignments
7 within the United States Northern Command with
8 the goal of significantly increasing the number of
9 members of a reserve component assigned to, and ci-
10 vilians employed by, the United States Northern
11 Command who have experience in the planning,
12 training, and employment of forces for homeland de-
13 fense missions, domestic emergency response, and
14 providing military support to civil authorities.

15 (2) SUBMISSION OF RESULTS OF REVIEW.—Not
16 later than 90 days after the date on which the Sec-
17 retary of Defense receives the results of the review
18 under paragraph (1), the Secretary shall submit to
19 Congress a copy of the results of the review, to-
20 gether with such recommendations as the Secretary
21 considers appropriate to achieve the objectives of the
22 review.

23 (b) COMMAND AND CONTROL OF MIXED-STATUS
24 FORCES IN CERTAIN MISSIONS.—

1 (1) PROCEDURES REQUIRED.—The Secretary of
2 Defense shall establish procedures under which an
3 officer who is on active duty or an officer who is on
4 full-time National Guard duty may command mixed-
5 status forces in connection with the training and use
6 of mixed-status forces for homeland defense mis-
7 sions, domestic emergency responses, and providing
8 military support to civil authorities.

9 (2) ELEMENTS OF PROCEDURES.—The proce-
10 dures shall include measures to enable—

11 (A) the Commander of United States
12 Northern Command and subordinate com-
13 manders within the United States Northern
14 Command to exercise command of such mixed-
15 status forces; and

16 (B) the Adjutant General or other officers
17 of the National Guard of a State to exercise
18 command of such mixed-status forces.

19 (3) COORDINATION.—The Secretary of Defense
20 shall establish the procedures in coordination with
21 the Chairman of the Joint Chiefs of Staff, the Chief
22 of the National Guard Bureau, and the Governors of
23 the States.

24 (c) DEFINITIONS.—In this section:

1 (1) The term “United States Northern Com-
2 mand” means the combatant command the geo-
3 graphic area of responsibility of which includes the
4 United States.

5 (2) the term “mixed-status forces” means units
6 and members of the National Guard that are on full-
7 time National Guard duty participating in an en-
8 campment, maneuver, training exercise, or operation
9 with members of the armed forces on active duty.

10 (3) The term “State” means the several States,
11 the Commonwealth of Puerto Rico, the District of
12 Columbia, Guam, and the Virgin Islands.

13 (4) The term “Governor”, with respect to the
14 District of Columbia, means the commanding gen-
15 eral of the District of Columbia National Guard.

16 (5) The terms “active duty” and “full-time Na-
17 tional Guard duty” have the meanings provided
18 those terms by section 101 of title 10, United States
19 Code.

20 **SEC. 1622. COUNCIL OF GOVERNORS.**

21 The President shall establish a bipartisan Council of
22 Governors to advise the Secretary of Defense, the Sec-
23 retary of Homeland Security, and the White House Home-
24 land Security Council on matters related to the National
25 Guard and civil support missions.

1 **SEC. 1623. RESERVE COMPONENTS POLICY BOARD.**

2 (a) RESERVE COMPONENTS POLICY BOARD.—Sec-
3 tion 10301 of title 10, United States Code, is amended
4 to read as follows:

5 **“§ 10301. Reserve Components Policy Board**

6 “(a) There is in the Office of the Secretary of De-
7 fense a Reserve Components Policy Board. The Board
8 shall provide the Secretary of Defense, through the Dep-
9 uty Secretary of Defense, independent advice and rec-
10 ommendations on strategies, policies, and practices de-
11 signed to improve and enhance the capabilities, efficiency,
12 and effectiveness of the reserve components of the United
13 States.

14 “(b) The Board shall consist of 15 members ap-
15 pointed from civilian life by the Secretary of Defense. The
16 Secretary shall designate the chairman and a vice chair-
17 man of the Board. Members of the Board shall be ap-
18 pointed without regard to political affiliation, shall be ap-
19 pointed for two-year, renewable terms, and shall have a
20 proven record of high-level achievement in a national secu-
21 rity-related field that includes matters pertaining to the
22 reserve components of the United States.

23 “(c) Members of the Board shall be selected on the
24 basis of knowledge, expertise, or achievement in the fol-
25 lowing areas:

1 “(1) The reserve components of the United
2 States.

3 “(2) The national security and national military
4 strategies of the United States.

5 “(3) The roles and missions of the active and
6 reserve components of the United States Armed
7 Forces.

8 “(4) The organization, force structure, and
9 force mix of the United States Armed Forces.

10 “(5) Acquisition; research and development;
11 military operations; or personnel and compensation
12 programs, policies, and activities of the Department
13 of Defense.

14 “(6) Homeland defense and support to civil au-
15 thorities.

16 “(d) The Chairman shall be selected on the basis of
17 extensive knowledge, expertise, or achievement with re-
18 spect to the reserve components of the United States, in-
19 cluding the National Guard.

20 “(e) The Under Secretary of Defense for Personnel
21 and Readiness shall provide an executive director and the
22 necessary support staff to manage the activities of the
23 Board in consultation with the Chairman.

24 “(f) The Board shall act on those matters referred
25 to it by the Secretary of Defense or the Chairman and,

1 in addition, on any matter raised by a member of the
2 Board. As a part of its duties, the Board shall periodically
3 meet with members of the reserve components of the
4 United States.”.

5 (b) CLERICAL AMENDMENT.—The item relating to
6 section 10301 in the table of sections at the beginning of
7 chapter 1009 of such title is amended to read as follows:
“10301. Reserve Components Policy Board.”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) Title 10, United States Code, is amended in
10 the following provisions by striking “Reserve Forces
11 Policy Board” and inserting “Reserve Components
12 Policy Board”:

13 (A) Section 101(d)(6)(B)(i).

14 (B) Section 113(c)(2) (both places).

15 (C) Section 175.

16 (2) The heading of section 175 of such title is
17 amended to read as follows:

18 **“§ 175. Reserve Components Policy Board”.**

19 (3) The item relating to section 175 in the table
20 of sections for chapter 7 of such title is amended to
21 read as follows:

“175. Reserve Components Policy Board.”.

1 **SEC. 1624. REQUIREMENTS FOR CERTAIN HIGH-LEVEL PO-**
2 **SITIONS TO BE HELD BY RESERVE COMPO-**
3 **NENT GENERAL OR FLAG OFFICERS.**

4 (a) UNIFIED AND SPECIFIED COMBATANT COMMAND
5 POSITIONS.—Subparagraph (A) of section 526(b)(2) of
6 title 10, United States Code, is amended by striking “10
7 general and flag officer positions on the staffs of the com-
8 manders of” and inserting “15 general and flag officer
9 positions in”.

10 (b) DESIGNATION OF LIEUTENANT GENERAL OR
11 VICE ADMIRAL POSITIONS TO BE HELD ONLY BY RE-
12 SERVE COMPONENT OFFICERS.—Such subparagraph is
13 further amended—

14 (1) by inserting “(i)” after “(A)”;

15 (2) by striking the last sentence; and

16 (3) by adding at the end the following new
17 clauses:

18 “(ii) The Chairman of the Joint Chiefs of Staff shall
19 designate up to three general and flag officer positions in
20 the grade of lieutenant general or vice admiral to be held
21 only by reserve component officers. One of the positions
22 designated under this clause shall be the deputy com-
23 mander of the combatant command the geographic area
24 of responsibility of which includes the United States, un-
25 less a reserve component officer is serving as commander
26 of that combatant command. Each position designated

1 under this clause shall be in addition to those positions
2 that are required by law to be filled by an officer serving
3 in the grade of lieutenant general or vice admiral.

4 “(iii) The positions designated under clauses (i) and
5 (ii) shall be considered a joint duty assignment position
6 for the purposes of chapter 38 of this title.”.

7 **SEC. 1625. RETIREMENT AGE AND YEARS OF SERVICE LIM-**
8 **TATIONS ON CERTAIN RESERVE GENERAL**
9 **AND FLAG OFFICERS.**

10 (a) RETIREMENT FOR AGE.—

11 (1) INCLUSION OF RESERVE GENERALS AND
12 ADMIRALS.—Section 14511 of title 10, United
13 States Code, is amended to read as follows:

14 **“§ 14511. Separation at age 64: major generals and**
15 **generals and rear admirals and admirals**

16 **“(a) MAJOR GENERALS AND REAR ADMIRALS.—Un-**
17 **less retired, transferred to the Retired Reserve, or dis-**
18 **charged at an earlier date, each reserve officer of the**
19 **Army, Air Force, or Marine Corps in the grade of major**
20 **general and each reserve officer of the Navy in the grade**
21 **of rear admiral, except an officer covered by section 14512**
22 **of this title, shall be separated in accordance with section**
23 **14515 of this title on the last day of the month in which**
24 **the officer becomes 64 years of age.**

1 “(b) GENERALS AND ADMIRALS.—(1) Unless retired,
2 transferred to the Retired Reserve, or discharged at an
3 earlier date, each reserve officer of the Army, Air Force,
4 or Marine Corps in the grade of general and each reserve
5 officer of the Navy in the grade of admiral shall be sepa-
6 rated in accordance with section 14515 of this title on the
7 last day of the month in which the officer becomes 64
8 years of age.

9 “(2) The retirement of an officer under paragraph
10 (1) may be deferred—

11 “(A) by the President, but such a deferment
12 may not extend beyond the first day of the month
13 following the month in which the officer becomes 68
14 years of age; or

15 “(B) by the Secretary of Defense, but such a
16 deferment may not extend beyond the first day of
17 the month following the month in which the officer
18 becomes 66 years of age.”.

19 “(2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of chapter 1407 of such title
21 is amended by striking the item relating to section
22 14511 and inserting the following new item:

“14511. Separation at age 64: major generals and generals and rear admirals
and admirals.”.

1 (b) CONFORMING AMENDMENTS AND RESERVE OF-
2 FICERS HOLDING CERTAIN OTHER OFFICES.—Section
3 14512 of such title is amended—

4 (1) in subsection (a)(2)—

5 (A) by striking subparagraph (A); and

6 (B) by redesignating subparagraphs (B),
7 (C), and (D) as subparagraphs (A), (B), and
8 (C), respectively;

9 (2) in subsection (b)—

10 (A) by inserting “(1)” before “The Sec-
11 retary”; and

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

14 “(2) The President may defer the retirement of a re-
15 serve officer serving in the position of Chief of the Navy
16 Reserve or Commander of the Marine Forces Reserve, but
17 such deferment may not extend beyond the first day of
18 the month following the month in which the officer be-
19 comes 66 years of age. A deferment under this paragraph
20 shall not count toward the limitation on the total number
21 of officers whose retirement may be deferred at any one
22 time under paragraph (1).”; and

23 (3) by adding at the end the following new sub-
24 section:

1 “(c) DESIGNATED LIEUTENANT GENERAL OR VICE
2 ADMIRAL POSITIONS HELD BY RESERVE COMPONENT
3 OFFICERS.—Unless retired, transferred to the Retired Re-
4 serve, or discharged at an earlier date, a reserve officer
5 serving in one of the general and flag officer positions des-
6 ignated under section 526(b)(2)(A)(ii) of this title to be
7 held by a reserve officer in the grade of lieutenant general
8 or vice admiral shall, on the last day of the month in which
9 the officer becomes 66 years of age, be separated in ac-
10 cordance with section 14515 of this title.”.

11 (c) IMPOSITION OF YEARS OF SERVICE LIMITA-
12 TION.—

13 (1) IMPOSITION OF LIMITATION.—Section
14 14508 of such title is amended by inserting after
15 subsection (c), as added by section 511, the fol-
16 lowing new subsection:

17 “(d) FORTY YEARS OF SERVICE FOR GENERALS AND
18 ADMIRALS.—Unless retired, transferred to the Retired
19 Reserve, or discharged at an earlier date, each reserve offi-
20 cer of the Army, Air Force, or Marine Corps in the grade
21 of general and each reserve officer of the Navy in the
22 grade of admiral shall, 30 days after completion of 40
23 years of commissioned service, be separated in accordance
24 with section 14514 of this title.”.

1 (2) CONFORMING AMENDMENTS.—Subsection
2 (b) of section 10502 of such title, as amended by
3 section 1611(e), is further amended—

4 (A) by inserting “(1)” before the first sen-
5 tence; and

6 (B) by striking “While holding that office”
7 and inserting the following:

8 “(2) Except as provided in section 14508(d) of this
9 title, while holding the office of Chief of the National
10 Guard Bureau”.

11 (d) TREATMENT OF CURRENT CHIEF OF THE NA-
12 TIONAL GUARD BUREAU.—Section 14512(a) of title 10,
13 United States Code, as in effect on the day before the date
14 of the enactment of this Act, shall continue to apply with
15 respect to the officer serving in the office of Chief of the
16 National Guard Bureau as of that date. However, if the
17 officer serving in the office of Chief of the National Guard
18 Bureau as of that date is subsequently appointed to that
19 office to serve in the grade of general, subsection (b) of
20 section 14511 of such title, as added by this section,
21 shall apply.

1 **SEC. 1626. ADDITIONAL REPORTING REQUIREMENTS RE-**
2 **LATING TO NATIONAL GUARD EQUIPMENT.**

3 Section 10541 of title 10, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(d) Each report under this section concerning equip-
7 ment of the National Guard shall also include the fol-
8 lowing:

9 “(1) A statement of the accuracy of the projec-
10 tions required by subsection (b)(5)(D) contained in
11 earlier reports under this section, and an expla-
12 nation, if the projection was not met, of why the
13 projection was not met.

14 “(2) A certification from the Chief of the Na-
15 tional Guard Bureau setting forth an inventory for
16 the preceding fiscal year of each item of equip-
17 ment—

18 “(A) for which funds were appropriated;

19 “(B) which was due to be procured for the
20 National Guard during that fiscal year; and

21 “(C) which has not been received by a Na-
22 tional Guard unit as of the close of that fiscal
23 year.”.

24 **TITLE XVII—DEFENSE READI-**
25 **NESS PRODUCTION BOARD**

Sec. 1701. Purpose.

- Sec. 1702. Establishment of Defense Readiness Production Board.
- Sec. 1703. Defense Production Industry Advisory Council.
- Sec. 1704. Role of Chairman of Board in certain reporting processes.
- Sec. 1705. Authority to use multiyear contracts.
- Sec. 1706. Transfer authority.
- Sec. 1707. Special authority for use of working capital funds for critical readiness requirements.
- Sec. 1708. Strategic Readiness Fund.

1 SEC. 1701. PURPOSE.

2 The purpose of this title is to establish a Defense
 3 Readiness Production Board to identify and designate
 4 critical readiness requirements, to improve the utilization
 5 of the defense industrial base, and to provide authorities
 6 to the Secretary of Defense and the Secretaries of the mili-
 7 tary departments to address critical readiness require-
 8 ments.

9 SEC. 1702. ESTABLISHMENT OF DEFENSE READINESS PRO-
10 Duction Board.

11 (a) ESTABLISHMENT.—The Secretary of Defense
 12 shall establish a Defense Readiness Production Board (in
 13 this subtitle referred to as the “Board”) within the Office
 14 of the Secretary of Defense.

15 (b) MEMBERSHIP.—

16 (1) IN GENERAL.—The Board shall be com-
 17 posed of 16 members appointed by the Secretary of
 18 Defense in accordance with this subsection.

19 (2) CHAIRMAN.—The Secretary shall appoint a
 20 Chairman from within the Office of the Secretary of
 21 Defense.

1 (3) MILITARY PERSONNEL.—The Secretary
2 shall appoint members from among officers of the
3 Armed Forces serving on the joint staff and each of
4 the Armed Forces. In making appointments under
5 this paragraph, the Secretary shall ensure that there
6 is full representation of the reserve components of
7 each of the Armed Forces, including at least two
8 representatives of the National Guard and two indi-
9 viduals with responsibilities relating to a depot activ-
10 ity.

11 (4) CIVILIAN PERSONNEL.—The Secretary shall
12 appoint members from among civilian employees of
13 the Department of Defense serving in each of the
14 military departments and in such other entities with-
15 in the Department as the Secretary determines ap-
16 propriate.

17 (5) OTHER AGENCIES.—The Secretary may re-
18 quest such representatives from other Federal agen-
19 cies to serve as members as the Secretary of Defense
20 considers necessary, appropriate, and relevant to the
21 work of the Board.

22 (6) TERMS; VACANCIES.—The Secretary shall
23 determine the term of office of members of the
24 Board and the manner of filling vacancies on the
25 Board.

1 (c) FUNCTIONS.—

2 (1) DESIGNATION OF CRITICAL READINESS RE-
3 QUIREMENTS.—

4 (A) The Board shall—

5 (i) monitor and assess the readiness
6 of the Armed Forces;

7 (ii) assist the Secretary of Defense
8 and Congress in the identification of defi-
9 ciencies in the readiness of the Armed
10 Forces caused by shortfalls in weapons
11 systems, equipment, and supplies; and

12 (iii) identify and formally designate
13 critical readiness requirements.

14 (B) In this title, the term “critical readi-
15 ness requirements” means shortfalls in equip-
16 ment or supplies that materially reduce readi-
17 ness of the Armed Forces and that—

18 (i) cannot be adequately addressed by
19 identifying acceptable substitute capabili-
20 ties or cross leveling of equipment that
21 does not unacceptably reduce the readiness
22 of other Armed Forces; and

23 (ii) that are likely to persist for more
24 than two years based on currently pro-

1 jected budgets and schedules for deliveries
2 of equipment and supplies.

3 (C) During the period beginning on the
4 date of the enactment of this Act and ending on
5 the date of the first meeting of the Board, the
6 Secretary of Defense may identify and formally
7 designate critical readiness requirements under
8 subparagraph (A)(iii) in lieu of the Board.

9 (2) MONITORING AND ASSESSMENT OF INDUS-
10 TRIAL CAPACITY.—The Board shall also monitor and
11 assess the industrial capacity of all elements of the
12 Department of Defense, the defense industrial base,
13 and non-traditional suppliers to the Department of
14 Defense—

15 (A) to determine where industrial capacity
16 is being insufficiently used to meet the needs of
17 the Department of Defense, particularly in ad-
18 dressing critical readiness requirements; and

19 (B) to recommend ways to increase the use
20 of the industrial base, including through en-
21 couraging the use of public-private partnerships
22 for existing systems currently maintained out-
23 side the depot system as a means of promoting
24 competition, attracting non-traditional sup-

1 pliers, and expanding the business base of tra-
2 ditional suppliers.

3 (3) REPORTS AND NOTIFICATIONS.—

4 (A) The Board shall submit to the Sec-
5 retary of Defense and to the congressional de-
6 fense committees reports to communicate its
7 findings and the progress made by the Depart-
8 ment of Defense in addressing critical readiness
9 requirements, at such times as it considers nec-
10 essary, but not less often than every six
11 months.

12 (B) The Board shall notify the Secretary
13 of Defense and the congressional defense com-
14 mittees within 10 days after it designates a
15 critical readiness requirement under paragraph
16 (1). If the Secretary of Defense designates a
17 critical readiness requirement under paragraph
18 (1)(C) in lieu of the Board, the Secretary shall
19 notify the congressional defense committees
20 within 10 days after such designation.

21 (d) STAFF.—The Secretary of Defense shall assign
22 staff, and request the Secretaries of the military depart-
23 ments to assign staff, as necessary to assist the Board
24 in carrying out its duties.

1 (e) TERMINATION.—The Board shall terminate 5
2 years after the date of its establishment under subsection
3 (a).

4 **SEC. 1703. DEFENSE PRODUCTION INDUSTRY ADVISORY**
5 **COUNCIL.**

6 (a) ESTABLISHMENT.—The Secretary of Defense
7 shall establish a Defense Production Industry Advisory
8 Council (in this section referred to as the “Council”) to
9 advise and assist the Defense Readiness Production Board
10 in fulfilling its duties and functions with respect to the
11 industrial base.

12 (b) MEMBERSHIP.—The Council shall be composed of
13 12 members, appointed by the Secretary of Defense in
14 consultation with the Armed Services Committees of the
15 Senate and the House of Representatives from among in-
16 dividuals with knowledge of the defense industrial base,
17 including individuals who—

18 (1) represent major sectors of defense industry
19 most relevant to the work of the Council;

20 (2) represent non-traditional suppliers to the
21 Department of Defense from industries most rel-
22 evant to the work of the Council;

23 (3) represent suppliers of essential materials
24 most relevant to the work of the Council; and

1 (4) represent the workforce in the defense in-
2 dustrial base most relevant to the work of the Coun-
3 cil.

4 (c) FUNCTIONS.—The Council shall advise and assist
5 the Defense Readiness Production Board in fulfilling its
6 duties and functions with regard to the industrial base and
7 on such other matters as the Secretary may direct.

8 (d) REIMBURSEMENT.—The Secretary may provide
9 reimbursement to members of the Council for purposes of
10 attending meetings of the Council, in accordance with
11 Federal guidelines.

12 (e) TERMINATION.—The Council shall terminate 5
13 years after the date of its establishment under subsection
14 (a).

15 **SEC. 1704. ROLE OF CHAIRMAN OF BOARD IN CERTAIN RE-**
16 **PORTING PROCESSES.**

17 (a) READINESS REPORTING SYSTEM.—

18 (1) INCLUSION IN JOINT READINESS RE-
19 VIEWS.—The Chairman of the Board, or a rep-
20 resentative of the Chairman, shall be included in the
21 quarterly joint readiness reviews and monthly up-
22 dates required under section 117(d) of title 10,
23 United States Code.

24 (2) INCLUSION IN REPORTS.—The Chairman of
25 the Board may submit views to the Secretary of De-

1 fense for inclusion in the report submitted to Con-
2 gress by the Secretary under section 117(e) of such
3 title.

4 (b) QUARTERLY REPORTS ON MILITARY READI-
5 NESS.—The Chairman of the Board shall be included in
6 the process for preparing quarterly reports required under
7 section 482 of title 10, United States Code. The Chairman
8 may submit views to the Secretary of Defense for inclusion
9 in such reports.

10 (c) REPORTS ON FUND TRANSFERS.—The Chairman
11 of the Board shall be included in the process of transfer-
12 ring any funds described in reports submitted under sec-
13 tion 483 of title 10, United States Code. The Chairman
14 may submit views to the Secretary of Defense for inclusion
15 in such reports, and if the Chairman determines that any
16 transfer described in a report would negatively affect a
17 critical readiness requirement, shall submit views on such
18 transfer.

19 **SEC. 1705. AUTHORITY TO USE MULTIYEAR CONTRACTS.**

20 (a) IN GENERAL.—Notwithstanding section 2306b of
21 title 10, United States Code, the Secretary of a military
22 department may enter into a multiyear contract to procure
23 an item if such item will fill, or substantially fill, a critical
24 readiness requirement designated by the Board.

1 (b) LIMITATION ON ITEMS.—The authority under
2 subsection (a) may not be used unless the item to be pro-
3 cured—

4 (1) is the same or substantially the same as an
5 item procured previously using a multiyear contract;

6 (2) has been in full-rate production for at least
7 3 years; or

8 (3) is a non-developmental commercial item
9 with modifications that are de minimis in nature.

10 (c) ADDITIONAL LIMITATION.—The authority under
11 subsection (a) may not be used unless the Secretary of
12 the military department concerned—

13 (1) certifies that the pricing under the contract
14 is fair and reasonable and that the Secretary has all
15 the information necessary to make such certification;
16 and

17 (2) the congressional defense committees have
18 been notified at least 30 days in advance of the
19 award of the proposed contract, and the notification
20 includes a statement of the cancellation ceiling for
21 the contract.

22 (d) ACCOUNTING FOR COSTS.—For the purpose of
23 accounting for the costs of contracts entered into under
24 this section, the Department of Defense shall either—

1 (1) record obligations for the full cost of the
2 contract at the time of contract award; or

3 (2) record obligations for each fiscal year of the
4 contract equal to the Government's total annual li-
5 ability, which includes, for a fiscal year, the perform-
6 ance cost of the contract for the fiscal year plus any
7 costs that would be incurred if the contract were
8 cancelled at the end of the fiscal year.

9 (e) **MULTIYEAR CONTRACT DEFINED.**—In this sec-
10 tion, the term “multiyear contract” has the meaning pro-
11 vided in section 2306b(k) of this title.

12 (f) **REGULATIONS.**—The Secretary of Defense shall
13 prescribe regulations to carry out this section. The regula-
14 tions shall include provisions similar to the provisions re-
15 quired under section 2306b(e) of this title (relating to pro-
16 tection of existing authority).

17 **SEC. 1706. TRANSFER AUTHORITY.**

18 (a) **IN GENERAL.**—The Secretary of Defense may
19 transfer from amounts described in subsection (b) to other
20 appropriations of the Department of Defense for fiscal
21 year 2008 or any subsequent fiscal year such amounts as
22 the Secretary determines necessary to address critical
23 readiness requirements designated by the Board. Amounts
24 so transferred shall be merged with and be available for
25 the same purposes as the accounts to which transferred.

1 The total amount that the Secretary may transfer under
2 the authority of this section in any fiscal year is
3 \$1,000,000,000.

4 (b) AMOUNTS SUBJECT TO TRANSFER.—Transfers
5 under this section may be made only from amounts appro-
6 priated to the Department of Defense for fiscal year 2008
7 or any subsequent fiscal year that remain available for ob-
8 ligation.

9 (c) ADDITIONAL AUTHORITY.—The authority pro-
10 vided by this section is in addition to any other authority
11 provided by law authorizing the transfer of amounts avail-
12 able to the Department of Defense.

13 **SEC. 1707. SPECIAL AUTHORITY FOR USE OF WORKING**
14 **CAPITAL FUNDS FOR CRITICAL READINESS**
15 **REQUIREMENTS.**

16 (a) NOTIFICATION TO SECRETARY OF CERTAIN EX-
17 PENSES.—The Secretary of a military department shall
18 notify the Secretary of Defense if the Secretary of the
19 military department determines that costs will be incurred
20 for work on a critical readiness program in excess of
21 amounts available in the working capital fund of the mili-
22 tary department.

23 (b) TRANSFER OF FUNDS.—The Secretary of De-
24 fense, after receiving a notification under subsection (a),
25 may transfer funds from another working capital fund or

1 other funds available to the Department of Defense for
2 fiscal year 2008 or any subsequent fiscal year sufficient
3 to cover the costs of the critical readiness program. The
4 Secretary of the military department to which the funds
5 are transferred shall notify the congressional defense com-
6 mittees of the transfer within 30 days after the transfer
7 is made.

8 (c) REQUIREMENT TO REIMBURSE WORKING CAP-
9 ITAL FUNDS.—In the case of any working capital fund
10 from which a transfer is made under subsection (b), the
11 Secretary of Defense shall, within 12 months after the
12 transfer, reimburse the fund from any of the following:

13 (1) An appropriation of funds.

14 (2) Other funds available to the Department of
15 Defense.

16 (3) If the Secretary is unable to provide reim-
17 bursement pursuant to paragraph (1) or (2) within
18 nine months after the transfer, advance billing
19 (under section 2208(i) of title 10, United States
20 Code) from the military department carrying out the
21 critical readiness program.

22 (d) ADDITIONAL TRANSFER AUTHORITY.—The
23 transfer authority under this section is in addition to any
24 other transfer authority.

1 (e) CRITICAL READINESS PROGRAM.—In this section,
2 the term “critical readiness program” means a program
3 to address a critical readiness requirement designated by
4 the Board.

5 **SEC. 1708. STRATEGIC READINESS FUND.**

6 (a) ESTABLISHMENT.—There is established on the
7 books of the Treasury a fund to be known as the Depart-
8 ment of Defense Strategic Readiness Fund (in this sub-
9 section referred to as the “Fund”), which shall be admin-
10 istered by the Secretary of the Treasury.

11 (b) PURPOSES.—The Fund shall be used to address
12 critical readiness requirements designated under section
13 1701(c).

14 (c) ASSETS OF FUND.—There shall be deposited into
15 the Fund any amount appropriated to the Fund, which
16 shall constitute the assets of the Fund.

17 (d) TRANSFER OF FUNDS.—

18 (1) The Secretary of Defense may transfer
19 amounts in the Fund to such appropriations ac-
20 counts as the Secretary determines appropriate for
21 addressing critical readiness requirements des-
22 ignated under section 1701(c). Amounts so trans-
23 ferred shall be merged with and available for the
24 same purposes and for the same time period as the
25 appropriation account to which transferred.

1 (2) The transfer authority provided in para-
 2 graph (1) is in addition to any other transfer au-
 3 thority available to the Department of Defense.
 4 Upon a determination that all or part of the
 5 amounts transferred from the Fund are not nec-
 6 essary for the purposes for which transferred, such
 7 amounts may be transferred back to the Fund.

8 (3) The Secretary of Defense shall notify the
 9 congressional defense committees within 30 days
 10 after the Secretary makes a transfer under this sub-
 11 section.

12 (e) AUTHORIZATION.—There is hereby authorized to
 13 be appropriated to the Strategic Readiness Fund
 14 \$1,000,000,000, to be derived from amounts for Oper-
 15 ations and Maintenance under section 1508.

16 **DIVISION B—MILITARY CON-**
 17 **STRUCTION AUTHORIZA-**
 18 **TIONS**

19 **SEC. 2001. SHORT TITLE.**

20 This division may be cited as the “Military Construc-
 21 tion Authorization Act for Fiscal Year 2008”.

22 **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. Modification of authority to carry out certain fiscal year 2006
 project.

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND
ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	\$26,000,000
Alaska	Fort Richardson	\$92,800,000
	Fort Wainwright	\$105,600,000
Arizona	Fort Huachuca	\$129,600,000
California	Fort Irwin	\$24,000,000
	Presidio, Monterey	\$28,000,000
Colorado	Fort Carson	\$157,200,000
Delaware	Dover Air Force Base	\$17,500,000
Florida	Eglin Air Force Base	\$66,000,000
	Southern Command Headquarters, Miami	\$237,000,000
Georgia	Fort Benning	\$185,800,000
	Fort Stewart/Hunter Army Air Field	\$123,500,000
Hawaii	Fort Shafter	\$31,000,000
	Kahuku Training Area	\$9,200,000
	Schofield Barracks	\$88,000,000
	Wheeler Army Air Field	\$51,000,000
Kansas	Fort Leavenworth	\$90,800,000
	Fort Riley	\$140,200,000
Kentucky	Fort Campbell	\$105,000,000
	Fort Knox	\$6,700,000
Missouri	Fort Leonard Wood	\$129,050,000
Nevada	Hawthorne Army Ammunition Plant	\$11,800,000
New Mexico	White Sands Missile Range	\$71,000,000
New York	Fort Drum	\$300,600,000
North Carolina	Fort Bragg	\$270,800,000
Oklahoma	Fort Sill	\$2,900,000
South Carolina	Fort Jackson	\$85,000,000
Texas	Camp Bullis	\$1,600,000
	Corpus Christi	\$11,200,000
	Fort Bliss	\$111,900,000
	Fort Hood	\$138,000,000
	Fort Sam Houston	\$19,150,000
	Red River Army Depot	\$9,200,000
Virginia	Fort Belvoir	\$13,000,000
	Fort Eustis	\$75,000,000
	Fort Lee	\$22,600,000
	Fort Myer	\$20,800,000
Washington	Fort Lewis	\$167,900,000
	Yakima Training Center	\$29,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Afghanistan	\$13,800,000
Bulgaria	Nevo Selo FOS	\$61,000,000
Germany	Grafenwoehr	\$62,000,000
Hondurus	Various locations	\$2,550,000
Italy	Vicenza	\$173,000,000
Korea	Camp Humphreys	\$57,000,000
Romania	Various locations	\$12,600,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State or Country	Installation or Location	Units	Amount
Utah	Dugway Proving Grounds	28	\$5,000,000
Germany	Ansbach	138	\$52,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in

1 section 2104(a)(5)(A), the Secretary of the Army may
2 carry out architectural and engineering services and con-
3 struction design activities with respect to the construction
4 or improvement of family housing units in an amount not
5 to exceed \$2,000,000.

6 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
7 **UNITS.**

8 Subject to section 2825 of title 10, United States
9 Code, and using amounts appropriated pursuant to the
10 authorization of appropriations in section 2104(a)(5)(A),
11 the Secretary of the Army may improve existing military
12 family housing units in an amount not to exceed
13 \$365,400,000.

14 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
16 are hereby authorized to be appropriated for fiscal years
17 beginning after September 30, 2007, for military con-
18 struction, land acquisition, and military family housing
19 functions of the Department of the Army in the total
20 amount of \$5,133,817,000 as follows:

21 (1) For military construction projects inside the
22 United States authorized by section 2101(a),
23 \$3,089,400,000.

1 (2) For military construction projects outside
2 the United States authorized by section 2101(b),
3 \$381,950,000.

4 (3) For unspecified minor military construction
5 projects authorized by section 2805 of title 10,
6 United States Code, \$27,200,000.

7 (4) For architectural and engineering services
8 and construction design under section 2807 of title
9 10, United States Code, \$329,547,000.

10 (5) For military family housing functions:

11 (A) For construction and acquisition, plan-
12 ning and design, and improvement of military
13 family housing and facilities, \$424,400,000.

14 (B) For support of military family housing
15 (including the functions described in section
16 2833 of title 10, United States Code),
17 \$731,920,000.

18 (6) For the construction of increment 2 of a
19 barracks complex at Fort Lewis, Washington, au-
20 thorized by section 2101(a) of the Military Construc-
21 tion Authorization Act for Fiscal Year 2007 (divi-
22 sion B of Public Law 109–364; 120 Stat. 2445), as
23 amended by section 20814 of the Continuing Appro-
24 priations Resolution, 2007 (division B of Public Law
25 109–289), as added by section 2 of the Revised Con-

1 continuing Appropriations Resolution, 2007 (Public
2 Law 110–5; 121 Stat. 41), \$102,000,000.

3 (7) For the construction of increment 3 of a
4 barracks complex at Fort Bragg, North Carolina,
5 authorized by section 2101(a) of the Military Con-
6 struction Authorization Act for Fiscal Year 2006
7 (division B of Public Law 109–163; 119 Stat.
8 3485), \$47,400,000

9 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
10 PROJECTS.—Notwithstanding the cost variations author-
11 ized by section 2853 of title 10, United States Code, and
12 any other cost variation authorized by law, the total cost
13 of all projects carried out under section 2101 of this Act
14 may not exceed the sum of the following:

15 (1) The total amount authorized to be appro-
16 priated under paragraphs (1) and (2) of subsection
17 (a).

18 (2) \$46,000,000 (the balance of the amount au-
19 thorized under section 2201(a) for construction of
20 an operations complex at Eglin Air Force Base,
21 Florida).

22 (3) \$70,000,000 (the balance of the amount au-
23 thorized under section 2201(a) for construction of
24 the United States Southern Command Head-
25 quarters, Miami, Florida).

1 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
 2 **CERTAIN FISCAL YEAR 2006 PROJECT.**

3 (a) MODIFICATION.—The table in section 2101(a) of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2006 (division B of Public Law 109–163; 119 Stat.
 6 3485) is amended in the item relating to Fort Bragg,
 7 North Carolina, by striking “\$301,250,000” in the
 8 amount column and inserting “\$308,250,000”.

9 (b) CONFORMING AMENDMENTS.—Section
 10 2104(b)(5) of that Act (119 Stat. 3488) is amended by
 11 striking “\$77,400,000” and inserting “\$84,400,000”.

12 **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. Repeal of authorization for construction of Navy Outlying Landing
 Field, Washington County, North Carolina.

13 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 14 **ACQUISITION PROJECTS.**

15 (a) INSIDE THE UNITED STATES.—Using amounts
 16 appropriated pursuant to the authorization of appropria-
 17 tions in section 2204(a)(1), the Secretary of the Navy may
 18 acquire 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
 21 table:

Navy: Inside the United States

State	Installation or Location	Amount
Alaska	Outlying Field Evergreen	\$9,560,000
Arizona	Marine Corps Air Station, Yuma	\$33,720,000
California	Marine Corps Air Station, Miramar	\$26,760,000
	Marine Corps Base, Camp Pendleton	\$282,450,000
	Marine Corps Base, Twentynine Palms	\$142,619,000
	Naval Station, San Diego	\$23,630,000
Florida	Marine Corps Logistics Base, Blount Island	\$7,570,000
	Naval Surface Warfare Center, Panama City	\$13,870,000
	Naval Training Center, Corry Field	\$1,600,000
Hawaii	Marine Corps Air Station, Kaneohe	\$37,961,000
	Naval Base, Pearl Harbor	\$99,860,000
	Naval Station Pearl Harbor, Wahiawa	\$65,410,000
Illinois	Naval Training Center, Great Lakes	\$10,221,000
Maryland	Naval Air Warfare Center, Patuxent River	\$38,360,000
	Naval Surface Warfare Center, Indian Head	\$9,500,000
North Carolina	Marine Corps Air Station, Cherry Point	\$28,610,000
	Marine Corps Air Station, New River	\$58,630,000
	Marine Corps Base, Camp Lejeune	\$234,730,000
South Carolina	Marine Corps Air Station, Beaufort	\$10,300,000
	Marine Corps Recruit Depot, Parris Island	\$55,282,000
Texas	Naval Air Station, Corpus Christi	\$14,290,000
Virginia	Marine Corps Base, Quantico	\$50,519,000
	Naval Station, Norfolk	\$65,360,000
	Naval Support Activity, Chesapeake	\$8,450,000
	Naval Surface Warfare Center, Dahlgren	\$10,000,000
Washington	Naval Air Station, Whidbey Island	\$34,510,000
	Naval Station, Bremerton	\$119,760,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	\$35,500,000
Diego Garcia	Naval Support Facility, Diego Garcia ..	\$7,150,000
Djibouti	Camp Lemonier	\$22,390,000
Guam	Naval Activities, Guam	\$278,818,000

8 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-
9 propriated pursuant to the authorization of appropriations

1 in section 2204(a)(3), the Secretary of the Navy may ac-
 2 quire real property and carry out military construction
 3 projects for unspecified installations or locations in the
 4 amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Wharf Utilities Upgrade	\$8,900,000
	Host Nation Infrastructure	\$2,700,000

5 **SEC. 2202. FAMILY HOUSING.**

6 (a) CONSTRUCTION AND ACQUISITION.—Using
 7 amounts appropriated pursuant to the authorization of ap-
 8 propriations in section 2204(a)(6)(A), the Secretary of the
 9 Navy may construct or acquire family housing units (in-
 10 cluding land acquisition and supporting facilities) at the
 11 installations, in the number of units, and in the amounts
 12 set forth in the following table:

Navy: Family Housing

Location	Installation	Units	Amount
Mariana Islands	Naval Activities, Guam	73	\$57,167,000

13 (b) PLANNING AND DESIGN.—Using amounts appro-
 14 priated pursuant to the authorization of appropriations in
 15 section 2204(a)(6)(A), the Secretary of the Navy may
 16 carry out architectural and engineering services and con-
 17 struction design activities with respect to the construction
 18 or improvement of military family housing units in an
 19 amount not to exceed \$3,172,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2204(a)(6)(A),
6 the Secretary of the Navy may improve existing military
7 family housing units in an amount not to exceed
8 \$237,990,000.

9 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

10 (a) IN GENERAL.—Funds are hereby authorized to
11 be appropriated for fiscal years beginning after September
12 30, 2007, for military construction, land acquisition, and
13 military family housing functions of the Department of the
14 Navy in the total amount of \$2,757,249,000, as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2201(a),
17 \$1,496,532,000.

18 (2) For military construction projects outside
19 the United States authorized by section 2201(b),
20 \$293,858,000.

21 (3) For military construction projects at un-
22 specified worldwide locations authorized by section
23 2201(c), \$11,600,000.

24 (4) For unspecified minor military construction
25 projects authorized by section 2805 of title 10,
26 United States Code, \$10,000,000.

1 (5) For architectural and engineering services
2 and construction design under section 2807 of title
3 10, United States Code, \$111,067,000.

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, \$298,329,000.

8 (B) For support of military family housing
9 (including functions described in section 2833
10 of title 10, United States Code), \$371,404,000.

11 (7) For the construction of increment 2 of the
12 construction of an addition to the National Maritime
13 Intelligence Center, Suitland, Maryland, authorized
14 by section 2201(a) of the Military Construction Au-
15 thorization Act for Fiscal Year 2007 (division B of
16 Public Law 109–364; 120 Stat. 2448), \$52,069,000.

17 (8) For the construction of increment 3 of re-
18 cruit training barracks infrastructure upgrade at
19 Recruit Training Command, Great Lakes, Illinois,
20 authorized by section 2201(a) of the Military Con-
21 struction Authorization Act for Fiscal Year 2006
22 (division B of Public Law 109–163; 119 Stat.
23 3490), \$16,650,000.

24 (9) For the construction of increment 3 of
25 wharf upgrades at Yokosuka, Japan, authorized by

1 section 2201(b) of the Military Construction Author-
2 ization Act of Fiscal Year 2006 (division B of Public
3 Law 109–163; 119 Stat. 3490), \$8,750,000.

4 (10) For the construction of increment 2 of the
5 Bachelor Enlisted Quarters Homeport Ashore Pro-
6 gram at Bremerton, Washington (formerly referred
7 to as a project at Naval Station, Everett), author-
8 ized by section 2201(a) of the Military Construction
9 Authorization Act of Fiscal Year 2006 (division B of
10 Public Law 109–163; 119 Stat.3490), \$47,240,000.

11 (11) For the construction of increment 4 of the
12 limited area production and storage complex at
13 Naval Submarine Base, Kitsap, Bangor, Washington
14 (formerly referred to as a project at the Strategic
15 Weapons Facility Pacific, Bangor), authorized by
16 section 2201(a) of the Military Construction Author-
17 ization Act of Fiscal Year 2005 (division B of Public
18 Law 108–375; 118 Stat. 2105), as amended by sec-
19 tion 2206 of the Military Construction Authorization
20 Act for Fiscal Year 2006 (division B of Public Law
21 109–163; 119 Stat. 3493), \$39,750,000.

22 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
23 PROJECTS.—Notwithstanding the cost variations author-
24 ized by section 2853 of title 10, United States Code, and
25 any other cost variation authorized by law, the total cost

1 of all projects carried out under section 2201 of this Act
2 may not exceed the sum of the following:

3 (1) The total amount authorized to be appro-
4 priated under paragraphs (1), (2), and (3) of sub-
5 section (a).

6 (2) \$50,000,000 (the balance of the amount au-
7 thorized under section 2201(b) for construction of a
8 wharf extension in Apra Harbor, Guam.

9 **SEC. 2205. REPEAL OF AUTHORIZATION FOR CONSTRUC-**
10 **TION OF NAVY OUTLYING LANDING FIELD,**
11 **WASHINGTON COUNTY, NORTH CAROLINA.**

12 (a) REPEAL OF AUTHORIZATION.—The table in sec-
13 tion 2201(a) of the Military Construction Authorization
14 Act for Fiscal Year 2004 (division B of Public Law 108–
15 136; 117 Stat. 1704) is amended by striking the item re-
16 lating to Navy Outlying Landing Field, Washington Coun-
17 ty, North Carolina, as added by section 2205(a) of the
18 Military Construction Authorization Act for Fiscal Year
19 2007 (division B of Public Law 109–364; 120 Stat. 2452).

20 (b) REPEAL OF INCREMENTAL FUNDING AUTHOR-
21 ITY.—Section 2204(b) of that Act (117 Stat. 1706) is
22 amended by striking paragraph (6).

23 (c) EFFECT OF REPEAL.—The amendments made by
24 this section do not affect the expenditure of funds obli-
25 gated, before the effective date of this title, for the con-

1 struction of the Navy Outlying Landing Field, Wash-
 2 ington County, North Carolina, or the acquisition of real
 3 property to facilitate such construction.

4 **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. Modification of authority to carry out certain fiscal year 2006
 project.

5 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 6 **LAND ACQUISITION PROJECTS.**

7 (a) INSIDE THE UNITED STATES.—Using amounts
 8 appropriated pursuant to the authorization of appropria-
 9 tions in section 2304(a)(1), the Secretary of the Air Force
 10 may acquire real property and carry out military construc-
 11 tion projects for the installations or locations inside the
 12 United States, and in the amounts, set forth in the fol-
 13 lowing table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	\$70,180,000
Arizona	Davis-Monthan Air Force Base	\$11,200,000
	Kirtland Air Force Base	\$3,700,000
	Luke Air Force Base	\$5,500,000
Arkansas	Little Rock Air Force Base	\$9,800,000
California	Edwards Air Force Base	\$8,500,000
	Travis Air Force Base	\$37,400,000
Colorado	Fort Carson	\$13,500,000
	Schriever Air Force Base	\$24,500,000
	United States Air Force Academy	\$15,000,000
District of Columbia	Bolling Air Force Base	\$2,500,000
Florida	Eglin Air Force Base	\$158,300,000
	MacDill Air Force Base	\$60,500,000
	Patrick Air Force Base	\$11,854,000
	Tyndall Air Force Base	\$44,114,000
Georgia	Robins Air Force Base	\$19,700,000
Hawaii	Hickam Air Force Base	\$31,971,000
Illinois	Scott Air Force Base	\$16,700,000
Kansas	Fort Riley	\$12,515,000
Missouri	Whiteman Air Force Base	\$11,400,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Nebraska	Offutt Air Force Base	\$16,952,000
New Mexico	Cannon Air Force Base	\$1,688,000
North Dakota	Minot Air Force Base	\$18,200,000
Oklahoma	Altus Air Force Base	\$2,000,000
	Tinker Air Force Base	\$34,600,000
South Carolina	Shaw Air Force Base	\$9,300,000
Texas	Lackland Air Force Base	\$14,000,000
	Shepard Air Force Base	\$7,000,000
Utah	Hill Air Force Base	\$16,799,000
Washington	Fairchild Air Force Base	\$6,200,000
Wyoming	Francis E. Warren Air Force Base	\$14,600,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions 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 fol-
7 lowing table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	\$48,209,000
Guam	Andersen Air Force Base	\$15,800,000
Qatar	Al Udeid Air Base	\$22,300,000
Spain	Moron Air Base	\$1,800,000
United Kingdom	Royal Air Force Lakenheath	\$17,300,000
	Royal Air Force Menwith Hill Station	\$41,000,000

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
12 projects for unspecified installations or locations in the
13 amount 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

1 SEC. 2302. FAMILY HOUSING.

2 (a) CONSTRUCTION AND ACQUISITION.—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2304(a)(6)(A), the Secretary of the
5 Air Force may construct or acquire family housing units
6 (including 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:

Air Force: Family Housing

State or Country	Installation or Location	Units	Amount
Germany	Ramstein Air Base	117 ...	\$56,275,000

9 (b) PLANNING AND DESIGN.—Using amounts appro-
10 priated pursuant to the authorization of appropriations in
11 section 2304(a)(6)(A), the Secretary of the Air Force may
12 carry out architectural and engineering services and con-
13 struction design activities with respect to the construction
14 or improvement of military family housing units in an
15 amount not to exceed \$12,210,000.

16 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
17 **UNITS.**

18 Subject to section 2825 of title 10, United States
19 Code, and using amounts appropriated pursuant to the
20 authorization of appropriations in section 2304(a)(6)(A),

1 the Secretary of the Air Force may improve existing mili-
2 tary family housing units in an amount not to exceed
3 \$294,262,000.

4 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
5 **FORCE.**

6 Funds are hereby authorized to be appropriated for
7 fiscal years beginning after September 30, 2007, for mili-
8 tary construction, land acquisition, and military family
9 housing functions of the Department of the Air Force in
10 the total amount of \$2,120,191,000, as follows:

11 (1) For military construction projects inside the
12 United States authorized by section 2301(a),
13 \$710,173,000.

14 (2) For military construction projects outside
15 the United States authorized by section 2301(b),
16 \$146,409,000.

17 (3) For the military construction projects at
18 unspecified worldwide locations authorized by section
19 2301(c), \$15,440,000.

20 (4) For unspecified minor military construction
21 projects authorized by section 2805 of title 10,
22 United States Code, \$15,000,000.

23 (5) For architectural and engineering services
24 and construction design under section 2807 of title
25 10, United States Code, \$62,087,000.

1 (6) For military family housing functions:

2 (A) For construction and acquisition, plan-
3 ning and design, and improvement of military
4 family housing and facilities, \$362,747,000.

5 (B) For support of military family housing
6 (including functions described in section 2833
7 of title 10, United States Code), \$688,335,000.

8 (7) For the construction of increment 3 of the
9 main base runway at Edwards Air Force Base, Cali-
10 fornia, authorized by section 2301(a) of the Military
11 Construction Authorization Act for Fiscal Year 2006
12 (division B of Public Law 109–163; 119 Stat.
13 3494), \$35,000,000.

14 (8) For the construction of increment 3 of the
15 CENTCOM Joint Intelligence Center at MacDill Air
16 Force Base, Florida, authorized by section 2301(a)
17 of the Military Construction Authorization Act for
18 Fiscal Year 2006 (division B of Public Law 109–
19 163; 119 Stat. 3494), as amended by section 2305
20 of the Military Construction Authorization Act for
21 Fiscal Year 2007 (division B of Public Law 109–
22 364; 120 Stat. 2456), \$25,000,000.

1 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**
 2 **CERTAIN FISCAL YEAR 2006 PROJECT.**

3 (a) FURTHER MODIFICATION OF INSIDE THE
 4 UNITED STATES PROJECT.—The table in section 2301(a)
 5 of the Military Construction Authorization Act for Fiscal
 6 Year 2006 (division B of Public Law 109–163; 119 Stat.
 7 3494), as amended by section 2305(a) of the Military Con-
 8 struction Authorization Act for Fiscal Year 2007 (division
 9 B of Public Law 109–364; 120 Stat. 2456), is further
 10 amended in the item relating to MacDill Air Force Base,
 11 Florida, by striking “\$101,500,000” in the amount col-
 12 umn and inserting “\$126,500,000”.

13 (b) CONFORMING AMENDMENT.—Section 2304(b)(4)
 14 of the Military Construction Authorization Act for Fiscal
 15 Year 2006 (division B of Public Law 109–163; 119 Stat.
 16 3496), as amended by section 2305(b) of the Military Con-
 17 struction Authorization Act for Fiscal Year 2007 (division
 18 B of Public Law 109–364; 120 Stat. 2456), is further
 19 amended is amended by striking “\$23,300,000” and in-
 20 serting “\$48,300,000”.

21 **TITLE XXIV—DEFENSE**
 22 **AGENCIES**

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Energy conservation projects.

Sec. 2403. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Sec. 2404. Authorization of appropriations, Defense Agencies.

Sec. 2405. Wounded warrior facility support.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
North Carolina	Marine Corps Base, Camp Lejeune	\$2,014,000

Defense Intelligence Agency

State	Installation or Location	Amount
District of Columbia ..	Bolling Air Force Base	\$1,012,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Port Loma Annex	\$140,000,000
Florida	Naval Air Station, Key West	\$1,874,000
Hawaii	Hickam Air Force Base	\$26,000,000
New Mexico	Kirtland Air Force Base	\$1,800,000
Ohio	Defense Supply Center Columbus	\$4,000,000
Pennsylvania	Defense Distribution Depot, New Cumberland	\$21,000,000
Virginia	Fort Belvoir	\$5,000,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	\$11,901,000

Special Operations Command

State	Installation or Location	Amount
California	Marine Corps Base, Camp Pendleton	\$20,030,000
	Naval Amphibious Base, Coronado	\$12,000,000
Florida	Hurlburt Field	\$29,111,000
	MacDill Air Force Base	\$47,700,000
Georgia	Fort Benning	\$35,000,000

Special Operations Command—Continued

State	Installation or Location	Amount
	Hunter Army Air Field	\$13,800,000
Kentucky	Fort Campbell	\$53,500,000
New Mexico	Cannon Air Force Base	\$7,500,000
North Carolina	Fort Bragg	\$47,250,000
	Marine Corps Base, Camp Lejeune	\$28,210,000
Virginia	Dam Neck	\$113,800,000
	Naval Amphibious Base, Little Creek	\$99,000,000
Washington	Fort Lewis	\$77,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Florida	MacDill Air Force Base	\$5,000,000
Illinois	Naval Hospital, Great Lakes	\$99,000,000
New York	Fort Drum	\$41,000,000
Texas	Camp Bullis	\$7,400,000
Virginia	Naval Station, Norfolk	\$6,450,000
Washington	Fort Lewis	\$21,000,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	\$18,531,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2404(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing tables:

Defense Education Activity

Country	Installation or Location	Amount
Belgium	Sterrebeek	\$5,992,000
Germany	Ramstein Air Base	\$5,393,000
	Wiesbaden Air Base	\$20,472,000

Special Operations Command

Country	Installation or Location	Amount
Bahrain	Southwest Asia	\$19,000,000

Special Operations Command—Continued

Country	Installation or Location	Amount
Qatar	Al Udeid AB	\$52,852,000

TRICARE Management Activity

Country	Installation or Location	Amount
Germany	Spangdahlem Air Base	\$30,100,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2404(a)(3), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for unspecified installations or locations in the
6 amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	\$1,887,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

8 Using amounts appropriated pursuant to the author-
9 ization of appropriations in section 2404(a)(7), the Sec-
10 retary of Defense may carry out energy conservation
11 projects under chapter 173 of title 10, United States
12 Code, in the amount of \$70,000,000.

1 **SEC. 2403. 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 2404(a)(9), the Sec-
7 retary of Defense may carry out base closure and realign-
8 ment activities, including real property acquisition and
9 military construction projects, as authorized by the De-
10 fense Base Closure and Realignment Act of 1990 (part
11 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
12 note) and funded through the Department of Defense
13 Base Closure Account 2005 established by section 2906A
14 of such Act, in the amount of \$8,174,315,000.

15 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**
16 **FENSE AGENCIES.**

17 (a) IN GENERAL.—Funds are hereby authorized to
18 be appropriated for fiscal years beginning after September
19 30, 2007, for military construction, land acquisition, and
20 military family housing functions of the Department of
21 Defense (other than the military departments) in the total
22 amount of \$10,253,464,000, as follows:

23 (1) For military construction projects inside the
24 United States authorized by section 2401(a),
25 \$898,483,000.

1 (2) For military construction projects outside
2 the United States authorized by section 2401(b),
3 \$133,809,000.

4 (3) For the military construction projects at
5 unspecified worldwide locations authorized by section
6 2301(c), \$1,887,000.

7 (4) For unspecified minor military construction
8 projects under section 2805 of title 10, United
9 States Code, \$23,711,000.

10 (5) For contingency construction projects of the
11 Secretary of Defense under section 2804 of title 10,
12 United States Code, \$10,000,000.

13 (6) For architectural and engineering services
14 and construction design under section 2807 of title
15 10, United States Code, \$147,328,000.

16 (7) For energy conservation projects authorized
17 by section 2402 of this Act, \$70,000,000.

18 (8) For base closure and realignment activities
19 as authorized by the Defense Base Closure and Re-
20 alignment Act of 1990 (part A of title XXIX of
21 Public Law 101–510; 10 U.S.C. 2687 note) and
22 funded through the Department of Defense Base
23 Closure Account 1990 established by section 2906 of
24 such Act, \$230,689,000.

1 (9) For base closure and realignment activities
2 authorized by section 2403 of this Act and funded
3 through the Department of Defense Base Closure
4 Account 2005 established by section 2906A of the
5 Defense Base Closure and Realignment Act of 1990
6 (part A of title XXIX of Public Law 101–510; 10
7 U.S.C. 2687 note), \$8,174,315,000.

8 (10) For military family housing functions:

9 (A) For support of military family housing
10 (including functions described in section 2833
11 of title 10, United States Code), \$48,848,000.

12 (B) For credit to the Department of De-
13 fense Family Housing Improvement Fund es-
14 tablished by section 2883(a)(1) of title 10,
15 United States Code, \$500,000.

16 (11) For the construction of increment 2 of the
17 health clinic replacement at MacDill Air Force Base,
18 Florida, authorized by section 2401(a) of the Mili-
19 tary Construction Authorization Act of Fiscal Year
20 2007 (division B of Public Law 109–364; 120 Stat.
21 2457), \$41,400,000.

22 (12) For the construction of increment 2 of the
23 replacement of the Army Medical Research Institute
24 of Infectious Diseases at Fort Detrick, Maryland,
25 authorized by section 2401(a) of the Military Con-

1 construction Authorization Act of Fiscal Year 2007 (di-
2 vision B of Public Law 109–364; 120 Stat. 2457),
3 \$150,000,000.

4 (13) For the construction of increment 3 of the
5 regional security operations center at Augusta, Geor-
6 gia, authorized by section 2401(a) of the Military
7 Construction Authorization Act of Fiscal Year 2006
8 (division B of Public Law 109–163; 119 Stat.
9 3497), as amended by section 7016 of Public Law
10 109–234 (120 Stat. 485), \$100,000,000.

11 (14) For the construction of increment 3 of the
12 regional security operations center at Kunia, Hawaii,
13 authorized by section 2401(a) of the Military Con-
14 struction Authorization Act of Fiscal Year 2006 (di-
15 vision B of Public Law 109–163; 119 Stat. 3497),
16 as amended by section 7017 of Public Law 109–234
17 (120 Stat. 485), \$136,318,000.

18 (15) For the construction of increment 8 of a
19 munitions demilitarization facility at Blue Grass
20 Army Depot, Kentucky, authorized by section
21 2401(a) of the Military Construction Authorization
22 Act for Fiscal Year 2000 (division B of Public Law
23 106–65; 113 Stat. 835), as amended by section
24 2405 of the Military Construction Authorization Act
25 for Fiscal Year 2002 (division B of Public Law 107–

1 107; 115 Stat. 1298) and section 2405 of the Mili-
2 tary Construction Authorization Act for Fiscal Year
3 2003 (division B of Public Law 107–314; 116 Stat.
4 2698), \$51,017,000.

5 (16) For the construction of increment 9 of a
6 munitions demilitarization facility at Pueblo Chem-
7 ical Activity, Colorado, authorized by section
8 2401(a) of the Military Construction Authorization
9 Act for Fiscal Year 1997 (division B of Public Law
10 104–201; 110 Stat. 2775), as amended by section
11 2406 of the Military Construction Authorization Act
12 for Fiscal Year 2000 (division B of Public Law 106–
13 65; 113 Stat. 839) and section 2407 of the Military
14 Construction Authorization Act for Fiscal Year 2003
15 (division B of Public Law 107–314; 116 Stat.
16 2698), \$35,159,000.

17 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
18 PROJECTS.—Notwithstanding the cost variations author-
19 ized by section 2853 of title 10, United States Code, and
20 any other cost variation authorized by law, the total cost
21 of all projects carried out under section 2401 of this Act
22 may not exceed the sum of the following:

23 (1) The total amount authorized to be appro-
24 priated under paragraphs (1), (2), and (3) of sub-
25 section (a).

1 (2) \$84,300,000 (the balance of the amount au-
2 thorized for the Defense Logistics Agency under sec-
3 tion 2401(a) for the replacement of fuel storage fa-
4 cilities, Point Loma Annex, California).

5 **SEC. 2405. WOUNDED WARRIOR FACILITY SUPPORT.**

6 (a) AUTHORIZATION OF ADDITIONAL PROJECTS.—
7 Using amounts appropriated pursuant to the authoriza-
8 tion of appropriations in section 2404(a)(9), the Secretary
9 of Defense is authorized to carry out the following addi-
10 tional projects (in the following amounts):

11 (1) National Naval Medical Center, Bethesda,
12 Maryland Enhanced Warrior Care Center,
13 \$33,000,000.

14 (2) DeWitte Army Medical Center, Fort
15 Belvoir, Virginia:

16 (A) Enhanced Fort Belvoir Capability,
17 \$43,000,000.

18 (B) Fort Belvoir Price Inflation/Scope Ad-
19 justment \$93,000,000.

20 (b) OFFSETS.—To offset the funds needed for the
21 projects referred to in subsection (a), an undistributed re-
22 duction to the authorization of appropriations in section
23 2404(a)(9) is provided in the amount of \$169,000,000.

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for
8 the North Atlantic Treaty Organization Security Invest-
9 ment Program as provided in section 2806 of title 10,
10 United States Code, in an amount not to exceed the sum
11 of the amount authorized to be appropriated for this pur-
12 pose in section 2502 and the amount collected from the
13 North Atlantic Treaty Organization as a result of con-
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 2007, for con-
18 tributions by the Secretary of Defense under section 2806
19 of title 10, United States Code, for the share of the United
20 States of the cost of projects for the North Atlantic Treaty
21 Organization Security Investment Program authorized by
22 section 2501, in the amount of \$201,400,000.

1 **TITLE XXVI—GUARD AND**
2 **RESERVE FORCES FACILITIES**

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

3 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
4 **TION AND LAND ACQUISITION PROJECTS.**

5 Funds are hereby authorized to be appropriated for
6 fiscal years beginning after September 30, 2007, for the
7 costs of acquisition, architectural and engineering services,
8 and construction of facilities for the reserve components,
9 and for contributions therefor, under chapter 1803 of title
10 10, United States Code (including the cost of acquisition
11 of land for those facilities), in the following amounts:

12 (1) For the Department of the Army—

13 (A) for the Army National Guard of the
14 United States, \$425,891,000; and

15 (B) for the Army Reserve, \$133,084,000.

16 (2) For the Department of the Navy, for the
17 Navy Reserve and Marine Corps Reserve,
18 \$59,950,000.

19 (3) For the Department of the Air Force—

20 (A) for the Air National Guard of the
21 United States, \$111,717,000; and

22 (B) for the Air Force Reserve,
23 \$27,559,000.

1 **TITLE XXVII—EXPIRATION AND**
 2 **EXTENSION OF AUTHORIZA-**
 3 **TIONS**

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2702. Extension of authorizations of certain fiscal year 2005 projects.

Sec. 2703. Extension of authorizations of certain fiscal year 2004 projects.

Sec. 2704. Effective date.

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
 5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
 6 **LAW.**

7 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
 8 YEARS.—Except as provided in subsection (b), all author-
 9 izations contained in titles XXI through XXVI for military
 10 construction projects, land acquisition, family housing
 11 projects and facilities, and contributions to the North At-
 12 lantic Treaty Organization Security Investment Program
 13 (and authorizations of appropriations therefor) shall ex-
 14 pire on the later of—

15 (1) October 1, 2010; or

16 (2) the date of the enactment of an Act author-
 17 izing funds for military construction for fiscal year
 18 2011.

19 (b) EXCEPTION.—Subsection (a) shall not apply to
 20 authorizations for military construction projects, land ac-
 21 quisition, family housing projects and facilities, and con-
 22 tributions to the North Atlantic Treaty Organization Se-

1 curity Investment Program (and authorizations of appro-
 2 priations therefor), for which appropriated funds have
 3 been obligated before the later of—

4 (1) October 1, 2010; or

5 (2) the date of the enactment of an Act author-
 6 izing funds for fiscal year 2011 for military con-
 7 struction projects, land acquisition, family housing
 8 projects and facilities, or contributions to the North
 9 Atlantic Treaty Organization Security Investment
 10 Program.

11 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 12 **FISCAL YEAR 2005 PROJECTS.**

13 (a) EXTENSION AND RENEWAL.—Notwithstanding
 14 section 2701 of the Military Construction Authorization
 15 Act for Fiscal Year 2005 (division B of Public Law 108–
 16 375; 118 Stat. 2116), authorizations set forth in the ta-
 17 bles in subsection (b), as provided in section 2101, 2302,
 18 2401, or 2601 of that Act, shall remain in effect until
 19 October 1, 2008, or the date of the enactment of an Act
 20 authorizing funds for military construction for fiscal year
 21 2009, whichever is later.

22 (b) TABLES.—The tables referred to in subsection (a)
 23 are as follows:

Army: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Schofield Barracks, Hawaii	Training facility	\$35,542,000

Air Force: Extension of 2005 Project Authorizations

Installation or Location	Project	Amount
Davis-Monthan Air Force Base, Arizona.	Family housing (250 units) ..	\$48,500,000
Vandenberg Air Force Base, California.	Family housing (120 units) ..	\$30,906,000
MacDill Air Force Base, Florida	Family housing (61 units)	\$21,723,000
.....	Housing maintenance facility	\$1,250,000
Whiteman Air Force Base, Missouri	Family housing (160 units) ..	\$37,087,000
Seymour Johnson Air Force Base, North Carolina.	Family housing (167 units) ..	\$32,693,000
Goodfellow Air Force Base, Texas ...	Family housing (127 units) ..	\$20,604,000

Defense Wide: Extension of 2005 Project Authorizations

Installation or Location	Agency and Project	Amount
Naval Air Station, Oceana, Virginia	DLA bulk fuel storage tank.	\$3,589,000
Naval Air Station, Jacksonville, Florida	TMA hospital project	\$28,438,000

Army National Guard: Extension of 2005 Project Authorizations

Installation or Location	Project	Amount
Dublin, California	Readiness center	\$11,318,000
Gary, Indiana	Reserve center	\$9,380,000

Army Reserve: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Corpus Christi (Robstown), Texas	Storage facility	\$9,038,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 2004 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2004 (division B of Public Law 108–136; 117 Stat.
6 1716), authorizations set forth in the tables in subsection
7 (b), as provided in section 2302 or 2601 of that Act and
8 extended by section 2702 of the Military Construction Au-
9 thorization Act for Fiscal Year 2007 (division B of Public
10 Law 109–364; 120 Stat. 2464), shall remain in effect

1 until October 1, 2008, or the date of the enactment of
 2 an Act authorizing funds for military construction for fis-
 3 cal year 2009, whichever is later.

4 (b) TABLES.—The table referred to in subsection (a)
 5 is as follows:

Air Force: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Travis Air Force Base, California	Family housing (56 units)	\$12,723,000
Eglin Air Force Base, Florida	Family housing (279 units) ..	\$32,166,000

Army National Guard: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Albuquerque, New Mexico	Readiness center	\$2,533,000
Fort Indiantown Gap, Pennsylvania	Multi-purpose training range	\$15,338,000

6 **SEC. 2704. EFFECTIVE DATE.**

7 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI
 8 of this Act shall take effect on the later of—

9 (1) October 1, 2007; or

10 (2) the date of the enactment of this Act.

11 **TITLE XXVIII—MILITARY CON-**
 12 **STRUCTION GENERAL PROVI-**
 13 **SIONS**

Subtitle A—Military Construction Program and Military Family Housing
 Changes

Sec. 2801. Temporary authority to support revitalization of Department of De-
 fense laboratories through unspecified minor military construc-
 tion projects.

Sec. 2802. Increased threshold for congressional notification of leases for mili-
 tary family housing facilities in foreign countries.

Sec. 2803. Limitation on use of alternative authority for acquisition and im-
 provement of military housing for privatization of temporary
 lodging facilities.

Sec. 2804. Expansion of authority to exchange reserve component facilities.

- Sec. 2805. Extension of authority to accept cash equalization payments for reserve component facility exchanges.
- Sec. 2806. Authority to use operation and maintenance funds for construction projects outside the United States.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Continued consolidation of real property provisions without substantive change.
- Sec. 2812. Cooperative agreement authority for management of cultural resources on certain sites outside military installations.
- Sec. 2813. Agreements to limit encroachments and other constraints on military training, testing, and operations.
- Sec. 2814. Expansion to all military departments of Army pilot program for purchase of certain municipal services for military installations.
- Sec. 2815. Retention of proceeds from enhanced use leases at Selfridge Air National Guard Base.
- Sec. 2816. Prohibition on commercial flights into Selfridge Air National Guard Base.
- Sec. 2817. Niagara Air Reserve Base, New York, basing report.

Subtitle C—Base Closure and Realignment

- Sec. 2821. Transfer of funds from Department of Defense Base Closure Account 2005 to Department of Defense Housing Funds.
- Sec. 2822. Conditions on transfer of military personnel and civilian employees to Fort Belvoir, Virginia, as part of realignment of the installation.

Subtitle D—Land Conveyances

- Sec. 2831. Conditions on acquisition of land for expansion of Pinon Canyon Maneuver Site, Colorado.
- Sec. 2832. Grant of easement, Eglin Air Force Base, Florida.
- Sec. 2833. Land conveyance, Lynn Haven Fuel Depot, Lynn Haven, Florida.
- Sec. 2834. Additional conditions on lease of property for headquarters facility for United States Southern Command, Florida.
- Sec. 2835. Transfer of jurisdiction, former Nike missile site, Grosse Isle, Michigan.
- Sec. 2836. Land Exchange, Fort Hood, Texas.
- Sec. 2837. Exchange of jurisdiction over real property involving Fort Belvoir, Virginia.
- Sec. 2838. Modification of conveyance authority, Marine Corps Base, Camp Pendleton, California.

Subtitle E—Energy Security

- Sec. 2851. Repeal of congressional notification requirement regarding cancellation ceiling for Department of Defense energy savings performance contracts.
- Sec. 2852. Report on opportunities for leveraging funds of the Department of Defense and States to prevent disruption in event of electric grid or pipeline failures.
- Sec. 2853. Use of energy efficient lighting fixtures and bulbs in Department of Defense facilities.

Sec. 2854. Department of Defense requirements regarding use of renewable energy to meet at least 25 percent of Department electricity needs.

Subtitle F—Other Matters

Sec. 2861. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.

Sec. 2862. Transfer of jurisdiction over Air Force Memorial to Department of the Air Force.

Sec. 2863. Establishment of national military working dog teams monument on suitable military installation.

Sec. 2864. Naming housing facility at Fort Carson, Colorado, in honor of the Honorable Joel Hefley, a former member of the United States House of Representatives.

Sec. 2865. Naming Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of the Honorable Lane Evans, a former member of the United States House of Representatives.

Sec. 2866. Naming of research laboratory at Air Force Rome Research Site, Rome, New York, in honor of the Honorable Sherwood L. Boehlert, a former member of the United States House of Representatives.

Sec. 2867. Naming of administration building at Joint Systems Manufacturing Center, Lima, Ohio, in honor of the Honorable Michael G. Oxley, a former member of the United States House of Representatives.

Sec. 2868. Naming of Logistics Automation Training Facility, Army Quartermaster Center and School, Fort Lee, Virginia, in honor of General Richard H. Thompson.

1 Subtitle A—Military Construction 2 Program and Military Family 3 Housing Changes

4 SEC. 2801. TEMPORARY AUTHORITY TO SUPPORT REVITAL- 5 IZATION OF DEPARTMENT OF DEFENSE LAB- 6 ORATORIES THROUGH UNSPECIFIED MINOR 7 MILITARY CONSTRUCTION PROJECTS.

8 (a) LABORATORY REVITALIZATION.—Section 2805 of
9 title 10, United States Code, is amended—

10 (1) by redesignating subsection (d) as sub-
11 section (e); and

1 (2) by inserting after subsection (c) the fol-
2 lowing new subsection (d):

3 “(d) LABORATORY REVITALIZATION.—(1) For the
4 revitalization and recapitalization of laboratories owned by
5 the United States and under the jurisdiction of the Sec-
6 retary concerned, the Secretary concerned may obligate
7 and expend—

8 “(A) from appropriations available to the Sec-
9 retary concerned for operation and maintenance,
10 amounts necessary to carry out an unspecified minor
11 military construction project costing not more than
12 \$2,000,000; or

13 “(B) from appropriations available to the Sec-
14 retary concerned for military construction not other-
15 wise authorized by law, amounts necessary to carry
16 out an unspecified minor military construction
17 project costing not more than \$5,000,000.

18 “(2) For an unspecified minor military construction
19 project conducted pursuant to this subsection, \$2,000,000
20 shall be deemed to be the amount specified in subsection
21 (b)(1) regarding when advance approval of the project by
22 the Secretary concerned and congressional notification is
23 required. The Secretary of Defense shall establish proce-
24 dures for the review and approval of requests from the

1 Secretary of a military department to carry out a con-
2 struction project under this subsection.

3 “(3) For purposes of this subsection, the total
4 amount allowed to be applied in any one fiscal year to
5 projects at any one laboratory shall be limited to the larger
6 of the amounts applicable under paragraph (1).

7 “(4) Not later than February 1, 2010, the Secretary
8 of Defense shall submit to the congressional defense com-
9 mittees a report on the use of the authority provided by
10 this subsection. The report shall include a list and descrip-
11 tion of the construction projects carried out under this
12 subsection, including the location and cost of each project.

13 “(5) In this subsection, the term ‘laboratory’ in-
14 cludes—

15 “(A) a research, engineering, and development
16 center; and

17 “(B) a test and evaluation activity.

18 “(6) The authority to carry out a project under this
19 subsection expires on September 30, 2012.”.

20 (b) STYLISTIC AMENDMENTS.—Such section is fur-
21 ther amended—

22 (1) in subsection (a), by inserting “AUTHORITY
23 TO CARRY OUT UNSPECIFIED MINOR MILITARY
24 CONSTRUCTION PROJECTS.—” after “(a)”;

1 (2) in subsection (b), by inserting “APPROVAL
2 AND CONGRESSIONAL NOTIFICATION.—” after
3 “(b)”;

4 (3) in subsection (c), by inserting “USE OF OP-
5 ERATION AND MAINTENANCE FUNDS.—” after
6 “(c)”;

7 (4) in subsection (e), as redesignated by sub-
8 section (a)(1), by inserting “PROHIBITION ON USE
9 FOR NEW HOUSING UNITS.—” after “(e)”.

10 **SEC. 2802. INCREASED THRESHOLD FOR CONGRESSIONAL**
11 **NOTIFICATION OF LEASES FOR MILITARY**
12 **FAMILY HOUSING FACILITIES IN FOREIGN**
13 **COUNTRIES.**

14 Section 2828(f) of title 10, United States Code, is
15 amended by striking “\$500,000” and inserting
16 “\$1,000,000”.

17 **SEC. 2803. LIMITATION ON USE OF ALTERNATIVE AUTHOR-**
18 **ITY FOR ACQUISITION AND IMPROVEMENT**
19 **OF MILITARY HOUSING FOR PRIVATIZATION**
20 **OF TEMPORARY LODGING FACILITIES.**

21 (a) PRIVATIZATION LIMITED TO PILOT PROGRAM.—
22 Section 2878 of title 10, United States Code, is amended
23 by adding at the end the following new subsection:

24 “(e) LIMITATION ON PRIVATIZATION OF TEMPORARY
25 LODGING FACILITIES.—Notwithstanding any other provi-

1 sion of this subchapter, the privatization of temporary
2 lodging facilities under this subchapter shall be limited to
3 a pilot program to be conducted by the Secretary of the
4 Army at the following military installations:

5 “(1) Redstone Arsenal, Alabama.

6 “(2) Fort Rucker, Alabama.

7 “(3) Yuma Proving Ground, Arizona.

8 “(4) Fort McNair, District of Columbia.

9 “(5) Fort Shafter, Hawaii.

10 “(6) Tripler Army Medical Center, Hawaii.

11 “(7) Fort Leavenworth, Kansas.

12 “(8) Fort Riley, Kansas.

13 “(9) Fort Polk, Louisiana.

14 “(10) Fort Sill, Oklahoma.

15 “(11) Fort Hood, Texas.

16 “(12) Fort Sam Houston, Texas.

17 “(13) Fort Myer, Virginia.”.

18 (b) REPORTING REQUIREMENTS.—

19 (1) REPORT BY SECRETARY OF THE ARMY.—

20 Not later than June 1, 2009, the Secretary of the
21 Army shall submit to the congressional defense com-
22 mittees and the Comptroller General a report that—

23 (A) describes the implementation of the
24 pilot program authorized by subsection (e) of
25 section 2878 of title 10, United States Code, as

1 added by this section, at the military installa-
2 tions specified in such subsection;

3 (B) evaluates the efficiency of the pro-
4 gram; and

5 (C) contains such recommendations as the
6 Secretary considers appropriate regarding ex-
7 pansion of the program.

8 (2) REPORT BY COMPTROLLER GENERAL.—Not
9 later than February 1, 2010, the Comptroller Gen-
10 eral shall submit to the congressional defense com-
11 mittees a review of the pilot program and of the re-
12 port of the Secretary.

13 **SEC. 2804. EXPANSION OF AUTHORITY TO EXCHANGE RE-**
14 **SERVE COMPONENT FACILITIES.**

15 Section 18240(a) of title 10, United States Code is
16 amended by striking “with a State” in the first sentence
17 and inserting “with an Executive agency (as defined in
18 section 105 of title 5), the United States Postal Service,
19 a State”.

20 **SEC. 2805. EXTENSION OF AUTHORITY TO ACCEPT CASH**
21 **EQUALIZATION PAYMENTS FOR RESERVE**
22 **COMPONENT FACILITY EXCHANGES.**

23 Section 2809(c)(5) of the Military Construction Au-
24 thorization Act for Fiscal Year 2005 (division B of Public
25 Law 108–375; 118 Stat. 2126) is amended by striking

1 “September 30, 2007” and inserting “September 30,
2 2010”.

3 **SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION**
4 **PROJECTS OUTSIDE THE UNITED STATES.**

6 (a) ONE-YEAR EXTENSION OF AUTHORITY.—Sub-
7 section (a) of section 2808 of the Military Construction
8 Authorization Act for Fiscal Year 2004 (division B of
9 Public Law 108–136; 117 Stat. 1723), as amended by sec-
10 tion 2810 of the Military Construction Authorization Act
11 for Fiscal Year 2005 (division B of Public Law 108–375;
12 118 Stat. 2128), section 2809 of the Military Construction
13 Authorization Act for Fiscal Year 2006 (division B of
14 Public Law 109–163; 119 Stat. 3508), and section 2802
15 of the Military Construction Authorization Act for Fiscal
16 Year 2007 (division B of Public Law 109–364; 120 Stat.
17 2466), is further amended by striking “2007” and insert-
18 ing “2008”.

19 (b) REPEAL OF QUARTERLY REPORTS; ADVANCE
20 NOTICE OF CERTAIN PROJECTS.—Such section is further
21 amended—

22 (1) in subsection (b), by striking “Within seven
23 days after” and inserting “Except with respect to a
24 construction project described in subsection (d),
25 within seven days after”;

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

3 “(d) ADVANCE NOTICE OF CERTAIN CONSTRUCTION
4 PROJECTS.—When a decision is made to use appropriated
5 funds available for operation and maintenance to carry out
6 a construction project outside the United States that has
7 an estimated cost in excess of the amounts authorized for
8 unspecified minor military construction projects under
9 section 2805(c) of title 10, United States Code, the Sec-
10 retary of Defense shall notify the congressional commit-
11 tees specified in subsection (f) of that decision, including
12 the information required by subsection (b). The project
13 may then be carried out only after the end of the 21-day
14 period beginning on the date the notification is received
15 by the committees or, if earlier, the end of the 14-day pe-
16 riod beginning on the date on which a copy of the notifica-
17 tion is provided in an electronic medium pursuant to sec-
18 tion 480 of title 10, United States Code. If notice is pro-
19 vided under this subsection with respect to a project, no-
20 tice is not required under subsection (b) with respect to
21 the same project.”; and

22 (3) by striking subsection (g) and inserting the
23 following new subsection:

24 “(g) EFFECT OF FAILURE TO SUBMIT PROJECT NO-
25 TIFICATIONS.—If the notices regarding the obligation of

1 the funds for a construction project required by subsection
 2 (b) or (d) is not submitted to the congressional committees
 3 specified in subsection (f) by the required date, appro-
 4 priated funds available for operation and maintenance
 5 may not be obligated or expended after that date under
 6 the authority of this section to carry out construction
 7 projects outside the United States until the date on which
 8 the notice is finally submitted.”.

9 **Subtitle B—Real Property and** 10 **Facilities Administration**

11 **SEC. 2811. CONTINUED CONSOLIDATION OF REAL PROP-** 12 **ERTY PROVISIONS WITHOUT SUBSTANTIVE** 13 **CHANGE.**

14 (a) CONSOLIDATION.—Section 2663 of title 10,
 15 United States Code, is amended by adding at the end the
 16 following new subsection:

17 “(h) LAND ACQUISITION OPTIONS IN ADVANCE OF
 18 MILITARY CONSTRUCTION PROJECTS.—(1) The Secretary
 19 of a military department may acquire an option on a par-
 20 cel of real property before or after its acquisition is au-
 21 thorized by law, if the Secretary considers it suitable and
 22 likely to be needed for a military project of the military
 23 department under the jurisdiction of the Secretary.

24 “(2) As consideration for an option acquired under
 25 paragraph (1), the Secretary may pay, from funds avail-

1 able to the military department under the jurisdiction of
2 the Secretary for real property activities, an amount that
3 is not more than 12 percent of the appraised fair market
4 value of the property.”.

5 (b) REPEAL OF SUPERSEDED PROVISION.—

6 (1) REPEAL.—Section 2677 of such title is re-
7 pealed.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of chapter 159 of such title
10 is amended by striking the item relating to section
11 2677.

12 **SEC. 2812. COOPERATIVE AGREEMENT AUTHORITY FOR**
13 **MANAGEMENT OF CULTURAL RESOURCES ON**
14 **CERTAIN SITES OUTSIDE MILITARY INSTAL-**
15 **LATIONS.**

16 (a) EXPANDED AUTHORITY.—Section 2684 of title
17 10, United States Code, is amended—

18 (1) in subsection (a), by striking “on a military
19 installation” and inserting “located on a site author-
20 ized by subsection (b)”;

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

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

1 “(b) AUTHORIZED CULTURAL RESOURCES SITES.—
2 To be covered by a cooperative agreement under sub-
3 section (a), cultural resources must be located—

4 “(1) on a military installation; or

5 “(2) on a site outside of a military installation,
6 but only if the cooperative agreement will directly re-
7 lieve or eliminate current or anticipated restrictions
8 that would or might restrict, impede, or otherwise
9 interfere, whether directly or indirectly, with current
10 or anticipated military training, testing, or oper-
11 ations on a military installation.”.

12 (b) CULTURAL RESOURCE DEFINED.—Subsection
13 (d) of such section, as redesignated by subsection (a)(2),
14 is amended by adding at the end the following new para-
15 graph:

16 “(5) An Indian sacred site, as defined in section
17 1(b)(iii) of Executive Order No. 13007.”.

18 **SEC. 2813. AGREEMENTS TO LIMIT ENCROACHMENTS AND**
19 **OTHER CONSTRAINTS ON MILITARY TRAIN-**
20 **ING, TESTING, AND OPERATIONS.**

21 (a) MANAGEMENT OF NATURAL RESOURCES OF AC-
22 QUIRED PROPERTY.—Subsection (d) of section 2684a of
23 title 10, United States Code, is amended—

1 (1) by redesignating paragraphs (3), (4), (5),
2 and (6) as paragraphs (4), (5), (6), and (7), respec-
3 tively; and

4 (2) by inserting after paragraph (2) the fol-
5 lowing new paragraph (3):

6 “(3) An agreement with an eligible entity under this
7 section may provide for the management of natural re-
8 sources on real property in which the Secretary concerned
9 acquires any right, title, or interest in accordance with this
10 subsection and for the payment by the United States of
11 all or a portion of the costs of such natural resource man-
12 agement if the Secretary concerned determines that there
13 is a demonstrated need to preserve or restore habitat for
14 the purpose described in subsection (a)(2).”.

15 (b) LIMITATION ON PORTION OF ACQUISITION COSTS
16 BORNE BY UNITED STATES.—Paragraph (4)(C) of such
17 subsection, as redesignated by subsection (a)(1), is amend-
18 ed by striking “equal to the fair market value” and all
19 that follows through the period at the end and inserting
20 “equal to, at the discretion of the Secretary concerned—

21 “(i) the fair market value of any property or in-
22 terest in property to be transferred to the United
23 States upon the request of the Secretary concerned
24 under paragraph (5); or

1 “(ii) the cumulative fair market value of all
2 properties or interests to be transferred to the
3 United States under paragraph (5) pursuant to an
4 agreement under subsection (a).”.

5 **SEC. 2814. EXPANSION TO ALL MILITARY DEPARTMENTS OF**
6 **ARMY PILOT PROGRAM FOR PURCHASE OF**
7 **CERTAIN MUNICIPAL SERVICES FOR MILI-**
8 **TARY INSTALLATIONS.**

9 (a) EXPANSION OF PILOT PROGRAM.—Section 325
10 of the Ronald W. Reagan National Defense Authorization
11 Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C.
12 2461 note) is amended—

13 (1) in the section heading, by striking “**ARMY**”
14 and inserting “**MILITARY**”;

15 (2) in subsection (a)—

16 (A) by striking “Secretary of the Army”
17 and inserting “Secretary of a military depart-
18 ment”; and

19 (B) by striking “an Army installation” and
20 inserting “a military installation under the ju-
21 risdiction of the Secretary”; and

22 (3) in subsection (d), by striking “The Sec-
23 retary” and inserting “The Secretary of a military
24 department”.

1 (b) PARTICIPATING INSTALLATIONS.—Subsection (c)
2 of such section is amended by striking “two Army installa-
3 tions” and inserting “three military installations of each
4 branch of the Armed Forces”.

5 (c) EXTENSION OF DURATION OF PROGRAM.—Such
6 section is further amended by striking subsections (e) and
7 (f) and inserting the following new subsection:

8 “(e) TERMINATION OF PILOT PROGRAM.—The pilot
9 program shall terminate on September 30, 2012. Any con-
10 tract entered into under the pilot program shall terminate
11 not later than that date.”.

12 **SEC. 2815. RETENTION OF PROCEEDS FROM ENHANCED**
13 **USE LEASES AT SELFRIDGE AIR NATIONAL**
14 **GUARD BASE.**

15 Notwithstanding section 2667(e) of title 10, United
16 States Code, or any other provision of law to the contrary,
17 the proceeds derived from the execution of an enhanced
18 use lease at Selfridge Air National Guard Base shall not
19 be disbursed outside of that military installation.

20 **SEC. 2816. PROHIBITION ON COMMERCIAL FLIGHTS INTO**
21 **SELFRRIDGE AIR NATIONAL GUARD BASE.**

22 The Secretary of Defense shall prohibit the use of
23 Selfridge Air National Guard Base by commercial service
24 aircraft.

1 **SEC. 2817. NIAGARA AIR RESERVE BASE, NEW YORK, BAS-**
 2 **ING REPORT.**

3 Not later than December 1, 2007, the Secretary of
 4 the Air Force shall submit to the congressional defense
 5 committees a report containing a detailed plan of the cur-
 6 rent and future aviation assets that the Secretary expects
 7 will be based at Niagara Air Reserve Base, New York.
 8 The report shall include a description of all of the aviation
 9 assets that will be impacted by the series of relocations
 10 to be made to or from Niagara Air Reserve Base and the
 11 timeline for such relocations.

12 **Subtitle C—Base Closure and**
 13 **Realignment**

14 **SEC. 2821. TRANSFER OF FUNDS FROM DEPARTMENT OF**
 15 **DEFENSE BASE CLOSURE ACCOUNT 2005 TO**
 16 **DEPARTMENT OF DEFENSE HOUSING FUNDS.**

17 (a) TRANSFER AUTHORITY.—Subsection (c) of sec-
 18 tion 2883 of title 10, United States Code, is amended—

19 (1) in paragraph (1), by adding at the end the
 20 following new subparagraph:

21 “(G) Subject to subsection (f), any amounts
 22 that the Secretary of Defense transfers to that Fund
 23 from amounts in the Department of Defense Base
 24 Closure Account 2005.”; and

25 (2) in paragraph (2), by adding at the end the
 26 following new subparagraph:

1 “(G) Subject to subsection (f), any amounts
2 that the Secretary of Defense transfers to that Fund
3 from amounts in the Department of Defense Base
4 Closure Account 2005.”.

5 (b) NOTIFICATION.—Subsection (f) of such section is
6 amended by striking “paragraph (1)(B) or (2)(B)” and
7 inserting “subparagraph (B) or (G) of paragraph (1) or
8 subparagraph (B) or (G) of paragraph (2)”.

9 **SEC. 2822. CONDITIONS ON TRANSFER OF MILITARY PER-**
10 **SONNEL AND CIVILIAN EMPLOYEES TO FORT**
11 **BELVOIR, VIRGINIA, AS PART OF REALIGN-**
12 **MENT OF THE INSTALLATION.**

13 Notwithstanding section 2904(a)(5) of the Defense
14 Base Closure and Realignment Act of 1990 (part A of title
15 XXIX of Public Law 101–510; 10 U.S.C. 2687 note),
16 members of the Armed Forces and civilian employees of
17 the Department of Defense who are scheduled to be relo-
18 cated to Fort Belvoir, Virginia, as a result of the closure
19 of leased-office space in Arlington, Virginia, pursuant to
20 the recommendations contained in the report transmitted
21 to Congress on September 15, 2005, under section
22 2903(e) of such Act may not be relocated to Fort Belvoir,
23 until—

24 (1) the Secretary of the Army submits to Con-
25 gress written certification that the necessary trans-

1 portation infrastructure, as identified by the environ-
2 mental impact statement prepared by the Depart-
3 ment of the Army for the Fort Belvoir realignment,
4 to accommodate the total number of members and
5 civilian employees to be assigned to Fort Belvoir and
6 their dependents, is substantially completed; and

7 (2) the 60-day period beginning on the date on
8 which the certification is submitted under paragraph
9 (1) expires.

10 **Subtitle D—Land Conveyances**

11 **SEC. 2831. CONDITIONS ON ACQUISITION OF LAND FOR EX-** 12 **PANSION OF PINON CANYON MANEUVER** 13 **SITE, COLORADO.**

14 (a) IMPOSITION OF CONDITIONS.—After completion
15 of the review required by the National Environmental Pol-
16 icy Act of 1969 (42 U.S.C. 4321 et seq.), if the Secretary
17 of the Army decides to acquire real property or an interest
18 in real property located near the Pinon Canyon Maneuver
19 Site in the State of Colorado (in this section referred to
20 as the “Site”) for the purpose of expanding the Site, the
21 acquisition of such real property shall be subject to the
22 requirements of this section.

23 (b) LIMITATION ON EXPANSION METHODS.—The
24 Secretary of the Army shall not tender an offer for the
25 acquisition of, or employ condemnation, eminent domain,

1 or seizure of, real property, or interest in real property,
2 for the purpose of expanding the Site until the Secretary
3 has complied with the following:

4 (1) NEPA REVIEW.—The Secretary of the
5 Army shall complete the requisite reviews under the
6 National Environmental Policy Act of 1969 (42
7 U.S.C. 4321 et seq.).

8 (2) USE OF NEGOTIATION.—The Secretary of
9 the Army shall comply with the Uniform Relocation
10 Assistance and Real Property Acquisition Policies
11 Act of 1970 (42 U.S.C. 4601 et. seq.) by making
12 every reasonable effort to acquire by negotiation the
13 real property, or interest in real property, such as a
14 lease or easement.

15 (3) ARBITRATION.—Notwithstanding, and in
16 lieu of, any other provision of law regarding arbitra-
17 tion or alternate dispute resolution, the Secretary of
18 the Army shall notify the property owner or owners
19 of their right to seek third party arbitration, as
20 identified in this paragraph, and of the desire of the
21 Secretary to conclude a negotiated agreement as to
22 the value of the real property or interest in real
23 property sought for acquisition by the Secretary. If
24 the property owner or owners and the Army do not
25 reach an agreement within 90 days after the Army

1 has provided such notice, on the request of the prop-
2 erty owner or owners to the Secretary, the matter
3 shall be referred to third party arbitration for reso-
4 lution within a period of 90 days from the date of
5 referral. The decision of the arbitrator will be bind-
6 ing.

7 (c) CONDITIONS ON ARBITRATION.—

8 (1) CONDITIONS.—Arbitration under subsection
9 (b)(3) shall be subject to the following conditions:

10 (A) The cost of such arbitration shall be
11 the responsibility of the Secretary of the Army.

12 (B) The Secretary of the Army shall iden-
13 tify at least three neutral third parties with ex-
14 perience in conducting arbitrations as to real
15 property values and shall make this information
16 available to the property owner or owners.

17 (C) The issue of property value shall be re-
18 ferred to an arbitrator selected by the property
19 owner or owners from the neutral third parties
20 identified by the Secretary of the Army pursu-
21 ant to subparagraph (B).

22 (D) The Army shall reimburse the prop-
23 erty owner or owners for reasonable costs in-
24 curred in pursuing the arbitration as estab-
25 lished by the arbitrator.

1 (2) ARBITRATOR POWERS AND IMMUNITIES.—

2 An arbitrator selected under paragraph (1)(C) to
3 whom an action is referred under this section shall
4 have the power within the acquisition process to con-
5 duct arbitration hearings, to administer oaths and
6 affirmations, and to make decisions as to the value
7 of the real property or interest in real property sub-
8 ject to arbitration. An individual serving as arbitra-
9 tors pursuant to this section is entitled to the immu-
10 nities and protections provided by law.

11 (d) COMMUNITY PLANNING ASSISTANCE.—A commu-
12 nity adversely impacted by the acquisition by the Sec-
13 retary of the Army of real property for the purpose of ex-
14 panding the Site shall be deemed to be eligible for adjust-
15 ment assistance under section 2391(b) of title 10, United
16 States Code. The Secretary shall consult with the Gov-
17 ernor of Colorado regarding other steps that may be taken
18 to address impacts on local governments and affected com-
19 munities.

20 (e) CONSULTATION REGARDING RESULTING STATUS
21 OF ACQUIRED LAND.—The Secretary of the Army shall
22 consult with the Secretary of Interior regarding the status
23 of any real property acquired for the purpose of expanding
24 the Site for purposes of payments to local governments
25 under section 6901 of title 31, United States Code.

1 (f) ACCESS.—

2 (1) ACCESS TO CULTURAL AND HISTORIC
3 SITES.—The Secretary of the Army shall ensure rea-
4 sonable access to cultural and historic sites within
5 the Site.

6 (2) GRAZING.—Where appropriate and under
7 reasonable conditions, the Secretary of the Army
8 shall allow the grazing of livestock within the Site.

9 (g) FOREST SERVICE LANDS.—If the Secretary of
10 the Army seeks to use real property for military purposes
11 in the area of interest, which as of the date of the enact-
12 ment of this Act were managed by the Secretary of Agri-
13 culture, the Secretary of the Army shall—

14 (1) secure a special use permit, including terms
15 and conditions for such use that are agreed to by
16 the Secretary of the Army and the Secretary of Agri-
17 culture; or

18 (2) upon agreement with the Secretary of Agri-
19 culture, enter into an interchange of lands under the
20 authority of section 1 of the Act of July 26, 1956
21 (16 U.S.C. 505a).

22 (h) STATE LANDS.—The Secretary of the Army shall
23 seek to reach agreement with the Governor of Colorado
24 on terms, conditions, and reasonable compensation under

1 which lands in the area of interest owned by the State
2 of Colorado can be used for military purposes.

3 **SEC. 2832. GRANT OF EASEMENT, EGLIN AIR FORCE BASE,**
4 **FLORIDA.**

5 (a) GRANT REQUIRED.—The Secretary of the Air
6 Force shall use the authority provided by section 2668 of
7 title 10, United States Code, to grant to the Mid Bay
8 Bridge Authority an easement for a roadway right-of-way
9 over such land at Eglin Air Force Base, Florida, as the
10 Secretary determines necessary to facilitate the construc-
11 tion of a road connecting the northern landfall of the Mid
12 Bay Bridge to Florida State Highway 85.

13 (b) CONSIDERATION.—As consideration for the grant
14 of the easement under subsection (a), the Mid Bay Bridge
15 Authority shall pay to the Secretary an amount equal to
16 the fair-market-value of the easement, as determined by
17 the Secretary.

18 (c) COSTS OF PROJECT.—As a condition of the grant
19 of the easement under subsection (a), the Mid Bay Bridge
20 Authority shall be responsible for all costs associated with
21 the highway project described in such subsection, includ-
22 ing all costs the Secretary determines to be necessary to
23 address any impacts that the project may have on the de-
24 fense missions at Eglin Air Force Base.

1 **SEC. 2833. LAND CONVEYANCE, LYNN HAVEN FUEL DEPOT,**
2 **LYNN HAVEN, FLORIDA.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of
4 the Air Force may convey to Florida State University (in
5 this section referred to as the “University”) all right,
6 title, and interest of the United States in and to a parcel
7 of real property, including improvements thereon, con-
8 sisting of approximately 40 acres located at the Lynn
9 Haven Fuel Depot in Lynn Haven, Florida, for the pur-
10 pose of permitting the University to develop the property
11 as a new satellite campus.

12 (b) CONSIDERATION.—

13 (1) IN GENERAL.—For the conveyance of the
14 property under subsection (a), the University shall
15 provide the United States with consideration in an
16 amount that is acceptable to the Secretary, whether
17 in the form of cash payment, in-kind consideration,
18 or a combination thereof.

19 (2) REDUCED TUITION RATES.—The Secretary
20 may accept as in-kind consideration under para-
21 graph (1) reduced tuition rates or scholarships for
22 military personnel and their dependents at the Uni-
23 versity.

24 (c) PAYMENT OF COSTS OF CONVEYANCES.—

25 (1) PAYMENT REQUIRED.—The Secretary shall
26 require the University to cover costs to be incurred

1 by the Secretary, or to reimburse the Secretary for
2 costs incurred by the Secretary, to carry out the
3 conveyance under subsection (a), including survey
4 costs, related to the conveyance. If amounts are col-
5 lected from the University in advance of the Sec-
6 retary incurring the actual costs, and the amount
7 collected exceeds the costs actually incurred by the
8 Secretary to carry out the conveyance, the Secretary
9 shall refund the excess amount to the University.

10 (2) TREATMENT OF AMOUNTS RECEIVED.—

11 Amounts received under paragraph (1) as reim-
12 bursement for costs incurred by the Secretary to
13 carry out the conveyance under subsection (a) shall
14 be credited to the fund or account that was used to
15 cover the costs incurred by the Secretary in carrying
16 out the conveyance. Amounts so credited shall be
17 merged with amounts in such fund or account and
18 shall be available for the same purposes, and subject
19 to the same conditions and limitations, as amounts
20 in such fund or account.

21 (d) DESCRIPTION OF PROPERTY.—The exact acreage
22 and legal description of the real property to be conveyed
23 under subsection (a) shall be determined by a survey satis-
24 factory to the Secretary.

1 (e) ADDITIONAL TERM AND CONDITIONS.—The Sec-
2 retary may require such additional terms and conditions
3 in connection with the conveyance under subsection (a) as
4 the Secretary considers appropriate to protect the inter-
5 ests of the United States.

6 **SEC. 2834. ADDITIONAL CONDITIONS ON LEASE OF PROP-**
7 **ERTY FOR HEADQUARTERS FACILITY FOR**
8 **UNITED STATES SOUTHERN COMMAND,**
9 **FLORIDA.**

10 (a) USE OF PROPERTY AUTHORIZED.—Subject to
11 subsection (b), the Secretary of the Army may utilize the
12 property of the State of Florida described in sublease
13 number 4489–01, which was entered into between the
14 State of Florida and the United States, for the purpose
15 of construction of a consolidated headquarters facility for
16 the United States Southern Command.

17 (b) NEGOTIATION FOR ADDITIONAL AUTHORIZED
18 USES OF PROPERTY.—Given the substantial investment
19 to be made by the United States to construct a head-
20 quarters facility for the United States Southern Command
21 on the property referred to in subsection (a), the Secretary
22 shall enter into negotiations to secure, before the award
23 of a contract for the construction of the facility, additional
24 flexibility for the United States to use the property for
25 general administrative purposes for any Federal agency,

1 including in the event the property is no longer used for
2 the United States Southern Command.

3 (c) ACQUISITION OF ADDITIONAL PROPERTY.—The
4 Secretary may obtain the use of additional State lands ad-
5 jacent to the property referred to in subsection (a), if
6 available by the terms of the lease referred to in such sub-
7 section and needed to complete the construction of the
8 headquarters facility for the United States Southern Com-
9 mand. Subsection (b) shall apply with respect to any addi-
10 tional property secured under this subsection.

11 **SEC. 2835. TRANSFER OF JURISDICTION, FORMER NIKE**
12 **MISSILE SITE, GROSSE ISLE, MICHIGAN.**

13 (a) TRANSFER.—Administrative jurisdiction over the
14 property described in subsection (b) is hereby transferred
15 from the Administrator of the Environmental Protection
16 Agency to the Secretary of the Interior.

17 (b) PROPERTY DESCRIBED.—The property referred
18 to in subsection (a) is the former Nike missile site located
19 at the southern end of Grosse Ile, Michigan, as depicted
20 on the map entitled “07–CE” on file with the Environ-
21 mental Protection Agency and dated May 16, 1984.

22 (c) ADMINISTRATION OF PROPERTY.—Subject to
23 subsection (d), the Secretary of the Interior shall admin-
24 ister the property described in subsection (b)—

1 (1) acting through the United States Fish and
2 Wildlife Service;

3 (2) as part of the Detroit River International
4 Wildlife Refuge; and

5 (3) for use as a habitat for fish and wildlife and
6 as a recreational property for outdoor education and
7 environmental appreciation.

8 (d) MANAGEMENT OF REMEDIATION BY ARMY CORPS
9 OF ENGINEERS.—The Secretary of Defense, acting
10 through the district office of the Army Corps of Engineers
11 in Louisville, Kentucky, shall manage and carry out envi-
12 ronmental remediation activities with respect to the prop-
13 erty described in subsection (b) that, at a minimum,
14 achieve the standard that the United States Fish and
15 Wildlife Service determines sufficient to allow the property
16 to be used as provided in subsection (c)(3). Such remedi-
17 ation activities, with the exception of long-term moni-
18 toring, shall be completed to achieve that standard not
19 later than two years after the date of enactment of this
20 Act. The Secretary of Defense may use amounts made
21 available from the account established by section
22 2703(a)(5) of title 10, United States Code, to carry out
23 such remediation.

24 (e) SAVINGS PROVISION.—Nothing in this section
25 shall be construed to affect or limit the application of, or

1 any obligation to comply with, any environmental law, in-
2 cluding the Comprehensive Environmental Response,
3 Compensation, and Liability Act of 1980 (42 U.S.C. 9601
4 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901
5 et seq.).

6 **SEC. 2836. LAND EXCHANGE, FORT HOOD, TEXAS.**

7 (a) EXCHANGE AUTHORIZED.—The Secretary of the
8 Army may convey to the City of Copperas Cove, Texas
9 (in this section referred to as the “City”), all right, title,
10 and interest of the United States in and to a parcel of
11 real property, including any improvements thereon, con-
12 sisting of approximately 200 acres at Fort Hood, Texas,
13 for the purpose of permitting the City to improve arterial
14 transportation routes in the community.

15 (b) CONSIDERATION.—As consideration for the con-
16 veyance under subsection (a), the City shall convey to the
17 Secretary all right, title, and interest of the City in and
18 to one or more parcels of real property that are acceptable
19 to the Secretary. The fair market value of the real prop-
20 erty acquired by the Secretary under this subsection shall
21 be equal to the fair market value of the real property con-
22 veyed under subsection (a), as determined by appraisals
23 acceptable to the Secretary.

24 (c) DESCRIPTION OF PROPERTY.—The exact acreage
25 and legal description of the real property to be exchanged

1 under this section shall be determined by surveys satisfac-
2 tory to the Secretary.

3 (d) PAYMENT OF COSTS OF CONVEYANCES.—

4 (1) PAYMENT REQUIRED.—The Secretary shall
5 require the City to cover costs to be incurred by the
6 Secretary, or to reimburse the Secretary for costs in-
7 curred by the Secretary, to carry out the convey-
8 ances under this section, including survey costs, re-
9 lated to the conveyances. If amounts are collected
10 from the City in advance of the Secretary incurring
11 the actual costs, and the amount collected exceeds
12 the costs actually incurred by the Secretary to carry
13 out the conveyances, the Secretary shall refund the
14 excess amount to the City.

15 (2) TREATMENT OF AMOUNTS RECEIVED.—
16 Amounts received under paragraph (1) as reim-
17 bursement for costs incurred by the Secretary to
18 carry out the conveyances under this section shall be
19 credited to the fund or account that was used to
20 cover the costs incurred by the Secretary in carrying
21 out the conveyances. Amounts so credited shall be
22 merged with amounts in such fund or account and
23 shall be available for the same purposes, and subject
24 to the same conditions and limitations, as amounts
25 in such fund or account.

1 (e) ADDITIONAL TERM AND CONDITIONS.—The Sec-
2 retary may require such additional terms and conditions
3 in connection with the conveyances under this section as
4 the Secretary considers appropriate to protect the inter-
5 ests of the United States.

6 **SEC. 2837. EXCHANGE OF JURISDICTION OVER REAL PROP-**
7 **ERTY INVOLVING FORT BELVOIR, VIRGINIA.**

8 (a) EXCHANGE.—Not later than September 30,
9 2008, the Administrator of General Services and the Sec-
10 retary of the Army shall enter into an agreement providing
11 for a property exchange under which—

12 (1) the Administrator transfers to the jurisdic-
13 tion, custody, and control of the Secretary—

14 (A) the parcel of real property described in
15 subsection (b), including any improvements
16 thereon; or

17 (B) subject to a boundary determination
18 by the Administrator and concurrence by the
19 Secretary, a portion of the parcel of real prop-
20 erty described in subsection (b), including any
21 improvements on that portion; and

22 (2) the Secretary transfers to the jurisdiction,
23 custody, and control of the Administrator a parcel of
24 real property described in subsection (c).

1 (b) GSA PROPERTY DESCRIPTION.—The property
2 and improvements referred to in subsection (a)(1) is the
3 approximately 72.23 acre site at 6999 Loisdale Road in
4 Springfield, Virginia, known as the GSA Franconia Ware-
5 house, identified in the land records of Fairfax County,
6 Virginia, as Parcel ID # 0902–01–0057, Lee District tax
7 district 4000.

8 (c) ARMY PROPERTY DESCRIPTION.—

9 (1) IN GENERAL.—The property referred to in
10 subsection (a)(2) is a parcel of real property accept-
11 able to the Administrator located at either—

12 (A) Fort Belvoir, Virginia; or

13 (B) another installation under the jurisdic-
14 tion of the Department of Army in the National
15 Capital Region.

16 (2) IMPROVEMENTS.—The parcel of real prop-
17 erty selected for transfer may include improvements
18 on the property made by the Army before the date
19 of the enactment of this Act.

20 (d) NEGOTIATION.—

21 (1) TERMS AND CONDITIONS.—As a condition
22 of the exchange of property under subsection (a),
23 the agreement under such subsection shall provide
24 that the fair market value of the properties to be ex-

1 changed shall be equal or equalized through the use
2 of a cash equalization payment.

3 (2) DETERMINATION OF FAIR MARKET
4 VALUE.—For purposes of paragraph (1), the fair
5 market value of the property shall be determined—

6 (A) based on the highest and best use of
7 the property, as determined by an independent
8 appraisal jointly commissioned by the Adminis-
9 trator and the Secretary of the Army; and

10 (B) using the definition of fair market
11 value contained in the Uniform Appraisal
12 Standards for Federal Land Acquisitions.

13 (e) NO EFFECT ON COMPLIANCE WITH ENVIRON-
14 MENTAL LAWS.—Nothing in this section may be construed
15 to affect or limit the application of, or obligation to comply
16 with, any environmental law, including section 120(h) of
17 the Comprehensive Environmental Response, Compensa-
18 tion, and Liability Act of 1980 (42 U.S.C. 9620(h)).

19 (f) USE OF PROPERTY.—After completion of the ex-
20 change of property under subsection (a), the Secretary
21 may relocate personnel to facilities to be constructed or
22 leased (or a combination of both) on the property who oth-
23 erwise would be located or relocated to Fort Belvoir.

24 (g) RELOCATION OF PERSONNEL, EQUIPMENT, AND
25 SUPPLIES.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the Administrator may procure and provide space
3 for the relocation of personnel, equipment, and sup-
4 plies of the General Services Administration and its
5 tenants on property transferred under subsection
6 (a)(1).

7 (2) NOTICE TO COMMITTEES.—Before under-
8 taking an activity under paragraph (1) that other-
9 wise would require approval of a prospectus under
10 section 3307 of title 40, United States Code, the Ad-
11 ministrator shall provide to the Committee on
12 Transportation and Infrastructure of the House of
13 Representatives, the Committee on Environment and
14 Public Works of the Senate, and the congressional
15 defense committees a written notice containing a de-
16 scription of the activity to be undertaken.

17 (3) RELOCATION COSTS.—As a condition of the
18 transfer of property under subsection (a), the Sec-
19 retary shall agree—

20 (A) to advance funds to the Administrator
21 to cover the costs projected to be incurred by
22 the Administrator, based on an estimate of such
23 costs prepared by the Administrator, for relo-
24 cating personnel, equipment, and supplies of

1 the General Services Administration and its
2 tenants from the property; and

3 (B) if the initial advance of funds is insuf-
4 ficient, to advance additional funds to the Ad-
5 ministrator in accordance with a revised or sup-
6 plemental estimate prepared by the Adminis-
7 trator.

8 (4) EXCESS FUNDS.—The Administrator shall
9 return to the Secretary any funds received under
10 paragraph (3) that are not used for the purposes de-
11 scribed in such paragraph.

12 (h) ADDITIONAL TERMS AND CONDITIONS.—The Ad-
13 ministrator and the Secretary of the Army may require
14 such additional terms and conditions in connection with
15 the exchange under subsection (a) as the Administrator,
16 in consultation with the Secretary, determines appropriate
17 to protect the interests of the United States and further
18 the purposes of this section.

19 **SEC. 2838. MODIFICATION OF CONVEYANCE AUTHORITY,**
20 **MARINE CORPS BASE, CAMP PENDLETON,**
21 **CALIFORNIA.**

22 Section 2851(a) of the Military Construction Author-
23 ization Act for Fiscal Year 1999 (division B of Public Law
24 105–261; 112 Stat. 2219) is amended by striking “, not-
25 withstanding any provision of State law to the contrary,”

1 as added by section 2867 of Public Law 107–107 (115
2 Stat. 1334).

3 **Subtitle E—Energy Security**

4 **SEC. 2851. REPEAL OF CONGRESSIONAL NOTIFICATION RE-**
5 **QUIREMENT REGARDING CANCELLATION**
6 **CEILING FOR DEPARTMENT OF DEFENSE EN-**
7 **ERGY SAVINGS PERFORMANCE CONTRACTS.**

8 Section 2913 of title 10, United States Code, is
9 amended by striking subsection (e).

10 **SEC. 2852. REPORT ON OPPORTUNITIES FOR LEVERAGING**
11 **FUNDS OF THE DEPARTMENT OF DEFENSE**
12 **AND STATES TO PREVENT DISRUPTION IN**
13 **EVENT OF ELECTRIC GRID OR PIPELINE**
14 **FAILURES.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Secretary of Defense, acting through
17 the Under Secretary of Defense for Acquisition, Tech-
18 nology, and Logistics, shall submit to the congressional
19 defense committees a report on approaches by which the
20 Department of Defense may contribute funds and other
21 resources of the Department, which when combined with
22 resources from other funding sources, such as State Sys-
23 tem Benefit Trust Funds, Clean Air Act State Implemen-
24 tation Funds, and State Homeland Security Critical Infra-
25 structure Grants, will accelerate efforts to harden critical

1 functions on and around military and security facilities to
2 prevent disruption in the event of major electric grid or
3 natural gas or petroleum pipeline failures.

4 **SEC. 2853. USE OF ENERGY EFFICIENT LIGHTING FIXTURES**
5 **AND BULBS IN DEPARTMENT OF DEFENSE**
6 **FACILITIES.**

7 (a) CONSTRUCTION AND ALTERATION OF BUILD-
8 INGS.—Each building constructed or significantly altered
9 by the Secretary of Defense or the Secretary of a military
10 department shall be equipped, to the maximum extent fea-
11 sible as determined by the Secretary concerned, with light-
12 ing fixtures and bulbs that are energy efficient.

13 (b) MAINTENANCE OF BUILDINGS.—Each lighting
14 fixture or bulb that is replaced in the normal course of
15 maintenance of buildings under the jurisdiction of the Sec-
16 retary of Defense or the Secretary of a military depart-
17 ment shall be replaced, to the maximum extent feasible
18 as determined by the Secretary concerned, with a lighting
19 fixture or bulb that is energy efficient.

20 (c) CONSIDERATIONS.—In making a determination
21 under this section concerning the feasibility of installing
22 a lighting fixture or bulb that is energy efficient, the Sec-
23 retary of Defense or the Secretary of a military depart-
24 ment shall consider—

1 (1) the life cycle cost effectiveness of the fixture
2 or bulb;

3 (2) the compatibility of the fixture or bulb with
4 existing equipment;

5 (3) whether use of the fixture or bulb could re-
6 sult in interference with productivity;

7 (4) the aesthetics relating to use of the fixture
8 or bulb; and

9 (5) such other factors as the Secretary con-
10 cerned determines appropriate.

11 (d) ENERGY STAR.—A lighting fixture or bulb shall
12 be treated as being energy efficient for purposes of this
13 section if—

14 (1) the fixture or bulb is certified under the En-
15 ergy Star program established by section 324A of
16 the Energy Policy and Conservation Act (42 U.S.C.
17 6294a); or

18 (2) the Secretary of Defense or the Secretary of
19 a military department has otherwise determined that
20 the fixture or bulb is energy efficient.

21 (e) SIGNIFICANT ALTERATIONS.—A building shall be
22 treated as being significantly altered for purposes of sub-
23 section (a) if the alteration is subject to congressional au-
24 thorization under section 2802 of title 10, United States
25 Code.

1 (f) WAIVER AUTHORITY.—The Secretary of Defense
2 may waive the requirements of this section if the Secretary
3 determines that such a waiver is necessary to protect the
4 national security interests of the United States.

5 (g) EFFECTIVE DATE.—The requirements of sub-
6 sections (a) and (b) shall take effect one year after the
7 date of the enactment of this Act.

8 **SEC. 2854. DEPARTMENT OF DEFENSE REQUIREMENTS RE-**
9 **GARDING USE OF RENEWABLE ENERGY TO**
10 **MEET AT LEAST 25 PERCENT OF DEPART-**
11 **MENT ELECTRICITY NEEDS.**

12 Subsection (e) of section 2911 of title 10, United
13 States Code, is amended to read as follows:

14 “(e) USE OF RENEWABLE ENERGY TO MEET ELEC-
15 TRICITY NEEDS.—(1) The Secretary of Defense shall en-
16 sure that the Department of Defense—

17 “(A) produces or procures, from renewable en-
18 ergy sources, not less than 25 percent of the total
19 quantity of electric energy it consumes within its fa-
20 cilities and in its activities during fiscal year 2025
21 and each fiscal year thereafter; and

22 “(B) produces or procures electric energy from
23 renewable energy sources whenever the use of such
24 renewable energy sources is consistent with the en-
25 ergy performance goals and energy performance plan

1 for the Department and supported by the special
2 considerations specified in subsection (c).

3 “(2) In order to achieve the 25-percent requirement
4 specified in paragraph (1)(A) by fiscal year 2025, the Sec-
5 retary of Defense shall establish annual incremental goals
6 for the production or procurement of electric energy from
7 renewable energy sources for the electric energy needs of
8 the Department. The annual reports on the energy man-
9 agement implementation plan and the annual energy man-
10 agement report shall include information regarding the
11 progress made towards meeting the annual incremental
12 goals and 25-percent requirement.

13 “(3) The Secretary of Defense, the Secretary of a
14 military department, or a Defense agency may not use any
15 means of third-party financing, including energy savings
16 performance contracts, enhanced use leases, utility energy
17 service contracts, utility privatization agreements, or other
18 related contractual mechanisms, to achieve the 25-percent
19 requirement specified in paragraph (1)(A). Renewable en-
20 ergy produced through any means of third-party financing
21 will not count towards the achievement of the 25-percent
22 requirement.

23 “(4) The Secretary of Defense may waive the require-
24 ments of subparagraph (A) or (B) of paragraph (1) if the
25 Secretary—

1 “(A) determines that the waiver is in the best
2 interests of the Department of Defense; and

3 “(B) notifies the congressional defense commit-
4 tees of the waiver, including the reasons for the
5 waiver.

6 “(5) In this subsection:

7 “(A) The term ‘renewable energy sources’ has
8 the meaning given that term in section 203(b) of the
9 Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

10 “(B) The term ‘energy savings performance
11 contract’ has the meaning given that term in section
12 804(3) of the National Energy Conservation Policy
13 Act (42 U.S.C. 8287c).

14 “(C) The term ‘enhanced use lease’ means a
15 lease under section 2667 of this title.

16 “(D) The term ‘utility energy service contract’
17 means a contract under section 2913 of this title.

18 “(E) The term ‘utility privatization authority’
19 means the authority provided under section 2668 of
20 this title.”.

Subtitle F—Other Matters

SEC. 2861. REVISED DEADLINE FOR TRANSFER OF ARLINGTON NAVAL ANNEX TO ARLINGTON NATIONAL CEMETERY.

Section 2881(h) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 880) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) January 1, 2013;

“(2) the date on which the Navy Annex property is no longer required (as determined by the Secretary of Defense) for use as temporary office space; or

“(3) one year after the date on which the Secretary of the Army notifies the Secretary of Defense that the Navy Annex property is needed for the expansion of Arlington National Cemetery.”.

SEC. 2862. TRANSFER OF JURISDICTION OVER AIR FORCE MEMORIAL TO DEPARTMENT OF THE AIR FORCE.

(a) TRANSFER OF JURISDICTION.—Notwithstanding section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879) and section 2863 of the Military Con-

1 struction Authorization Act for Fiscal Year 2002 (division
2 B of Public Law 107–107; 115 Stat. 1330; 40 U.S.C.
3 1003 note), administrative jurisdiction, custody, and con-
4 trol of the parcel of Federal land described in subsection
5 (b)(1) of such section 2863 is hereby transferred to the
6 Secretary of the Air Force.

7 (b) ACCESS AND MANAGEMENT OF AIR FORCE ME-
8 MORIAL.—In addition to authorities available to the Sec-
9 retary of the Air Force under any other provision of law,
10 the Secretary may enter into a cooperative agreement with
11 the Air Force Memorial Foundation or other appropriate
12 private organizations to provide management, mainte-
13 nance, and repair of the Air Force Memorial and sur-
14 rounding site and to facilitate public access to the memo-
15 rial.

16 **SEC. 2863. ESTABLISHMENT OF NATIONAL MILITARY WORK-**
17 **ING DOG TEAMS MONUMENT ON SUITABLE**
18 **MILITARY INSTALLATION.**

19 (a) AUTHORITY TO ESTABLISH MONUMENT.—The
20 Secretary of Defense may permit the National War Dogs
21 Monument, Inc., to establish and maintain, at a suitable
22 location at Fort Belvoir, Virginia, or another military in-
23 stallation in the United States, a national monument to
24 honor the sacrifice and service of United States Armed

1 Forces working dog teams that have participated in the
2 military operations of the United States.

3 (b) LOCATION AND DESIGN OF MONUMENT.—The
4 actual location and final design of the monument author-
5 ized by subsection (a) shall be subject to the approval of
6 the Secretary. In selecting the military installation and
7 site on such installation to serve as the location for the
8 monument, the Secretary shall seek to maximize access
9 to the resulting monument for both visitors and their dogs.

10 (c) MAINTENANCE.—The maintenance of the monu-
11 ment authorized by subsection (a) by the National War
12 Dogs Monument, Inc., shall be subject to such conditions
13 regarding access to the monument, and such other condi-
14 tions, as the Secretary considers appropriate to protect the
15 interests of the United States.

16 (d) LIMITATION ON PAYMENT OF EXPENSES.—The
17 United States Government shall not pay any expense for
18 the establishment or maintenance of the monument au-
19 thorized by subsection (a).

1 **SEC. 2864. NAMING HOUSING FACILITY AT FORT CARSON,**
2 **COLORADO, IN HONOR OF THE HONORABLE**
3 **JOEL HEFLEY, A FORMER MEMBER OF THE**
4 **UNITED STATES HOUSE OF REPRESENTA-**
5 **TIVES.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) Representative Joel Hefley was elected to
9 represent Colorado’s 5th Congressional district in
10 1986 and served in the House of Representatives
11 until the end of the 109th Congress in 2006 with
12 distinction, class, integrity, and honor.

13 (2) Representative Hefley served on the Com-
14 mittee on Armed Services of the House of Rep-
15 resentatives for 18 years, including service as Chair-
16 man of the Subcommittee on Military Installations
17 and Facilities from 1995 through 2000 and, from
18 2001 through 2006, as Chairman of the Sub-
19 committee on Readiness.

20 (3) Representative Hefley’s colleagues know
21 him to be a fair and effective lawmaker who worked
22 for the national interest while never forgetting his
23 Western roots.

24 (4) Representative Hefley’s efforts on the Com-
25 mittee on Armed Services were instrumental to the
26 military value of, and quality of life at, installations

1 in the State of Colorado, including Fort Carson,
2 Cheyenne Mountain, Peterson Air Force Base,
3 Schriever Air Force Base, Buckley Air Force Base,
4 and the United States Air Force Academy.

5 (5) Representative Hefley was a leader in ef-
6 forts to retain and expand Fort Carson as an essen-
7 tial part of the national defense system during the
8 Defense Base Closure and Realignment process.

9 (6) Representative Hefley consistently advo-
10 cated for providing members of the Armed Forces
11 and their families with quality, safe, and affordable
12 housing and supportive communities.

13 (7) Representative Hefley spearheaded the Mili-
14 tary Housing Privatization Initiative to eliminate in-
15 adequate housing on military installations, with the
16 first pilot program located at Fort Carson.

17 (8) Representative Hefley's leadership on the
18 Military Housing Privatization Initiative allowed for
19 the privatization of more than 121,000 units of mili-
20 tary family housing, which brought meaningful im-
21 provements to living conditions for thousands of
22 members of the Armed Forces and their spouses and
23 children at installations throughout the United
24 States.

1 (9) It is fitting and proper that an appropriate
2 military family housing area or structure at Fort
3 Carson be designated in honor of Representative
4 Hefley.

5 (b) DESIGNATION.—Notwithstanding Army Regula-
6 tion AR 1–33, the Secretary of the Army shall designate
7 one of the military family housing areas or facilities con-
8 structed for Fort Carson, Colorado, using the authority
9 provided by subchapter IV of chapter 169 of title 10,
10 United States Code, as the “Joel Hefley Village”.

11 **SEC. 2865. NAMING NAVY AND MARINE CORPS RESERVE**
12 **CENTER AT ROCK ISLAND, ILLINOIS, IN**
13 **HONOR OF THE HONORABLE LANE EVANS, A**
14 **FORMER MEMBER OF THE UNITED STATES**
15 **HOUSE OF REPRESENTATIVES.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) Representative Lane Evans was elected to
19 the House of Representatives in 1982 and served in
20 the House of Representatives until the end of the
21 109th Congress in 2006 representing the people of
22 Illinois’ 17th Congressional district.

23 (2) As a member of the Committee on Armed
24 Services of the House of Representatives, Represent-
25 ative Evans worked to bring common sense priorities

1 to defense spending and strengthen the military's
2 conventional readiness.

3 (3) Representative Evans was a tireless advo-
4 cate for military veterans, ensuring that veterans re-
5 ceive the medical care they need and advocating for
6 individuals suffering from post-traumatic stress dis-
7 order and Gulf War Syndrome.

8 (4) Representative Evans' efforts to improve
9 the transition of individuals from military service to
10 the care of the Department of Veterans Affairs will
11 continue to benefit generations of veterans long into
12 the future.

13 (5) Representative Evans is credited with bring-
14 ing new services to veterans living in his Congres-
15 sional district, including outpatient clinics in the
16 Quad Cities and Quincy and the Quad-Cities Vet
17 Center.

18 (6) Representative Evans worked with local
19 leaders to promote the Rock Island Arsenal, and it
20 earned new jobs and missions through his support.

21 (7) In honor of his service in the Marine Corps
22 and to his district and the United States, it is fitting
23 and proper that the Navy and Marine Corps Reserve
24 Center at Rock Island Arsenal be named in honor of
25 Representative Evans.

1 (b) DESIGNATION.—The Navy and Marine Corps Re-
2 serve Center at Rock Island Arsenal, Illinois, shall be
3 known and designated as the “Lane Evans Navy and Ma-
4 rine Corps Reserve Center”. Any reference in a law, map,
5 regulation, document, paper, or other record of the United
6 States to the Navy and Marine Corps Reserve Center at
7 Rock Island Arsenal shall be deemed to be a reference to
8 the Lane Evans Navy and Marine Corps Reserve Center.

9 **SEC. 2866. NAMING OF RESEARCH LABORATORY AT AIR**
10 **FORCE ROME RESEARCH SITE, ROME, NEW**
11 **YORK, IN HONOR OF THE HONORABLE SHER-**
12 **WOOD L. BOEHLERT, A FORMER MEMBER OF**
13 **THE UNITED STATES HOUSE OF REPRESENT-**
14 **ATIVES.**

15 The new laboratory building at the Air Force Rome
16 Research Site, Rome, New York, shall be known and des-
17 ignated as the “Sherwood Boehlert Center of Excellence
18 for Information Science and Technology”. Any reference
19 in a law, map, regulation, document, paper, or other
20 record of the United States to such laboratory facility
21 shall be deemed to be a reference to the Sherwood Boeh-
22 lert Center of Excellence for Information Science and
23 Technology.

1 **SEC. 2867. NAMING OF ADMINISTRATION BUILDING AT**
2 **JOINT SYSTEMS MANUFACTURING CENTER,**
3 **LIMA, OHIO, IN HONOR OF THE HONORABLE**
4 **MICHAEL G. OXLEY, A FORMER MEMBER OF**
5 **THE UNITED STATES HOUSE OF REPRESENT-**
6 **ATIVES.**

7 The administration building under construction at
8 the Joint Systems Manufacturing Center in Lima, Ohio,
9 shall be known and designated as the “Michael G. Oxley
10 Administration and Technology Center”. Any reference in
11 a law, map, regulation, document, paper, or other record
12 of the United States to such building shall be deemed to
13 be a reference to the Michael G. Oxley Administration and
14 Technology Center.

15 **SEC. 2868. NAMING OF LOGISTICS AUTOMATION TRAINING**
16 **FACILITY, ARMY QUARTERMASTER CENTER**
17 **AND SCHOOL, FORT LEE, VIRGINIA, IN**
18 **HONOR OF GENERAL RICHARD H. THOMP-**
19 **SON.**

20 Notwithstanding Army Regulation AR 1–33, the Lo-
21 gistics Automation Training Facility of the Army Quarter-
22 master Center and School at Fort Lee, Virginia, shall be
23 known and designated as the “General Richard H.
24 Thompson Logistics Automation Training Facility” in
25 honor of General Richard H. Thompson, the only quarter-
26 master to have risen from private to full general. Any ref-

1 erence in a law, map, regulation, document, paper, or
 2 other record of the United States to such facility shall be
 3 deemed to be a reference to the General Richard H.
 4 Thompson Logistics Automation Training Facility.

5 **DIVISION C—DEPARTMENT OF**
 6 **ENERGY NATIONAL SECURITY**
 7 **AUTHORIZATIONS AND**
 8 **OTHER AUTHORIZATIONS**
 9 **TITLE XXXI—DEPARTMENT OF**
 10 **ENERGY NATIONAL SECURITY**
 11 **PROGRAMS**

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.
- Sec. 3105. Other atomic energy defense activities.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Study on using existing pits for the Reliable Replacement Warhead program.
- Sec. 3112. National Nuclear Security Administration study on nuclear weapons complex protective forces.
- Sec. 3113. Report on retirement and dismantlement of nuclear warheads.
- Sec. 3114. Assessment of security risks posed to nuclear weapons complex.
- Sec. 3115. Department of Energy report on plan to strengthen and expand International Radiological Threat Reduction program.
- Sec. 3116. Department of Energy report on plan to strengthen and expand Materials Protection, Control, and Accounting program.
- Sec. 3117. Authority to use International Nuclear Materials Protection and Cooperation program funds outside the former Soviet Union.
- Sec. 3118. Increased authority for ombudsman under Energy Employees Occupational Illness Compensation Program.

**Subtitle A—National Security
Programs Authorizations**

**SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-
TION.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of \$9,536,833,000, to be allocated as follows:

(1) For weapons activities, \$6,511,312,000.

(2) For defense nuclear nonproliferation activities, \$1,817,646,000.

(3) For naval reactors, \$808,219,000.

(4) For the Office of the Administrator for Nuclear Security, \$399,656,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of \$5,363,905,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for other

1 defense activities in carrying out programs necessary for
2 national security in the amount of \$763,974,000.

3 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

4 Funds are hereby authorized to be appropriated to
5 the Department of Energy for fiscal year 2008 for defense
6 nuclear waste disposal for payment to the Nuclear Waste
7 Fund established in section 302(c) of the Nuclear Waste
8 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount
9 of \$292,046,000.

10 **SEC. 3105. OTHER ATOMIC ENERGY DEFENSE ACTIVITIES.**

11 Funds are hereby authorized to be appropriated to
12 the Department of Energy for fiscal year 2008 for energy
13 security and assurance programs necessary for national
14 security in the amount of \$6,000,000.

15 **Subtitle B—Program Authoriza-**
16 **tions, Restrictions, and Limita-**
17 **tions**

18 **SEC. 3111. STUDY ON USING EXISTING PITS FOR THE RELI-**
19 **ABLE REPLACEMENT WARHEAD PROGRAM.**

20 (a) STUDY REQUIRED.—The Administrator for Nu-
21 clear Security, in consultation with the Nuclear Weapons
22 Council, shall carry out a study analyzing the feasibility
23 of using existing pits to remanufacture warheads for the
24 Reliable Replacement Warhead (RRW) program.

25 (b) REPORT.—

1 (1) IN GENERAL.—Not later than February 1,
2 2008, the Administrator shall submit to the congres-
3 sional defense committees a report on the results of
4 the study. The report shall be in unclassified form,
5 but may include a classified annex.

6 (2) MATTERS INCLUDED.—The report shall
7 contain the assessment of the Administrator of the
8 results of the study, including—

9 (A) an assessment of—

10 (i) whether using existing pits to re-
11 manufacture warheads for the RRW pro-
12 gram is technically feasible;

13 (ii) whether remanufacturing war-
14 heads with existing pits is more desirable
15 than remanufacturing warheads with newly
16 manufactured pits;

17 (iii) the number of existing pits suit-
18 able for such remanufacturing;

19 (iv) whether proceeding to remanufac-
20 ture warheads with existing pits before re-
21 manufacturing warheads with newly manu-
22 factured pits is desirable; and

23 (v) the extent to which remanufac-
24 turing warheads with existing pits, as com-
25 pared to remanufacturing warheads with

1 newly manufactured pits, would reduce fu-
2 ture requirements for new pit production,
3 and how such use of existing pits would af-
4 fect the schedule and scope for new pit
5 production; and

6 (B) a comparison of the requirements for
7 certifying—

8 (i) warheads remanufactured with ex-
9 isting pits;

10 (ii) warheads remanufactured with
11 newly manufactured pits; and

12 (iii) warheads maintained by the
13 Stockpile Life Extension Programs.

14 (c) DEFINITIONS.—For the purposes of this section,
15 the terms “remanufacturing” and “remanufacture” mean
16 the replacement of existing warheads with modern compo-
17 nents that are designed to increase the reliability, safety,
18 and surety of the warhead, but that do not alter the yield
19 of the warhead or affect military characteristics of the
20 warhead in any way.

21 (d) FUNDING.—Of the amounts made available pur-
22 suant to the authorization of appropriations in section
23 3101(a)(1), such funds as may be necessary shall be avail-
24 able to carry out this section.

1 **SEC. 3112. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
2 **TION STUDY ON NUCLEAR WEAPONS COM-**
3 **PLEX PROTECTIVE FORCES.**

4 (a) STUDY REQUIRED.—The Administrator for Nu-
5 clear Security shall carry out a study on the composition
6 of the workforce providing protective forces at the nuclear
7 weapons complex.

8 (b) REPORT.—Not later than March 1, 2008, the Ad-
9 ministrator for Nuclear Security shall submit to the con-
10 gressional defense committees a report on the results of
11 the study. The report shall include the following:

12 (1) An assessment of whether the incentives in-
13 herent in the use of contractors to provide protective
14 forces increase or decrease the risk that such protec-
15 tive forces will be substandard.

16 (2) Assessments of the feasibility, costs, bene-
17 fits, and implications of having protective forces at
18 the nuclear weapons complex be provided by a work-
19 force comprised—

20 (A) only of contractor employees;

21 (B) only of Federal employees;

22 (C) of both contractor employees and Fed-
23 eral employees; and

24 (D) in any other manner that the Adminis-
25 trator considers appropriate for assessment
26 under this paragraph.

1 **SEC. 3113. REPORT ON RETIREMENT AND DISMANTLEMENT**
2 **OF NUCLEAR WARHEADS.**

3 Not later than February 1, 2008, the Administrator
4 for Nuclear Security, in consultation with the Nuclear
5 Weapons Council, shall submit to the congressional de-
6 fense committees a report on the retirement and dis-
7 mantlement of the nuclear warheads that are not part of
8 the enduring stockpile but that have not yet been retired
9 or dismantled. The report shall include the following:

10 (1) The existing plan and schedule for retiring
11 and dismantling those warheads.

12 (2) An assessment of the capacity of the Pantex
13 and Y-12 plants to accommodate an accelerated
14 schedule for retiring and dismantling those war-
15 heads.

16 (3) An assessment of the feasibility of imple-
17 menting such an accelerated schedule.

18 **SEC. 3114. ASSESSMENT OF SECURITY RISKS POSED TO NU-**
19 **CLEAR WEAPONS COMPLEX.**

20 (a) **ASSESSMENTS REQUIRED.**—The Administrator
21 for Nuclear Security shall conduct an assessment of—

22 (1) the physical security risks, and the cyber se-
23 curity risks, posed to the nuclear weapons complex;
24 and

25 (2) the security technologies employed within
26 the nuclear weapons complex.

1 (b) REPORT REQUIRED.—Not later than February 1,
2 2008, the Administrator shall submit to the congressional
3 defense committees a report on the assessments conducted
4 under subsection (a). The report shall include—

5 (1) for each site within the nuclear weapons
6 complex, a description of the security technologies
7 employed at the site and, for each such technology,
8 the age and maintenance status of the technology;

9 (2) a description of the methods used by the
10 Department of Energy to establish priorities among
11 investments in physical and cyber security programs
12 and activities; and

13 (3) a multi-year plan for the lifecycle mainte-
14 nance (and replacement) of the security technologies
15 employed within the nuclear weapons complex.

16 **SEC. 3115. DEPARTMENT OF ENERGY REPORT ON PLAN TO**
17 **STRENGTHEN AND EXPAND INTERNATIONAL**
18 **RADIOLOGICAL THREAT REDUCTION PRO-**
19 **GRAM.**

20 Not later than 60 days after the date of the enact-
21 ment of this Act, the Secretary of Energy shall submit
22 to Congress a report that sets forth a specific plan for
23 strengthening and expanding the Department of Energy
24 International Radiological Threat Reduction (IRTR) pro-
25 gram within the Global Threat Reduction Initiative. The

1 plan shall address concerns raised and recommendations
2 made by the Government Accountability Office in its re-
3 port of March 13, 2007, titled “Focusing on the Highest
4 Priority Radiological Sources Could Improve DOE’s Ef-
5 forts to Secure Sources in Foreign Countries”, and shall
6 specifically include actions to—

7 (1) improve the Department’s coordination with
8 the Department of State and the Nuclear Regu-
9 latory Commission;

10 (2) improve information-sharing between the
11 Department and the International Atomic Energy
12 Agency;

13 (3) with respect to hospitals and clinics con-
14 taining radiological sources that receive security up-
15 grades, give highest priority to those determined to
16 be the highest risk;

17 (4) accelerate efforts to remove as many radio-
18 isotope thermoelectric generators (RTGs) in the
19 Russian Federation as practicable;

20 (5) develop a long-term sustainability plan for
21 security upgrades that includes, among other things,
22 future resources required to implement such a plan;
23 and

24 (6) develop a long-term operational plan that
25 steadily increases funding for the IRTR program

1 and ensures sufficient funding to identify, recover,
2 and secure all vulnerable high-risk radiological
3 sources worldwide as quickly and effectively as pos-
4 sible.

5 **SEC. 3116. DEPARTMENT OF ENERGY REPORT ON PLAN TO**
6 **STRENGTHEN AND EXPAND MATERIALS PRO-**
7 **TECTION, CONTROL, AND ACCOUNTING PRO-**
8 **GRAM.**

9 Not later than 60 days after the date of the enact-
10 ment of this Act, the Secretary of Energy shall submit
11 to Congress a specific plan for strengthening and expand-
12 ing the Department of Energy Materials Protection, Con-
13 trol, and Accounting (MPC&A) program. The plan shall
14 address concerns raised and recommendations made by
15 the Government Accountability Office in its report of Feb-
16 ruary 2007, titled “Progress Made in Improving Security
17 at Russian Nuclear Sites, but the Long-Term Sustain-
18 ability of U.S. Funded Security Upgrades is Uncertain”,
19 and shall specifically include actions to—

20 (1) strengthen program management and the
21 effectiveness of the Department’s efforts to improve
22 security at weapons-usable nuclear material and
23 warhead sites in the Russian Federation and other
24 countries by—

1 (A) revising the metrics used to measure
2 MPC&A program progress to better reflect the
3 level of security upgrade completion at buildings
4 reported as “secure”;

5 (B) actively working with Russia and other
6 countries, in coordination with and with the
7 concurrence of the Secretary of State, to de-
8 velop an access plan for each country; and

9 (C) developing a management information
10 system to track the Department’s progress in
11 providing Russia with a sustainable MPC&A
12 system by 2013; and

13 (2) develop a long-term operational plan that
14 steadily increases funding for the MPC&A program,
15 including for National Programs and Sustainability,
16 and ensures sufficient funding to secure all weapons-
17 usable nuclear material and warhead sites as quickly
18 and effectively as possible.

19 **SEC. 3117. AUTHORITY TO USE INTERNATIONAL NUCLEAR**
20 **MATERIALS PROTECTION AND COOPERATION**
21 **PROGRAM FUNDS OUTSIDE THE FORMER SO-**
22 **VIET UNION.**

23 (a) MODIFICATION OF CERTIFICATION REQUIRE-
24 MENT.—Section 3124 of the National Defense Authoriza-

tion Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1747) is amended in subsection (a)—

(1) by striking “the President may” and inserting “the Secretary of Energy may”; and

(2) by striking “if the President” and inserting “if the Secretary of Energy, with the concurrence of the Secretary of State,”.

(b) REPEAL OF FUNDING LIMITATION.—Section 3124 of that Act is further amended by striking subsection (c).

(c) CONGRESSIONAL NOTICE REQUIREMENT.—Section 3124 of that Act is further amended in subsection (d)—

(1) in paragraph (1)—

(A) by striking “The President may not” and inserting “The Secretary of Energy may not”; and

(B) by striking “until the President” and inserting “until the Secretary of Energy”;

(2) in paragraph (2)—

(A) by striking “Not later than 10 days after” and inserting “Not later than 15 days prior to”;

(B) by striking “the President shall” and inserting “the Secretary of Energy shall”; and

1 (C) by striking “Congress” and inserting
2 “the Committee on Armed Services and the
3 Committee on Foreign Affairs of the House of
4 Representatives and the Committee on Armed
5 Services and Committee on Foreign Relations
6 of the Senate”; and

7 (3) by adding at the end the following:

8 “(3) In the case of a situation that threatens human
9 life or safety or where a delay would severely undermine
10 the national security of the United States, notification
11 under paragraph (2) shall be made not later than 10 days
12 after obligating funds under the authority in subsection
13 (a) for a project or activity.”.

14 **SEC. 3118. INCREASED AUTHORITY FOR OMBUDSMAN**
15 **UNDER ENERGY EMPLOYEES OCCUPATIONAL**
16 **ILLNESS COMPENSATION PROGRAM.**

17 Section 3686 of the Energy Employees Occupational
18 Illness Compensation Program Act of 2000 (42 U.S.C.
19 7385s–15) is amended—

20 (1) by amending subsection (c) to read as fol-
21 lows:

22 “(c) DUTIES.—The duties of the Office shall be as
23 follows:

24 “(1) To assist individuals in making claims
25 under this title.

1 “(2) To provide information on the benefits
2 available under this title and on the requirements
3 and procedures applicable to the provision of such
4 benefits.

5 “(3) To act as an advocate on behalf of individ-
6 uals seeking benefits under this title.

7 “(4) To make recommendations to the Sec-
8 retary regarding the location of centers (to be known
9 as ‘resource centers’) for the acceptance and devel-
10 opment of claims for benefits under this title.

11 “(5) To carry out such other duties as the Sec-
12 retary shall specify.”; and

13 (2) by striking subsection (g) (establishing a
14 sunset date) and inserting the following:

15 “(g) CONTRACT AUTHORITY.—The Ombudsman
16 shall have authority to contract for the services of individ-
17 uals with expertise in relevant disciplines, including health
18 physics, medicine, industrial hygiene, and toxicology, as
19 the Ombudsman may from time to time consider appro-
20 priate.

21 “(h) FUNDING.—Effective for appropriations made
22 for fiscal year 2008 and each fiscal year thereafter, and
23 notwithstanding section 3684 or any other provision of
24 this title, or section 151 of division B of the Miscellaneous
25 Appropriations Act, 2001 (as enacted into law by the Con-

1 consolidated Appropriations Act, 2001 (Public Law 106–554;
 2 114 Stat. 2763A–251)), this section shall not be carried
 3 out with direct spending under this title. Instead, no funds
 4 shall be obligated for the purpose of carrying out this sec-
 5 tion except funds appropriated specifically for the purpose
 6 of carrying out this section in appropriations Acts enacted
 7 after the date of the enactment of this subsection. There
 8 are authorized to be appropriated such sums as may be
 9 necessary to carry out this section for fiscal year 2008
 10 and each fiscal year thereafter.”.

11 **TITLE XXXII—DEFENSE NU-**
 12 **CLEAR FACILITIES SAFETY**
 13 **BOARD**

Sec. 3201. Authorization.

14 **SEC. 3201. AUTHORIZATION.**

15 There are authorized to be appropriated for fiscal
 16 year 2008, \$22,499,000 for the operation of the Defense
 17 Nuclear Facilities Safety Board under chapter 21 of the
 18 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

19 **TITLE XXXIII—NATIONAL**
 20 **DEFENSE STOCKPILE**

Sec. 3301. Authorized uses of National Defense Stockpile funds.

Sec. 3302. Revisions to required receipt objectives for previously authorized dis-
 posals from the national defense stockpile.

1 **SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE**
2 **STOCKPILE FUNDS.**

3 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-
4 cal year 2008, the National Defense Stockpile Manager
5 may obligate up to \$44,825,000 of the funds in the Na-
6 tional Defense Stockpile Transaction Fund established
7 under subsection (a) of section 9 of the Strategic and Crit-
8 ical Materials Stock Piling Act (50 U.S.C. 98h) for the
9 authorized uses of such funds under subsection (b)(2) of
10 such section, including the disposal of hazardous materials
11 that are environmentally sensitive.

12 (b) ADDITIONAL OBLIGATIONS.—The National De-
13 fense Stockpile Manager may obligate amounts in excess
14 of the amount specified in subsection (a) if the National
15 Defense Stockpile Manager notifies Congress that extraor-
16 dinary or emergency conditions necessitate the additional
17 obligations. The National Defense Stockpile Manager may
18 make the additional obligations described in the notifica-
19 tion after the end of the 45-day period beginning on the
20 date on which Congress receives the notification.

21 (c) LIMITATIONS.—The authorities provided by this
22 section shall be subject to such limitations as may be pro-
23 vided in appropriations Acts.

1 **SEC. 3302. REVISIONS TO REQUIRED RECEIPT OBJECTIVES**
2 **FOR PREVIOUSLY AUTHORIZED DISPOSALS**
3 **FROM THE NATIONAL DEFENSE STOCKPILE.**

4 (a) FISCAL YEAR 2000 DISPOSAL AUTHORITY.—Sec-
5 tion 3402(b) of the National Defense Authorization Act
6 for Fiscal Year 2000 (50 U.S.C. 98d note), as amended
7 by section 3302 of the National Defense Authorization Act
8 for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
9 1788) and section 3302 of the National Defense Author-
10 ization Act for Fiscal Year 2006 (Public Law 109–163;
11 119 Stat. 3545), is amended by striking “\$600,000,000
12 before” in paragraph (5) and inserting “\$730,000,000
13 by”.

14 (b) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Sec-
15 tion 3303(a) of the Strom Thurmond National Defense
16 Authorization Act for Fiscal Year 1999 (Public Law 105–
17 261; 50 U.S.C. 98d note), as amended by section 3302
18 of the Ronald W. Reagan National Defense Authorization
19 Act for Year 2005 (Public Law 108–375; 118 Stat. 2193),
20 section 3302 of the National Defense Authorization Act
21 for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
22 3545), and section 3302(a) of the John Warner National
23 Defense Authorization Act for Fiscal Year 2007 (Public
24 Law 109–364; 120 Stat. 2513), is amended by striking
25 “\$1,016,000,000 by the end of fiscal year 2014” in para-

1 graph (7) and inserting “\$1,469,102,000 by the end of
2 fiscal year 2015”.

3 **TITLE XXXIV—NAVAL**
4 **PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

Sec. 3402. Remedial action at Moab uranium milling site.

5 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) AMOUNT.—There are hereby authorized to be ap-
7 propriated to the Secretary of Energy \$17,301,000 for fis-
8 cal year 2008 for the purpose of carrying out activities
9 under chapter 641 of title 10, United States Code, relating
10 to the naval petroleum reserves.

11 (b) PERIOD OF AVAILABILITY.—Funds appropriated
12 pursuant to the authorization of appropriations in sub-
13 section (a) shall remain available until expended.

14 **SEC. 3402. REMEDIAL ACTION AT MOAB URANIUM MILLING**
15 **SITE.**

16 Section 3405(i) of the Strom Thurmond National De-
17 fense Authorization Act for Fiscal Year 1999 (Public Law
18 105–261; 10 U.S.C. 7420 note) by adding at the end the
19 following new paragraph:

20 “(6) Not later than October 1, 2019, the Secretary
21 of Energy shall complete remediation at the Moab site and
22 removal of the tailings to the Crescent Junction site in
23 Utah.”.

1 **TITLE XXXV—MARITIME**
2 **ADMINISTRATION**

Sec. 3501. Authorization of appropriations for fiscal year 2008.

Sec. 3502. Temporary authority to transfer obsolete combatant vessels to Navy
for disposal.

Sec. 3503. Report of vessel disposal program.

3 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
4 **CAL YEAR 2008.**

5 Funds are hereby authorized to be appropriated for
6 fiscal year 2008, to be available without fiscal year limita-
7 tion if so provided in appropriations Acts, for the use of
8 the Department of Transportation for the Maritime Ad-
9 ministration as follows:

10 (1) For expenses necessary for operations and
11 training activities, \$115,276,000, of which—

12 (A) \$13,850,000 shall remain available
13 until expended for capital improvements at the
14 United States Merchant Marine Academy; and

15 (B) \$8,218,000 shall remain available until
16 expended for maintenance and repair of school
17 ships at the State Maritime Academies.

18 (2) For expenses to dispose of obsolete vessels
19 in the National Defense Reserve Fleet, including
20 provision of assistance under section 7 of Public
21 Law 92–402, \$20,000,000.

1 **SEC. 3502. TEMPORARY AUTHORITY TO TRANSFER OBSO-**
2 **LETE COMBATANT VESSELS TO NAVY FOR**
3 **DISPOSAL.**

4 The Secretary of Transportation shall, subject to the
5 availability of appropriations and consistent with section
6 1535 of title 31, United States Code, popularly known as
7 the Economy Act, transfer to the Secretary of the Navy
8 during fiscal year 2008 for disposal by the Navy, no fewer
9 than 3 combatant vessels in the nonretention fleet of the
10 Maritime Administration that are acceptable to the Sec-
11 retary of the Navy.

12 **SEC. 3503. REPORT OF VESSEL DISPOSAL PROGRAM.**

13 Not later than October 1, 2007, the Secretary of
14 Transportation shall submit to the Committee on Armed
15 Services and the Committee on Transportation and Infra-
16 structure of the House of Representatives and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate a report concerning the current plan for the dis-
19 posal of non-retention vessels in the National Defense Re-
20 serve Fleet. The report shall include a listing of the vessels
21 that the Maritime Administrator determines have the
22 highest risk for environmental damage to the local estuary
23 if further deterioration continues, an explanation of the
24 classification system used to make such determination,

- 1 and a detailed plan for the disposal of those vessels identi-
- 2 fied as significant environmental risks.

Passed the House of Representatives September 16,
2007.

Attest:

Clerk.

110TH CONGRESS
1ST Session

H. R. 1585

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.