

110TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

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

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



1 **SECTION 1. SHORT TITLE; TREATMENT OF EXPLANATORY**
2 **STATEMENT.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
4 “National Defense Authorization Act for Fiscal Year
5 2008”.

6 (b) **EXPLANATORY STATEMENT.**—The Joint Explan-
7 atory Statement submitted by the Committee of Con-
8 ference for the conference report to accompany H.R. 1585
9 of the 110th Congress (Report 110–477) shall be deemed
10 to be part of the legislative history of this Act and shall
11 have the same effect with respect to the implementation
12 of this Act as it would have had with respect to the imple-
13 mentation of H.R. 1585, if such bill had been enacted.

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

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

18 (1) Division A—Department of Defense Au-
19 thorizations.

20 (2) Division B—Military Construction Author-
21 izations.

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

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



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- Sec. 1. Short title; treatment of explanatory statement.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

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

Subtitle B—Army Programs

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

Subtitle C—Navy Programs

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

Subtitle D—Air Force Programs

- Sec. 131. Limitation on Joint Cargo Aircraft.
- Sec. 132. Clarification of limitation on retirement of U-2 aircraft.
- Sec. 133. Repeal of requirement to maintain retired C-130E tactical aircraft.
- Sec. 134. Limitation on retirement of C-130E/H tactical airlift aircraft.
- Sec. 135. Limitation on retirement of KC-135E aerial refueling aircraft.
- Sec. 136. Transfer to Government of Iraq of three C-130E tactical airlift aircraft.
- Sec. 137. Modification of limitations on retirement of B-52 bomber aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations



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

Subtitle B—Program Requirements, Restrictions, and Limitations

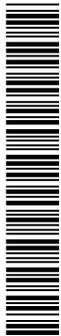
- Sec. 211. Operational test and evaluation of Future Combat Systems network.
- Sec. 212. Limitation on use of funds for systems development and demonstration of Joint Light Tactical Vehicle program.
- Sec. 213. Requirement to obligate and expend funds for development and procurement of a competitive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

Subtitle C—Ballistic Missile Defense

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

Subtitle D—Other Matters

- Sec. 231. Coordination of human systems integration activities related to acquisition programs.
- Sec. 232. Expansion of authority for provision of laboratory facilities, services, and equipment.
- Sec. 233. Modification of cost-sharing requirement for Technology Transition Initiative.
- Sec. 234. Report on implementation of Manufacturing Technology Program.
- Sec. 235. Assessment of sufficiency of test and evaluation personnel.
- Sec. 236. Repeal of requirement for separate reports on technology area review and assessment summaries.
- Sec. 237. Modification of notice and wait requirement for obligation of funds for foreign comparative test program.
- Sec. 238. Strategic Plan for the Manufacturing Technology Program.
- Sec. 239. Modification of authorities on coordination of Defense Experimental Program to Stimulate Competitive Research with similar Federal programs.
- Sec. 240. Enhancement of defense nanotechnology research and development program.



- Sec. 241. Federally funded research and development center assessment of the Defense Experimental Program to Stimulate Competitive Research.
- Sec. 242. Cost-benefit analysis of proposed funding reduction for High Energy Laser Systems Test Facility.
- Sec. 243. Prompt global strike.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

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

Subtitle C—Workplace and Depot Issues

- Sec. 321. Availability of funds in Defense Information Systems Agency Working Capital Fund for technology upgrades to Defense Information Systems Network.
- Sec. 322. Modification to public-private competition requirements before conversion to contractor performance.
- Sec. 323. Public-private competition at end of period specified in performance agreement not required.
- Sec. 324. Guidelines on insourcing new and contracted out functions.
- Sec. 325. Restriction on Office of Management and Budget influence over Department of Defense public-private competitions.
- Sec. 326. Bid protests by Federal employees in actions under Office of Management and Budget Circular A-76.
- Sec. 327. Public-private competition required before conversion to contractor performance.
- Sec. 328. Extension of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
- Sec. 329. Reauthorization and modification of multi-trades demonstration project.
- Sec. 330. Pilot program for availability of working-capital funds to Army for certain product improvements.

Subtitle D—Extension of Program Authorities

- Sec. 341. Extension of Arsenal Support Program Initiative.



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

Subtitle E—Reports

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

Subtitle F—Other Matters

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

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

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



Sec. 406. Increase in authorized daily average of number of members in pay grade E-9.

Subtitle B—Reserve Forces

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

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

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

Subtitle B—Reserve Component Management

- Sec. 511. Retention of military technicians who lose dual status in the Selected Reserve due to combat-related disability.
Sec. 512. Constructive service credit upon original appointment of Reserve officers in certain health care professions.
Sec. 513. Mandatory separation of Reserve officers in the grade of lieutenant general or vice admiral after completion of 38 years of commissioned service.
Sec. 514. Maximum period of temporary Federal recognition of person as Army National Guard officer or Air National Guard officer.
Sec. 515. Advance notice to members of reserve components of deployment in support of contingency operations.
Sec. 516. Report on relief from professional licensure and certification requirements for reserve component members on long-term active duty.



Subtitle C—Education and Training

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

Subtitle D—Military Justice and Legal Assistance Matters

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

Subtitle E—Military Leave

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



Subtitle F—Decorations and Awards

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

Subtitle G—Impact Aid and Defense Dependents Education System

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

Subtitle H—Military Families

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

Subtitle I—Other Matters

- Sec. 590. Uniform performance policies for military bands and other musical units.
- Sec. 591. Transportation of remains of deceased members of the Armed Forces and certain other persons.



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

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 610. Correction of lapsed authorities for payment of bonuses, special pays, and similar benefits for members of the uniformed services.
- Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
- Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
- Sec. 615. Increase in incentive special pay and multiyear retention bonus for medical officers.
- Sec. 616. Increase in dental officer additional special pay.
- Sec. 617. Increase in maximum monthly rate of hardship duty pay and authority to provide hardship duty pay in a lump sum.
- Sec. 618. Definition of sea duty for career sea pay to include service as off-cycle crewmembers of multi-crew ships.
- Sec. 619. Reenlistment bonus for members of the Selected Reserve.
- Sec. 620. Availability of Selected Reserve accession bonus for persons who previously served in the Armed Forces for a short period.



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- Sec. 621. Availability of nuclear officer continuation pay for officers with more than 26 years of commissioned service.
- Sec. 622. Waiver of years-of-service limitation on receipt of critical skills retention bonus.
- Sec. 623. Accession bonus for participants in the Armed Forces Health Professions Scholarship and Financial Assistance Program.
- Sec. 624. Payment of assignment incentive pay for Reserve members serving in combat zone for more than 22 months.

Subtitle C—Travel and Transportation Allowances

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

Subtitle D—Retired Pay and Survivor Benefits

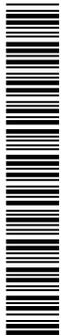
- Sec. 641. Expansion of combat-related special compensation eligibility.
- Sec. 642. Inclusion of veterans with service-connected disabilities rated as total by reason of unemployability under termination of phase-in of concurrent receipt of retired pay and veterans' disability compensation.
- Sec.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

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

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

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

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



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Sec. 662. Transitional provisions.

Subtitle G—Other Matters

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

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Military Health Benefits

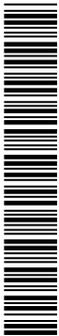
- Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.
Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
Sec. 703. Inclusion of TRICARE retail pharmacy program in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

- Sec. 711. Surveys on continued viability of TRICARE Standard and TRICARE Extra.
Sec. 712. Report on training in preservation of remains under combat or combat-related conditions.
Sec. 713. Report on patient satisfaction surveys.
Sec. 714. Report on medical physical examinations of members of the Armed Forces before their deployment.
Sec. 715. Report and study on multiple vaccinations of members of the Armed Forces.
Sec. 716. Review of gender- and ethnic group-specific mental health services and treatment for members of the Armed Forces.
Sec. 717. Licensed mental health counselors and the TRICARE program.
Sec. 718. Report on funding of the Department of Defense for health care.

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- Sec. 721. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
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- Sec. 801. Internal controls for procurements on behalf of the Department of Defense by certain non-Defense agencies.
- Sec. 802. Lead systems integrators.
- Sec. 803. Reinvestment in domestic sources of strategic materials.
- Sec. 804. Clarification of the protection of strategic materials critical to national security.
- Sec. 805. Procurement of commercial services.
- Sec. 806. Specification of amounts requested for procurement of contract services.
- Sec. 807. Inventories and reviews of contracts for services.
- Sec. 808. Independent management reviews of contracts for services.
- Sec. 809. Implementation and enforcement of requirements applicable to undefinitized contractual actions.
- Sec. 810. Clarification of limited acquisition authority for Special Operations Command.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

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

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

- Sec. 821. Plan for restricting Government-unique contract clauses on commercial contracts.
- Sec. 822. Extension of authority for use of simplified acquisition procedures for certain commercial items.
- Sec. 823. Five-year extension of authority to carry out certain prototype projects.
- Sec. 824. Exemption of Special Operations Command from certain requirements for certain contracts relating to vessels, aircraft, and combat vehicles.
- Sec. 825. Provision of authority to maintain equipment to unified combatant command for joint warfighting.
- Sec. 826. Market research.
- Sec. 827. Modification of competition requirements for purchases from Federal Prison Industries.



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- Sec. 828. Multiyear contract authority for electricity from renewable energy sources.
- Sec. 829. Procurement of fire resistant rayon fiber for the production of uniforms from foreign sources.
- Sec. 830. Comptroller General review of noncompetitive awards of congressional and executive branch interest items.

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

Subtitle E—Acquisition Workforce Provisions

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

Subtitle F—Contracts in Iraq and Afghanistan

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

Subtitle G—Defense Materiel Readiness Board

- Sec. 871. Establishment of Defense Materiel Readiness Board.
- Sec. 872. Critical materiel readiness shortfalls.

Subtitle H—Other Matters

- Sec. 881. Clearinghouse for rapid identification and dissemination of commercial information technologies.
- Sec. 882. Authority to license certain military designations and likenesses of weapons systems to toy and hobby manufacturers.



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

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND
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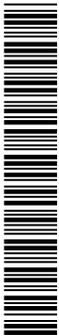
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- Sec. 2871. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
- Sec. 2872. Transfer of jurisdiction over Air Force Memorial to Department of the Air Force.
- Sec. 2873. Report on plans to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia.
- Sec. 2874. Increased authority for repair, restoration, and preservation of Lafayette Escadrille Memorial, Marnes-la-Coquette, France.
- Sec. 2875. Addition of Woonsocket local protection project.
- Sec. 2876. Repeal of moratorium on improvements at Fort Buchanan, Puerto Rico.
- Sec. 2877. Establishment of national military working dog teams monument on suitable military installation.
- Sec. 2878. Report required prior to removal of missiles from 564th Missile Squadron.
- Sec. 2879. Report on condition of schools under jurisdiction of Department of Defense Education Activity.
- Sec. 2880. Report on facilities and operations of Darnall Army Medical Center, Fort Hood Military Reservation, Texas.
- Sec. 2881. Report on feasibility of establishing a regional disaster response center at Kelly Air Field, San Antonio, Texas.
- Sec. 2882. Naming of housing facility at Fort Carson, Colorado, in honor of the Honorable Joel Hefley, a former member of the United States House of Representatives.
- Sec. 2883. Naming of Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of the Honorable Lane Evans, a former member of the United States House of Representatives.
- Sec. 2884. Naming of research laboratory at Air Force Rome Research Site, Rome, New York, in honor of the Honorable Sherwood L. Boehlert, a former member of the United States House of Representatives.



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- Sec. 2885. Naming of administration building at Joint Systems Manufacturing Center, Lima, Ohio, in honor of the Honorable Michael G. Oxley, a former member of the United States House of Representatives.
- Sec. 2886. Naming of Logistics Automation Training Facility, Army Quartermaster Center and School, Fort Lee, Virginia, in honor of General Richard H. Thompson.
- Sec. 2887. Authority to relocate Joint Spectrum Center to Fort Meade, Maryland.

TITLE XXIX—WAR-RELATED AND EMERGENCY MILITARY
CONSTRUCTION AUTHORIZATIONS

- Sec. 2901. Authorized Army construction and land acquisition projects.
- Sec. 2902. Authorized Navy construction and land acquisition projects.
- Sec. 2903. Authorized Air Force construction and land acquisition projects.
- Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2905. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005 and related authorization of appropriations.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY
PROGRAMS

Subtitle A—National Security Programs Authorizations

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

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Reliable Replacement Warhead program.
- Sec. 3112. Nuclear test readiness.
- Sec. 3113. Modification of reporting requirement.
- Sec. 3114. Limitation on availability of funds for Fissile Materials Disposition program.
- Sec. 3115. Modification of limitations on availability of funds for Waste Treatment and Immobilization Plant.
- Sec. 3116. Modification of sunset date of the Office of the Ombudsman of the Energy Employees Occupational Illness Compensation Program.
- Sec. 3117. Technical amendments.

Subtitle C—Other Matters

- Sec. 3121. Study on using existing pits for the Reliable Replacement Warhead program.
- Sec. 3122. Report on retirement and dismantlement of nuclear warheads.
- Sec. 3123. Plan for addressing security risks posed to nuclear weapons complex.



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

Subtitle D—Nuclear Terrorism Prevention

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

TITLE XXXII—WAR-RELATED NATIONAL NUCLEAR SECURITY
ADMINISTRATION AUTHORIZATIONS

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

TITLE XXXIII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3301. Authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

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

TITLE XXXV—MARITIME ADMINISTRATION

Subtitle A—Maritime Administration Reauthorization

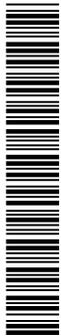
- Sec. 3501. Authorization of appropriations for fiscal year 2008.
- Sec. 3502. Temporary authority to transfer obsolete combatant vessels to Navy for disposal.
- Sec. 3503. Vessel disposal program.

Subtitle B—Programs

- Sec. 3511. Commercial vessel chartering authority.
- Sec. 3512. Maritime Administration vessel chartering authority.
- Sec. 3513. Chartering to State and local governmental instrumentalities.
- Sec. 3514. Disposal of obsolete Government vessels.
- Sec. 3515. Vessel transfer authority.
- Sec. 3516. Sea trials for Ready Reserve Force.
- Sec. 3517. Review of applications for loans and guarantees.

Subtitle C—Technical Corrections

- Sec. 3521. Personal injury to or death of seamen.



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

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

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

5 **DIVISION A—DEPARTMENT OF**
 6 **DEFENSE AUTHORIZATIONS**
 7 **TITLE I—PROCUREMENT**

Subtitle A—Authorization of Appropriations

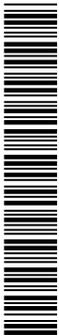
- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. National Guard and Reserve equipment.

Subtitle B—Army Programs

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

Subtitle C—Navy Programs

- Sec. 121. Multiyear procurement authority for Virginia-class submarine program.
- Sec. 122. Report on shipbuilding investment strategy.
- Sec. 123. Sense of Congress on the preservation of a skilled United States shipyard workforce.



- Sec. 124. Assessments required prior to start of construction on first ship of a shipbuilding program.
- Sec. 125. Littoral Combat Ship (LCS) program.

Subtitle D—Air Force Programs

- Sec. 131. Limitation on Joint Cargo Aircraft.
- Sec. 132. Clarification of limitation on retirement of U-2 aircraft.
- Sec. 133. Repeal of requirement to maintain retired C-130E tactical aircraft.
- Sec. 134. Limitation on retirement of C-130E/H tactical airlift aircraft.
- Sec. 135. Limitation on retirement of KC-135E aerial refueling aircraft.
- Sec. 136. Transfer to Government of Iraq of three C-130E tactical airlift aircraft.
- Sec. 137. Modification of limitations on retirement of B-52 bomber aircraft.

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

3 **SEC. 101. ARMY.**

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

- 6 (1) For aircraft, \$4,168,798,000.
- 7 (2) For missiles, \$1,911,979,000.
- 8 (3) For weapons and tracked combat vehicles,
 9 \$3,007,489,000.
- 10 (4) For ammunition, \$2,214,576,000.
- 11 (5) For other procurement, \$12,451,312,000.
- 12 (6) For the Joint Improvised Explosive Device
 13 Defeat Fund, \$228,000,000.

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

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

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



1 (2) For weapons, including missiles and tor-
2 pedoes, \$3,068,187,000.

3 (3) For shipbuilding and conversion,
4 \$13,596,120,000.

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

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

9 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
10 are hereby authorized to be appropriated for fiscal year
11 2008 for procurement of ammunition for the Navy and
12 the Marine Corps in the amount of \$1,058,832,000.

13 **SEC. 103. AIR FORCE.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2008 for procurement for the Air Force as fol-
16 lows:

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

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

19 (3) For missiles, \$4,984,102,000.

20 (4) For other procurement, \$15,405,832,000.

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

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



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

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

8 **Subtitle B—Army Programs**

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

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

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

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



1 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR**
2 **CONVERSION OF CH-47D HELICOPTERS TO**
3 **CH-47F CONFIGURATION.**

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

9 **SEC. 114. MULTIYEAR PROCUREMENT AUTHORITY FOR CH-**
10 **47F HELICOPTERS.**

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

15 **SEC. 115. LIMITATION ON USE OF FUNDS FOR INCREMENT**
16 **1 OF THE WARFIGHTER INFORMATION NET-**
17 **WORK-TACTICAL PROGRAM PENDING CER-**
18 **TIFICATION TO CONGRESS.**

19 (a) **FUNDING RESTRICTED.**—Of the amounts appro-
20 priated pursuant to an authorization of appropriations for
21 fiscal year 2008 or otherwise made available for Other
22 Procurement, Army, that are available for Increment 1 of
23 the Warfighter Information Network-Tactical program,
24 not more than 50 percent may be obligated or expended
25 until the Director of Operational Test and Evaluation sub-
26 mits to the congressional defense committees a certifi-

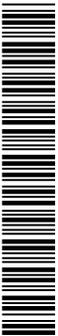


1 cation, in writing, that the Director of Operational Test
2 and Evaluation has approved a Test and Evaluation Mas-
3 ter Plan and Initial Operational Test Plan for Increment
4 1 of the Warfighter Information Network-Tactical pro-
5 gram.

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

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

17 (a) PROHIBITION.—Amounts appropriated pursuant
18 to the authorization of appropriations in section 101(2)
19 for missiles, Army, and in section 1502(4) for missile pro-
20 curement, Army, and any other appropriated funds avail-
21 able to the Secretary of the Army may not be used to close
22 the production line for the Army Tactical Missile System
23 program until after the date on which the Secretary of
24 the Army submits to the congressional defense committees
25 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 Army weapons systems or by other
5 elements of the Armed Forces; and

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

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

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

12 (a) LIMITATION ON AVAILABILITY OF FUNDS.—None
13 of the amounts authorized to be appropriated by sections
14 101(3) and 1501(3) for procurement of weapons and
15 tracked combat vehicles for the Army may be obligated
16 or expended for purposes of the procurement of the
17 Stryker Mobile Gun System until 30 days after the date
18 on which the Secretary of the Army certifies to Congress
19 that the Stryker Mobile Gun System is operationally effec-
20 tive, suitable, and survivable for its anticipated deploy-
21 ment missions.

22 (b) WAIVER.—The Secretary of Defense may waive
23 the limitation in subsection (a) if the Secretary—

24 (1) determines that further procurement of the
25 Stryker Mobile Gun System utilizing amounts re-



1 ferred to in subsection (a) is in the national security
2 interest of the United States notwithstanding the in-
3 ability of the Secretary of the Army to make the cer-
4 tification required by that subsection; and

5 (2) submits to the Congress, in writing, a noti-
6 fication of the waiver together with a discussion of—

7 (A) the reasons for the determination de-
8 scribed in paragraph (1); and

9 (B) the actions that will be taken to miti-
10 gate any deficiencies that cause the Stryker
11 Mobile Gun System not to be operationally ef-
12 fective, suitable, or survivable, as that case may
13 be, as described in subsection (a).

14 **Subtitle C—Navy Programs**

15 **SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-** 16 **GINIA-CLASS SUBMARINE PROGRAM.**

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

24 (b) **LIMITATION.**—The Secretary may not enter into
25 a contract authorized by subsection (a) until—



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

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

8 **SEC. 122. REPORT ON SHIPBUILDING INVESTMENT STRAT-**
9 **EGY.**

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

17 (1) potential improvements in design tools and
18 techniques, material management, technology inser-
19 tion, systems integration and testing, and other key
20 processes and functions that would lead to reduced
21 construction costs;

22 (2) construction process improvements that
23 would reduce procurement and life-cycle costs of the
24 vessels under construction at the contractor's facili-
25 ties; and



1 (3) incentives for investment in shipyard infra-
2 structure that support construction process improve-
3 ments.

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

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

12 (A) estimated value of shipbuilding facili-
13 ties;

14 (B) critical shipbuilding capabilities;

15 (C) capital expenditures;

16 (D) major investments in process improve-
17 ments; and

18 (E) costs for related Navy shipbuilding
19 projects.

20 (2) A description of mechanisms available to
21 the Government and industry to finance facilities
22 and process improvements, including—

23 (A) contract incentive and award fees;

24 (B) facilities capital cost of money;

25 (C) facilities depreciation;



- 1 (D) progress payment provisions;
- 2 (E) other contract terms and conditions;
- 3 (F) State and Federal tax provisions and
- 4 tax incentives;
- 5 (G) the National Shipbuilding Research
- 6 Program; and
- 7 (H) any other mechanisms available.

8 (3) A summary of potential shipbuilding invest-

9 ments that offer greatest reduction to shipbuilding

10 costs, including, for each such investment—

- 11 (A) a project description;
- 12 (B) an estimate of required investment;
- 13 (C) the estimated return on investment;
- 14 and
- 15 (D) alternatives for financing the invest-
- 16 ment.

17 (4) The Navy's strategy for providing incentives

18 for contractors' capital expenditures that would lead

19 to ship construction or life-cycle savings to the Fed-

20 eral Government, including identification of any spe-

21 cific changes in legislative authority that would be

22 required for the Secretary to execute this strategy.

23 (c) UTILIZATION OF OTHER STUDIES AND OUTSIDE

24 EXPERTS.—The study shall build upon the results of the

25 2005 and 2006 Global Shipbuilding Industrial Base



1 Benchmarking studies. Financial analysis associated with
2 the report shall be conducted in consultation with financial
3 experts independent of the Department of Defense.

4 **SEC. 123. SENSE OF CONGRESS ON THE PRESERVATION OF**
5 **A SKILLED UNITED STATES SHIPYARD WORK-**
6 **FORCE.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the preservation of a robust domestic skilled
9 workforce is required for the national shipbuilding infra-
10 structure and particularly essential to the construction of
11 ships for the United States Navy.

12 (b) STUDY REQUIRED.—

13 (1) IN GENERAL.—The Secretary of the Navy
14 shall determine, on a one-time, non-recurring basis,
15 and in consultation with the Department of Labor,
16 the average number of H2B visa workers employed
17 by the major shipbuilders in the construction of
18 United States Navy ships during the calendar year
19 ending December 31, 2007. The study shall also
20 identify the number of workers petitioned by the
21 major shipbuilders for use in calendar year 2008, as
22 of the first quarter of calendar year 2008.

23 (2) REPORT.—Not later than April 1, 2008, the
24 Secretary of the Navy shall submit to the congress-



1 sional defense committees a report containing the re-
2 sults of the study required by subsection (b).

3 (3) DEFINITIONS.—In this paragraph—

4 (A) the term “major shipbuilder” means a
5 prime contractor or a first-tier subcontractor
6 responsible for delivery of combatant and sup-
7 port vessels required for the naval vessel force,
8 as reported within the annual naval vessel con-
9 struction plan required by section 231 of title
10 10, United States Code; and

11 (B) the term “H2B visa” means a non-im-
12 migrant visa program that permits employers to
13 hire foreign workers to come temporarily to the
14 United States and perform temporary non-agri-
15 cultural services or labor on a one-time, sea-
16 sonal, peakload, or intermittent basis.

17 **SEC. 124. ASSESSMENTS REQUIRED PRIOR TO START OF**
18 **CONSTRUCTION ON FIRST SHIP OF A SHIP-**
19 **BUILDING PROGRAM.**

20 (a) IN GENERAL.—Concurrent with approving the
21 start of construction of the first ship for any major ship-
22 building program, the Secretary of the Navy shall—

23 (1) submit a report to the congressional defense
24 committees on the results of any production readi-
25 ness review; and



1 (2) certify to the congressional defense commit-
2 tees that the findings of any such review support
3 commencement of construction.

4 (b) REPORT.—The report required by subsection
5 (a)(1) shall include, at a minimum, an assessment of each
6 of the following:

7 (1) The maturity of the ship's design, as meas-
8 ured by stability of the ship contract specifications
9 and the degree of completion of detail design and
10 production design drawings.

11 (2) The maturity of developmental command
12 and control systems, weapon and sensor systems,
13 and hull, mechanical and electrical systems.

14 (3) The readiness of the shipyard facilities and
15 workforce to begin construction.

16 (4) The Navy's estimated cost at completion
17 and the adequacy of the budget to support the esti-
18 mate.

19 (5) The Navy's estimated delivery date and de-
20 scription of any variance to the contract delivery
21 date.

22 (6) The extent to which adequate processes and
23 metrics are in place to measure and manage pro-
24 gram risks.



1 (c) APPLICABILITY.—This section applies to each
2 major shipbuilding program beginning after the date of
3 the enactment of this Act.

4 (d) DEFINITIONS.—For the purposes of subsection
5 (a):

6 (1) START OF CONSTRUCTION.—The term
7 “start of construction” means the beginning of fab-
8 rication of the hull and superstructure of the ship.

9 (2) FIRST SHIP.—The term “first ship” applies
10 to a ship if—

11 (A) the ship is the first ship to be con-
12 structed under that shipbuilding program; or

13 (B) the shipyard at which the ship is to be
14 constructed has not previously started construc-
15 tion on a ship under that shipbuilding program.

16 (3) MAJOR SHIPBUILDING PROGRAM.—The
17 term “major shipbuilding program” means a pro-
18 gram for the construction of combatant and support
19 vessels required for the naval vessel force, as re-
20 ported within the annual naval vessel construction
21 plan required by section 231 of title 10, United
22 States Code.

23 (4) PRODUCTION READINESS REVIEW.—The
24 term “production readiness review” means a formal
25 examination of a program prior to the start of con-



1 instruction to determine if the design is ready for pro-
2 duction, production engineering problems have been
3 resolved, and the producer has accomplished ade-
4 quate planning for the production phase.

5 **SEC. 125. LITTORAL COMBAT SHIP (LCS) PROGRAM.**

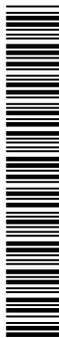
6 Section 124 of the National Defense Authorization
7 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
8 3157) is amended by striking subsections (a), (b), (c), and
9 (d) and inserting the following:

10 “(a) LIMITATION OF COSTS.—

11 “(1) IN GENERAL.—The total amount obligated
12 or expended for the procurement costs of post-2007
13 LCS vessels shall not exceed \$460,000,000 per ves-
14 sel.

15 “(2) PROCUREMENT COSTS.—For purposes of
16 this section, procurement costs shall include all costs
17 for plans, basic construction, change orders, elec-
18 tronics, ordnance, contractor support, and other
19 costs associated with completion of production draw-
20 ings, ship construction, test, and delivery, including
21 work performed post-delivery that is required to
22 meet original contract requirements.

23 “(3) POST-2007 LCS VESSELS.—For purposes
24 of this section, the term ‘post-2007 LCS vessel’
25 means a vessel in the Littoral Combat Ship (LCS)



1 class of vessels, the procurement of which is funded
2 from amounts appropriated pursuant to an author-
3 ization of appropriations or otherwise made available
4 for fiscal year 2008 or any fiscal year thereafter.

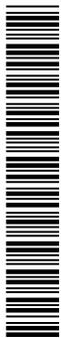
5 “(b) CONTRACT TYPE.—The Secretary of the Navy
6 shall employ a fixed-price type contract for construction
7 of post-2007 LCS vessels.

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

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

19 “(1) The amounts of increases or decreases in
20 costs attributable to compliance with changes in
21 Federal, State, or local laws enacted after Sep-
22 tember 30, 2007.

23 “(2) The amounts of outfitting costs and costs
24 required to complete post-delivery test and trials.”.



1 **Subtitle D—Air Force Programs**

2 **SEC. 131. LIMITATION ON JOINT CARGO AIRCRAFT.**

3 No funds appropriated pursuant to an authorization
4 of appropriations or otherwise made available for procure-
5 ment, or for research, development, test, and evaluation,
6 may be obligated or expended for the Joint Cargo Aircraft
7 until 30 days after the Secretary of Defense submits to
8 the congressional defense committees each of the fol-
9 lowing:

10 (1) The Air Force Air Mobility Command's Air-
11 lift Mobility Roadmap.

12 (2) The Department of Defense Intra-Theater
13 Airlift Capabilities Study.

14 (3) The Department of Defense Joint Intra-
15 Theater Distribution Assessment.

16 (4) The Joint Cargo Aircraft Functional Area
17 Series Analysis.

18 (5) The Joint Cargo Aircraft Analysis of Alter-
19 natives.

20 (6) The Joint Intra-Theater Airlift Fleet Mix
21 Analysis.

22 (7) The Secretary's certification that—

23 (A) there is, within the Department of the
24 Army, Department of the Air Force, Army Na-
25 tional Guard, or Air National Guard, a capa-



1 bility gap or shortfall with respect to intra-the-
2 ater airlift; and

3 (B) validated requirements exist to fill that
4 gap or shortfall through procurement of the
5 Joint Cargo Aircraft.

6 **SEC. 132. CLARIFICATION OF LIMITATION ON RETIREMENT**
7 **OF U-2 AIRCRAFT.**

8 Section 133(b) of the John Warner National Defense
9 Authorization Act for Fiscal Year 2007 (Public Law 109-
10 364; 120 Stat. 2112) is amended—

11 (1) in paragraph (1)—

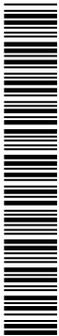
12 (A) by striking “After fiscal year 2007”
13 and inserting “For each fiscal year after fiscal
14 year 2007”; and

15 (B) by inserting after “Secretary of De-
16 fense” the following: “, in that fiscal year,”;
17 and

18 (2) in paragraph (2)—

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

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



1 **SEC. 133. REPEAL OF REQUIREMENT TO MAINTAIN RE-**
2 **TIRED C-130E TACTICAL AIRCRAFT.**

3 (a) IN GENERAL.—Effective as of the date specified
4 in subsection (b), section 137(b) of the John Warner Na-
5 tional Defense Authorization Act for Fiscal Year 2007
6 (Public Law 109-364; 120 Stat. 2114) is repealed.

7 (b) SPECIFIED DATE.—The date specified in this
8 subsection is the date that is 30 days after the date on
9 which the Secretary of the Air Force submits to the con-
10 gressional defense committees the Fleet Mix Analysis
11 Study.

12 **SEC. 134. LIMITATION ON RETIREMENT OF C-130E/H TAC-**
13 **TICAL AIRLIFT AIRCRAFT.**

14 (a) GENERAL PROHIBITION.—The Secretary of the
15 Air Force may not retire C-130E/H tactical airlift aircraft
16 during fiscal year 2008, except as provided in subsection
17 (b).

18 (b) CONTINGENT AUTHORITY TO RETIRE CERTAIN
19 C-130E AIRCRAFT.—Effective as of the date specified in
20 subsection (d), subsection (a) shall not apply to C-130E
21 tactical airlift aircraft, and the number of such aircraft
22 retired by the Secretary of the Air Force during fiscal year
23 2008 may not exceed 24.

24 (c) TREATMENT OF RETIRED AIRCRAFT.—The Sec-
25 retary of the Air Force shall maintain each C-130E tac-
26 tical airlift aircraft that is retired during fiscal year 2008



1 in a condition that would allow recall of that aircraft to
2 future service.

3 (d) SPECIFIED DATE.—The date specified in this
4 subsection is the date that is 30 days after the date on
5 which the Secretary of the Air Force submits to the con-
6 gressional defense committees the Fleet Mix Analysis
7 Study.

8 **SEC. 135. LIMITATION ON RETIREMENT OF KC-135E AERIAL**
9 **REFUELING AIRCRAFT.**

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

15 (b) CONTINGENT AUTHORITY TO RETIRE 37 ADDI-
16 TIONAL AIRCRAFT.—Effective as of the date specified in
17 subsection (c), the number of such aircraft retired by the
18 Secretary of the Air Force during fiscal year 2008 may
19 not exceed 85.

20 (c) SPECIFIED DATE.—The date specified in this
21 subsection is the date that is 15 days after the date on
22 which the Secretary of the Air Force submits to the con-
23 gressional defense committees the Secretary's certification
24 that—



1 (1) the system design and development contract
2 for the KC-X program has been awarded; and

3 (2) if a protest is submitted pursuant to sub-
4 chapter 5 of title 31, United States Code—

5 (A) the protest has been resolved in favor
6 of the Federal agency; or

7 (B) the Secretary has authorized perform-
8 ance of the contract (notwithstanding the pro-
9 test).

10 **SEC. 136. TRANSFER TO GOVERNMENT OF IRAQ OF THREE**
11 **C-130E TACTICAL AIRLIFT AIRCRAFT.**

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

17 **SEC. 137. MODIFICATION OF LIMITATIONS ON RETIREMENT**
18 **OF B-52 BOMBER AIRCRAFT.**

19 (a) MAINTENANCE OF PRIMARY, BACKUP, AND AT-
20 TRITION RESERVE INVENTORY OF AIRCRAFT.—Sub-
21 section (a) of section 131 of the John Warner National
22 Defense Authorization Act for Fiscal Year 2007 (Public
23 Law 109-364; 120 Stat. 2111) is amended—

24 (1) in paragraph (1)—



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

3 (B) in subparagraph (B), by striking the
4 period at the end and inserting a semicolon;
5 and

6 (C) by adding at the end the following:

7 “(C) shall maintain in a common capability
8 configuration a primary aircraft inventory of
9 not less than 63 such aircraft, a backup aircraft
10 inventory of not less than 11 such aircraft, and
11 an attrition reserve aircraft inventory of not
12 less than 2 such aircraft; and

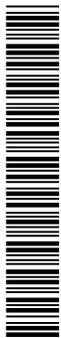
13 “(D) shall not keep any such aircraft re-
14 ferred to in subparagraph (C) in a status con-
15 sidered excess to the requirements of the pos-
16 sessing command and awaiting disposition in-
17 structions.”; and

18 (2) by adding at the end the following:

19 “(3) DEFINITIONS.—For purposes of paragraph
20 (1):

21 “(A) The term ‘primary aircraft inventory’
22 means aircraft assigned to meet the primary
23 aircraft authorization to—

24 “(i) a unit for the performance of its
25 wartime mission;



1 “(ii) a training unit primarily for
2 technical and specialized training for crew
3 personnel or leading to aircrew qualifica-
4 tion;

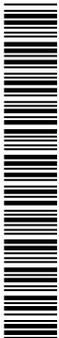
5 “(iii) a test unit for testing of the air-
6 craft or its components for purposes of re-
7 search, development, test and evaluation,
8 operational test and evaluation, or to sup-
9 port testing programs; or

10 “(iv) meet requirements for special
11 missions not elsewhere classified.

12 “(B) The term ‘backup aircraft inventory’
13 means aircraft above the primary aircraft in-
14 ventory to permit scheduled and unscheduled
15 depot level maintenance, modifications, inspec-
16 tions, and repairs, and certain other mitigating
17 circumstances without reduction of aircraft
18 available for the assigned mission.

19 “(C) The term ‘attrition reserve aircraft
20 inventory’ means aircraft required to replace
21 anticipated losses of primary aircraft inventory
22 due to peacetime accidents or wartime attrition.

23 “(4) TREATMENT OF RETIRED AIRCRAFT.—Of
24 the aircraft retired in accordance with paragraph
25 (1)(A), the Secretary of the Air Force may use not



1 more than 2 such aircraft for maintenance ground
2 training.”.

3 (b) NOTICE OF RETIREMENT.—Subsection (b)(1) of
4 such section is amended by striking “45 days” and insert-
5 ing “60 days”.

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

Subtitle A—Authorization of Appropriations

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

Subtitle B—Program Requirements, Restrictions, and Limitations

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

Subtitle C—Ballistic Missile Defense

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

Subtitle D—Other Matters



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

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

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

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

- 7 (1) For the Army, \$10,840,392,000.
- 8 (2) For the Navy, \$16,980,732,000.
- 9 (3) For the Air Force, \$25,692,521,000.
- 10 (4) For Defense-wide activities,
 11 \$20,213,900,000, of which \$180,264,000 is author-
 12 ized for the Director of Operational Test and Eval-
 13 uation.



1 **SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECH-**
2 **NOLOGY.**

3 (a) FISCAL YEAR 2008.—Of the amounts authorized
4 to be appropriated by section 201, \$10,913,944,000 shall
5 be available for the Defense Science and Technology Pro-
6 gram, including basic research, applied research, and ad-
7 vanced technology development projects.

8 (b) BASIC RESEARCH, APPLIED RESEARCH, AND AD-
9 VANCED TECHNOLOGY DEVELOPMENT DEFINED.—For
10 purposes of this section, the term “basic research, applied
11 research, and advanced technology development” means
12 work funded in program elements for defense research and
13 development under Department of Defense budget activity
14 1, 2, or 3.

15 **Subtitle B—Program Require-**
16 **ments, Restrictions, and Limita-**
17 **tions**

18 **SEC. 211. OPERATIONAL TEST AND EVALUATION OF FU-**
19 **TURE COMBAT SYSTEMS NETWORK.**

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



1 ational conditions. The operational test and evaluation
2 shall—

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

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

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

11 (4) be conducted, to the maximum extent pos-
12 sible, using actual communications equipment in-
13 stead of computer simulations;

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

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

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

24 (c) REPORT.—Not later than 120 days after com-
25 pleting the operational test and evaluation required by



1 subsection (a), the Director, Operational Test and Evalua-
2 tion shall submit to the congressional defense committees
3 a report on the outcome of the operational test and evalua-
4 tion. The report shall include, at a minimum—

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

7 (A) an evaluation of the FCS network's ca-
8 pability to transmit the volume and classes of
9 data required by Future Combat Systems ap-
10 proved requirements; and

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

16 (2) an evaluation of the FCS network's ability
17 to improve friendly force knowledge of the location
18 and capability of enemy forces and combat systems;
19 and

20 (3) an evaluation of the overall operational suit-
21 ability of the FCS network.

22 (d) LIMITATION PENDING SUBMISSION OF RE-
23 PORT.—

24 (1) IN GENERAL.—No funds, with the exception
25 of funds for advanced procurement, appropriated



1 pursuant to an authorization of appropriations or
2 otherwise made available to the Department of the
3 Army for any fiscal year may be obligated for low-
4 rate initial production or full-rate production of Fu-
5 ture Combat Systems manned ground vehicles until
6 60 days after the date on which the report is sub-
7 mitted under subsection (c).

8 (2) WAIVER AUTHORITY.—The Secretary of De-
9 fense may waive the limitation in paragraph (1) if
10 the Secretary determines that such a waiver is crit-
11 ical for national security. Such a waiver shall not be-
12 come effective until 45 days after the date on which
13 the Secretary submits to the congressional defense
14 committees a written notice of the waiver.

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

19 **SEC. 212. LIMITATION ON USE OF FUNDS FOR SYSTEMS DE-**
20 **VELOPMENT AND DEMONSTRATION OF JOINT**
21 **LIGHT TACTICAL VEHICLE PROGRAM.**

22 Of the amounts appropriated pursuant to an author-
23 ization of appropriations or otherwise made available for
24 the Joint Light Tactical Vehicle Program for the acquisi-
25 tion program phase of systems development and dem-



1 onstration for fiscal year 2008 or any fiscal year there-
2 after, no more than 50 percent of those amounts may be
3 obligated or expended until after—

4 (1) the Under Secretary of Defense for Acquisi-
5 tion, Technology, and Logistics, or the appropriate
6 milestone decision authority, makes the certification
7 required by section 2366a of title 10, United States
8 Code, with respect to the Joint Light Tactical Vehi-
9 cle Program; and

10 (2) the certification has been received by the
11 congressional defense committees.

12 **SEC. 213. REQUIREMENT TO OBLIGATE AND EXPEND**
13 **FUNDS FOR DEVELOPMENT AND PROCURE-**
14 **MENT OF A COMPETITIVE PROPULSION SYS-**
15 **TEM FOR THE JOINT STRIKE FIGHTER.**

16 Of the funds appropriated pursuant to an authoriza-
17 tion of appropriations or otherwise made available for fis-
18 cal year 2008 or any year thereafter, for research, develop-
19 ment, test, and evaluation and procurement for the Joint
20 Strike Fighter Program, the Secretary of Defense shall
21 ensure the obligation and expenditure in each such fiscal
22 year of sufficient annual amounts for the continued devel-
23 opment and procurement of 2 options for the propulsion
24 system for the Joint Strike Fighter in order to ensure the



1 development and competitive production for the propulsion
2 system for the Joint Strike Fighter.

3 **SEC. 214. LIMITATION ON USE OF FUNDS FOR DEFENSE-**
4 **WIDE MANUFACTURING SCIENCE AND TECH-**
5 **NOLOGY PROGRAM.**

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

11 (1) A component of the Department of Defense
12 has requested and evaluated—

13 (A) competitive proposals, for each project
14 under the program that is not a project covered
15 by subparagraph (B); and

16 (B) proposals from as many sources as is
17 practicable under the circumstances, for a
18 project under the program if the disclosure of
19 the needs of the Department of Defense with
20 respect to that project would compromise the
21 national security.

22 (2) Each project under the program is carried
23 out—

24 (A) in accordance with the statutory re-
25 quirements of the Manufacturing Technology



1 Program established by section 2521 of title 10,
2 United States Code; and

3 (B) in compliance with all requirements of
4 any directive that applies to manufacturing
5 technology.

6 (3) An implementation plan has been developed.

7 **SEC. 215. ADVANCED SENSOR APPLICATIONS PROGRAM.**

8 (a) TRANSFER OF FUNDS.—(1) Of the amount au-
9 thorized to be appropriated by section 201(3) for research,
10 development, test, and evaluation, Air Force activities, and
11 made available for the activities of the Intelligence Sys-
12 tems Support Office, an aggregate of \$13,000,000 shall
13 be transferred to the Advanced Sensor Applications Pro-
14 gram not later than 60 days after the date of the enact-
15 ment of this Act.

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

23 (b) ASSIGNMENT OF PROGRAM.—Management of the
24 program shall reside within the office of the Under Sec-
25 retary of Defense for Intelligence until certain conditions



1 specified in the classified annex to the statement of man-
2 agers accompanying this Act are met. The program shall
3 be executed by the Commander, Naval Air Systems Com-
4 mand in consultation with the Program Executive Officer
5 for Aviation for the Navy.

6 **SEC. 216. ACTIVE PROTECTION SYSTEMS.**

7 (a) LIVE-FIRE TESTS REQUIRED.—

8 (1) IN GENERAL.—The Secretary of Defense
9 shall undertake live-fire tests, of appropriate foreign
10 and domestic active protection systems with size,
11 weight, and power characteristics suitable for pro-
12 tecting wheeled tactical vehicles, especially light
13 wheeled tactical vehicles, in order—

14 (A) to determine the effectiveness of such
15 systems for protecting wheeled tactical vehicles;
16 and

17 (B) to develop information useful in the
18 consideration of the adoption of such systems in
19 defense acquisition programs.

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



1 (3) FUNDING.—The live-fire tests required by
2 paragraph (1) shall be conducted using funds au-
3 thorized and appropriated for the Joint Improvised
4 Explosive Device Defeat Fund.

5 (b) COMPREHENSIVE ASSESSMENT REQUIRED.—

6 (1) IN GENERAL.—The Secretary shall under-
7 take a comprehensive assessment of active protection
8 systems in order to develop information useful in the
9 development of joint active protection systems and
10 other defense programs.

11 (2) ELEMENTS.—The assessment under para-
12 graph (1) shall include—

13 (A) an identification of the potential merits
14 and operational costs of the use of active pro-
15 tection systems by United States military
16 forces;

17 (B) a characterization of the threats that
18 use of active protection systems by potential ad-
19 versaries would pose to United States military
20 forces and weapons;

21 (C) an identification and assessment of
22 countermeasures to active protection systems;

23 (D) an analysis of collateral damage poten-
24 tial of active protection systems;



1 (E) an identification and assessment of
2 emerging direct-fire and top-attack threats to
3 defense systems that could potentially deploy
4 active protection systems; and

5 (F) an identification and assessment of
6 critical technology elements of active protection
7 systems.

8 (3) REPORT.—Not later than December 31,
9 2008, the Secretary shall submit to the congress-
10 sional defense committees a report on the assess-
11 ment under paragraph (1).

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

14 **SEC. 221. PARTICIPATION OF DIRECTOR, OPERATIONAL**
15 **TEST AND EVALUATION, IN MISSILE DEFENSE**
16 **TEST AND EVALUATION ACTIVITIES.**

17 Section 139 of title 10, United States Code, is
18 amended—

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

21 (2) by inserting after subsection (e) the fol-
22 lowing new subsection (f):

23 “(f)(1) The Director of the Missile Defense Agency
24 shall make available to the Director of Operational Test
25 and Evaluation the results of all tests and evaluations con-



1 ducted by the Missile Defense Agency and of all studies
2 conducted by the Missile Defense Agency in connection
3 with tests and evaluations in the Missile Defense Agency.

4 “(2) The Director of Operational Test and Evalua-
5 tion may require that such observers as the Director des-
6 ignates be present during the preparation for and the con-
7 ducting of any test and evaluation conducted by the Mis-
8 sile Defense Agency.

9 “(3) The Director of Operational Test and Evalua-
10 tion shall have access to all records and data in the De-
11 partment of Defense (including the records and data of
12 the Missile Defense Agency) that the Director considers
13 necessary to review in order to carry out his duties under
14 this subsection.”.

15 **SEC. 222. STUDY ON FUTURE ROLES AND MISSIONS OF THE**
16 **MISSILE DEFENSE AGENCY.**

17 (a) IN GENERAL.—The Secretary of Defense shall
18 enter into an agreement with 1 of the Federally Funded
19 Research and Development Centers under which the Cen-
20 ter shall carry out an independent study to examine, and
21 make recommendations with respect to, the long-term
22 structure, roles, and missions of the Missile Defense Agen-
23 cy.

24 (b) MATTERS INCLUDED.—



1 (1) REVIEW.—The study shall include a full re-
2 view of the structure, roles, and missions of the Mis-
3 sile Defense Agency.

4 (2) ASSESSMENTS.—The study shall include an
5 examination and assessment of the current and
6 future—

7 (A) structure, roles, and missions of the
8 Missile Defense Agency;

9 (B) relationship of the Missile Defense
10 Agency with—

11 (i) the Office of the Under Secretary
12 of Defense for Acquisition, Technology,
13 and Logistics;

14 (ii) the Office of the Under Secretary
15 of Defense for Policy;

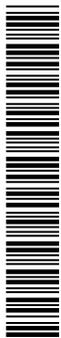
16 (iii) the Director of Operational Test
17 and Evaluation;

18 (iv) the Commander of the United
19 States Strategic Command and other com-
20 batant commanders;

21 (v) the Joint Requirements Oversight
22 Council; and

23 (vi) the military departments;

24 (C) operations and sustainment of missile
25 defenses;



1 (D) acquisition process for missile defense;

2 (E) requirements process for missile de-
3 fense; and

4 (F) transition and transfer of missile de-
5 fense capabilities to the military departments.

6 (3) RECOMMENDATIONS.—The study shall in-
7 clude recommendations as to how the Missile De-
8 fense Agency can be made more effective to support
9 the needs of the warfighter, especially with regard to
10 near-term missile defense capabilities. The study
11 shall also examine the full range of options for the
12 future of the Missile Defense Agency and shall in-
13 clude, but not be limited to, specific recommenda-
14 tions as to whether—

15 (A) the Missile Defense Agency should be
16 maintained in its current configuration;

17 (B) the scope and nature of the Missile
18 Defense Agency should be changed from an or-
19 ganization focused on research and development
20 to an organization focused on combat support;

21 (C) any functions and responsibilities
22 should be added to the Missile Defense Agency,
23 in part or in whole, from other entities such as
24 the United States Strategic Command and the
25 military departments; and



1 (D) any functions and responsibilities of
2 the Missile Defense Agency should be trans-
3 ferred, in part or in whole, to other entities
4 such as the United States Strategic Command
5 and the military departments.

6 (c) COOPERATION FROM GOVERNMENT.—In carrying
7 out the study, the Federally Funded Research and Devel-
8 opment Center shall receive the full and timely cooperation
9 of the Secretary of Defense and any other United States
10 Government official in providing the Center with analyses,
11 briefings, and other information necessary for the fulfill-
12 ment of its responsibilities.

13 (d) REPORT.—Not later than September 1, 2008, the
14 Federally Funded Research and Development Center shall
15 submit to the Committee on Armed Services of the Senate
16 and the Committee on Armed Services of the House of
17 Representatives a report on its findings, conclusions, and
18 recommendations.

19 (e) FUNDING.—Funds for the study shall be provided
20 from amounts appropriated for the Department of De-
21 fense.

22 **SEC. 223. BUDGET AND ACQUISITION REQUIREMENTS FOR**
23 **MISSILE DEFENSE AGENCY ACTIVITIES.**

24 (a) REVISED BUDGET STRUCTURE.—The budget jus-
25 tification materials submitted to Congress in support of



1 the Department of Defense budget for any fiscal year after
2 fiscal year 2009 (as submitted with the budget of the
3 President under section 1105(a) of title 31, United States
4 Code) shall set forth separately amounts requested for the
5 Missile Defense Agency for each of the following:

- 6 (1) Research, development, test, and evaluation.
- 7 (2) Procurement.
- 8 (3) Operation and maintenance.
- 9 (4) Military construction.

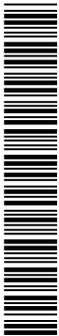
10 (b) REVISED BUDGET STRUCTURE FOR FISCAL
11 YEAR 2009.—The budget justification materials sub-
12 mitted to Congress in support of the Department of De-
13 fense budget for fiscal year 2009 (as submitted with the
14 budget of the President under section 1105(a) of title 31,
15 United States Code) shall—

16 (1) identify all known and estimated operation
17 and support costs; and

18 (2) set forth separately amounts requested for
19 the Missile Defense Agency for each of the following:

20 (A) Research, development, test, and eval-
21 uation.

22 (B) Procurement or advance procurement
23 of long lead items, including for Terminal High
24 Altitude Area Defense firing units 3 and 4, and
25 for Standard Missile-3 Block 1A interceptors.



1 (C) Military construction.

2 (c) AVAILABILITY OF RDT&E FUNDS FOR FISCAL
3 YEAR 2009.—Upon approval by the Secretary of Defense,
4 and consistent with the plan submitted under subsection
5 (f), funds appropriated pursuant to an authorization of
6 appropriations or otherwise made available for fiscal year
7 2009 for research, development, test, and evaluation for
8 the Missile Defense Agency—

9 (1) may be used for the fielding of ballistic mis-
10 sile defense capabilities approved previously by Con-
11 gress; and

12 (2) may not be used for—

13 (A) military construction activities; or

14 (B) procurement or advance procurement
15 of long lead items, including for Terminal High
16 Altitude Area Defense firing units 3 and 4, and
17 for Standard Missile-3 Block 1A interceptors.

18 (d) FULL FUNDING REQUIREMENT NOT APPLICA-
19 BLE TO USE OF PROCUREMENT FUNDS FOR FISCAL
20 YEARS 2009 AND 2010.—In any case in which funds ap-
21 propriated pursuant to an authorization of appropriations
22 or otherwise made available for procurement for the Mis-
23 sile Defense Agency for fiscal years 2009 and 2010 are
24 used for the fielding of ballistic missile defense capabili-
25 ties, the funds may be used for the fielding of those capa-



1 bilities on an “incremental” basis, notwithstanding any
2 law or policy of the Department of Defense that would
3 otherwise require a “full funding” basis.

4 (e) RELATIONSHIP TO OTHER LAW.—Nothing in this
5 provision shall be construed to alter or otherwise affect
6 in any way the applicability of the requirements and other
7 provisions of section 234(a) through (d) of the Ronald W.
8 Reagan National Defense Authorization Act for Fiscal
9 Year 2005 (Public Law 108–375; 118 Stat. 1837; 10
10 U.S.C. 2431 note).

11 (f) PLAN REQUIRED.—Not later than March 1, 2008,
12 the Director of the Missile Defense Agency shall submit
13 to the Committee on Armed Services of the Senate and
14 the Committee on Armed Services of the House of Rep-
15 resentatives a plan for transitioning the Missile Defense
16 Agency from using exclusively research, development, test,
17 and evaluation funds to using procurement, military con-
18 struction, operations and maintenance, and research, de-
19 velopment, test, and evaluation funds for the appropriate
20 budget activities, and for transitioning from incremental
21 funding to full funding for fiscal years after fiscal year
22 2010.

23 (g) OBJECTIVES FOR ACQUISITION ACTIVITIES.—

24 (1) IN GENERAL.—Commencing as soon as
25 practicable, but not later than the submittal to Con-



1 gress of the budget for the President for fiscal year
2 2009 under section 1105(a) of title 31, United
3 States Code, the Missile Defense Agency shall take
4 appropriate actions to achieve the following objec-
5 tives in its acquisition activities:

6 (A) Improved transparency.

7 (B) Improved accountability.

8 (C) Enhanced oversight.

9 (2) REQUIRED ACTIONS.—In order to achieve
10 the objectives specified in paragraph (1), the Missile
11 Defense Agency shall, at a minimum, take actions as
12 follows:

13 (A) Establish acquisition cost, schedule,
14 and performance baselines for each ballistic
15 missile defense system element that—

16 (i) has entered the equivalent of the
17 systems development and demonstration
18 phase of acquisition; or

19 (ii) is being produced and acquired for
20 operational fielding.

21 (B) Provide unit cost reporting data for
22 each ballistic missile defense system element
23 covered by subparagraph (A), and secure inde-
24 pendent estimation and verification of such cost
25 reporting data.



1 (C) Include, in the budget justification ma-
2 terials described in subsection (a), a description
3 of actions being taken in the fiscal year in
4 which such materials are submitted, and the ac-
5 tions to be taken in the fiscal year covered by
6 such materials, to achieve such objectives.

7 (3) SPECIFICATION OF BALLISTIC MISSILE DE-
8 FENSE SYSTEM ELEMENTS.—The ballistic missile
9 defense system elements that, as of October 2007,
10 are ballistic missile defense system elements covered
11 by paragraph (2)(A) are the following elements:

12 (A) Ground-based Midcourse Defense.

13 (B) Aegis Ballistic Missile Defense.

14 (C) Terminal High Altitude Area Defense.

15 (D) Forward-Based X-band radar-Trans-
16 portable (AN/TPY-2).

17 (E) Command, Control, Battle Manage-
18 ment, and Communications.

19 (F) Sea-Based X-band radar.

20 (G) Upgraded Early Warning radars.

21 **SEC. 224. LIMITATION ON USE OF FUNDS FOR REPLACING**
22 **WARHEAD ON SM-3 BLOCK IIA MISSILE.**

23 None of the funds appropriated or otherwise made
24 available pursuant to an authorization of appropriations
25 in this Act may be obligated or expended to replace the



1 unitary warhead on the SM-3 Block IIA missile with the
2 Multiple Kill Vehicle until after the Secretary of Defense
3 certifies to Congress that—

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

7 (2) replacing the unitary warhead on the SM-
8 3 Block IIA missile with the Multiple Kill Vehicle
9 will not delay the expected deployment date of
10 2014–2015 for that missile.

11 **SEC. 225. EXTENSION OF COMPTROLLER GENERAL ASSESS-**
12 **MENTS OF BALLISTIC MISSILE DEFENSE PRO-**
13 **GRAMS.**

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

17 (1) in paragraph (1), by striking “through
18 2008” and inserting “through 2013”; and

19 (2) in paragraph (2), by striking “through
20 2009” and inserting “through 2014”.



1 **SEC. 226. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **PROCUREMENT, CONSTRUCTION, AND DE-**
3 **PLOYMENT OF MISSILE DEFENSES IN EU-**
4 **ROPE.**

5 (a) GENERAL LIMITATION.—No funds authorized to
6 be appropriated by this Act may be obligated or expended
7 for procurement, site activation, construction, preparation
8 of equipment for, or deployment of a long-range missile
9 defense system in Europe until the following conditions
10 have been met:

11 (1) The governments of the countries in which
12 major components of such missile defense system
13 (including interceptors and associated radars) are
14 proposed to be deployed have each given final ap-
15 proval to any missile defense agreements negotiated
16 between such governments and the United States
17 Government concerning the proposed deployment of
18 such components in their countries.

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

22 (b) ADDITIONAL LIMITATION.—In addition to the
23 limitation in subsection (a), no funds authorized to be ap-
24 propriated by this Act may be obligated or expended for
25 the acquisition or deployment of operational missiles of a
26 long-range missile defense system in Europe until the Sec-



1 retary of Defense, after receiving the views of the Director
2 of Operational Test and Evaluation, submits to Congress
3 a report certifying that the proposed interceptor to be de-
4 ployed as part of such missile defense system has dem-
5 onstrated, through successful, operationally realistic flight
6 testing, a high probability of working in an operationally
7 effective manner.

8 (c) REPORT ON INDEPENDENT ASSESSMENT FOR
9 BALLISTIC MISSILE DEFENSE IN EUROPE.—

10 (1) INDEPENDENT ASSESSMENT.—Not later
11 than 30 days after the date of the enactment of this
12 Act, the Secretary of Defense shall select a federally
13 funded research and development center to conduct
14 an independent assessment of options for ballistic
15 missile defense for forward deployed forces of the
16 United States and its allies in Europe and for the
17 United States homeland.

18 (2) ANALYSIS OF ADMINISTRATION PRO-
19 POSAL.—The study shall provide a full analysis of
20 the Administration's proposal to protect forward-de-
21 ployed forces of the United States and its allies in
22 Europe, forward-deployed radars in Europe, and the
23 United States by deploying, in Europe, interceptors
24 and radars of the Ground-Based Midcourse Defense



1 (GMD) system. In providing the analysis, the study
2 shall examine each of the following matters:

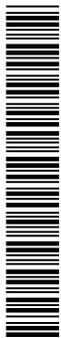
3 (A) The threat to Europe and the United
4 States of ballistic missiles (including short-
5 range, medium-range, intermediate-range, and
6 long-range ballistic missiles) from Iran, includ-
7 ing the likelihood and timing of such threats.

8 (B) The technical capabilities of the sys-
9 tem, as so deployed, to effectively protect for-
10 ward-deployed forces of the United States and
11 its allies in Europe, forward-deployed radars in
12 Europe, and the United States against the
13 threat specified in subparagraph (A).

14 (C) The degree of coverage of the Euro-
15 pean territory of members of the North Atlantic
16 Treaty Organization.

17 (D) The political implications of such a de-
18 ployment on the United States, the North At-
19 lantic Treaty Organization, and other interested
20 parties.

21 (E) Integration and interoperability with
22 North Atlantic Treaty Organization missile de-
23 fenses.



1 (F) The operational issues associated with
2 such a deployment, including operational effec-
3 tiveness.

4 (G) The force structure implications of
5 such a deployment, including a comparative
6 analysis of alternative deployment options.

7 (H) The budgetary implications of such a
8 deployment, including possible allied cost shar-
9 ing, and the cost-effectiveness of such a deploy-
10 ment.

11 (I) Command and control arrangements,
12 including any command and control roles for
13 the United States European Command and the
14 North Atlantic Treaty Organization.

15 (J) Potential opportunities for participa-
16 tion by the Government of Russia.

17 (3) ANALYSIS OF ALTERNATIVES.—The study
18 shall also provide a full analysis of alternative sys-
19 tems that could be deployed to fulfill, in whole or in
20 part, the protective purposes of the Administration's
21 proposal. The alternative systems shall include a
22 range of feasible combinations of other missile de-
23 fense systems that are available or are expected to
24 be available as of 2015 and 2020. These should in-
25 clude, but not be limited to, the following:



1 (A) The Patriot PAC-3 system.

2 (B) The Medium Extended Air Defense
3 System.

4 (C) The Aegis Ballistic Missile Defense
5 system, with all variants of the Standard Mis-
6 sile-3 interceptor.

7 (D) The Terminal High Altitude Area De-
8 fense (THAAD) system.

9 (E) Forward-Based X-band Transportable
10 (FBX-T) radars.

11 (F) The Kinetic Energy Interceptor (KEI).

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

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

19 (5) COOPERATION OF OTHER AGENCIES.—The
20 Secretary of Defense shall provide the federally
21 funded research and development center selected
22 under paragraph (1) data, analyses, briefings, and
23 other information as the center considers necessary
24 to carry out the assessment described in that para-
25 graph. Furthermore, the Director of National Intel-



1 ligence and the heads of other departments and
2 agencies of the United States Government shall also
3 provide the center the appropriate data, analyses,
4 briefings, and other information necessary for the
5 purpose of carrying out the assessment described in
6 that paragraph.

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

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

19 (d) CONSTRUCTION.—Nothing in this section shall be
20 construed to limit continuing obligation and expenditure
21 of funds for missile defense, including for research and
22 development and for other activities not otherwise limited
23 by subsection (a) or (b), including, but not limited to, site
24 surveys, studies, analysis, and planning and design for the
25 proposed missile defense deployment in Europe.



1 **SEC. 227. SENSE OF CONGRESS ON MISSILE DEFENSE CO-**
2 **OPERATION WITH ISRAEL.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the United States should have an active pro-
5 gram of ballistic missile defense cooperation with Israel,
6 and should take steps to improve the coordination, inter-
7 operability, and integration of United States and Israeli
8 missile defense capabilities, and to enhance the capability
9 of both nations to defend against ballistic missile threats
10 present in the Middle East region.

11 (b) REPORT.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the Sec-
14 retary of Defense shall submit to the congressional
15 defense committees a report on the status of missile
16 defense cooperation between the United States and
17 Israel.

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

20 (A) A description of the current program
21 of ballistic missile defense cooperation between
22 the United States and Israel, including its ob-
23 jectives and results to date.

24 (B) A description of steps taken within the
25 previous five years to improve the interoper-



1 ability and coordination of the missile defense
2 capabilities of the United States and Israel.

3 (C) A description of steps planned to be
4 taken by the governments of the United States
5 and Israel in the future to improve the coordi-
6 nation, interoperability, and integration of their
7 missile defense capabilities.

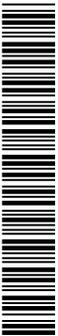
8 (D) A description of joint efforts of the
9 United States and Israel to develop ballistic
10 missile defense technologies.

11 (E) A description of joint missile defense
12 exercises and training that have been conducted
13 by the United States and Israel, and the lessons
14 learned from those exercises.

15 (F) A description of the joint missile de-
16 fense testing activities of the United States and
17 Israel, past and planned, and the benefits of
18 such joint testing activities.

19 (G) A description of how the United States
20 and Israel share threat assessments regarding
21 the ballistic missile threat.

22 (H) Any other matters that the Secretary
23 considers appropriate.



1 **SEC. 228. LIMITATION ON AVAILABILITY OF FUNDS FOR DE-**
2 **PLOYMENT OF MISSILE DEFENSE INTERCEP-**
3 **TORS IN ALASKA.**

4 None of the funds authorized to be appropriated by
5 this Act may be obligated or expended to deploy more than
6 40 Ground-Based Interceptors at Fort Greely, Alaska,
7 until the Secretary of Defense, after receiving the views
8 of the Director of Operational Test and Evaluation, sub-
9 mits to Congress a certification that the Block 2006
10 Ground-based Midcourse Defense element of the Ballistic
11 Missile Defense System has demonstrated, through oper-
12 ationally realistic end-to-end flight testing, that it has a
13 high probability of working in an operationally effective
14 manner.

15 **SEC. 229. POLICY OF THE UNITED STATES ON PROTECTION**
16 **OF THE UNITED STATES AND ITS ALLIES**
17 **AGAINST IRANIAN BALLISTIC MISSILES.**

18 (a) FINDING.—Congress finds that Iran maintains a
19 nuclear program in continued defiance of the international
20 community while developing ballistic missiles of increasing
21 sophistication and range that—

22 (1) pose a threat to—

23 (A) the forward-deployed forces of the
24 United States;

25 (B) North Atlantic Treaty Organization
26 (NATO) allies in Europe; and



1 (C) other allies and friendly foreign coun-
2 tries in the region; and

3 (2) eventually could pose a threat to the United
4 States homeland.

5 (b) POLICY OF THE UNITED STATES.—It is the pol-
6 icy of the United States—

7 (1) to develop, test, and deploy, as soon as tech-
8 nologically feasible, in conjunction with allies and
9 friendly foreign countries whenever possible, an ef-
10 fective defense against the threat from Iran de-
11 scribed in subsection (a) that will provide
12 protection—

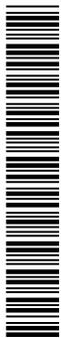
13 (A) for the forward-deployed forces of the
14 United States, NATO allies, and other allies
15 and friendly foreign countries in the region; and

16 (B) for the United States homeland;

17 (2) to encourage the NATO alliance to accel-
18 erate its efforts to—

19 (A) protect NATO territory in Europe
20 against the existing threat of Iranian short- and
21 medium-range ballistic missiles; and

22 (B) facilitate the ability of NATO allies to
23 acquire the missile defense systems needed to
24 provide a wide-area defense capability against
25 short- and medium-range ballistic missiles; and



1 (3) to proceed with the activities specified in
2 paragraphs (1) and (2) in a manner such that any
3 missile defense systems fielded by the United States
4 in Europe are integrated with or complementary to
5 missile defense systems fielded by NATO in Europe.

6 **Subtitle D—Other Matters**

7 **SEC. 231. COORDINATION OF HUMAN SYSTEMS INTEGRA-**
8 **TION ACTIVITIES RELATED TO ACQUISITION**
9 **PROGRAMS.**

10 (a) IN GENERAL.—The Secretary of Defense, acting
11 through the Under Secretary of Defense for Acquisition,
12 Technology, and Logistics, shall coordinate and manage
13 human systems integration activities throughout the ac-
14 quisition programs of the Department of Defense.

15 (b) ADMINISTRATION.—In carrying out subsection
16 (a), the Secretary shall designate a senior official to be
17 responsible for the effort.

18 (c) RESPONSIBILITIES.—In carrying out this section,
19 the senior official designated in subsection (b) shall—

20 (1) coordinate the planning, management, and
21 execution of such activities; and

22 (2) identify and recommend, as appropriate, re-
23 source requirements for human systems integration
24 activities.



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

4 **SEC. 232. EXPANSION OF AUTHORITY FOR PROVISION OF**
5 **LABORATORY FACILITIES, SERVICES, AND**
6 **EQUIPMENT.**

7 Section 2539b of title 10, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) in paragraph (2) by striking “and” at
11 the end;

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

14 (C) by adding at the end the following:

15 “(4) make available to any person or entity,
16 through leases, contracts, or other appropriate ar-
17 rangements, facilities, services, and equipment of
18 any government laboratory, research center, or
19 range, if the facilities, services, and equipment pro-
20 vided will not be in direct competition with the do-
21 mestic private sector.”;

22 (2) in subsection (c)—

23 (A) by striking “for services”; and

24 (B) by striking “subsection (a)(3)” and in-
25 serting “subsections (a)(3) and (a)(4)”; and



1 (3) in subsection (d)—

2 (A) by striking “for services made avail-
3 able”; and

4 (B) by striking “subsection (a)(3)” and in-
5 serting “subsections (a)(3) and (a)(4)”.

6 **SEC. 233. MODIFICATION OF COST SHARING REQUIREMENT**
7 **FOR TECHNOLOGY TRANSITION INITIATIVE.**

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

10 “(2) The amount of funds provided to a project under
11 paragraph (1) by the military department or Defense
12 Agency concerned shall be the appropriate share of the
13 military department or Defense Agency, as the case may
14 be, of the cost of the project, as determined by the Man-
15 ager.”.

16 **SEC. 234. REPORT ON IMPLEMENTATION OF MANUFAC-**
17 **TURING TECHNOLOGY PROGRAM.**

18 (a) REPORT REQUIRED.—Not later than September
19 1, 2008, the Secretary of Defense shall submit to the
20 Committee on Armed Services of the Senate and the Com-
21 mittee on Armed Services of the House of Representatives
22 a report on the implementation of the technologies and
23 processes developed under the Manufacturing Technology
24 Program required by section 2521 of title 10, United
25 States Code.



1 (b) ELEMENTS.—The report shall identify each tech-
2 nology or process implemented and, for each such tech-
3 nology or process, shall identify—

4 (1) the project of the Manufacturing Tech-
5 nology Program through which the technology or
6 process was developed, the Federal and non-Federal
7 participants in that project, and the duration of the
8 project;

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

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

14 (A) funds provided by military depart-
15 ments and Defense Agencies under the Manu-
16 facturing Technology Program;

17 (B) funds provided by the Department of
18 Defense, or any element of the Department, to
19 co-develop the technology or process;

20 (C) to the maximum extent practicable,
21 funds provided by the Department of Defense,
22 or any element of the Department, to—

23 (i) mature the technology or process
24 prior to transition to the Manufacturing
25 Technology Program; and



1 (ii) provide for the implementation of
2 the technology or process;

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

5 (5) if applicable, the total value of cost avoid-
6 ance or cost savings directly attributable to the im-
7 plementation of the technology or process; and

8 (6) a description of any system performance en-
9 hancements, technology performance enhancements,
10 or improvements in a manufacturing readiness level
11 of a system or a technology.

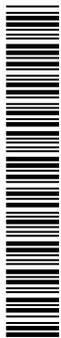
12 (c) DEFINITION.—For purposes of this section, the
13 term “implementation” refers to—

14 (1) the use of a technology or process in the
15 manufacture of defense materiel;

16 (2) the inclusion of a technology or process in
17 the systems engineering plan for a program of
18 record; or

19 (3) the use of a technology or process for the
20 manufacture of commercial items.

21 (d) SCOPE.—The report shall include technologies or
22 processes developed with funds appropriated or otherwise
23 made available for the Manufacturing Technology pro-
24 grams of the military departments and Defense Agencies
25 for fiscal years 2003 through 2005.



1 **SEC. 235. ASSESSMENT OF SUFFICIENCY OF TEST AND**
2 **EVALUATION PERSONNEL.**

3 (a) **ASSESSMENT REQUIRED.**—The Director of Oper-
4 ational Test and Evaluation shall assess whether the Di-
5 rector’s professional staff meets the requirement of section
6 139(j) of title 10, United States Code, that the staff be
7 sufficient to carry out the Director’s duties and respon-
8 sibilities.

9 (b) **INCLUSION IN REPORT.**—The Director shall in-
10 clude the results of the assessment in the report, required
11 by section 139(g) of title 10, United States Code, summa-
12 rizing the operational test and evaluation activities during
13 fiscal year 2007.

14 **SEC. 236. REPEAL OF REQUIREMENT FOR SEPARATE RE-**
15 **PORTS ON TECHNOLOGY AREA REVIEW AND**
16 **ASSESSMENT SUMMARIES.**

17 Subsection (c) of section 253 of the National Defense
18 Authorization Act for Fiscal Year 2006 (Public Law 109–
19 163; 119 Stat. 3179; 10 U.S.C. 2501 note) is repealed.

20 **SEC. 237. MODIFICATION OF NOTICE AND WAIT REQUIRE-**
21 **MENT FOR OBLIGATION OF FUNDS FOR FOR-**
22 **EIGN COMPARATIVE TEST PROGRAM.**

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

25 “(3) The Director of Defense Research and Engi-
26 neering shall notify the congressional defense committees



1 of the intent to obligate funds made available to carry out
2 this subsection not less than 7 days before such funds are
3 obligated.”.

4 **SEC. 238. STRATEGIC PLAN FOR THE MANUFACTURING**
5 **TECHNOLOGY PROGRAM.**

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

9 “(e) FIVE-YEAR STRATEGIC PLAN.—(1) The Sec-
10 retary shall develop a plan for the program that includes
11 the following:

12 “(A) The overall manufacturing technology
13 goals, milestones, priorities, and investment strategy
14 for the program.

15 “(B) The objectives of, and funding for, the
16 program for each military department and each De-
17 fense Agency that shall participate in the program
18 during the period of the plan.

19 “(2) The Secretary shall include in the plan mecha-
20 nisms for assessing the effectiveness of the program under
21 the plan.

22 “(3) The Secretary shall update the plan on a bien-
23 nial basis.

24 “(4) Each plan, and each update to the plan, shall
25 cover a period of five fiscal years.”.



1 (b) INITIAL DEVELOPMENT AND SUBMISSION OF
2 PLAN.—

3 (1) DEVELOPMENT.—The Secretary of Defense
4 shall develop the strategic plan required by sub-
5 section (e) of section 2521 of title 10, United States
6 Code (as added by subsection (a) of this section), so
7 that the plan goes into effect at the beginning of fis-
8 cal year 2009.

9 (2) SUBMISSION.—Not later than the date on
10 which the budget of the President for fiscal year
11 2010 is submitted to Congress under section 1105
12 of title 31, United States Code, the Secretary shall
13 submit to the Committee on Armed Services of the
14 Senate and the Committee on Armed Services of the
15 House of Representatives the plan specified in para-
16 graph (1).

17 **SEC. 239. MODIFICATION OF AUTHORITIES ON COORDINA-**
18 **TION OF DEFENSE EXPERIMENTAL PROGRAM**
19 **TO STIMULATE COMPETITIVE RESEARCH**
20 **WITH SIMILAR FEDERAL PROGRAMS.**

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



1 **SEC. 240. ENHANCEMENT OF DEFENSE NANOTECHNOLOGY**
2 **RESEARCH AND DEVELOPMENT PROGRAM.**

3 (a) PROGRAM PURPOSES.—Subsection (b) of section
4 246 of the Bob Stump National Defense Authorization
5 Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat.
6 2500; 10 U.S.C. 2358 note) is amended—

7 (1) in paragraph (2), by striking “in nanoscale
8 research and development” and inserting “in the
9 National Nanotechnology Initiative and with the Na-
10 tional Nanotechnology Coordination Office under
11 section 3 of the 21st Century Nanotechnology Re-
12 search and Development Act (15 U.S.C. 7502)”; and

13 (2) in paragraph (3), by striking “portfolio of
14 fundamental and applied nanoscience and engineer-
15 ing research initiatives” and inserting “portfolio of
16 nanotechnology research and development initia-
17 tives”.

18 (b) PROGRAM ADMINISTRATION.—

19 (1) ADMINISTRATION THROUGH UNDER SEC-
20 RETARY OF DEFENSE FOR ACQUISITION, TECH-
21 NOLOGY, AND LOGISTICS.—Subsection (c) of such
22 section is amended—

23 (A) by striking “the Director of Defense
24 Research and Engineering” and inserting “the
25 Under Secretary of Defense for Acquisition,
26 Technology, and Logistics”; and



1 (B) by striking “The Director” and insert-
2 ing “The Under Secretary”.

3 (2) OTHER ADMINISTRATIVE MATTERS.—Such
4 subsection is further amended—

5 (A) in paragraph (2), by striking “the De-
6 partment’s increased investment in
7 nanotechnology research and development and
8 the National Nanotechnology Initiative; and”
9 and inserting “investments by the Department
10 and other departments and agencies partici-
11 pating in the National Nanotechnology Initia-
12 tive in nanotechnology research and develop-
13 ment;”;

14 (B) in paragraph (3), by striking the pe-
15 riod at the end and inserting “; and”; and

16 (C) by adding at the end the following new
17 paragraph:

18 “(4) oversee Department of Defense participa-
19 tion in interagency coordination of the program with
20 other departments and agencies participating in the
21 National Nanotechnology Initiative.”.

22 (c) PROGRAM ACTIVITIES.—Such section is further
23 amended—

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



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

3 “(d) STRATEGIC PLAN.—The Under Secretary shall
4 develop and maintain a strategic plan for defense
5 nanotechnology research and development that—

6 “(1) is integrated with the strategic plan for
7 the National Nanotechnology Initiative and the stra-
8 tegic plans of the Director of Defense Research and
9 Engineering, the military departments, and the De-
10 fense Agencies; and

11 “(2) includes a clear strategy for transitioning
12 the research into products needed by the Depart-
13 ment.”.

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

16 “(e) REPORTS.—

17 “(1) IN GENERAL.—Not later than March 1 of
18 each of 2009, 2011, and 2013, the Under Secretary
19 of Defense for Acquisition, Technology, and Logis-
20 tics shall submit to the congressional defense com-
21 mittees a report on the program.

22 “(2) MATTERS INCLUDED.—Each report under
23 paragraph (1) shall include the following:

24 “(A) A review of—



1 “(i) the long-term challenges and spe-
2 cific technical goals of the program; and

3 “(ii) the progress made toward meet-
4 ing such challenges and achieving such
5 goals.

6 “(B) An assessment of current and pro-
7 posed funding levels for the program, including
8 an assessment of the adequacy of such funding
9 levels to support program activities.

10 “(C) A review of the coordination of activi-
11 ties under the program within the Department
12 of Defense, with other departments and agen-
13 cies of the United States, and with the National
14 Nanotechnology Initiative.

15 “(D) A review and analysis of the findings
16 and recommendations relating to the Depart-
17 ment of Defense of the most recent triennial ex-
18 ternal review of the National Nanotechnology
19 Program under section 5 of the 21st Century
20 Nanotechnology Research and Development Act
21 (15 U.S.C. 1704), and a description of initia-
22 tives of the Department to implement such rec-
23 ommendations.

24 “(E) An assessment of technology transi-
25 tion from nanotechnology research and develop-



1 ment to enhanced warfighting capabilities, in-
2 cluding contributions from the Department of
3 Defense Small Business Innovative Research
4 and Small Business Technology Transfer Re-
5 search programs, and the Department of De-
6 fense Manufacturing Technology program, and
7 an identification of acquisition programs and
8 deployed defense systems that are incorporating
9 nanotechnologies.

10 “(F) An assessment of global
11 nanotechnology research and development in
12 areas of interest to the Department, including
13 an identification of the use of nanotechnologies
14 in any foreign defense systems.

15 “(G) An assessment of the defense
16 nanotechnology manufacturing and industrial
17 base and its capability to meet the near and far
18 term requirements of the Department.

19 “(H) Such recommendations for additional
20 activities under the program to meet emerging
21 national security requirements as the Under
22 Secretary considers appropriate.

23 “(3) CLASSIFICATION.—Each report under
24 paragraph (1) shall be submitted in unclassified
25 form, but may include a classified annex.”



1 **SEC. 241. FEDERALLY FUNDED RESEARCH AND DEVELOP-**
2 **MENT CENTER ASSESSMENT OF THE DE-**
3 **FENSE EXPERIMENTAL PROGRAM TO STIMU-**
4 **LATE COMPETITIVE RESEARCH.**

5 (a) **ASSESSMENT REQUIRED.**—The Secretary of De-
6 fense shall—

7 (1) utilize a defense federally funded research
8 and development center to carry out an assessment
9 of the effectiveness of the Defense Experimental
10 Program to Stimulate Competitive Research; and

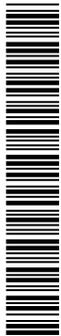
11 (2) not later than nine months after the date
12 of the enactment of this Act, submit to the Commit-
13 tees on Armed Services of the Senate and the House
14 of Representatives a report on that assessment.

15 (b) **MATTERS ASSESSED.**—The report under sub-
16 section (a) shall include the following:

17 (1) A description and assessment of the tan-
18 gible results and progress toward the objectives of
19 the program, including—

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

24 (B) an assessment of whether the program
25 has expanded the national research infrastruc-
26 ture.



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

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

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

13 (5) An analysis of the advantages and disadvan-
14 tages of having an institution-based formula for
15 qualification to participate in the program when
16 compared with the advantages and disadvantages of
17 having a State-based formula for qualification to
18 participate in supporting defense missions and the
19 objective of expanding the Nation's defense research
20 infrastructure.

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



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

3 (7) Any other matters the Secretary considers
4 appropriate.

5 **SEC. 242. COST-BENEFIT ANALYSIS OF PROPOSED FUNDING**
6 **REDUCTION FOR HIGH ENERGY LASER SYS-**
7 **TEMS TEST FACILITY.**

8 (a) REPORT REQUIRED.—Not later than 90 days
9 after the date of the enactment of this Act, the Secretary
10 of Defense shall submit to the congressional defense com-
11 mittees a report containing a cost-benefit analysis of the
12 proposed reduction in Army research, development, test,
13 and evaluation funding for the High Energy Laser Sys-
14 tems Test Facility.

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

21 **SEC. 243. PROMPT GLOBAL STRIKE.**

22 (a) RESEARCH, DEVELOPMENT, AND TESTING
23 PLAN.—The Secretary of Defense shall submit to the con-
24 gressional defense committees a research, development,



1 and testing plan for prompt global strike program objec-
2 tives for fiscal years 2008 through 2013.

3 (b) PLAN FOR OBLIGATION AND EXPENDITURE OF
4 FUNDS.—

5 (1) IN GENERAL.—The Under Secretary of De-
6 fense for Acquisition, Technology, and Logistics
7 shall submit to the congressional defense committees
8 a plan for obligation and expenditure of funds avail-
9 able for prompt global strike for fiscal year 2008.
10 The plan shall include correlations between each
11 technology application being developed in fiscal year
12 2008 and the prompt global strike alternative or al-
13 ternatives toward which the technology application
14 applies.

15 (2) LIMITATION.—The Under Secretary shall
16 not implement the plan required by paragraph (1)
17 until at least 10 days after the plan is submitted as
18 required by that paragraph.

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

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Reimbursement of Environmental Protection Agency for certain costs
in connection with Moses Lake Wellfield Superfund Site, Moses
Lake, Washington.

Sec. 312. Reimbursement of Environmental Protection Agency for certain costs
in connection with the Arctic Surplus Superfund Site, Fair-
banks, Alaska.



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- Sec. 313. Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington.
- Sec. 314. Report on control of the brown tree snake.
- Sec. 315. Notification of certain residents and civilian employees at Camp Lejeune, North Carolina, of exposure to drinking water contamination.

Subtitle C—Workplace and Depot Issues

- Sec. 321. Availability of funds in Defense Information Systems Agency Working Capital Fund for technology upgrades to Defense Information Systems Network.
- Sec. 322. Modification to public-private competition requirements before conversion to contractor performance.
- Sec. 323. Public-private competition at end of period specified in performance agreement not required.
- Sec. 324. Guidelines on insourcing new and contracted out functions.
- Sec. 325. Restriction on Office of Management and Budget influence over Department of Defense public-private competitions.
- Sec. 326. Bid protests by Federal employees in actions under Office of Management and Budget Circular A-76.
- Sec. 327. Public-private competition required before conversion to contractor performance.
- Sec. 328. Extension of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
- Sec. 329. Reauthorization and modification of multi-trades demonstration project.
- Sec. 330. Pilot program for availability of working-capital funds to Army for certain product improvements.

Subtitle D—Extension of Program Authorities

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

Subtitle E—Reports

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



- Sec. 360. Report on search and rescue capabilities of the Air Force in the northwestern United States.
- Sec. 361. Report and master infrastructure recapitalization plan for Cheyenne Mountain Air Station, Colorado.

Subtitle F—Other Matters

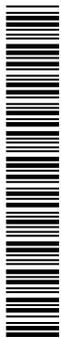
- Sec. 371. Enhancement of corrosion control and prevention functions within Department of Defense.
- Sec. 372. Authority for Department of Defense to provide support for certain sporting events.
- Sec. 373. Authority to impose reasonable restrictions on payment of full replacement value for lost or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

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

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

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

- 9 (1) For the Army, \$28,787,219,000.
- 10 (2) For the Navy, \$33,355,683,000.
- 11 (3) For the Marine Corps, \$4,967,193,000.
- 12 (4) For the Air Force, \$33,118,462,000.
- 13 (5) For Defense-wide activities,
 14 \$22,500,253,000.
- 15 (6) For the Army Reserve, \$2,509,862,000.



- 1 (7) For the Navy Reserve, \$1,186,883,000.
- 2 (8) For the Marine Corps Reserve,
3 \$208,637,000.
- 4 (9) For the Air Force Reserve, \$2,821,817,000.
- 5 (10) For the Army National Guard,
6 \$5,857,409,000.
- 7 (11) For the Air National Guard,
8 \$5,456,668,000.
- 9 (12) For the United States Court of Appeals
10 for the Armed Forces, \$11,971,000.
- 11 (13) For Environmental Restoration, Army,
12 \$434,879,000.
- 13 (14) For Environmental Restoration, Navy,
14 \$300,591,000.
- 15 (15) For Environmental Restoration, Air Force,
16 \$458,428,000.
- 17 (16) For Environmental Restoration, Defense-
18 wide, \$12,751,000.
- 19 (17) For Environmental Restoration, Formerly
20 Used Defense Sites, \$270,249,000.
- 21 (18) For Overseas Humanitarian, Disaster, and
22 Civic Aid programs, \$103,300,000.
- 23 (19) For Former Soviet Union Threat Reduc-
24 tion programs, \$428,048,000.



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

3 **Subtitle B—Environmental**
4 **Provisions**

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

10 (a) AUTHORITY TO REIMBURSE.—

11 (1) TRANSFER AMOUNT.—Using funds de-
12 scribed in subsection (b), the Secretary of Defense
13 may, notwithstanding section 2215 of title 10,
14 United States Code, transfer not more than
15 \$91,588.51 to the Moses Lake Wellfield Superfund
16 Site 10–6J Special Account.

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



1 may, notwithstanding section 2215 of title 10,
2 United States Code, transfer not more than
3 \$40,000.00 to the Hazardous Substance Superfund.

4 (2) PURPOSE OF TRANSFER.—The payment
5 under paragraph (1) is to pay a stipulated penalty
6 assessed by the Environmental Protection Agency on
7 October 25, 2005, against the Jackson Park Hous-
8 ing Complex, Washington, for the failure by the
9 Navy to timely submit a draft final Phase II Reme-
10 dial Investigation Work Plan for the Jackson Park
11 Housing Complex Operable Unit (OU-3T-JPHC)
12 pursuant to a schedule included in an Interagency
13 Agreement (Administrative Docket No. CERCLA-
14 10-2005-0023).

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

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

23 **SEC. 314. REPORT ON CONTROL OF THE BROWN TREE**
24 **SNAKE.**

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



1 (1) The brown tree snake (*Boiga irregularis*),
2 an invasive species, is found in significant numbers
3 on military installations and in other areas on
4 Guam, and constitutes a serious threat to the ecol-
5 ogy of Guam.

6 (2) If introduced into Hawaii, the Common-
7 wealth of the Northern Mariana Islands, or the con-
8 tinental United States, the brown tree snake would
9 pose an immediate and serious economic and ecologi-
10 cal threat.

11 (3) The most probable vector for the introduc-
12 tion of the brown tree snake into Hawaii, the Com-
13 monwealth of the Northern Mariana Islands, or the
14 continental United States is the movement from
15 Guam of military aircraft, personnel, and cargo, in-
16 cluding the household goods of military personnel
17 and other military assets.

18 (4) It is probable that the movement of military
19 aircraft, personnel, and cargo, including the house-
20 hold goods of military personnel, from Guam to Ha-
21 waii, the Commonwealth of the Northern Mariana
22 Islands, or the continental United States will in-
23 crease significantly coincident with the increase in
24 the number of military units and personnel stationed
25 on Guam.



1 (5) Current policies, programs, procedures, and
2 dedicated resources of the Department of Defense
3 and of other departments and agencies of the United
4 States may not be sufficient to adequately address
5 the management, control, and eradication of the
6 brown tree snake on Guam and the increasing threat
7 of the introduction of the brown tree snake from
8 Guam into Hawaii, the Commonwealth of the North-
9 ern Mariana Islands, the continental United States,
10 or other non-native environments.

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

15 (1) The actions currently being taken (including
16 the resources being made available) by the Depart-
17 ment of Defense to control, and to develop new or
18 existing techniques to control, the brown tree snake
19 on Guam and to prevent the introduction of the
20 brown tree snake into Hawaii, the Commonwealth of
21 the Northern Mariana Island, the continental United
22 States, or any other non-native environment as a re-
23 sult of the movement from Guam of military air-
24 craft, personnel, and cargo, including the household
25 goods of military personnel and other military as-



1 sets. Such actions shall include any actions taken by
2 the Department of Defense to implement the rec-
3 ommendations of the Brown Tree Snake Review
4 Panel commissioned by the Department of the Inte-
5 rior, as contained in the Review Panel's final report
6 entitled "Review of Brown Tree Snake Problems and
7 Control Programs" published in March 2005.

8 (2) Current plans for enhanced future actions,
9 policies, and procedures and increased levels of re-
10 sources in order to ensure that the projected in-
11 crease of military personnel stationed on Guam does
12 not increase the threat of introduction of the brown
13 tree snake from Guam into Hawaii, the Common-
14 wealth of the Northern Mariana Islands, the conti-
15 nental United States, or other non-native environ-
16 ments.

17 (3) The results of management, control, and
18 eradication carried out by the Secretary of Defense,
19 in consultation with the Secretary of the Interior,
20 before the date on which the report is submitted
21 with respect to brown tree snakes through the inte-
22 grated natural resource management plans prepared
23 for military installations in Guam under the pilot
24 program authorized by section 101(g) of the Sikes
25 Act (16 U.S.C. 670a(g)).



1 **SEC. 315. NOTIFICATION OF CERTAIN RESIDENTS AND CI-**
2 **VILIAN EMPLOYEES AT CAMP LEJEUNE,**
3 **NORTH CAROLINA, OF EXPOSURE TO DRINK-**
4 **ING WATER CONTAMINATION.**

5 (a) NOTIFICATION OF INDIVIDUALS SERVED BY
6 TARAWA TERRACE WATER DISTRIBUTION SYSTEM, IN-
7 CLUDING KNOX TRAILER PARK.—Not later than 1 year
8 after the date of the enactment of this Act, the Secretary
9 of the Navy shall make reasonable efforts to identify and
10 notify directly individuals who were served by the Tarawa
11 Terrace Water Distribution System, including Knox Trail-
12 er Park, at Camp Lejeune, North Carolina, during the
13 years 1958 through 1987 that they may have been ex-
14 posed to drinking water contaminated with
15 tetrachloroethylene (PCE).

16 (b) NOTIFICATION OF INDIVIDUALS SERVED BY
17 HADNOT POINT WATER DISTRIBUTION SYSTEM.—Not
18 later than 1 year after the Agency for Toxic Substances
19 and Disease Registry (ATSDR) completes its water mod-
20 eling study of the Hadnot Point water distribution system,
21 the Secretary of the Navy shall make reasonable efforts
22 to identify and notify directly individuals who were served
23 by the system during the period identified in the study
24 of the drinking water contamination to which they may
25 have been exposed.



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

9 (d) CIRCULATION OF HEALTH SURVEY.—

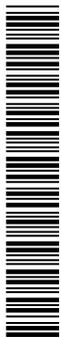
10 (1) FINDINGS.—Congress makes the following
11 findings:

12 (A) Notification and survey efforts related
13 to the drinking water contamination described
14 in this section are necessary due to the poten-
15 tial negative health impacts of these contami-
16 nants.

17 (B) The Secretary of the Navy will not be
18 able to identify or contact all former residents
19 and former employees due to the condition,
20 non-existence, or accessibility of records.

21 (C) It is the intent of Congress that the
22 Secretary of the Navy contact as many former
23 residents and former employees as quickly as
24 possible.

25 (2) ATSDR HEALTH SURVEY.—



1 (A) DEVELOPMENT.—

2 (i) IN GENERAL.—Not later than 120
3 days after the date of the enactment of
4 this Act, the ATSDR, in consultation with
5 a well-qualified contractor selected by the
6 ATSDR, shall develop a health survey that
7 would voluntarily request of individuals de-
8 scribed in subsections (a), (b), and (c) per-
9 sonal health information that may lead to
10 scientifically useful health information as-
11 sociated with exposure to trichloroethylene
12 (TCE), PCE, vinyl chloride, and the other
13 contaminants identified in the ATSDR
14 studies that may provide a basis for fur-
15 ther reliable scientific studies of potentially
16 adverse health impacts of exposure to con-
17 taminated water at Camp Lejeune.

18 (ii) FUNDING.—The Secretary of the
19 Navy is authorized to provide from avail-
20 able funds the necessary funding for the
21 ATSDR to develop the health survey.

22 (B) INCLUSION WITH NOTIFICATION.—The
23 survey developed under subparagraph (A) shall
24 be distributed by the Secretary of the Navy



1 concurrently with the direct notification re-
2 quired under subsections (a), (b), and (c).

3 (e) USE OF MEDIA TO SUPPLEMENT NOTIFICA-
4 TION.—The Secretary of the Navy may use media notifica-
5 tion as a supplement to direct notification of individuals
6 described under subsections (a), (b), and (c). Media notifi-
7 cation may reach those individuals not identifiable via re-
8 maining records. Once individuals respond to media notifi-
9 cations, the Secretary will add them to the contact list
10 to be included in future information updates.

11 **Subtitle C—Workplace and Depot** 12 **Issues**

13 **SEC. 321. AVAILABILITY OF FUNDS IN DEFENSE INFORMA-** 14 **TION SYSTEMS AGENCY WORKING CAPITAL** 15 **FUND FOR TECHNOLOGY UPGRADES TO DE-** 16 **FENSE INFORMATION SYSTEMS NETWORK.**

17 (a) IN GENERAL.—Notwithstanding section 2208 of
18 title 10, United States Code, funds in the Defense Infor-
19 mation Systems Agency Working Capital Fund may be
20 used for expenses directly related to technology upgrades
21 to the Defense Information Systems Network.

22 (b) LIMITATION ON CERTAIN PROJECTS.—Funds
23 may not be used under subsection (a) for—



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

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

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

12 (1) beginning on the date specified in para-
13 graph (2) of subsection (d); and

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

16 (d) ANNUAL REPORT.—

17 (1) IN GENERAL.—The Director of the Defense
18 Information Systems Agency shall submit to the
19 congressional defense committees each fiscal year a
20 report on the use of the authority in subsection (a)
21 during the preceding fiscal year.

22 (2) DEADLINE FOR SUBMITTAL.—The report
23 required by paragraph (1) in a fiscal year shall be
24 submitted not later than 60 days after the date of
25 the submittal to Congress of the budget of the Presi-



1 dent for the succeeding fiscal year pursuant to sec-
2 tion 1105 of title 31, United States Code.

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

5 **SEC. 322. MODIFICATION TO PUBLIC-PRIVATE COMPETI-**
6 **TION REQUIREMENTS BEFORE CONVERSION**
7 **TO CONTRACTOR PERFORMANCE.**

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

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

13 (2) by redesignating subparagraph (G) as sub-
14 paragraph (H); and

15 (3) by inserting after subparagraph (F) the fol-
16 lowing new subparagraph (G):

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

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



1 “(ii) offering to such workers an employer-
2 sponsored health benefits plan that requires the
3 employer to contribute less towards the pre-
4 mium or subscription share than the amount
5 that is paid by the Department of Defense for
6 health benefits for civilian employees of the De-
7 partment under chapter 89 of title 5; or

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

13 (b) CONFORMING AMENDMENTS.—Such title is fur-
14 ther amended—

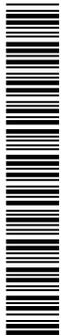
15 (1) by striking section 2467; and

16 (2) in section 2461—

17 (A) by redesignating subsections (b)
18 through (d) as subsections (c) through (e), re-
19 spectively; and

20 (B) by inserting after subsection (a) the
21 following new subsection (b):

22 “(b) REQUIREMENT TO CONSULT DOD EMPLOY-
23 EES.—(1) Each officer or employee of the Department of
24 Defense responsible for determining under Office of Man-
25 agement and Budget Circular A-76 whether to convert to



1 contractor performance any function of the Department
2 of Defense—

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

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

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

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

22 “(C) The Secretary of Defense shall prescribe regula-
23 tions to carry out this subsection. The regulations shall
24 include provisions for the selection or designation of ap-
25 propriate representatives of employees referred to in sub-



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

3 (c) TECHNICAL AMENDMENTS.—Section 2461 of
4 such title, as amended by this section, is further
5 amended—

6 (1) in subsection (a)(1)—

7 (A) in subparagraph (B), by inserting after
8 “2003” the following: “, or any successor cir-
9 cular”; and

10 (B) in subparagraph (D), by striking “and
11 reliability” and inserting “, reliability, and
12 timeliness”; and

13 (2) in subsection (c)(2), as redesignated by sub-
14 section (b)(2), by inserting “of” after “examina-
15 tion”.

16 (d) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 146 of such title is amended
18 by striking the item relating to section 2467.

19 **SEC. 323. PUBLIC-PRIVATE COMPETITION AT END OF PE-**
20 **RIOD SPECIFIED IN PERFORMANCE AGREE-**
21 **MENT NOT REQUIRED.**

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



1 “(4) A military department or Defense Agency may
2 not be required to conduct a public-private competition
3 under Office of Management and Budget Circular A-76
4 or any other provision of law at the end of the perform-
5 ance period specified in a letter of obligation or other
6 agreement entered into with Department of Defense civil-
7 ian employees pursuant to a public-private competition for
8 any function of the Department of Defense performed by
9 Department of Defense civilian employees.”.

10 **SEC. 324. GUIDELINES ON INSOURCING NEW AND CON-**
11 **TRACTED OUT FUNCTIONS.**

12 (a) CODIFICATION AND REVISION OF REQUIREMENT
13 FOR GUIDELINES.—

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

17 **“§ 2463. Guidelines and procedures for use of civilian**
18 **employees to perform Department of De-**
19 **fense functions**

20 “(a) GUIDELINES REQUIRED.—(1) The Under Sec-
21 retary of Defense for Personnel and Readiness shall devise
22 and implement guidelines and procedures to ensure that
23 consideration is given to using, on a regular basis, Depart-
24 ment of Defense civilian employees to perform new func-
25 tions and functions that are performed by contractors and



1 could be performed by Department of Defense civilian em-
2 ployees. The Secretary of a military department may pre-
3 scribe supplemental regulations, if the Secretary deter-
4 mines such regulations are necessary for implementing
5 such guidelines within that military department.

6 “(2) The guidelines and procedures required under
7 paragraph (1) may not include any specific limitation or
8 restriction on the number of functions or activities that
9 may be converted to performance by Department of De-
10 fense civilian employees.

11 “(b) SPECIAL CONSIDERATION FOR CERTAIN FUNC-
12 TIONS.—The guidelines and procedures required under
13 subsection (a) shall provide for special consideration to be
14 given to using Department of Defense civilian employees
15 to perform any function that—

16 “(1) is performed by a contractor and—

17 “(A) has been performed by Department of
18 Defense civilian employees at any time during
19 the previous 10 years;

20 “(B) is a function closely associated with
21 the performance of an inherently governmental
22 function;

23 “(C) has been performed pursuant to a
24 contract awarded on a non-competitive basis; or



1 “(D) has been performed poorly, as deter-
2 mined by a contracting officer during the 5-
3 year period preceding the date of such deter-
4 mination, because of excessive costs or inferior
5 quality; or

6 “(2) is a new requirement, with particular em-
7 phasis given to a new requirement that is similar to
8 a function previously performed by Department of
9 Defense civilian employees or is a function closely
10 associated with the performance of an inherently
11 governmental function.

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

17 “(1) in the case of a new Department of De-
18 fense function, assigning the performance of the
19 function to Department of Defense civilian employ-
20 ees;

21 “(2) in the case of any Department of Defense
22 function described in subsection (b), converting the
23 function to performance by Department of Defense
24 civilian employees; or



1 “(3) in the case of a Department of Defense
2 function performed by Department of Defense civil-
3 ian employees, expanding the scope of the function.

4 “(d) USE OF FLEXIBLE HIRING AUTHORITY.—(1)
5 The Secretary of Defense may use the flexible hiring au-
6 thority available to the Secretary under the National Secu-
7 rity Personnel System, as established pursuant to section
8 9902 of title 5, to facilitate the performance by Depart-
9 ment of Defense civilian employees of functions described
10 in subsection (b).

11 “(2) The Secretary shall make use of the inventory
12 required by section 2330a(c) of this title for the purpose
13 of identifying functions that should be considered for per-
14 formance by Department of Defense civilian employees
15 pursuant to subsection (b).

16 “(e) DEFINITIONS.—In this section the term ‘func-
17 tions closely associated with inherently governmental func-
18 tions’ has the meaning given that term in section
19 2383(b)(3) of this title.”.

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

 “2463. Guidelines and procedures for use of civilian employees to perform De-
 partment of Defense functions.”.



1 and Budget Circular A-76, or any other successor regula-
2 tion, directive, or policy.

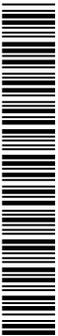
3 (b) RESTRICTION ON SECRETARY OF DEFENSE.—

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

12 (c) INSPECTOR GENERAL REVIEW.—

13 (1) COMPREHENSIVE REVIEW REQUIRED.—The
14 Inspector General of the Department of Defense
15 shall conduct a comprehensive review of the compli-
16 ance of the Secretary of Defense and the Secretaries
17 of the military departments with the requirements of
18 this section during calendar year 2008. The Inspec-
19 tor General shall submit to the congressional defense
20 committees the following reports on the comprehen-
21 sive review:

22 (A) An interim report, to be submitted by
23 not later than 90 days after the date of the en-
24 actment of this Act.



1 (B) A final report, to be submitted by not
2 later than December 31, 2008.

3 (2) INSPECTOR GENERAL ACCESS.—For the
4 purpose of determining compliance with the require-
5 ments of this section, the Secretary of Defense shall
6 ensure that the Inspector General has access to all
7 Department records of relevant communications be-
8 tween Department officials and officials of other de-
9 partments and agencies of the Federal Government,
10 whether such communications occurred inside or
11 outside of the Department.

12 **SEC. 326. BID PROTESTS BY FEDERAL EMPLOYEES IN AC-**
13 **TIONS UNDER OFFICE OF MANAGEMENT AND**
14 **BUDGET CIRCULAR A-76.**

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

18 “(2) The term ‘interested party’—

19 “(A) with respect to a contract or a solici-
20 tation or other request for offers described in
21 paragraph (1), means an actual or prospective
22 bidder or offeror whose direct economic interest
23 would be affected by the award of the contract
24 or by failure to award the contract; and



1 “(B) with respect to a public-private com-
2 petition conducted under Office of Management
3 and Budget Circular A-76 with respect to the
4 performance of an activity or function of a Fed-
5 eral agency, or a decision to convert a function
6 performed by Federal employees to private sec-
7 tor performance without a competition under
8 Office of Management and Budget Circular A-
9 76, includes—

10 “(i) any official who submitted the
11 agency tender in such competition; and

12 “(ii) any one individual who, for the
13 purpose of representing the Federal em-
14 ployees engaged in the performance of the
15 activity or function for which the public-
16 private competition is conducted in a pro-
17 test under this subchapter that relates to
18 such public-private competition, has been
19 designated as the agent of the Federal em-
20 ployees by a majority of such employees.”.

21 (b) EXPEDITED ACTION.—

22 (1) IN GENERAL.—Subchapter V of chapter 35
23 of such title is amended by adding at the end the
24 following new section:



1 **“§ 3557. Expedited action in protests of Public-Pri-**
2 **vate competitions**

3 “For any protest of a public-private competition con-
4 ducted under Office of Management and Budget Circular
5 A-76 with respect to the performance of an activity or
6 function of a Federal agency, the Comptroller General
7 shall administer the provisions of this subchapter in the
8 manner best suited for expediting the final resolution of
9 the protest and the final action in the public-private com-
10 petition.”.

11 (2) CLERICAL AMENDMENT.—The chapter anal-
12 ysis at the beginning of such chapter is amended by
13 inserting after the item relating to section 3556 the
14 following new item:

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

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

18 “(5) If an interested party who is a member of the
19 private sector commences an action described in para-
20 graph (1) with respect to a public-private competition con-
21 ducted under Office of Management and Budget Circular
22 A-76 regarding the performance of an activity or function
23 of a Federal agency, or a decision to convert a function
24 performed by Federal employees to private sector perform-
25 ance without a competition under Office of Management

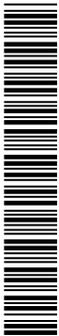


1 and Budget Circular A-76, then an interested party de-
2 scribed in section 3551(2)(B) of title 31 shall be entitled
3 to intervene in that action.”.

4 (d) APPLICABILITY.—Subparagraph (B) of section
5 3551(2) of title 31, United States Code (as added by sub-
6 section (a)), and paragraph (5) of section 1491(b) of title
7 28, United States Code (as added by subsection (c)), shall
8 apply to—

9 (1) a protest or civil action that challenges final
10 selection of the source of performance of an activity
11 or function of a Federal agency that is made pursu-
12 ant to a study initiated under Office of Management
13 and Budget Circular A-76 on or after January 1,
14 2004; and

15 (2) any other protest or civil action that relates
16 to a public-private competition initiated under Office
17 of Management and Budget Circular A-76, or to a
18 decision to convert a function performed by Federal
19 employees to private sector performance without a
20 competition under Office of Management and Budg-
21 et Circular A-76, on or after the date of the enact-
22 ment of this Act.



1 **SEC. 327. PUBLIC-PRIVATE COMPETITION REQUIRED BE-**
2 **FORE CONVERSION TO CONTRACTOR PER-**
3 **FORMANCE.**

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

7 **“SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BE-**
8 **FORE CONVERSION TO CONTRACTOR PER-**
9 **FORMANCE.**

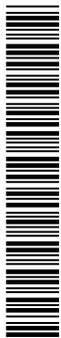
10 “(a) PUBLIC-PRIVATE COMPETITION.—(1) A func-
11 tion of an executive agency performed by 10 or more agen-
12 cy civilian employees may not be converted, in whole or
13 in part, to performance by a contractor unless the conver-
14 sion is based on the results of a public-private competition
15 that—

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

19 “(B) creates an agency tender, including a most
20 efficient organization plan, in accordance with Office
21 of Management and Budget Circular A-76, as im-
22 plemented on May 29, 2003, or any successor cir-
23 cular;

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

25 “(D) determines whether the submitted offers
26 meet the needs of the executive agency with respect



1 to factors other than cost, including quality, reli-
2 ability, and timeliness;

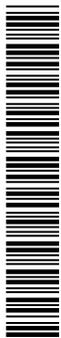
3 “(E) examines the cost of performance of the
4 function by agency civilian employees and the cost of
5 performance of the function by one or more contrac-
6 tors to demonstrate whether converting to perform-
7 ance by a contractor will result in savings to the
8 Government over the life of the contract,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

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

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

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

18 “(F) requires continued performance of the
19 function by agency civilian employees unless the dif-
20 ference in the cost of performance of the function by
21 a contractor compared to the cost of performance of
22 the function by agency civilian employees would,
23 over all performance periods required by the solicita-
24 tion, be equal to or exceed the lesser of—



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

4 “(ii) \$10,000,000; and

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

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

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

15 “(A) modified, reorganized, divided, or in any
16 way changed for the purpose of exempting the con-
17 version of the function from the requirements of this
18 section; or

19 “(B) converted to performance by a contractor
20 to circumvent a civilian personnel ceiling.

21 “(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1)
22 Each civilian employee of an executive agency responsible
23 for determining under Office of Management and Budget
24 Circular A-76 whether to convert to contractor perform-
25 ance any function of the executive agency—



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

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

11 “(2)(A) In the case of employees represented by a
12 labor organization accorded exclusive recognition under
13 section 7111 of title 5, United States Code, consultation
14 with representatives of that labor organization shall sat-
15 isfy the consultation requirement in paragraph (1).

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

20 “(C) The head of each executive agency shall pre-
21 scribe regulations to carry out this subsection. The regula-
22 tions shall include provisions for the selection or designa-
23 tion of appropriate representatives of employees referred
24 to in paragraph (2)(B) for purposes of consultation re-
25 quired by paragraph (1).



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

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

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

9 “(C) The number of agency civilian employee
10 positions potentially affected.

11 “(D) The anticipated length and cost of the
12 public-private competition, and a specific identifica-
13 tion of the budgetary line item from which funds will
14 be used to cover the cost of the public-private com-
15 petition.

16 “(E) A certification that a proposed perform-
17 ance of the function by a contractor is not a result
18 of a decision by an official of an executive agency to
19 impose predetermined constraints or limitations on
20 such employees in terms of man years, end
21 strengths, full-time equivalent positions, or max-
22 imum number of employees.

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



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

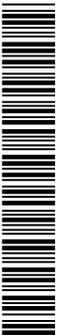
3 “(B) the local community and the Government,
4 if more than 50 agency civilian employees perform
5 the function.

6 “(3)(A) A representative individual or entity at a fa-
7 cility where a public-private competition is conducted may
8 submit to the head of the executive agency an objection
9 to the public-private competition on the grounds that the
10 report required by paragraph (1) has not been submitted
11 or that the certification required by paragraph (1)(E) is
12 not included in the report submitted as a condition for
13 the public-private competition. The objection shall be in
14 writing and shall be submitted within 90 days after the
15 following date:

16 “(i) In the case of a failure to submit the report
17 when required, the date on which the representative
18 individual or an official of the representative entity
19 authorized to pose the objection first knew or should
20 have known of that failure.

21 “(ii) In the case of a failure to include the cer-
22 tification in a submitted report, the date on which
23 the report was submitted to Congress.

24 “(B) If the head of the executive agency determines
25 that the report required by paragraph (1) was not sub-



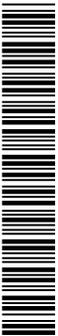
1 mitted or that the required certification was not included
2 in the submitted report, the function for which the public-
3 private competition was conducted for which the objection
4 was submitted may not be the subject of a solicitation of
5 offers for, or award of, a contract until, respectively, the
6 report is submitted or a report containing the certification
7 in full compliance with the certification requirement is
8 submitted.

9 “(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS
10 AND SERVICES OF THE BLIND AND OTHER SEVERELY
11 HANDICAPPED PERSONS.—This section shall not apply to
12 a commercial or industrial type function of an executive
13 agency that—

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

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

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



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

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

4 **SEC. 328. EXTENSION OF AUTHORITY FOR ARMY INDUS-**
5 **TRIAL FACILITIES TO ENGAGE IN COOPERA-**
6 **TIVE ACTIVITIES WITH NON-ARMY ENTITIES.**

7 (a) EXTENSION OF AUTHORITY.—Section 4544 of
8 title 10, United States Code, is amended—

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

13 (2) in subsection (k), by striking “2009” and
14 inserting “2014”.

15 (b) REPORTS.—

16 (1) ANNUAL REPORT ON USE OF AUTHORITY.—
17 The Secretary of the Army shall submit to Congress
18 at the same time the budget of the President is sub-
19 mitted to Congress for fiscal years 2009 through
20 2016 under section 1105 of title 31, United States
21 Code, a report on the use of the authority provided
22 under section 4544 of title 10, United States Code.

23 (2) ANALYSIS OF USE OF AUTHORITY.—Not
24 later than September 30, 2012, the Secretary of the



1 Army shall submit to the congressional defense com-
2 mittees a report assessing the advisability of making
3 such authority permanent and eliminating the limi-
4 tation on the number of contracts or cooperative ar-
5 rangements that may be entered into pursuant to
6 such authority.

7 **SEC. 329. REAUTHORIZATION AND MODIFICATION OF**
8 **MULTI-TRADES DEMONSTRATION PROJECT.**

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

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

15 “(a) DEMONSTRATION PROJECT AUTHORIZED.—In
16 accordance with section 4703 of title 5, United States
17 Code, the Secretary of a military department may carry
18 out a demonstration project under which workers who are
19 certified at the journey level as able to perform multiple
20 trades may be promoted by one grade level. A demonstra-
21 tion project under this subsection may be carried out as
22 follows:

23 “(1) In the case of the Secretary of the Army,
24 at one Army depot.



1 “(2) In the case of the Secretary of the Navy,
2 at one Navy Fleet Readiness Center.

3 “(3) In the case of the Secretary of the Air
4 Force, at one Air Force Logistics Center.”;

5 (2) in subsection (b)—

6 (A) by striking “a Naval Aviation Depot”
7 and inserting “an Air Force Air Logistics Cen-
8 ter, Navy Fleet Readiness Center, or Army
9 depot”; and

10 (B) by striking “Secretary” and inserting
11 “Secretary of the military department con-
12 cerned”;

13 (3) by striking subsection (d) and redesignating
14 subsections (e) through (g) as subsections (d)
15 through (f), respectively;

16 (4) in subsection (d), as so redesignated, by
17 striking “2004 through 2006” and inserting “2008
18 through 2013”;

19 (5) in subsection (e), as so redesignated—

20 (A) by striking “2007” and inserting
21 “2014”;

22 (B) by inserting after “Secretary” the fol-
23 lowing “of each military department that car-
24 ried out a demonstration project under this sec-
25 tion”; and



1 (C) by adding at the end the following new
2 sentence: “Each such report shall include the
3 Secretary’s recommendation on whether perma-
4 nent multi-trade authority should be author-
5 ized.”; and

6 (6) in subsection (f), as so redesignated—

7 (A) in the first sentence, by striking “The
8 Secretary” and inserting “Each Secretary who
9 submits a report under subsection (e)”; and

10 (B) in the second sentence—

11 (i) by striking “receiving the report”
12 and inserting “receiving a report”; and

13 (ii) by striking “evaluation of the re-
14 port” and inserting “evaluation of that re-
15 port”.

16 (b) CLERICAL AMENDMENT.—The heading for such
17 section is amended to read as follows:

18 **“SEC. 338. MULTI-TRADES DEMONSTRATION PROJECT.”.**

19 **SEC. 330. PILOT PROGRAM FOR AVAILABILITY OF WORK-**
20 **ING-CAPITAL FUNDS TO ARMY FOR CERTAIN**
21 **PRODUCT IMPROVEMENTS.**

22 (a) IN GENERAL.—Notwithstanding section 2208 of
23 title 10, United States Code, the Secretary of the Army
24 may use a working-capital fund established pursuant to
25 that section for expenses directly related to conducting a



1 pilot program for a product improvement described in sub-
2 section (b).

3 (b) PRODUCT IMPROVEMENT.—A product improve-
4 ment covered by the pilot program is the procurement and
5 installation of a component or subsystem of a weapon sys-
6 tem platform or major end item that would improve the
7 reliability and maintainability, extend the useful life, en-
8 hance safety, lower maintenance costs, or provide perform-
9 ance enhancement of the weapon system platform or
10 major end item.

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

13 (1) any product improvement that significantly
14 changes the performance envelope of an end item; or

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

17 (d) LIMITATION IN FISCAL YEAR PENDING TIMELY
18 REPORT.—If during any fiscal year the report required
19 by paragraph (1) of subsection (e) is not submitted by
20 the date specified in paragraph (3) of that subsection,
21 funds may not be used under subsection (a) in such fiscal
22 year during the period—

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



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

3 (e) ANNUAL REPORT.—

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

12 (2) RECOMMENDATION.—In the case of the re-
13 port required to be submitted under paragraph (1)
14 during fiscal year 2012, the report shall include the
15 recommendation of the Assistant Secretary of the
16 Army for Acquisition, Logistics, and Technology re-
17 garding whether the authority under subsection (a)
18 should be made permanent.

19 (3) DEADLINE FOR SUBMITTAL.—The report
20 required by paragraph (1) in a fiscal year shall be
21 submitted not later than 60 days after the date of
22 the submittal to Congress of the budget of the Presi-
23 dent for the succeeding fiscal year pursuant to sec-
24 tion 1105 of title 31, United States Code.



1 (f) SUNSET.—The authority under subsection (a)
2 shall expire on October 1, 2013.

3 **Subtitle D—Extension of Program**
4 **Authorities**

5 **SEC. 341. EXTENSION OF ARSENAL SUPPORT PROGRAM INI-**
6 **TIATIVE.**

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

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

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

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

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

22 (1) in subsection (a)(3), by inserting before the
23 period at the end the following: “, or in the case of
24 protective helmet pads purchased by a member from



1 a qualified vendor for that member's personal use,
2 ending on September 30, 2007”;

3 (2) in subsection (c)—

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

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

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

17 (b) FUNDING.—Amounts for reimbursements made
18 under section 351 of the Ronald W. Reagan National De-
19 fense Authorization Act for Fiscal Year 2005 after the
20 date of the enactment of this Act shall be derived from
21 supplemental appropriations for the Department of De-
22 fense for fiscal year 2008, contingent upon such appro-
23 priations being enacted.



1 **SEC. 343. EXTENSION OF TEMPORARY AUTHORITY FOR**
2 **CONTRACT PERFORMANCE OF SECURITY**
3 **GUARD FUNCTIONS.**

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

9 (b) LIMITATION FOR FISCAL YEARS 2010 THROUGH
10 2012.—Subsection (d) of such section is amended—

11 (1) in paragraph (2), by striking “and” at the
12 end;

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

15 (3) by adding at the end the following new
16 paragraphs:

17 “(4) for fiscal year 2010, the number equal to
18 70 percent of the total number of such personnel
19 employed under such contracts on October 1, 2006;

20 “(5) for fiscal year 2011, the number equal to
21 60 percent of the total number of such personnel
22 employed under such contracts on October 1, 2006;
23 and

24 “(6) for fiscal year 2012, the number equal to
25 50 percent of the total number of such personnel



1 employed under such contracts on October 1,
2 2006.”.

3 **Subtitle E—Reports**

4 **SEC. 351. REPORTS ON NATIONAL GUARD READINESS FOR**
5 **EMERGENCIES AND MAJOR DISASTERS.**

6 (a) ANNUAL REPORTS ON EQUIPMENT.—Section
7 10541(b) of title 10, United States Code, is amended by
8 adding at the end the following new paragraph:

9 “(9) An assessment of the extent to which the
10 National Guard possesses the equipment required to
11 perform the responsibilities of the National Guard
12 pursuant to sections 331, 332, 333, 12304(b), and
13 12406 of this title in response to an emergency or
14 major disaster (as such terms are defined in section
15 102 of the Robert T. Stafford Disaster Relief and
16 Emergency Assistance Act (42 U.S.C. 5122)). Such
17 assessment shall—

18 “(A) identify any shortfall in equipment
19 provided to the National Guard by the Depart-
20 ment of Defense throughout the United States
21 and the territories and possessions of the
22 United States that is likely to affect the ability
23 of the National Guard to perform such respon-
24 sibilities;



1 “(B) evaluate the effect of any such short-
2 fall on the capacity of the National Guard to
3 perform such responsibilities in response to an
4 emergency or major disaster that occurs in the
5 United States or a territory or possession of the
6 United States; and

7 “(C) identify the requirements and invest-
8 ment strategies for equipment provided to the
9 National Guard by the Department of Defense
10 that are necessary to plan for a reduction or
11 elimination of any such shortfall.”.

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

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

18 (2) by redesignating subsection (f) as sub-
19 section (g); and

20 (3) by inserting after subsection (e) the fol-
21 lowing new subsection (f):

22 “(f) READINESS OF NATIONAL GUARD TO PERFORM
23 CIVIL SUPPORT MISSIONS.—(1) Each report shall also in-
24 clude an assessment of the readiness of the National



1 Guard to perform tasks required to support the National
2 Response Plan for support to civil authorities.

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

7 “(3) The Secretary shall ensure that each State Gov-
8 ernor has an opportunity to provide to the Secretary an
9 independent evaluation of that State’s National Guard,
10 which the Secretary shall include with each assessment
11 submitted under this subsection.”.

12 (c) EFFECTIVE DATE.—

13 (1) ANNUAL REPORT ON NATIONAL GUARD AND
14 RESERVE COMPONENT EQUIPMENT.—The amend-
15 ment made by subsection (a) shall apply with respect
16 to reports submitted after the date of the enactment
17 of this Act.

18 (2) QUARTERLY REPORTS ON PERSONNEL AND
19 UNIT READINESS.—The amendment made by sub-
20 section (b) shall apply with respect to the quarterly
21 report required under section 482 of title 10, United
22 States Code, for the second quarter of fiscal year
23 2009 and each subsequent report required under
24 that section.

25 (d) REPORT ON IMPLEMENTATION.—



1 (1) IN GENERAL.—As part of the budget jus-
2 tification materials submitted to Congress in support
3 of the budget of the President for each of fiscal
4 years 2009 and 2010 (as submitted under section
5 1105 of title 31, United States Code), the Secretary
6 of Defense shall submit to the congressional defense
7 committees a report on actions taken by the Sec-
8 retary to implement the amendments made by this
9 section.

10 (2) ELEMENTS.—Each report required under
11 paragraph (1) shall include a description of the
12 mechanisms to be utilized by the Secretary for as-
13 sessing the personnel, equipment, and training readi-
14 ness of the National Guard, including the standards
15 and measures that will be applied and mechanisms
16 for sharing information on such matters with the
17 Governors of the States.

18 **SEC. 352. ANNUAL REPORT ON PREPOSITIONED MATERIEL**
19 **AND EQUIPMENT.**

20 (a) ANNUAL REPORT REQUIRED.—Chapter 131 of
21 title 10, United States Code, is amended by adding at the
22 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, grouped by category or major end item.

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

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



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

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

10 “(b) COMPTROLLER GENERAL REVIEW.—(1) By not
11 later than 120 days after the date on which a report is
12 submitted under subsection (a), the Comptroller General
13 shall review the report and, as the Comptroller General
14 determines appropriate, submit to the congressional de-
15 fense committees any additional information that the
16 Comptroller General determines will further inform such
17 committees on issues relating to the status of the materiel
18 in the prepositioned stocks.

19 “(2) The Secretary of Defense shall ensure the full
20 cooperation of the Department of Defense with the Comp-
21 troller General for purposes of the conduct of the review
22 required by this subsection, both before and after each re-
23 port is submitted under subsection (a). The Secretary
24 shall conduct periodic briefings for the Comptroller Gen-
25 eral on the information covered by each report required



1 under subsection (a) and provide to the Comptroller Gen-
2 eral access to the data and preliminary results to be used
3 by the Secretary in preparing each such report before the
4 Secretary submits the report to enable the Comptroller
5 General to conduct each review required under paragraph
6 (1) in a timely manner.

7 “(3) The requirement to conduct a review under this
8 subsection shall terminate on September 30, 2015.”.

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:

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

12 **SEC. 353. REPORT ON INCREMENTAL COST OF EARLY 2007**
13 **ENHANCED DEPLOYMENT.**

14 Section 323(b)(2) of the John Warner National De-
15 fense Authorization Act for Fiscal Year 2007 (Public Law
16 109–364; 120 Stat. 2146; 10 U.S.C. 229 note) is
17 amended—

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

20 (2) in subparagraph (B), by striking the period
21 at the end and inserting “; and”; and

22 (3) by adding at the end the following new sub-
23 paragraph:

24 “(C) each of the military departments for
25 the incremental changes in reset costs resulting



1 from the deployment and redeployment of
2 forces to Iraq and Afghanistan above the levels
3 deployed to such countries on January 1,
4 2007.”.

5 **SEC. 354. MODIFICATION OF REQUIREMENTS OF COMP-**
6 **TROLLER GENERAL REPORT ON THE READI-**
7 **NESS OF ARMY AND MARINE CORPS GROUND**
8 **FORCES.**

9 (a) SUBMITTAL DATE.—Subsection (a)(1) of section
10 345 of the John Warner National Defense Authorization
11 Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
12 2156) is amended by striking “June 1, 2007” and insert-
13 ing “June 1, 2008”.

14 (b) ELEMENTS.—Subsection (b) of such section is
15 amended—

16 (1) by striking paragraph (2);

17 (2) by redesignating paragraphs (3) through
18 (7) as paragraphs (4) through (8), respectively; and

19 (3) by inserting after paragraph (1) the fol-
20 lowing new paragraphs:

21 “(2) An assessment of the ability of the Army
22 and Marine Corps to provide trained and ready
23 forces to meet the requirements of increased force
24 levels in support of Operation Iraqi Freedom and
25 Operation Enduring Freedom above such force levels



1 in effect on January 1, 2007, and to meet the re-
2 quirements of other ongoing operations simulta-
3 neously with such increased force levels.

4 “(3) An assessment of the strategic depth of
5 the Army and Marine Corps and their ability to pro-
6 vide trained and ready forces to meet the require-
7 ments of the high-priority contingency war plans of
8 the regional combatant commands, including an
9 identification and evaluation for each such plan of—

10 “(A) the strategic and operational risks as-
11 sociated with current and projected forces of
12 current and projected readiness;

13 “(B) the time required to make forces
14 available and prepare them for deployment; and

15 “(C) likely strategic tradeoffs necessary to
16 meet the requirements of each such plan.”.

17 (c) DEPARTMENT OF DEFENSE COOPERATION.—

18 Such section is further amended—

19 (1) by redesignating subsection (c) as sub-
20 section (d); and

21 (2) by inserting after subsection (b) the fol-
22 lowing new subsection (c):

23 “(c) DEPARTMENT OF DEFENSE COOPERATION.—

24 The Secretary of Defense shall ensure the full cooperation
25 of the Department of Defense with the Comptroller Gen-



1 eral for purposes of the preparation of the report required
2 by this section.”.

3 **SEC. 355. PLAN TO IMPROVE READINESS OF GROUND**
4 **FORCES OF ACTIVE AND RESERVE COMPO-**
5 **NENTS.**

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

13 (1) a summary of the readiness of each report-
14 ing unit of the ground forces of the active and re-
15 serve components and a summary of the readiness of
16 each major combat unit of each Armed Force by
17 readiness level;

18 (2) an identification of the extent to which the
19 actual readiness ratings of the active and reserve
20 components of the Armed Forces have been up-
21 graded based on the judgment of commanders and
22 any efforts of the Secretary of Defense to analyze
23 the trends and implications of such upgrades;

24 (3) the goals of the Secretary of Defense for
25 managing the readiness of the ground forces of the



1 active and reserve components, expressed in terms of
2 the number of units or percentage of the force that
3 the Secretary plans to maintain at each level of
4 readiness, and the Secretary's projected timeframe
5 for achieving each such goal;

6 (4) a prioritized list of items and actions to be
7 accomplished during the fiscal year during which the
8 report is submitted, and during the fiscal years cov-
9 ered by the future-years defense program, that the
10 Secretary of Defense believes are necessary to sig-
11 nificantly improve the readiness of the ground forces
12 of the active and reserve components and achieve the
13 goals and timeframes described in paragraph (3);
14 and

15 (5) a detailed investment strategy and plan for
16 each fiscal year covered by the future-years defense
17 program under section 221 of title 10, United States
18 Code, that is submitted during the fiscal year in
19 which the report is submitted, that outlines the re-
20 sources required to improve the readiness of the
21 ground forces of the active and reserve components,
22 including a description of how each resource identi-
23 fied in such plan relates to funding requested by the
24 Secretary in the Secretary's annual budget, and how
25 each such resource will specifically enable the Sec-



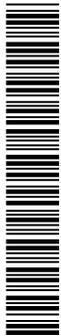
1 retary to achieve the readiness goals described in
2 paragraph (3) within the projected timeframes.

3 (b) **COMPTROLLER GENERAL REVIEW.**—By not later
4 than 60 days after the date on which a report is submitted
5 under subsection (a), the Comptroller General shall review
6 the report and, as the Comptroller General determines ap-
7 propriate, submit to the congressional defense committees
8 any additional information that the Comptroller General
9 determines will further inform the congressional defense
10 committees on issues relating to the readiness of the
11 ground forces of the active and reserve components of the
12 Armed Forces.

13 (c) **TERMINATION.**—The requirement to submit a re-
14 port under subsection (a) shall terminate on the date the
15 Secretary of Defense submits the fifth report required
16 under that subsection.

17 **SEC. 356. INDEPENDENT ASSESSMENT OF CIVIL RESERVE**
18 **AIR FLEET VIABILITY.**

19 (a) **INDEPENDENT ASSESSMENT REQUIRED.**—The
20 Secretary of Defense shall provide for an independent as-
21 sessment of the viability of the Civil Reserve Air Fleet to
22 be conducted by a federally-funded research and develop-
23 ment center selected by the Secretary.



1 (b) CONTENTS OF ASSESSMENT.—The assessment
2 required by subsection (a) shall include each of the fol-
3 lowing:

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

7 (A) the level of increased use of commer-
8 cial assets to fulfill Department of Defense
9 transportation requirements as a result of the
10 increased global mobility requirements in re-
11 sponse to the terrorist attacks of September 11,
12 2001;

13 (B) the extent of charter air carrier par-
14 ticipation in fulfilling increased Department of
15 Defense transportation requirements as a result
16 of the increased global mobility requirements in
17 response to the terrorist attacks of September
18 11, 2001;

19 (C) any policy of the Secretary of Defense
20 to limit the percentage of income a single air
21 carrier participating in the Civil Reserve Air
22 Fleet may earn under contracts with the Sec-
23 retary during any calendar year and the effects
24 of such policy on the air carrier industry in
25 peacetime and during periods during which the



1 Armed Forces are deployed in support of a con-
2 tingency operation for which the Civil Reserve
3 Air Fleet is not activated; and

4 (D) any risks to the charter air carrier in-
5 dustry as a result of the expansion of the indus-
6 try in response to contingency operations result-
7 ing in increased demand by the Department of
8 Defense.

9 (2) A strategic assessment of the viability of the
10 Civil Reserve Air Fleet that compares such viability
11 as of the date of the enactment of this Act with the
12 projected viability of the Civil Reserve Air Fleet 5,
13 10, and 15 years after the date of the enactment of
14 this Act, including for activations at each of stages
15 1, 2, and 3—

16 (A) an examination of the requirements of
17 the Department of Defense for the Civil Re-
18 serve Air Fleet for the support of operational
19 and contingency plans, including any antici-
20 pated changes in the Department's organic air-
21 lift capacity, logistics concepts, and personnel
22 and training requirements;

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



1 (C) a comparison between the require-
2 ments of the Department described in subpara-
3 graph (A) and air carrier participation de-
4 scribed in subparagraph (B).

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

7 (A) the operational planning system of the
8 Civil Reserve Air Fleet;

9 (B) the reward system of the Civil Reserve
10 Air Fleet;

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

13 (D) the effect on United States air carriers
14 operating overseas routes during periods of
15 Civil Reserve Air Fleet activation;

16 (E) increased foreign ownership of United
17 States air carriers;

18 (F) increased operational costs during acti-
19 vation as a result of hazardous duty pay, rout-
20 ing delays, and inefficiencies in cargo handling
21 by the Department of Defense;

22 (G) the effect of policy initiatives by the
23 Secretary of Transportation to encourage inter-
24 national code sharing and alliances; and



1 (H) the effect of limitations imposed by
2 the Secretary of Defense to limit commercial
3 shipping options for certain routes and package
4 sizes.

5 (4) Recommendations for improving the Civil
6 Reserve Air Fleet program, including an assessment
7 of potential incentives for increasing participation in
8 the Civil Reserve Air Fleet program, including estab-
9 lishing a minimum annual purchase amount during
10 peacetime.

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

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

20 **SEC. 357. DEPARTMENT OF DEFENSE INSPECTOR GENERAL**
21 **REPORT ON PHYSICAL SECURITY OF DE-**
22 **PARTMENT OF DEFENSE INSTALLATIONS.**

23 (a) REPORT.—Not later than one year after the date
24 of the enactment of this Act, the Inspector General of the
25 Department of Defense shall submit to Congress a report



1 on the physical security of Department of Defense instal-
2 lations and resources.

3 (b) ELEMENTS.—The report required by subsection
4 (a) shall include the following:

5 (1) An analysis of the progress in implementing
6 requirements under the Physical Security Program
7 as set forth in the Department of Defense Instruc-
8 tion 5200.08–R, Chapter 2 (C.2) and Chapter 3,
9 Section 3: Installation Access (C3.3), which man-
10 dates the policies and minimum standards for the
11 physical security of Department of Defense installa-
12 tions and resources.

13 (2) Recommendations based on the findings of
14 the Comptroller General of the United States in the
15 report required by section 344 of the John Warner
16 National Defense Authorization Act for Fiscal Year
17 2007 (Public Law 109–366; 120 Stat. 2155).

18 (3) Recommendations based on the lessons
19 learned from the thwarted plot to attack Fort Dix,
20 New Jersey, in 2007.

21 **SEC. 358. REVIEW OF HIGH-ALTITUDE AVIATION TRAINING.**

22 (a) REVIEW REQUIRED.—The Secretary of the De-
23 fense shall conduct a review of the training requirements
24 of the Department of Defense for helicopter operations in
25 high-altitude or power-limited conditions.



1 (b) CONTENT.—The review required under sub-
2 section (a) shall include an examination of—

3 (1) power-management and high-altitude train-
4 ing requirements by military department, helicopter,
5 and crew position;

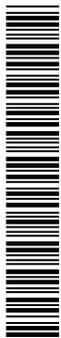
6 (2) training methods and locations currently
7 used by each of the military departments to fulfill
8 those training requirements;

9 (3) department or service regulations that pro-
10 hibit or inhibit joint-service or inter-service high-alti-
11 tude aviation training;

12 (4) costs for each of the previous 5 years asso-
13 ciated with transporting aircraft to and from the
14 High-Altitude Aviation Training Site, Gypsum, Colo-
15 rado, for training purposes;

16 (5) potential risk avoidance and reductions in
17 accident rates due to power management if training
18 of the type offered at the High-Altitude Aviation
19 Training Site was required training, rather than op-
20 tional training; and

21 (6) potential cost savings and operational bene-
22 fits, if any, of permanently stationing no less than
23 4 UH-60, 2 CH-47, and 2 LUH-72 aircraft at the
24 High-Altitude Aviation Training Site, Gypsum, Colo-
25 rado.



1 (c) REPORT.—Not later than 180 days after the date
2 of the enactment of this Act, the Secretary shall submit
3 to the congressional defense committees a report on the
4 conduct and findings of the review required under sub-
5 section (a) along with a summary of changes to policy,
6 regulation, or asset allocation necessary to ensure that De-
7 partment of Defense helicopter aircrews are adequately
8 trained in high-altitude or power-limited flying conditions
9 prior to being exposed to such conditions operationally.

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

13 (a) ANNUAL REPORT ON SAFETY MEASURES.—Not
14 later than March 1, 2008, and annually thereafter for 2
15 additional years, the Secretary of the Air Force shall sub-
16 mit to the congressional defense committees a report on
17 efforts made by all of the military departments utilizing
18 the Warren Grove Gunnery Range, New Jersey, to provide
19 the highest level of safety.

20 (b) MASTER PLAN FOR WARREN GROVE GUNNERY
21 RANGE.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this Act, the Sec-
24 retary of the Air Force shall submit to the congres-



1 sional defense committees a master plan for Warren
2 Grove Gunnery Range.

3 (2) CONTENT.—The master plan required
4 under paragraph (1) shall include measures to miti-
5 gate encroachment of the Warren Grove Gunnery
6 Range, taking into consideration military mission re-
7 quirements, land use plans, the surrounding commu-
8 nity, the economy of the region, and protection of
9 the environment and public health, safety, and wel-
10 fare.

11 (3) INPUT.—In establishing the master plan re-
12 quired under paragraph (1), the Secretary shall seek
13 input from relevant stakeholders at the Federal,
14 State, and local level.

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

18 (a) REPORT.—Not later than April 1, 2008, the Sec-
19 retary of the Air Force shall submit to the appropriate
20 congressional committees a report on the search and res-
21 cue capabilities of the Air Force in the northwestern
22 United States.

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



1 (1) An assessment of the search and rescue ca-
2 pabilities required to support Air Force operations
3 and training.

4 (2) A description of the compliance of the Air
5 Force with the 1999 United States National Search
6 and Rescue Plan (referred to hereinafter in this sec-
7 tion as the “NSRP”) for Washington, Oregon,
8 Idaho, and Montana.

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

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

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

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



1 (c) USE OF REPORT FOR PURPOSES OF CERTIFI-
2 CATION REGARDING SEARCH AND RESCUE CAPABILI-
3 TIES.—Section 1085 of the Ronald W. Reagan National
4 Defense Authorization Act for Fiscal Year 2005 (Public
5 Law 108–375; 118 Stat. 2065; 10 U.S.C. 113 note) is
6 amended by striking “unless the Secretary first certifies”
7 and inserting “unless the Secretary, after reviewing the
8 search and rescue capabilities report prepared by the Sec-
9 retary of the Air Force under subsection (a), first cer-
10 tifies”.

11 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
12 DEFINED.—In this section, the term “appropriate con-
13 gressional committees” means—

14 (1) the Committee on Armed Services, the
15 Committee on Homeland Security and Governmental
16 Affairs, the Committee on Commerce, Science, and
17 Transportation, the Committee on Energy and Nat-
18 ural Resources, and the Committee on Appropria-
19 tions of the Senate; and

20 (2) the Committee on Armed Services, the
21 Committee on Homeland Security, the Committee on
22 Energy and Commerce, the Committee on Natural
23 Resources, and the Committee on Appropriations of
24 the House of Representatives.



1 **SEC. 361. REPORT AND MASTER INFRASTRUCTURE RECAPI-**
2 **TALIZATION PLAN FOR CHEYENNE MOUN-**
3 **TAIN AIR STATION, COLORADO.**

4 (a) REPORT ON RELOCATION OF NORTH AMERICAN
5 AEROSPACE DEFENSE COMMAND CENTER.—

6 (1) IN GENERAL.—Not later than March 1,
7 2008, the Secretary of Defense shall submit to Con-
8 gress a report on the relocation of the North Amer-
9 ican Aerospace Defense Command center and re-
10 lated functions from Cheyenne Mountain Air Sta-
11 tion, Colorado, to Peterson Air Force Base, Colo-
12 rado.

13 (2) CONTENT.—The report required under
14 paragraph (1) shall include—

15 (A) an analysis comparing the total costs
16 associated with the relocation, including costs
17 determined as part of ongoing security-related
18 studies of the relocation, to anticipated oper-
19 ational benefits from the relocation;

20 (B) a detailed explanation of the backup
21 functions that will remain located at Cheyenne
22 Mountain Air Station, and how such functions
23 planned to be transferred out of Cheyenne
24 Mountain Air Station, including the Space Op-
25 erations Center, will maintain operational



1 connectivity with their related commands and
2 relevant communications centers;

3 (C) the final plans for the relocation of the
4 North American Aerospace Defense Command
5 center and related functions; and

6 (D) the findings and recommendations of
7 an independent security and vulnerability as-
8 sessment of Peterson Air Force Base carried
9 out by Sandia National Laboratory for the
10 United States Air Force Space Command and
11 the Secretary's plans for mitigating any secu-
12 rity and vulnerability risks identified as part of
13 that assessment and associated cost and sched-
14 ule estimates.

15 (b) LIMITATION ON AVAILABILITY OF FUNDS PEND-
16 ING RECEIPT OF REPORT.—Of the funds appropriated
17 pursuant to an authorization of appropriations or other-
18 wise made available for fiscal year 2008 for operation and
19 maintenance for the Air Force that are available for the
20 Cheyenne Mountain Transformation project, \$5,000,000
21 may not be obligated or expended until Congress receives
22 the report required under subsection (a).

23 (c) COMPTROLLER GENERAL REVIEW.—Not later
24 than 120 days after the date on which the Secretary of
25 Defense submits the report required under subsection (a),



1 the Comptroller General shall submit to Congress a review
2 of the report and the final plans of the Secretary for the
3 relocation of the North American Aerospace Defense Com-
4 mand center and related functions.

5 (d) MASTER INFRASTRUCTURE RECAPITALIZATION
6 PLAN.—

7 (1) IN GENERAL.—Not later than March 16,
8 2008, the Secretary of the Air Force shall submit to
9 Congress a master infrastructure recapitalization
10 plan for Cheyenne Mountain Air Station.

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

13 (A) a description of the projects that are
14 needed to improve the infrastructure required
15 for supporting missions associated with Chey-
16 enne Mountain Air Station; and

17 (B) a funding plan explaining the expected
18 timetable for the Air Force to support such
19 projects.

20 **Subtitle F—Other Matters**

21 **SEC. 371. ENHANCEMENT OF CORROSION CONTROL AND**
22 **PREVENTION FUNCTIONS WITHIN DEPART-**
23 **MENT OF DEFENSE.**

24 (a) OFFICE OF CORROSION POLICY AND OVER-
25 SIGHT.—



1 (1) IN GENERAL.—Section 2228 of title 10,
2 United States Code, is amended by striking the sec-
3 tion heading and subsection (a) and inserting the
4 following:

5 **“§ 2228. Office of Corrosion Policy and Oversight**

6 “(a) OFFICE AND DIRECTOR.—(1) There is an Office
7 of Corrosion Policy and Oversight within the Office of the
8 Under Secretary of Defense for Acquisition, Technology,
9 and Logistics.

10 “(2) The Office shall be headed by a Director of Cor-
11 rosion Policy and Oversight, who shall be assigned to such
12 position by the Under Secretary from among civilian em-
13 ployees of the Department of Defense with the qualifica-
14 tions described in paragraph (3). The Director is respon-
15 sible in the Department of Defense to the Secretary of
16 Defense (after the Under Secretary of Defense for Acqui-
17 sition, Technology, and Logistics) for the prevention and
18 mitigation of corrosion of the military equipment and in-
19 frastructure of the Department of Defense. The Director
20 shall report directly to the Under Secretary.

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

23 “(A) have management expertise in, and profes-
24 sional experience with, corrosion project and policy
25 implementation, including an understanding of the



1 effects of corrosion policies on infrastructure; re-
2 search, development, test, and evaluation; and main-
3 tenance; and

4 “(B) have an understanding of Department of
5 Defense budget formulation and execution, policy
6 formulation, and planning and program require-
7 ments.

8 “(4) The Secretary of Defense shall designate the po-
9 sition of Director as a critical acquisition position under
10 section 1733(b)(1)(C) of this title.”.

11 (2) CONFORMING AMENDMENTS.—Section
12 2228(b) of such title is amended—

13 (A) in paragraph (1), by striking “official
14 or organization designated under subsection
15 (a)” and inserting “Director of Corrosion Policy
16 and Oversight (in this section referred to as the
17 ‘Director’)”; and

18 (B) in paragraphs (2), (3), (4), and (5), by
19 striking “designated official or organization”
20 and inserting “Director”.

21 (b) ADDITIONAL AUTHORITY FOR DIRECTOR OF OF-
22 FICE.—Section 2228 of such title is further amended—

23 (1) by redesignating subsections (c) and (d) as
24 subsections (d) and (f), respectively; and



1 (2) by inserting after subsection (b) the fol-
2 lowing new subsection:

3 “(c) ADDITIONAL AUTHORITIES FOR DIRECTOR.—

4 The Director is authorized to—

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

7 “(2) participate in the process within the De-
8 partment of Defense for the development of relevant
9 directives and instructions; and

10 “(3) interact directly with the corrosion preven-
11 tion industry, trade associations, other government
12 corrosion prevention agencies, academic research
13 and educational institutions, and scientific organiza-
14 tions engaged in corrosion prevention, including the
15 National Academy of Sciences.”.

16 (c) INCLUSION OF COOPERATIVE RESEARCH AGREE-
17 MENTS AS PART OF CORROSION REDUCTION STRAT-
18 EGY.—Subsection (d)(2)(D) of section 2228 of such title,
19 as redesignated by subsection (b), is amended by inserting
20 after “operational strategies” the following: “, including
21 through the establishment of memoranda of agreement,
22 joint funding agreements, public-private partnerships, uni-
23 versity research and education centers, and other coopera-
24 tive research agreements”.



1 (d) REPORT REQUIREMENT.—Section 2228 of such
2 title is further amended by inserting after subsection (d)
3 (as redesignated by subsection (b)) the following new sub-
4 section:

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

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

11 “(B) The return on investment that would be
12 achieved by implementing the strategy.

13 “(C) The funds requested in the budget com-
14 pared to the funding requirements.

15 “(D) An explanation if the funding require-
16 ments are not fully funded in the budget.

17 “(2) Within 60 days after submission of the budget
18 for a fiscal year, the Comptroller General shall provide to
19 the congressional defense committees—

20 “(A) an analysis of the budget submission for
21 corrosion control and prevention by the Department
22 of Defense; and

23 “(B) an analysis of the report required under
24 paragraph (1).”.



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

4 “(4) The term ‘budget’, with respect to a fiscal
5 year, means the budget for that fiscal year that is
6 submitted to Congress by the President under sec-
7 tion 1105(a) of title 31.

8 “(5) The term ‘defense budget materials’, with
9 respect to a fiscal year, means the materials sub-
10 mitted to Congress by the Secretary of Defense in
11 support of the budget for that fiscal year.”.

12 (f) CLERICAL AMENDMENT.—The table of sections at
13 the beginning of chapter 131 of such title is amended by
14 striking the item relating to section 2228 and inserting
15 the following new item:

“2228. Office of Corrosion Policy and Oversight.”.

16 **SEC. 372. AUTHORITY FOR DEPARTMENT OF DEFENSE TO**
17 **PROVIDE SUPPORT FOR CERTAIN SPORTING**
18 **EVENTS.**

19 (a) PROVISION OF SUPPORT.—Section 2564 of title
20 10, United States Code, is amended—

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

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



1 “(5) Any national or international paralympic
2 sporting event (other than a sporting event described
3 in paragraphs (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;

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

13 “(C) in which at least 10 percent of the
14 athletes participating in the sporting event are
15 members or former members of the armed
16 forces who are participating in the sporting
17 event based upon an injury or wound incurred
18 in the line of duty in the armed force and vet-
19 erans who are participating in the sporting
20 event based upon a service-connected dis-
21 ability.”; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(g) FUNDING FOR SUPPORT OF CERTAIN
25 EVENTS.—(1) Amounts for the provision of support for



1 a sporting event described in paragraph (4) or (5) of sub-
2 section (c) may be derived from the Support for Inter-
3 national Sporting Competitions, Defense account estab-
4 lished by section 5802 of the Omnibus Consolidated Ap-
5 propriations Act, 1997 (Public Law 104–208; 10 U.S.C.
6 2564 note), notwithstanding any limitation under that sec-
7 tion relating to the availability of funds in such account
8 for the provision of support for international sporting com-
9 petitions.

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

13 (b) SOURCE OF FUNDS.—Section 5802 of the Omni-
14 bus Consolidated Appropriations Act, 1997 (Public Law
15 104–208; 10 U.S.C. 2564 note) is amended—

16 (1) by inserting after “international sporting
17 competitions” the following: “and for support of
18 sporting competitions authorized under section
19 2564(c)(4) and (5), of title 10, United States
20 Code,”; and

21 (2) by striking “45 days” and inserting “15
22 days”.



1 **SEC. 373. AUTHORITY TO IMPOSE REASONABLE RESTRIC-**
 2 **TIONS ON PAYMENT OF FULL REPLACEMENT**
 3 **VALUE FOR LOST OR DAMAGED PERSONAL**
 4 **PROPERTY TRANSPORTED AT GOVERNMENT**
 5 **EXPENSE.**

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

13 **SEC. 374. PRIORITY TRANSPORTATION ON DEPARTMENT**
 14 **OF DEFENSE AIRCRAFT OF RETIRED MEM-**
 15 **BERS RESIDING IN COMMONWEALTHS AND**
 16 **POSSESSIONS OF THE UNITED STATES FOR**
 17 **CERTAIN HEALTH CARE SERVICES.**

18 (a) AVAILABILITY OF TRANSPORTATION.—Chapter
 19 157 of title 10, United States Code, is amended by insert-
 20 ing after section 2641a the following new section:



1 **“§ 2641b. Space-available travel on Department of De-**
2 **fense aircraft: retired members residing**
3 **in Commonwealths and possessions of**
4 **the United States for certain health care**
5 **services**

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

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

19 “(1) is entitled to retired or retainer pay;

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

22 “(3) is referred by a military or civilian primary
23 care provider located in that Commonwealth or pos-
24 session to a specialty care provider for services to be
25 provided outside of that Commonwealth or posses-
26 sion.



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

4 “(1) the travel from the Commonwealth or pos-
5 session of the United States to receive the specialty
6 care services; and

7 “(2) the return travel.

8 “(d) DEFINITIONS.—In this section, the terms ‘pri-
9 mary care provider’ and ‘specialty care provider’ refer to
10 a medical or dental professional who provides health care
11 services under chapter 55 of this title.

12 “(e) REGULATIONS.—The Secretary of Defense shall
13 prescribe regulations to implement this section.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of such chapter is amended by inserting
16 after the item relating to section 2641a the following new
17 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.”.

18 **SEC. 375. RECOVERY OF MISSING MILITARY PROPERTY.**

19 (a) IN GENERAL.—Chapter 165 of title 10, United
20 States Code, is amended by adding at the end the fol-
21 lowing new sections:

22 **“§ 2788. Property accountability: regulations**

23 “The Secretary of a military department may pre-
24 scribe regulations for the accounting for the property of



1 that department and the fixing of responsibility for that
2 property.

3 **“§ 2789. Individual equipment: unauthorized disposi-**
4 **tion**

5 “(a) PROHIBITION.—No member of the armed forces
6 may sell, lend, pledge, barter, or give any clothing, arms,
7 or equipment furnished to such member by the United
8 States to any person other than a member of the armed
9 forces or an officer of the United States who is authorized
10 to receive it.

11 “(b) SEIZURE OF IMPROPERLY DISPOSED PROP-
12 erty.—If a member of the armed forces has disposed of
13 property in violation of subsection (a) and the property
14 is in the possession of a person who is neither a member
15 of the armed forces nor an officer of the United States
16 who is authorized to receive it, that person has no right
17 to or interest in the property, and any civil or military
18 officer of the United States may seize the property, wher-
19 ever found, subject to applicable regulations. Possession
20 of such property furnished by the United States to a mem-
21 ber of the armed forces by a person who is neither a mem-
22 ber of the armed forces, nor an officer of the United
23 States, is prima facie evidence that the property has been
24 disposed of in violation of subsection (a).



1 “(c) DELIVERY OF SEIZED PROPERTY.—If an officer
2 who seizes property under subsection (b) is not authorized
3 to retain it for the United States, the officer shall deliver
4 the property to a person who is authorized to retain it.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by adding
7 at the end the following new items:

“2788. Property accountability: regulations.

“2789. Individual equipment: unauthorized disposition.”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) IN GENERAL.—Such title is further amend-
10 ed by striking the following sections:

11 (A) Section 4832.

12 (B) Section 4836.

13 (C) Section 9832.

14 (D) Section 9836.

15 (2) CLERICAL AMENDMENTS.—

16 (A) CHAPTER 453.—The table of sections
17 at the beginning of chapter 453 of such title is
18 amended by striking the items relating to sec-
19 tions 4832 and 4836.

20 (B) CHAPTER 953.—The table of sections
21 at the beginning of chapter 953 of such title is
22 amended by striking the items relating to sec-
23 tions 9832 and 9836.



1 **SEC. 376. RETENTION OF COMBAT UNIFORMS BY MEMBERS**
2 **OF THE ARMED FORCES DEPLOYED IN SUP-**
3 **PORT OF CONTINGENCY OPERATIONS.**

4 (a) **RETENTION OF COMBAT UNIFORMS.**—Chapter
5 152 of title 10, United States Code, is amended by adding
6 at the end the following new section:

7 **“§ 2568. Retention of combat uniforms by members**
8 **deployed in support of contingency oper-**
9 **ations**

10 “The Secretary of a military department may author-
11 ize a member of the armed forces under the jurisdiction
12 of the Secretary who has been deployed in support of a
13 contingency operation for at least 30 days to retain, after
14 that member is no longer so deployed, the combat uniform
15 issued to that member as organizational clothing and indi-
16 vidual equipment.”.

17 (b) **CLERICAL AMENDMENT.**—The table of sections
18 at the beginning of such chapter is amended by adding
19 at the end the following new item:

“2568. Retention of combat uniforms by members deployed in support of contin-
gency operations.”.

20 **SEC. 377. ISSUE OF SERVICEABLE MATERIAL OF THE NAVY**
21 **OTHER THAN TO ARMED FORCES.**

22 (a) **IN GENERAL.**—Part IV of subtitle C of title 10,
23 United States Code, is amended by adding at the end the
24 following new chapter:



1 **“CHAPTER 667—ISSUE OF SERVICEABLE**
2 **MATERIAL OTHER THAN TO ARMED**
3 **FORCES**

“Sec.

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

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

“7913. Supplies: military instruction camps.

4 **“§ 7911. Arms, tentage, and equipment: educational**
5 **institutions not maintaining units of**
6 **R.O.T.C.**

7 “Under such conditions as he may prescribe, the Sec-
8 retary of the Navy may issue arms, tentage, and equip-
9 ment that the Secretary considers necessary for proper
10 military training, to any educational institution at which
11 no unit of the Reserve Officers’ Training Corps is main-
12 tained, but which has a course in military training pre-
13 scribed by the Secretary and which has at least 50 phys-
14 ically fit students over 14 years of age.

15 **“§ 7912. Rifles and ammunition for target practice:**
16 **educational institutions having corps of**
17 **midshipmen**

18 “(a) AUTHORITY TO LEND.—The Secretary of the
19 Navy may lend, without expense to the United States,
20 magazine rifles and appendages that are not of the exist-
21 ing service models in use at the time and that are not
22 necessary for a proper reserve supply, to any educational



1 institution having a uniformed corps of midshipmen of
2 sufficient number for target practice. The Secretary may
3 also issue 40 rounds of ball cartridges for each mid-
4 shipman for each range at which target practice is held,
5 but not more than 120 rounds each year for each mid-
6 shipman participating in target practice.

7 “(b) RESPONSIBILITIES OF INSTITUTIONS.—The in-
8 stitutions to which property is lent under subsection (a)
9 shall—

10 “(1) use the property for target practice;

11 “(2) take proper care of the property; and

12 “(3) return the property when required.

13 “(c) REGULATIONS.—The Secretary of the Navy
14 shall prescribe regulations to carry out this section, con-
15 taining such other requirements as he considers necessary
16 to safeguard the interests of the United States.

17 **“§ 7913. Supplies: military instruction camps**

18 “Under such conditions as he may prescribe, the Sec-
19 retary of the Navy may issue, to any educational institu-
20 tion at which an officer of the naval service is detailed
21 as professor of naval science, such supplies as are nec-
22 essary to establish and maintain a camp for the military
23 instruction of its students. The Secretary shall require a
24 bond in the value of the property issued under this section,
25 for the care and safekeeping of that property and except



1 for property properly expended, for its return when re-
2 quired.”.

3 (b) CLERICAL AMENDMENT.—The table of chapters
4 at the beginning of subtitle C of such title, and the table
5 of chapters at the beginning of part IV of such subtitle,
6 are each amended by inserting after the item relating to
7 chapter 665 the following new item:

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

8 **SEC. 378. REAUTHORIZATION OF AVIATION INSURANCE**
9 **PROGRAM.**

10 Section 44310 of title 49, United States Code, is
11 amended by striking “March 30, 2008” and inserting
12 “December 31, 2013”.

13 **TITLE IV—MILITARY**
14 **PERSONNEL AUTHORIZATIONS**

Subtitle A—Active Forces

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

Subtitle B—Reserve Forces

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



Sec. 417. Revision of variances authorized for Selected Reserve end strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

1 **Subtitle A—Active Forces**

2 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for active duty personnel as of September 30,
5 2008, as follows:

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

10 (b) LIMITATION.—

11 (1) ARMY.—The authorized strength for the
12 Army provided in paragraph (1) of subsection (a)
13 for active duty personnel for fiscal year 2008 is sub-
14 ject to the condition that costs of active duty per-
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
23 fiscal year in excess of 180,000 shall be paid out of



1 funds authorized to be appropriated for that fiscal
2 year by section 1514.

3 **SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END**
4 **STRENGTH MINIMUM LEVELS.**

5 Section 691(b) of title 10, United States Code, is
6 amended by striking paragraphs (1) through (4) and in-
7 serting the following new paragraphs:

8 “(1) For the Army, 525,400.

9 “(2) For the Navy, 328,400.

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

11 “(4) For the Air Force, 328,600.”.

12 **SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF**
13 **ARMY AND MARINE CORPS ACTIVE DUTY END**
14 **STRENGTHS FOR FISCAL YEARS 2009 AND**
15 **2010.**

16 (a) **AUTHORITY TO INCREASE ARMY ACTIVE DUTY**
17 **END STRENGTHS.**—For each of fiscal years 2009 and
18 2010, the Secretary of Defense may, as the Secretary de-
19 termines necessary for the purposes described in sub-
20 section (c), establish the active-duty end strength for the
21 Army at a number greater than the number otherwise au-
22 thorized by law up to the number equal to the fiscal-year
23 2008 baseline plus 22,000.

24 (b) **MARINE CORPS.**—For each of fiscal years 2009
25 and 2010, the Secretary of Defense may, as the Secretary



1 determines necessary for the purposes described in sub-
2 section (c), establish the active-duty end strength for the
3 Marine Corps at a number greater than the number other-
4 wise authorized by law up to the number equal to the fis-
5 cal-year 2008 baseline plus 13,000.

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

- 9 (1) to support operational missions; and
10 (2) to achieve transformational reorganization
11 objectives, including objectives for increased num-
12 bers of combat brigades and battalions, increased
13 unit manning, force stabilization and shaping, and
14 rebalancing of the active and reserve component
15 forces.

16 (d) RELATIONSHIP TO PRESIDENTIAL WAIVER AU-
17 THORITY.—Nothing in this section shall be construed to
18 limit the President's authority under section 123a of title
19 10, United States Code, to waive any statutory end
20 strength in a time of war or national emergency.

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



1 (f) BUDGET TREATMENT.—

2 (1) FISCAL YEARS 2009 AND 2010 BUDGETS.—

3 The budget for the Department of Defense for fiscal
4 years 2009 and 2010 as submitted to Congress shall
5 comply, with respect to funding, with subsections (c)
6 and (d) of section 691 of title 10, United States
7 Code.

8 (2) OTHER INCREASES.—If the Secretary of
9 Defense plans to increase the Army or Marine Corps
10 active duty end strength for a fiscal year under this
11 section, then the budget for the Department of De-
12 fense for that fiscal year as submitted to Congress
13 shall include the amounts necessary for funding that
14 active duty end strength in excess of the fiscal year
15 2008 active duty end strength authorized for that
16 service under section 401.

17 (g) DEFINITIONS.—In this section:

18 (1) FISCAL-YEAR 2008 BASELINE.—The term
19 “fiscal-year 2008 baseline”, with respect to the
20 Army and Marine Corps, means the active-duty end
21 strength authorized for those services in section 401.

22 (2) ACTIVE-DUTY END STRENGTH.—In this
23 subsection, the term “active-duty end strength”
24 means the strength for active-duty personnel of one



1 of the Armed Forces as of the last day of a fiscal
 2 year.

3 (h) REPEAL OF OTHER DISCRETIONARY AUTHORITY
 4 TO TEMPORARILY INCREASE ARMY AND MARINE CORPS
 5 ACTIVE DUTY END STRENGTHS.—Section 403 of the
 6 Ronald W. Reagan National Defense Authorization Act
 7 for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C.
 8 115 note), as amended by section 403 of the John Warner
 9 National Defense Authorization Act for Fiscal Year 2007
 10 (Public Law 109–364; 120 Stat. 2169), is repealed.

11 **SEC. 404. INCREASE IN AUTHORIZED STRENGTHS FOR**
 12 **ARMY OFFICERS ON ACTIVE DUTY IN THE**
 13 **GRADE OF MAJOR.**

14 The portion of the table in section 523(a)(1) of title
 15 10, United States Code, relating to the Army is amended
 16 to read as follows:

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



“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
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
63,000	13,100	7,813	3,457
66,000	13,591	8,044	3,568
70,000	14,245	8,352	3,718
90,000	17,517	9,890	4,467”.

7 **SEC. 406. INCREASE IN AUTHORIZED DAILY AVERAGE OF**
 8 **NUMBER OF MEMBERS IN PAY GRADE E-9.**

9 Section 517(a) of title 10, United States Code, is
 10 amended by striking “1 percent” and inserting “1.25 per-
 11 cent”.



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
21 such component which are on active duty (other
22 than for training) at the end of the fiscal year; and

23 (2) the total number of individual members not
24 in units organized to serve as units of the Selected
25 Reserve of such component who are on active duty



1 (other than for training or for unsatisfactory partici-
2 pation in training) without their consent at the end
3 of the fiscal year.

4 (c) **END STRENGTH INCREASES.**—Whenever units or
5 individual members of the Selected Reserve of any reserve
6 component are released from active duty during any fiscal
7 year, the end strength prescribed for such fiscal year for
8 the Selected Reserve of such reserve component shall be
9 increased proportionately by the total authorized strengths
10 of such units and by the total number of such individual
11 members.

12 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
13 **DUTY IN SUPPORT OF THE RESERVES.**

14 Within the end strengths prescribed in section
15 411(a), the reserve components of the Armed Forces are
16 authorized, as of September 30, 2008, the following num-
17 ber of Reserves to be serving on full-time active duty or
18 full-time duty, in the case of members of the National
19 Guard, for the purpose of organizing, administering, re-
20 cruiting, instructing, or training the reserve components:

- 21 (1) The Army National Guard of the United
22 States, 29,204.
23 (2) The Army Reserve, 15,870.
24 (3) The Navy Reserve, 11,579.
25 (4) The Marine Corps Reserve, 2,261.



1 (5) The Air National Guard of the United
2 States, 13,936.

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

4 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
5 **(DUAL STATUS).**

6 The minimum number of military technicians (dual
7 status) as of the last day of fiscal year 2008 for the re-
8 serve components of the Army and the Air Force (notwith-
9 standing section 129 of title 10, United States Code) shall
10 be the following:

11 (1) For the Army Reserve, 8,249.

12 (2) For the Army National Guard of the United
13 States, 26,502.

14 (3) For the Air Force Reserve, 9,909.

15 (4) For the Air National Guard of the United
16 States, 22,553.

17 **SEC. 414. FISCAL YEAR 2008 LIMITATION ON NUMBER OF**
18 **NON-DUAL STATUS TECHNICIANS.**

19 (a) LIMITATIONS.—

20 (1) NATIONAL GUARD.—Within the limitation
21 provided in section 10217(c)(2) of title 10, United
22 States Code, the number of non-dual status techni-
23 cians employed by the National Guard as of Sep-
24 tember 30, 2008, may not exceed the following:



1 (A) For the Army National Guard of the
2 United States, 1,600.

3 (B) For the Air National Guard of the
4 United States, 350.

5 (2) ARMY RESERVE.—The number of non-dual
6 status technicians employed by the Army Reserve as
7 of September 30, 2008, may not exceed 595.

8 (3) AIR FORCE RESERVE.—The number of non-
9 dual status technicians employed by the Air Force
10 Reserve as of September 30, 2008, may not exceed
11 90.

12 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
13 this section, the term “non-dual status technician” has the
14 meaning given that term in section 10217(a) of title 10,
15 United States Code.

16 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
17 **THORIZED TO BE ON ACTIVE DUTY FOR**
18 **OPERATIONAL SUPPORT.**

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

24 (1) The Army National Guard of the United
25 States, 17,000.



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

2 (3) The Navy Reserve, 6,200.

3 (4) The Marine Corps Reserve, 3,000.

4 (5) The Air National Guard of the United
5 States, 16,000.

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

7 **SEC. 416. FUTURE AUTHORIZATIONS AND ACCOUNTING**
8 **FOR CERTAIN RESERVE COMPONENT PER-**
9 **SONNEL AUTHORIZED TO BE ON ACTIVE**
10 **DUTY OR FULL-TIME NATIONAL GUARD DUTY**
11 **TO PROVIDE OPERATIONAL SUPPORT.**

12 (a) REVIEW OF OPERATIONAL SUPPORT MISSIONS
13 PERFORMED BY CERTAIN RESERVE COMPONENT PER-
14 SONNEL.—

15 (1) REVIEW REQUIRED.—The Secretary of De-
16 fense shall conduct a review of the long-term oper-
17 ational support missions performed by members of
18 the reserve components authorized under section
19 115(b) of title 10, United States Code, to be on ac-
20 tive duty or full-time National Guard duty for the
21 purpose of providing operational support, with the
22 objectives of such review being—

23 (A) minimizing the number of reserve com-
24 ponent members who perform such service for
25 a period greater than 1,095 consecutive days,



1 or cumulatively for 1,095 days out of the pre-
2 vious 1,460 days; and

3 (B) determining which long-term oper-
4 ational support missions being performed by
5 such members would more appropriately be per-
6 formed by members of the Armed Forces on ac-
7 tive duty under other provisions of title 10,
8 United States Code, or by full-time support per-
9 sonnel of reserve components.

10 (2) SUBMISSION OF RESULTS.—Not later than
11 March 1, 2008, the Secretary shall submit to Con-
12 gress the results of the review, including a descrip-
13 tion of the adjustments in Department of Defense
14 policy to be implemented as a result of the review
15 and such recommendations for changes in statute, as
16 the Secretary considers to be appropriate.

17 (b) IMPROVED ACCOUNTING FOR RESERVE COMPO-
18 NENT PERSONNEL PROVIDING OPERATIONAL SUP-
19 PORT.—Section 115(b) of title 10, United States Code, is
20 amended by adding at the end the following new para-
21 graph:

22 “(4) As part of the budget justification materials sub-
23 mitted by the Secretary of Defense to Congress in support
24 of the end strength authorizations required under sub-
25 paragraphs (A) and (B) of subsection (a)(1) for fiscal year

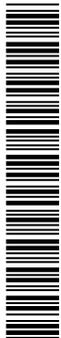


1 2009 and each fiscal year thereafter, the Secretary shall
2 provide the following:

3 “(A) The number of members, specified by re-
4 serve component, authorized under subparagraphs
5 (A) and (B) of paragraph (1) who were serving on
6 active duty or full-time National Guard duty for
7 operational support beyond each of the limits speci-
8 fied under subparagraphs (A) and (B) of paragraph
9 (2) at the end of the fiscal year preceding the fiscal
10 year for which the budget justification materials are
11 submitted.

12 “(B) The number of members, specified by re-
13 serve component, on active duty for operational sup-
14 port who, at the end of the fiscal year for which the
15 budget justification materials are submitted, are
16 projected to be serving on active duty or full-time
17 National Guard duty for operational support beyond
18 such limits.

19 “(C) The number of members, specified by re-
20 serve component, on active duty or full-time Na-
21 tional Guard duty for operational support who are
22 included in, and counted against, the end strength
23 authorizations requested under subparagraphs (A)
24 and (B) of subsection (a)(1).



1 “(D) A summary of the missions being per-
2 formed by members identified under subparagraphs
3 (A) and (B).”.

4 **SEC. 417. REVISION OF VARIANCES AUTHORIZED FOR SE-**
5 **LECTED RESERVE END STRENGTHS.**

6 Section 115(f)(3) of title 10, United States Code, is
7 amended by striking “2 percent” and inserting “3 per-
8 cent”.

9 **Subtitle C—Authorization of**
10 **Appropriations**

11 **SEC. 421. MILITARY PERSONNEL.**

12 There is hereby authorized to be appropriated to the
13 Department of Defense for military personnel for fiscal
14 year 2008 a total of \$117,091,420,000. The authorization
15 in the preceding sentence supersedes any other authoriza-
16 tion of appropriations (definite or indefinite) for such pur-
17 pose for fiscal year 2008.

18 **TITLE V—MILITARY PERSONNEL**
19 **POLICY**

 Subtitle A—Officer Personnel Policy

- Sec. 501. Assignment of officers to designated positions of importance and responsibility.
- Sec. 502. Enhanced authority for Reserve general and flag officers to serve on active duty.
- Sec. 503. Increase in years of commissioned service threshold for discharge of probationary officers and for use of force shaping authority.
- Sec. 504. Mandatory retirement age for active-duty general and flag officers continued on active duty.
- Sec. 505. Authority for reduced mandatory service obligation for initial appointments of officers in critically short health professional specialties.



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- Sec. 506. Expansion of authority for reenlistment of officers in their former enlisted grade.
- Sec. 507. Increase in authorized number of permanent professors at the United States Military Academy.
- Sec. 508. Promotion of career military professors of the Navy.

Subtitle B—Reserve Component Management

- Sec. 511. Retention of military technicians who lose dual status in the Selected Reserve due to combat-related disability.
- Sec. 512. Constructive service credit upon original appointment of Reserve officers in certain health care professions.
- Sec. 513. Mandatory separation of Reserve officers in the grade of lieutenant general or vice admiral after completion of 38 years of commissioned service.
- Sec. 514. Maximum period of temporary Federal recognition of person as Army National Guard officer or Air National Guard officer.
- Sec. 515. Advance notice to members of reserve components of deployment in support of contingency operations.
- Sec. 516. Report on relief from professional licensure and certification requirements for reserve component members on long-term active duty.

Subtitle C—Education and Training

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



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- Sec. 534. Navy Junior Reserve Officers' Training Corps unit for Southold, Mattituck, and Greenport High Schools.
- Sec. 535. Report on transfer of administration of certain educational assistance programs for members of the reserve components.

Subtitle D—Military Justice and Legal Assistance Matters

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

Subtitle E—Military Leave

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

Subtitle F—Decorations and Awards

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

Subtitle G—Impact Aid and Defense Dependents Education System

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

Subtitle H—Military Families

- Sec. 581. Department of Defense Military Family Readiness Council and policy and plans for military family readiness.
- Sec. 582. Yellow Ribbon Reintegration Program.



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

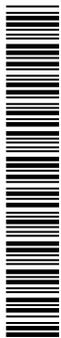
Subtitle I—Other Matters

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

1 **Subtitle A—Officer Personnel**
 2 **Policy**

3 **SEC. 501. ASSIGNMENT OF OFFICERS TO DESIGNATED PO-**
 4 **SITIONS OF IMPORTANCE AND RESPONSI-**
 5 **BILITY.**

6 (a) CONTINUATION IN GRADE WHILE AWAITING OR-
 7 DERS.—Section 601(b) of title 10, United States Code,
 8 is amended—



1 (1) by striking “and” at the end of paragraph
2 (3);

3 (2) by redesignating paragraph (4) as para-
4 graph (5); and

5 (3) by inserting after paragraph (3) the fol-
6 lowing new paragraph (4):

7 “(4) at the discretion of the Secretary of De-
8 fense, while the officer is awaiting orders after being
9 relieved from the position designated under sub-
10 section (a) or by law to carry one of those grades,
11 but not for more than 60 days beginning on the day
12 the officer is relieved from the position, unless, dur-
13 ing such period, the officer is placed under orders to
14 another position designated under subsection (a) or
15 by law to carry one of those grades, in which case
16 paragraph (2) will also apply to the officer; and”.

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

21 “(2) At the discretion of the Secretary of De-
22 fense, an officer of that armed force who has been
23 relieved from a position designated under section
24 601(a) of this title or by law to carry one of the
25 grades specified in such section, but only during the



1 60-day period beginning on the date on which the
2 assignment of the officer to the first position is ter-
3 minated or until the officer is assigned to a second
4 such position, whichever occurs first.”.

5 **SEC. 502. ENHANCED AUTHORITY FOR RESERVE GENERAL**
6 **AND FLAG OFFICERS TO SERVE ON ACTIVE**
7 **DUTY.**

8 Section 526(d) of title 10, United States Code, is
9 amended—

10 (1) by inserting “(1)” before “The limitations”;

11 and

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

14 “(2) The limitations of this section also do not apply
15 to a number, as specified by the Secretary of the military
16 department concerned, of reserve component general or
17 flag officers authorized to serve on active duty for a period
18 of not more than 365 days. The number so specified for
19 an armed force may not exceed the number equal to 10
20 percent of the authorized number of general or flag offi-
21 cers, as the case may be, of that armed force under section
22 12004 of this title. In determining such number, any frac-
23 tion shall be rounded down to the next whole number, ex-
24 cept that such number shall be at least one.”.



1 **SEC. 503. INCREASE IN YEARS OF COMMISSIONED SERVICE**
2 **THRESHOLD FOR DISCHARGE OF PROBA-**
3 **TIONARY OFFICERS AND FOR USE OF FORCE**
4 **SHAPING AUTHORITY.**

5 (a) ACTIVE-DUTY LIST OFFICERS.—

6 (1) EXTENDED PROBATIONARY PERIOD.—Para-
7 graph (1)(A) of section 630 of title 10, United
8 States Code, is amended by striking “five years”
9 and inserting “six years”.

10 (2) SECTION HEADING.—The heading of such
11 section is amended by striking “**five years**” and
12 inserting “**six years**”.

13 (3) TABLE OF SECTIONS.—The item relating to
14 such section in the table of sections at the beginning
15 of subchapter III of chapter 36 of such title is
16 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).”.

17 (b) OFFICER FORCE SHAPING AUTHORITY.—Section
18 647(b)(1) of such title is amended by striking “5 years”
19 both places it appears and inserting “six years”.

20 (c) RESERVE OFFICERS.—

21 (1) EXTENDED PROBATIONARY PERIOD.—Sub-
22 section (a)(1) of section 14503 of such title is
23 amended by striking “five years” and inserting “six
24 years”.



1 (2) SECTION HEADING.—The heading of such
2 section is amended by striking “**five years**” and
3 inserting “**six years**”.

4 (3) TABLE OF SECTIONS.—The item relating to
5 such section in the table of sections at the beginning
6 of chapter 1407 of such title is amended to read as
7 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).”.

8 **SEC. 504. MANDATORY RETIREMENT AGE FOR ACTIVE-**
9 **DUTY GENERAL AND FLAG OFFICERS CON-**
10 **TINUED ON ACTIVE DUTY.**

11 Section 637(b)(3) of title 10, United States Code, is
12 amended by striking “but such period may not (except as
13 provided under section 1251(b) of this title) extend beyond
14 the date of the officer’s sixty-second birthday” and insert-
15 ing “except as provided under section 1251 or 1253 of
16 this title”.

17 **SEC. 505. AUTHORITY FOR REDUCED MANDATORY SERVICE**
18 **OBLIGATION FOR INITIAL APPOINTMENTS OF**
19 **OFFICERS IN CRITICALLY SHORT HEALTH**
20 **PROFESSIONAL SPECIALTIES.**

21 Section 651 of title 10, United States Code, is
22 amended by adding at the end the following new sub-
23 section:



1 “(c)(1) For the armed forces under the jurisdiction
2 of the Secretary of Defense, the Secretary may waive the
3 initial period of required service otherwise established pur-
4 suant to subsection (a) in the case of the initial appoint-
5 ment of a commissioned officer in a critically short health
6 professional specialty specified by the Secretary for pur-
7 poses of this subsection.

8 “(2) The minimum period of obligated service for an
9 officer under a waiver under this subsection shall be the
10 greater of—

11 “(A) two years; or

12 “(B) in the case of an officer who has accepted
13 an accession bonus or executed a contract or agree-
14 ment for the multiyear receipt of special pay for
15 service in the armed forces, the period of obligated
16 service specified in such contract or agreement.”.

17 **SEC. 506. EXPANSION OF AUTHORITY FOR REENLISTMENT**
18 **OF OFFICERS IN THEIR FORMER ENLISTED**
19 **GRADE.**

20 (a) **REGULAR ARMY.**—Section 3258 of title 10,
21 United States Code, is amended—

22 (1) in subsection (a)—

23 (A) by striking “a Reserve officer” and in-
24 serting “an officer”; and



1 (B) by striking “a temporary appoint-
2 ment” and inserting “an appointment”; and
3 (2) in subsection (b)—

4 (A) in paragraph (1), by striking “a Re-
5 serve officer” and inserting “an officer”; and

6 (B) in paragraph (2), by striking “the Re-
7 serve commission” and inserting “the commis-
8 sion”.

9 (b) REGULAR AIR FORCE.—Section 8258 of such
10 title is amended—

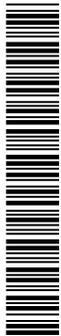
11 (1) in subsection (a)—

12 (A) by striking “a reserve officer” and in-
13 serting “an officer”; and

14 (B) by striking “a temporary appoint-
15 ment” and inserting “an appointment”; and
16 (2) in subsection (b)—

17 (A) in paragraph (1), by striking “a Re-
18 serve officer” and inserting “an officer”; and

19 (B) in paragraph (2), by striking “the Re-
20 serve commission” and inserting “the commis-
21 sion”.



1 **SEC. 507. INCREASE IN AUTHORIZED NUMBER OF PERMA-**
2 **NENT PROFESSORS AT THE UNITED STATES**
3 **MILITARY ACADEMY.**

4 Paragraph (4) of section 4331(b) of title 10, United
5 States Code, is amended to read as follows:

6 “(4) Twenty-eight permanent professors.”.

7 **SEC. 508. PROMOTION OF CAREER MILITARY PROFESSORS**
8 **OF THE NAVY.**

9 (a) PROMOTION.—

10 (1) IN GENERAL.—Chapter 603 of title 10,
11 United States Code, is amended—

12 (A) by redesignating section 6970 as sec-
13 tion 6970a; and

14 (B) by inserting after section 6969 the fol-
15 lowing new section 6970:

16 **“§ 6970. Permanent professors: promotion**

17 “(a) PROMOTION.—An officer serving as a perma-
18 nent professor may be recommended for promotion to the
19 grade of captain or colonel, as the case may be, under reg-
20 ulations prescribed by the Secretary of the Navy. The reg-
21 ulations shall include a competitive selection board process
22 to identify those permanent professors best qualified for
23 promotion. An officer so recommended shall be promoted
24 by appointment to the higher grade by the President, by
25 and with the advice and consent of the Senate.



1 “(b) EFFECTIVE DATE OF PROMOTION.—If made,
2 the promotion of an officer under subsection (a) shall be
3 effective not earlier than three years after the selection
4 of the officer as a permanent professor as described in
5 that subsection.”.

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

“6970. Permanent professors: promotion.

“6970a. Permanent professors: retirement for years of service; authority for de-
ferral.”.

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

12 (1) by striking “and the registrar” and insert-
13 ing “, the registrar”; and

14 (2) by inserting before the period at the end the
15 following: “, and permanent professors of the Navy
16 (as defined in regulations prescribed by the Sec-
17 retary of the Navy)”.

18 (c) COMPETITIVE SELECTION ASSESSMENT.—The
19 Secretary of Defense shall conduct an assessment of the
20 effectiveness of the promotion system established under
21 section 6970 of title 10, United States Code, as added by
22 subsection (a), for permanent professors of the United
23 States Naval Academy, including an evaluation of the ex-
24 tent to which the implementation of the promotion system



1 has resulted in a competitive environment for the selection
2 of permanent professors and an evaluation of whether the
3 goals of the permanent professor program have been
4 achieved, including adequate career progression and pro-
5 motion opportunities for participating officers. Not later
6 than December 31, 2009, the Secretary shall submit to
7 the congressional defense committees a report containing
8 the results of the assessment.

9 (d) USE OF EXCLUSIONS FROM AUTHORIZED OFFI-
10 CER STRENGTHS.—Not later than March 31, 2008, the
11 Secretary of the Navy shall submit to the congressional
12 defense committees a report describing the plans of the
13 Secretary for utilization of authorized exemptions under
14 section 523(b)(8) of title 10, United States Code, and a
15 discussion of the Navy's requirement, if any, and projec-
16 tions for use of additional exemptions by grade.

17 **Subtitle B—Reserve Component** 18 **Management**

19 **SEC. 511. RETENTION OF MILITARY TECHNICIANS WHO**
20 **LOSE DUAL STATUS IN THE SELECTED RE-**
21 **SERVE DUE TO COMBAT-RELATED DIS-**
22 **ABILITY.**

23 Section 10216 of title 10, United States Code, is
24 amended by inserting after subsection (f) the following
25 new subsection:



1 “(g) RETENTION OF MILITARY TECHNICIANS WHO
2 LOSE DUAL STATUS DUE TO COMBAT-RELATED DIS-
3 ABILITY.—(1) Notwithstanding subsection (d) of this sec-
4 tion or subsections (a)(3) and (b) of section 10218 of this
5 title, if a military technician (dual status) loses such dual
6 status as the result of a combat-related disability (as de-
7 fined in section 1413a of this title), the person may be
8 retained as a non-dual status technician so long as—

9 “(A) the combat-related disability does not pre-
10 vent the person from performing the non-dual status
11 functions or position; and

12 “(B) the person, while a non-dual status techni-
13 cian, is not disqualified from performing the non-
14 dual status functions or position because of perform-
15 ance, medical, or other reasons.

16 “(2) A person so retained shall be removed not later
17 than 30 days after becoming eligible for an unreduced an-
18 nuity and becoming 60 years of age.

19 “(3) Persons retained under the authority of this sub-
20 section do not count against the limitations of section
21 10217(c) of this title.”.



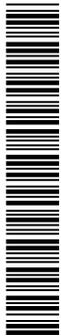
1 **SEC. 512. CONSTRUCTIVE SERVICE CREDIT UPON ORIGI-**
2 **NAL APPOINTMENT OF RESERVE OFFICERS**
3 **IN CERTAIN HEALTH CARE PROFESSIONS.**

4 (a) INCLUSION OF ADDITIONAL HEALTH CARE PRO-
5 FESSIONS.—Paragraph (2) of section 12207(b) of title 10,
6 United States Code, is amended to read as follows:

7 “(2)(A) If the Secretary of Defense determines that
8 the number of officers in a health profession described in
9 subparagraph (B) who are serving in an active status in
10 a reserve component of the Army, Navy, or Air Force in
11 grades below major or lieutenant commander is critically
12 below the number needed in such health profession by
13 such reserve component in such grades, the Secretary of
14 Defense may authorize the Secretary of the military de-
15 partment concerned to credit any person who is receiving
16 an original appointment as an officer for service in such
17 health profession with a period of constructive credit in
18 such amount (in addition to any amount credited such
19 person under paragraph (1)) as will result in the grade
20 of such person being that of captain or, in the case of
21 the Navy Reserve, lieutenant.

22 “(B) The types of health professions referred to in
23 subparagraph (A) include the following:

24 “(i) Any health profession performed by officers
25 in the Medical Corps of the Army or the Navy or by



1 officers of the Air Force designated as a medical of-
2 ficer.

3 “(ii) Any health profession performed by offi-
4 cers in the Dental Corps of the Army or the Navy
5 or by officers of the Air Force designated as a den-
6 tal officer.

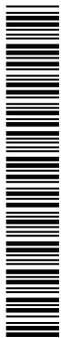
7 “(iii) Any health profession performed by offi-
8 cers in the Medical Service Corps of the Army or the
9 Navy or by officers of the Air Force designated as
10 a medical service officer or biomedical sciences offi-
11 cer.

12 “(iv) Any health profession performed by offi-
13 cers in the Army Medical Specialist Corps.

14 “(v) Any health profession performed by offi-
15 cers of the Nurse Corps of the Army or the Navy
16 or by officers of the Air Force designated as a
17 nurse.

18 “(vi) Any health profession performed by offi-
19 cers in the Veterinary Corps of the Army or by offi-
20 cers designated as a veterinary officer.”.

21 (b) CONFORMING AMENDMENT.—Paragraph (3) of
22 such section is amended by striking “a medical or dental
23 officer” and inserting “officers covered by paragraph (2)”.



1 **SEC. 513. MANDATORY SEPARATION OF RESERVE OFFI-**
2 **CERS IN THE GRADE OF LIEUTENANT GEN-**
3 **ERAL OR VICE ADMIRAL AFTER COMPLETION**
4 **OF 38 YEARS OF COMMISSIONED SERVICE.**

5 (a) MANDATORY SEPARATION.—Section 14508 of
6 title 10, United States Code, is amended—

7 (1) by redesignating subsections (c), (d), and
8 (e) as subsections (e), (f), and (g), respectively; and

9 (2) by inserting after subsection (b) the fol-
10 lowing new subsection (c):

11 “(c) THIRTY-EIGHT YEARS OF SERVICE FOR LIEU-
12 TENANT GENERALS AND VICE ADMIRALS.—Unless re-
13 tired, transferred to the Retired Reserve, or discharged
14 at an earlier date, each reserve officer of the Army, Air
15 Force, or Marine Corps in the grade of lieutenant general
16 and each reserve officer of the Navy in the grade of vice
17 admiral shall be separated in accordance with section
18 14514 of this title on the later of the following:

19 “(1) 30 days after completion of 38 years of
20 commissioned service.

21 “(2) The fifth anniversary of the date of the of-
22 ficer’s appointment in the grade of lieutenant gen-
23 eral or vice admiral.”.

24 (b) CLERICAL AMENDMENTS.—Such section is fur-
25 ther amended—



1 (1) in subsection (a), by inserting “FOR BRIGA-
2 DIER GENERALS AND REAR ADMIRALS (LOWER
3 HALF)” after “GRADE” in the subsection heading;
4 and

5 (2) in subsection (b), by inserting “FOR MAJOR
6 GENERALS AND REAR ADMIRALS” after “GRADE”
7 in the subsection heading.

8 **SEC. 514. MAXIMUM PERIOD OF TEMPORARY FEDERAL**
9 **RECOGNITION OF PERSON AS ARMY NA-**
10 **TIONAL GUARD OFFICER OR AIR NATIONAL**
11 **GUARD OFFICER.**

12 Section 308(a) of title 32, United States Code, is
13 amended in the last sentence by striking “six months” and
14 inserting “one year”.

15 **SEC. 515. 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 a military department shall ensure that a member of a
20 reserve component under the jurisdiction of that Secretary
21 who will be called or ordered to active duty for a period
22 of more than 30 days in support of a contingency oper-
23 ation (as defined in section 101(a)(13) of title 10, United
24 States Code) receives notice in advance of the mobilization
25 date. In so far as is practicable, the notice shall be pro-



1 vided not less than 30 days before the mobilization date,
2 but 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 **SEC. 516. REPORT ON RELIEF FROM PROFESSIONAL LICEN-**
14 **SURE AND CERTIFICATION REQUIREMENTS**
15 **FOR RESERVE COMPONENT MEMBERS ON**
16 **LONG-TERM ACTIVE DUTY.**

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

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

24 (1) identify the number and type of professional
25 or other licensure or certification requirements that



1 may be adversely impacted by extended periods of
2 active duty; and

3 (2) determine mechanisms that would provide
4 relief from professional or other licensure or certifi-
5 cation requirements for members of the reserve com-
6 ponents while on active duty for an extended period
7 of time.

8 (c) REPORT.—Not later than 120 days after the date
9 of the enactment of this Act, the Comptroller General shall
10 submit to the Committees on Armed Services of the Sen-
11 ate and House of Representative a report containing the
12 results of the study and such recommendations as the
13 Comptroller General considers appropriate to provide fur-
14 ther relief for members of the reserve components from
15 professional or other licensure or certification require-
16 ments while on active duty for an extended period of time.

17 **Subtitle C—Education and** 18 **Training**

19 **SEC. 521. REVISIONS TO AUTHORITY TO PAY TUITION FOR** 20 **OFF-DUTY TRAINING OR EDUCATION.**

21 (a) INCLUSION OF COAST GUARD.—Subsection (a) of
22 section 2007 of title 10, United States Code, is amended
23 by striking “Subject to subsection (b), the Secretary of
24 a military department” and inserting “Subject to sub-
25 sections (b) and (c), the Secretary concerned”.



1 (b) COMMISSIONED OFFICERS ON ACTIVE DUTY.—

2 Subsection (b) of such section is amended—

3 (1) in paragraph (1)—

4 (A) by inserting after “commissioned offi-
5 cer on active duty” the following: “(other than
6 a member of the Ready Reserve)”;

7 (B) by striking “the Secretary of the mili-
8 tary department concerned” and inserting “the
9 Secretary concerned”; and

10 (C) by striking “or full-time National
11 Guard duty” both places it appears; and

12 (2) in paragraph (2)—

13 (A) in the matter preceding subparagraph
14 (A), by striking “the Secretary of the military
15 department” and inserting “the Secretary con-
16 cerned”;

17 (B) in subparagraph (B), by inserting
18 after “active duty service” the following: “for
19 which the officer was ordered to active duty”;
20 and

21 (C) in subparagraph (C), by striking “Sec-
22 retary” and inserting “Secretary concerned”.

23 (c) AUTHORITY TO PAY TUITION ASSISTANCE TO
24 MEMBERS OF THE READY RESERVE.—



1 (1) AVAILABILITY OF ASSISTANCE.—Subsection
2 (c) of such section is amended to read as follows:

3 “(c)(1) Subject to paragraphs (3) and (5), the Sec-
4 retary concerned may pay the charges of an educational
5 institution for the tuition or expenses described in sub-
6 section (a) of a member of the Selected Reserve.

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

13 “(3) The Secretary concerned may not pay charges
14 under paragraph (1) for tuition or expenses of an officer
15 of the Selected Reserve unless the officer enters into an
16 agreement to remain a member of the Selected Reserve
17 for at least 4 years after completion of the education or
18 training for which the charges are paid.

19 “(4) The Secretary concerned may not pay charges
20 under paragraph (2) for tuition or expenses of an officer
21 of the Individual Ready Reserve unless the officer enters
22 into an agreement to remain in the Selected Reserve or
23 Individual Ready Reserve for at least 4 years after comple-
24 tion of the education or training for which the charges
25 are paid.



1 “(5) The Secretary of a military department may re-
2 quire an enlisted member of the Selected Reserve or Indi-
3 vidual Ready Reserve to enter into an agreement to serve
4 for up to 4 years in the Selected Reserve or Individual
5 Ready Reserve, as the case may be, after completion of
6 the education or training for which tuition or expenses are
7 paid under paragraph (1) or (2), as applicable.”.

8 (2) REPEAL OF SUPERSEDED PROVISION.—
9 Such section is further amended—

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

11 (B) by redesignating subsections (e) and
12 (f) as subsections (d) and (e), respectively.

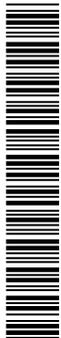
13 (3) REPAYMENT OF UNEARNED BENEFIT.—
14 Subsection (e) of such section, as redesignated by
15 paragraph (2) of this subsection, is amended—

16 (A) by inserting “(1)” after “(e)”; and

17 (B) by adding at the end the following new
18 paragraph:

19 “(2) If a member of the Ready Reserve who enters
20 into an agreement under subsection (e) does not complete
21 the period of service specified in the agreement, the mem-
22 ber shall be subject to the repayment provisions of section
23 303a(e) of title 37.”.

24 (d) REGULATIONS.—Such section is further amended
25 by adding at the end the following new subsection:



1 “(f) This section shall be administered under regula-
2 tions prescribed by the Secretary of Defense or, with re-
3 spect to the Coast Guard when it is not operating as a
4 service in the Navy, the Secretary of Homeland Security.”.

5 (e) STUDY.—

6 (1) STUDY REQUIRED.—The Secretary of De-
7 fense shall carry out a study on the tuition assist-
8 ance program carried out under section 2007 of title
9 10, United States Code. The study shall—

10 (A) identify the number of members of the
11 Armed Forces eligible for assistance under the
12 program, and the number who actually receive
13 the assistance;

14 (B) assess the extent to which the program
15 affects retention rates; and

16 (C) assess the extent to which State tuition
17 assistance programs affect retention rates in
18 those States.

19 (2) REPORT.—Not later than 9 months after
20 the date of the enactment of this Act, the Secretary
21 shall submit to the Committee on Armed Services of
22 the Senate and the Committee on Armed Services of
23 the House of Representatives a report containing the
24 results of the study.



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

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

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

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

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

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

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



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

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

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

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

16 **SEC. 524. TREATMENT OF PRIOR ACTIVE SERVICE OF MEM-**
17 **BERS IN UNIFORMED MEDICAL ACCESSION**
18 **PROGRAMS.**

19 (a) MEDICAL STUDENTS OF USUHS.—

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

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



1 (B) in subsection (b)—

2 (i) by inserting “(1)” after “(b)”; and

3 (ii) by inserting after the second sen-

4 tence the following new paragraph:

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

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



1 (A) in subsection (b), by striking “Upon
2 graduation they” and inserting the following:

3 “(c) Medical students who graduate”; and

4 (B) in subsection (i), as redesignated by
5 paragraph (1), by striking “subsection (b)” and
6 inserting “subsection (c)”.

7 (b) PARTICIPANTS IN HEALTH PROFESSIONS SCHOL-
8 ARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section
9 2121(c) of such title is amended—

10 (1) by inserting “(1)” after “(c)”; and

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

13 “(2) If a member of the uniformed services selected
14 to participate in the program as a medical student has
15 prior active service in a pay grade and with years of serv-
16 ice credited for pay that would entitle the member, if the
17 member remained in the former grade, to a rate of basic
18 pay in excess of the rate of basic pay for regular officers
19 in the grade of second lieutenant or ensign, the member
20 shall be paid basic pay based on the former grade and
21 years of service credited for pay. The amount of such basic
22 pay for the member shall be increased on January 1 of
23 each year by the percentage by which basic pay is in-
24 creased on average on that date for that year, and the
25 member shall continue to receive basic pay based on the



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

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

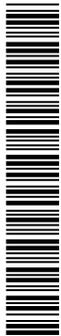
10 (1) APPOINTMENT AND TREATMENT OF PRIOR
11 ACTIVE SERVICE.—Section 2004a of such title is
12 amended—

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

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

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

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



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

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

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

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



1 **SEC. 526. NATIONAL DEFENSE UNIVERSITY MASTER'S DE-**
2 **GREE PROGRAMS.**

3 (a) MASTER OF ARTS PROGRAM AUTHORIZED.—Sec-
4 tion 2163 of title 10, United States Code, is amended—

5 (1) in subsection (a), by inserting “or master of
6 arts” after “master of science”; and

7 (2) in subsection (b), by adding at the end the
8 following new paragraph:

9 “(4) MASTER OF ARTS IN STRATEGIC SECURITY
10 STUDIES.—The degree of master of arts in strategic
11 security studies, to graduates of the University who
12 fulfill the requirements of the program at the School
13 for National Security Executive Education.”.

14 (b) CLERICAL AMENDMENTS.—

15 (1) SECTION HEADING.—The heading of such
16 section is amended to read as follows:

17 “§ 2163. National Defense University: master’s degree
18 programs”.

19 (2) TABLE OF CONTENTS.—The table of sec-
20 tions at the beginning of chapter 108 of such title
21 is amended by striking the item relating to section
22 2163 and inserting the following new item:

“2163. National Defense University: master’s degree programs.”.

23 (c) APPLICABILITY TO 2006–2007 GRADUATES.—
24 Paragraph (4) of section 2163(b) of title 10, United
25 States Code, as added by subsection (a) of this section,



1 applies with respect to any person who becomes a graduate
2 of the National Defense University on or after September
3 6, 2006, and fulfills the requirements of the program re-
4 ferred to in such paragraph (4).

5 **SEC. 527. AUTHORITY OF THE AIR UNIVERSITY TO CONFER**
6 **DEGREE OF MASTER OF SCIENCE IN FLIGHT**
7 **TEST ENGINEERING.**

8 Section 9317(a) of title 10, United States Code, is
9 amended—

10 (1) by redesignating paragraph (4) as para-
11 graph (5); and

12 (2) by inserting after paragraph (3) the fol-
13 lowing new paragraph:

14 “(4) The degree of master of science in flight
15 test engineering upon graduates of the Air Force
16 Test Pilot School who fulfill the requirements for
17 that degree in a manner consistent with the rec-
18 ommendations of the Department of Education and
19 the principles of the regional accrediting body for
20 the Air University.”.

21 **SEC. 528. ENHANCEMENT OF EDUCATION BENEFITS FOR**
22 **CERTAIN MEMBERS OF RESERVE COMPO-**
23 **NENTS.**

24 (a) ACCELERATED PAYMENT OF EDUCATIONAL AS-
25 SISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—



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

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

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

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

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

18 “(2) charged tuition and fees for the program
19 of education that, when divided by the number of
20 months (and fractions thereof) in the enrollment pe-
21 riod, exceeds the amount equal to 200 percent of the
22 monthly rate of educational assistance allowance
23 otherwise payable with respect to the person under
24 section 16131 of this title.



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

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

7 “(B) the aggregate amount of educational as-
8 sistance allowance to which the person remains enti-
9 tled under this chapter at the time of the payment.

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

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

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



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

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

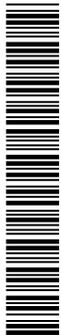
6 “(3) The educational institution providing the pro-
7 gram of education for which an accelerated payment of
8 educational assistance allowance is elected by an eligible
9 person under subsection (a) shall certify to the Secretary
10 of Veterans Affairs the amount of the established charges
11 for the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

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

19 “(1) the person’s enrollment in and pursuit of
20 the program of education; and

21 “(2) the amount of the established charges for
22 the program of education.

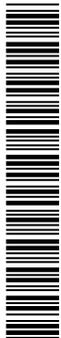
23 “(e)(1) Except as provided in paragraph (2), for each
24 accelerated payment of educational assistance allowance
25 made with respect to an eligible person under this section,



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

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

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



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

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

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

“16131a. Accelerated payment of educational assistance.”.

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

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

23 (1) IN GENERAL.—Chapter 1607 of title 10,
24 United States Code, is amended by inserting after
25 section 16162 the following new section:



1 **“§ 16162a. Accelerated payment of educational assist-**
2 **ance**

3 “(a) PAYMENT ON ACCELERATED BASIS.—The edu-
4 cational assistance allowance payable under section 16162
5 of this title with respect to an eligible member described
6 in subsection (b) may, upon the election of such eligible
7 member, be paid on an accelerated basis in accordance
8 with this section.

9 “(b) ELIGIBLE MEMBERS.—An eligible member de-
10 scribed in this subsection is a member of a reserve compo-
11 nent entitled to educational assistance under this chapter
12 who is—

13 “(1) enrolled in an approved program of edu-
14 cation not exceeding two years in duration and not
15 leading to an associate, bachelors, masters, or other
16 degree, subject to subsection (g); and

17 “(2) charged tuition and fees for the program
18 of education that, when divided by the number of
19 months (and fractions thereof) in the enrollment pe-
20 riod, exceeds the amount equal to 200 percent of the
21 monthly rate of educational assistance allowance
22 otherwise payable with respect to the member under
23 section 16162 of this title.

24 “(c) AMOUNT OF ACCELERATED PAYMENT.—(1) The
25 amount of the accelerated payment of educational assist-
26 ance payable with respect to an eligible member making



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

3 “(A) the amount equal to 60 percent of the es-
4 tablished charges for the program of education; or

5 “(B) the aggregate amount of educational as-
6 sistance allowance to which the member remains en-
7 titled under this chapter at the time of the payment.

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

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

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



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

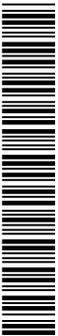
4 “(3) The educational institution providing the pro-
5 gram of education for which an accelerated payment of
6 educational assistance allowance is elected by an eligible
7 member under subsection (a) shall certify to the Secretary
8 of Veterans Affairs the amount of the established charges
9 for the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

10 “(d) TIME OF PAYMENT.—An accelerated payment
11 of educational assistance allowance made with respect to
12 an eligible member under this section for a program of
13 education shall be made not later than the last day of the
14 month immediately following the month in which the Sec-
15 retary of Veterans Affairs receives a certification from the
16 educational institution regarding—

17 “(1) the member’s enrollment in and pursuit of
18 the program of education; and

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

21 “(e) CHARGE AGAINST ENTITLEMENT.—(1) Except
22 as provided in paragraph (2), for each accelerated pay-
23 ment of educational assistance allowance made with re-
24 spect to an eligible member under this section, the mem-
25 ber’s entitlement to educational assistance under this



1 chapter shall be charged the number of months (and any
2 fraction thereof) determined by dividing the amount of the
3 accelerated payment by the full-time monthly rate of edu-
4 cational assistance allowance otherwise payable with re-
5 spect to the member under section 16162 of this title as
6 of the beginning date of the enrollment period for the pro-
7 gram of education for which the accelerated payment is
8 made.

9 “(2) If the monthly rate of educational assistance al-
10 lowance otherwise payable with respect to an eligible mem-
11 ber under section 16162 of this title increases during the
12 enrollment period of a program of education for which an
13 accelerated payment of educational assistance allowance is
14 made under this section, the charge to the member’s enti-
15 tlement to educational assistance under this chapter shall
16 be determined by prorating the entitlement chargeable, in
17 the manner provided for under paragraph (1), for the peri-
18 ods covered by the initial rate and increased rate, respec-
19 tively, in accordance with regulations prescribed by the
20 Secretary of Veterans Affairs.

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



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

6 “(g) LIMITATION.—The aggregate amount of edu-
7 cational assistance payable under this section in any fiscal
8 year for enrollments covered by subsection (b)(1) may not
9 exceed \$3,000,000.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of chapter 1607 of such title
12 is amended by inserting after the item relating to
13 section 16162 the following new item:

“16162a. Accelerated payment of educational assistance.”.

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

18 (c) ENHANCEMENT OF EDUCATIONAL ASSISTANCE
19 FOR RESERVE COMPONENT MEMBERS SUPPORTING CON-
20 TINGENCY OPERATIONS AND OTHER OPERATIONS.—

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



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

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

4 (2) CONTRIBUTIONS FOR INCREASED AMOUNT
5 OF EDUCATIONAL ASSISTANCE.—Such section is fur-
6 ther amended by adding at the end the following
7 new subsection:

8 “(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF
9 EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligi-
10 ble for educational assistance under this section may con-
11 tribute amounts for purposes of receiving an increased
12 amount of educational assistance as provided for in para-
13 graph (2).

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

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

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



1 “(2) Effective as of the first day of the enrollment
2 period following the enrollment period in which an indi-
3 vidual makes contributions under paragraph (1), the
4 monthly amount of educational assistance allowance appli-
5 cable to such individual under this section shall be the
6 monthly rate otherwise provided for under subsection (c)
7 increased by—

8 “(A) an amount equal to \$5 for each \$20 con-
9 tributed by such individual under paragraph (1) for
10 an approved program of education pursued on a full-
11 time basis; or

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

17 **SEC. 529. EXTENSION OF PERIOD OF ENTITLEMENT TO**
18 **EDUCATIONAL ASSISTANCE FOR CERTAIN**
19 **MEMBERS OF THE SELECTED RESERVE AF-**
20 **FECTED BY FORCE SHAPING INITIATIVES.**

21 Section 16133(b)(1)(B) of title 10, United States
22 Code, is amended by inserting “or the period beginning
23 on October 1, 2007, and ending on September 30, 2014,”
24 after “December 31, 2001,”.



1 **SEC. 530. TIME LIMIT FOR USE OF EDUCATIONAL ASSIST-**
2 **ANCE BENEFIT FOR CERTAIN MEMBERS OF**
3 **RESERVE COMPONENTS AND RESUMPTION**
4 **OF BENEFIT.**

5 (a) MODIFICATION OF TIME LIMIT FOR USE OF BEN-
6 EFIT.—

7 (1) MODIFICATION.—Section 16164(a) of title
8 10, United States Code, is amended by striking
9 “this chapter while serving—” and all that follows
10 and inserting “this chapter—

11 “(1) while the member is serving—

12 “(A) in the Selected Reserve of the Ready
13 Reserve, in the case of a member called or or-
14 dered to active service while serving in the Se-
15 lected Reserve; or

16 “(B) in the Ready Reserve, in the case of
17 a member ordered to active duty while serving
18 in the Ready Reserve (other than the Selected
19 Reserve); and

20 “(2) in the case of a person who separates from
21 the Selected Reserve of the Ready Reserve after
22 completion of a period of active service described in
23 section 16163 of this title and completion of a serv-
24 ice contract under other than dishonorable condi-
25 tions, during the 10-year period beginning on the



1 date on which the person separates from the Se-
2 lected Reserve.”.

3 (2) CONFORMING AMENDMENT.—Paragraph (2)
4 of section 16165(a) of such title is amended to read
5 as follows:

6 “(2) when the member separates from the
7 Ready Reserve as provided in section 16164(a)(1) of
8 this title, or upon completion of the period provided
9 for in section 16164(a)(2) of this title, as applica-
10 ble.”.

11 (b) RECLAIMING BENEFIT FOR MEMBERS REEN-
12 TERING SERVICE.—Section 16165(b) of such title is
13 amended by striking “of not more than 90 days” after
14 “who incurs a break in service in the Selected Reserve”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect as of October 28, 2004, as
17 if included in the enactment of the Ronald W. Reagan Na-
18 tional Defense Authorization Act for Fiscal Year 2005
19 (Public Law 108–375), to which such amendments relate.

20 **SEC. 531. SECRETARY OF DEFENSE EVALUATION OF THE**
21 **ADEQUACY OF THE DEGREE-GRANTING AU-**
22 **THORITIES OF CERTAIN MILITARY UNIVER-**
23 **SITIES AND EDUCATIONAL INSTITUTIONS.**

24 (a) EVALUATION REQUIRED.—The Secretary of De-
25 fense shall carry out an evaluation of the degree-granting



1 authorities provided by title 10, United States Code, to
2 the academic institutions specified in subsection (b). The
3 evaluation shall assess whether the current process, under
4 which each degree conferred by each institution must have
5 a statutory authorization, remains adequate, appropriate,
6 and responsive enough to meet emerging military service
7 education requirements.

8 (b) SPECIFIED INSTITUTIONS.—The academic insti-
9 tutions covered by subsection (a) are the following:

10 (1) The National Defense University.

11 (2) The Army War College and the United
12 States Army Command and General Staff College.

13 (3) The United States Naval War College.

14 (4) The United States Naval Postgraduate
15 School.

16 (5) Air University and the United States Air
17 Force Institute of Technology.

18 (6) The Marine Corps University.

19 (c) REPORT.—Not later than April 1, 2008, the Sec-
20 retary shall submit to the Committee on Armed Services
21 of the Senate and the Committee on Armed Services of
22 the House of Representatives a report on the evaluation.
23 The report shall include the results of the evaluation and
24 any recommendations for changes to policy or law that
25 the Secretary considers appropriate.



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

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

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

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



1 322(2) of the Higher Education Act of 1965 (20
2 U.S.C. 1061(2)).

3 (2) A minority institution, as defined in section
4 365(3) of that Act (20 U.S.C. 1067k(3)).

5 (3) An Hispanic-serving institution, as defined
6 in section 502(a)(5) of that Act (20 U.S.C.
7 1101a(a)(5)).

8 **SEC. 533. REPORT ON UTILIZATION OF TUITION ASSIST-**
9 **ANCE BY MEMBERS OF THE ARMED FORCES.**

10 (a) **REPORTS REQUIRED.**—Not later than April 1,
11 2008, the Secretary of each military department shall sub-
12 mit to the congressional defense committees a report on
13 the utilization of tuition assistance by members of the
14 Armed Forces, whether in the regular components of the
15 Armed Forces or the reserve components of the Armed
16 Forces, under the jurisdiction of such military department
17 during fiscal year 2007.

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

21 (1) Information on the policies of such military
22 department for fiscal year 2007 regarding utilization
23 of, and limits on, tuition assistance by members of
24 the Armed Forces under the jurisdiction of such
25 military department, including an estimate of the



1 number of members of the reserve components of
2 the Armed Forces under the jurisdiction of such
3 military department whose requests for tuition as-
4 sistance during that fiscal year were unfunded.

5 (2) Information on the policies of such military
6 department for fiscal year 2007 regarding funding
7 of tuition assistance for each of the regular compo-
8 nents of the Armed Forces and each of the reserve
9 components of the Armed Forces under the jurisdic-
10 tion of such military department.

11 **SEC. 534. NAVY JUNIOR RESERVE OFFICERS' TRAINING**
12 **CORPS UNIT FOR SOUTHOLD, MATTITUCK,**
13 **AND GREENPORT HIGH SCHOOLS.**

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

- 20 (1) Southold High School.
21 (2) Mattituck High School.
22 (3) Greenport High School.



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

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

16 (b) ELEMENTS OF REPORT.—The report shall spe-
17 cifically address the following:

18 (1) A discussion of the history and purpose of
19 the educational assistance benefits under chapters
20 1606 and 1607 of title 10, United States Code, and
21 the data most recently available, as of the date of
22 the enactment of this Act, relating to the cost of
23 providing such benefits and the projected costs of
24 providing such benefits over the ten-year period be-
25 ginning on the such date.



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

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

8 (4) The extent to which educational assistance
9 benefits influence the decision of a person to join a
10 reserve component.

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

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

23 (7) The practical and budgetary issues involved
24 in a transfer of administrative jurisdiction, including
25 a discussion of the cost of equating the educational



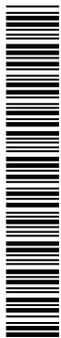
1 assistance benefits for members of the active and re-
2 serve components.

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

7 (9) The feasibility and likely effects of transfer-
8 ring the administration of the educational assistance
9 programs for members of the reserve components
10 contained in chapters 1606 and 1607 of title 10,
11 United States Code, from the Department of De-
12 fense to the Department of Veterans Affairs through
13 the recodification of such chapters in title 38,
14 United States Code, as proposed in section 525 of
15 H.R. 1585 of the 110th Congress, as passed by the
16 House of Representatives, together with any rec-
17 ommendations of the Secretary for improving that
18 section.

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

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



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

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



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

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

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

12 “(6) Survivors of a deceased member or former
13 member described in paragraphs (1), (2), (3), and
14 (4) who were dependents of the member or former
15 member at the time of the death of the member or
16 former member, except that the eligibility of such
17 survivors shall be determined pursuant to regula-
18 tions prescribed by the Secretary concerned.

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



1 **SEC. 542. AUTHORITY OF JUDGES OF THE UNITED STATES**
2 **COURT OF APPEALS FOR THE ARMED**
3 **FORCES TO ADMINISTER OATHS.**

4 Section 936 of title 10, United States Code (article
5 136 of the Uniform Code of Military Justice), is amended
6 by adding at the end the following new subsection:

7 “(c) The judges of the United States Court of Ap-
8 peals for the Armed Forces may administer the oaths au-
9 thorized by subsections (a) and (b).”.

10 **SEC. 543. MODIFICATION OF AUTHORITIES ON SENIOR**
11 **MEMBERS OF THE JUDGE ADVOCATE GEN-**
12 **ERALS’ CORPS.**

13 (a) DEPARTMENT OF THE ARMY.—

14 (1) GRADE OF JUDGE ADVOCATE GENERAL.—

15 Subsection (a) of section 3037 of title 10, United
16 States Code, is amended by striking the third sen-
17 tence and inserting the following new sentence: “The
18 Judge Advocate General, while so serving, has the
19 grade of lieutenant general.”.

20 (2) REDESIGNATION OF ASSISTANT JUDGE AD-
21 VOCATE GENERAL AS DEPUTY JUDGE ADVOCATE
22 GENERAL.—Such section is further amended—

23 (A) in subsection (a), by striking “Assist-
24 ant Judge Advocate General” each place it ap-
25 pears and inserting “Deputy Judge Advocate
26 General”; and



1 (B) in subsection (d), by striking “Assist-
2 ant Judge Advocate General” and inserting
3 “Deputy Judge Advocate General”.

4 (3) CLERICAL AMENDMENTS.—(A) The heading
5 of such section is amended to read as follows:

6 **“§ 3037. Judge Advocate General, Deputy Judge Ad-
7 vocate General, and general officers of
8 Judge Advocate General’s Corps: appoint-
9 ment; duties”.**

10 (B) The table of sections at the beginning of
11 chapter 305 of such title is amended by striking the
12 item relating to section 3037 and inserting the fol-
13 lowing new item:

“3037. Judge Advocate General, Deputy Judge Advocate General, and general
officers of Judge Advocate General’s Corps: appointment; du-
ties.”.

14 (b) GRADE OF JUDGE ADVOCATE GENERAL OF THE
15 NAVY.—Section 5148(b) of such title is amended by strik-
16 ing the last sentence and inserting the following new sen-
17 tence: “The Judge Advocate General, while so serving, has
18 the grade of vice admiral or lieutenant general, as appro-
19 priate.”.

20 (c) GRADE OF JUDGE ADVOCATE GENERAL OF THE
21 AIR FORCE.—Section 8037(a) of such title is amended by
22 striking the last sentence and inserting the following new
23 sentence: “The Judge Advocate General, while so serving,
24 has the grade of lieutenant general.”.



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

6 (e) LEGAL COUNSEL TO CHAIRMAN OF THE JOINT
7 CHIEFS OF STAFF.—

8 (1) IN GENERAL.—Chapter 5 of title 10, United
9 States Code, is amended by adding at the end the
10 following new section:

11 **“§ 156. Legal Counsel to the Chairman of the Joint**
12 **Chiefs of Staff**

13 “(a) IN GENERAL.—There is a Legal Counsel to the
14 Chairman of the Joint Chiefs of Staff.

15 “(b) SELECTION FOR APPOINTMENT.—Under regula-
16 tions prescribed by the Secretary of Defense, the officer
17 selected for appointment to serve as Legal Counsel to the
18 Chairman of the Joint Chiefs of Staff shall be rec-
19 ommended by a board of officers convened by the Sec-
20 retary of Defense that, insofar as practicable, is subject
21 to the procedures applicable to selection boards convened
22 under chapter 36 of this title.

23 “(c) GRADE.—An officer appointed to serve as Legal
24 Counsel to the Chairman of the Joint Chiefs of Staff shall,



1 while so serving, hold the grade of brigadier general or
2 rear admiral (lower half).

3 “(d) DUTIES.—The Legal Counsel of the Chairman
4 of the Joint Chiefs of Staff shall perform such legal duties
5 in support of the responsibilities of the Chairman of the
6 Joint Chiefs of Staff as the Chairman may prescribe.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 5 of such title is
9 amended by adding at the end the following new
10 item:

“156. Legal Counsel to the Chairman of the Joint Chiefs of Staff”.

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

15 (1) STRATEGIC PLAN REQUIRED.—The Sec-
16 retary of Defense shall develop a strategic plan link-
17 ing the missions and requirements of the Depart-
18 ment of Defense for general and flag officers to the
19 statutory limits on the numbers of general and flag
20 officers, and current assignment, promotion, and
21 joint officer development policies for general and
22 flag officers.

23 (2) ADVICE OF CHAIRMAN OF JOINT CHIEFS OF
24 STAFF.—The Secretary shall develop the strategic



1 plan required under paragraph (1) with the advice
2 of the Chairman of the Joint Chiefs of Staff.

3 (3) MATTERS TO BE INCLUDED.—The strategic
4 plan required under paragraph (1) shall include the
5 following:

6 (A) A description of the process for identi-
7 fication of the present and emerging require-
8 ments for general and flag officers and rec-
9 ommendations for meeting these requirements.

10 (B) Identification of the numbers of gen-
11 eral and flag officers by service, grade, and
12 qualifications currently available compared with
13 the numbers needed to meet existing statutory
14 requirements in support of the overall missions
15 of the Department of Defense.

16 (C) An assessment of the problems or
17 issues (and proposed solutions for any such
18 problems or issues) arising from existing nu-
19 merical limitations on the number and grade
20 distribution of active and reserve component
21 general and flag officers under sections 525,
22 526, and 12004 of title 10, United States Code.

23 (D) A discussion of how wartime require-
24 ments for additional general or flag officers
25 have been addressed in support of Operation

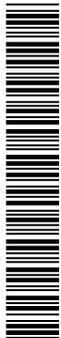


1 Enduring Freedom and Operation Iraqi Free-
2 dom, including the usage of wartime or national
3 emergency authorities.

4 (E) An assessment of any problems or
5 issues (and proposed solutions for any such
6 problems or issues) arising from existing statu-
7 tory provisions regarding general and flag offi-
8 cer assignments and grade requirements and
9 the need, if any, for revision of provisions in
10 title 10, United States Code, specific to indi-
11 vidual general and flag officer positions along
12 with recommendations to mitigate the need for
13 routine legislative intervention as positions
14 change to support organizational demands.

15 (F) An assessment of the use currently
16 being made of reserve component flag and gen-
17 eral officers and discussion of barriers to the
18 qualification, selection, and assignment of Na-
19 tional Guard and Reserve officers for the broad-
20 est possible range of positions of importance
21 and responsibility.

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



1 the Senate and the House of Representatives not
2 later than March 1, 2009.

3 **SEC. 544. PROHIBITION AGAINST MEMBERS OF THE ARMED**
4 **FORCES PARTICIPATING IN CRIMINAL**
5 **STREET GANGS.**

6 The Secretary of Defense shall prescribe regulations
7 to prohibit the active participation by members of the
8 Armed Forces in a criminal street gang.

9 **Subtitle E—Military Leave**

10 **SEC. 551. TEMPORARY ENHANCEMENT OF CARRYOVER OF**
11 **ACCUMULATED LEAVE FOR MEMBERS OF**
12 **THE ARMED FORCES.**

13 (a) TEMPORARY INCREASE IN ACCUMULATED LEAVE
14 CARRYOVER AMOUNT.—Section 701 of title 10, United
15 States Code, is amended—

16 (1) in subsection (b), by striking “subsection (f)
17 and subsection (g)” and inserting “subsections (d),
18 (f), and (g)”; and

19 (2) by inserting after subsection (c) the fol-
20 lowing new subsection:

21 “(d) Notwithstanding subsection (b), during the pe-
22 riod beginning on October 1, 2008, through December 31,
23 2010, a member may accumulate up to 75 days of leave.”.



1 (b) CONFORMING AMENDMENTS RELATED TO HIGH
2 DEPLOYMENT MEMBERS.—Subsection (f) of such section
3 is amended—

4 (1) in paragraph (1)(A), by striking “any accu-
5 mulated leave in excess of 60 days at the end of the
6 fiscal year” and inserting “at the end of the fiscal
7 year any accumulated leave in excess of the number
8 of days of leave authorized to be accumulated under
9 subsection (b) or (d)”;

10 (2) in paragraph (1)(C)—

11 (A) by striking “60 days” and inserting
12 “the days of leave authorized to be accumulated
13 under subsection (b) or (d) that are”; and

14 (B) by inserting “(or fourth fiscal year, if
15 accumulated while subsection (d) is in effect)”
16 after “third fiscal year”; and

17 (3) in paragraph (2), by striking “except for
18 this paragraph—” and all that follows through the
19 end of the paragraph and inserting “except for this
20 paragraph, would lose at the end of that fiscal year
21 any accumulated leave in excess of the number of
22 days of leave authorized to be accumulated under
23 subsection (b) or (d), shall be permitted to retain
24 such leave until the end of the second fiscal year



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

3 (c) CONFORMING AMENDMENT RELATED TO MEM-
4 BERS IN MISSING STATUS.—Subsection (g) of such sec-
5 tion is amended by striking “60-day limitation in sub-
6 section (b) and the 90-day limitation in subsection (f)”
7 and inserting “limitations in subsections (b), (d), and (f)”.

8 (d) PAY.—Section 501(b) of title 37, United States
9 Code, is amended by adding at the end the following new
10 paragraph:

11 “(6) An enlisted member of the armed forces who
12 would lose accumulated leave in excess of 120 days of
13 leave under section 701(f)(1) of title 10 may elect to be
14 paid in cash or by a check on the Treasurer of the United
15 States for any leave in excess so accumulated for up to
16 30 days of such leave. A member may make an election
17 under this paragraph only once.”.

18 **SEC. 552. ENHANCEMENT OF REST AND RECUPERATION**

19 **LEAVE.**

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



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

3 **SEC. 561. AUTHORIZATION AND REQUEST FOR AWARD OF**
4 **MEDAL OF HONOR TO LESLIE H. SABO, JR.,**
5 **FOR ACTS OF VALOR DURING THE VIETNAM**
6 **WAR.**

7 (a) **AUTHORIZATION.**—Notwithstanding the time lim-
8 itations specified in section 3744 of title 10, United States
9 Code, or any other time limitation with respect to the
10 awarding of certain medals to persons who served in the
11 Armed Forces, the President is authorized and requested
12 to award the Medal of Honor under section 3741 of such
13 title to Leslie H. Sabo, Jr., for the acts of valor during
14 the Vietnam War described in subsection (b).

15 (b) **ACTS OF VALOR DESCRIBED.**—The acts of valor
16 referred to in subsection (a) are the actions of Leslie H.
17 Sabo, Jr., on May 10, 1970, as a member of the United
18 States Army serving in the grade of Specialist Four in
19 the Republic of Vietnam with Company B of the 3d Bat-
20 talion, 506th Infantry Regiment, 101st Airborne Division.

21 **SEC. 562. AUTHORIZATION AND REQUEST FOR AWARD OF**
22 **MEDAL OF HONOR TO HENRY SVEHLA FOR**
23 **ACTS OF VALOR DURING THE KOREAN WAR.**

24 (a) **AUTHORIZATION.**—Notwithstanding the time lim-
25 itations specified in section 3744 of title 10, United States

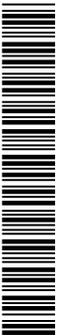


1 Code, or any other time limitation with respect to the
2 awarding of certain medals to persons who served in the
3 Armed Forces, the President is authorized and requested
4 to award the Medal of Honor under section 3741 of such
5 title to Henry Svehla for the acts of valor described in
6 subsection (b).

7 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
8 referred to in subsection (a) are the actions of Henry
9 Svehla on June 12, 1952, as a member of the United
10 States Army serving in the grade of Private First Class
11 in Korea with Company F of the 32d Infantry Regiment,
12 7th Infantry Division.

13 **SEC. 563. AUTHORIZATION AND REQUEST FOR AWARD OF**
14 **MEDAL OF HONOR TO WOODROW W. KEEBLE**
15 **FOR ACTS OF VALOR DURING THE KOREAN**
16 **WAR.**

17 (a) WAIVER OF TIME LIMITATIONS.—Notwith-
18 standing the time limitations specified in section 3744 of
19 title 10, United States Code, or any other time limitation
20 with respect to the awarding of certain medals to persons
21 who served in the Armed Forces, the President is author-
22 ized and requested to award the Medal of Honor under
23 section 3741 of such title to Woodrow W. Keeble for the
24 acts of valor described in subsection (b).



1 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
2 referred to in subsection (a) are the actions of Woodrow
3 W. Keeble of the United States Army as an acting platoon
4 leader on October 20, 1950, during the Korean War.

5 **SEC. 564. AUTHORIZATION AND REQUEST FOR AWARD OF**
6 **MEDAL OF HONOR TO PRIVATE PHILIP G.**
7 **SHADRACH FOR ACTS OF VALOR AS ONE OF**
8 **ANDREWS' RAIDERS DURING THE CIVIL WAR.**

9 (a) AUTHORIZATION.—Notwithstanding the time lim-
10 itations specified in section 3744 of title 10, United States
11 Code, or any other time limitation with respect to the
12 awarding of certain medals to persons who served in the
13 Armed Forces, the President is authorized and requested
14 to award the Medal of Honor under section 3741 of such
15 title posthumously to Private Philip G. Shadrach of Com-
16 pany K, 2nd Ohio Volunteer Infantry Regiment for the
17 acts of valor described in subsection (b).

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



1 **SEC. 565. AUTHORIZATION AND REQUEST FOR AWARD OF**
2 **MEDAL OF HONOR TO PRIVATE GEORGE D.**
3 **WILSON FOR ACTS OF VALOR AS ONE OF AN-**
4 **DREWS' RAIDERS DURING THE CIVIL WAR.**

5 (a) AUTHORIZATION.—The President is authorized
6 and requested to award the Medal of Honor under section
7 3741 of title 10, United States Code, posthumously to Pri-
8 vate George D. Wilson of Company B, 2nd Ohio Volunteer
9 Infantry Regiment for the acts of valor described in sub-
10 section (b).

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

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

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

23 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
24 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
25 amount authorized to be appropriated pursuant to section
26 301(5) for operation and maintenance for Defense-wide



1 activities, \$30,000,000 shall be available only for the pur-
2 pose of providing assistance to local educational agencies
3 under subsection (a) of section 572 of the National De-
4 fense Authorization Act for Fiscal Year 2006 (Public Law
5 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

6 (b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT
7 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE
8 CHANGES, OR FORCE RELOCATIONS.—Of the amount au-
9 thorized to be appropriated pursuant to section 301(5) for
10 operation and maintenance for Defense-wide activities,
11 \$10,000,000 shall be available only for the purpose of pro-
12 viding assistance to local educational agencies under sub-
13 section (b) of such section 572.

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

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

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



1 enacted into law by Public Law 106–398; 114 Stat.
2 1654A–77; 20 U.S.C. 7703a).

3 **SEC. 573. INCLUSION OF DEPENDENTS OF NON-DEPART-**
4 **MENT OF DEFENSE EMPLOYEES EMPLOYED**
5 **ON FEDERAL PROPERTY IN PLAN RELATING**
6 **TO FORCE STRUCTURE CHANGES, RELOCA-**
7 **TION OF MILITARY UNITS, OR BASE CLO-**
8 **SURES AND REALIGNMENTS.**

9 Section 574(e)(3) of the John Warner National De-
10 fense Authorization Act for Fiscal Year 2007 (Public Law
11 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note) is
12 amended—

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

15 (2) in subparagraph (B), by striking the period
16 at the end and inserting “; and”; and

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

19 “(C) elementary and secondary school stu-
20 dents who are dependents of personnel who are
21 not members of the Armed Forces or civilian
22 employees of the Department of Defense but
23 who are employed on Federal property.”.



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

5 Section 1407(b)(1) of the Defense Dependents' Edu-
6 cation Act of 1978 (20 U.S.C. 926(b)(1)) is amended by
7 inserting after the first sentence the following new sen-
8 tence: "Schools to which tuition may be paid under this
9 subsection may include private boarding schools in the
10 United States."

11 **Subtitle H—Military Families**

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

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

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

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

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



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

4 “(B) One representative of each of the Army,
5 Navy, Marine Corps, and Air Force, who shall be
6 appointed by the Secretary of Defense.

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

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

19 “(2) The term on the Council of the members ap-
20 pointed under paragraph (1)(C) shall be three years.

21 “(c) MEETINGS.—The Council shall meet not less
22 often than twice each year.

23 “(d) DUTIES.—The duties of the Council shall in-
24 clude the following:



1 “(1) To review and make recommendations to
2 the Secretary of Defense regarding the policy and
3 plans required under section 1781b of this title.

4 “(2) To monitor requirements for the support
5 of military family readiness by the Department of
6 Defense.

7 “(3) To evaluate and assess the effectiveness of
8 the military family readiness programs and activities
9 of the Department of Defense.

10 “(e) ANNUAL REPORTS.—(1) Not later than Feb-
11 ruary 1 each year, the Council shall submit to the Sec-
12 retary of Defense and the congressional defense commit-
13 tees a report on military family readiness.

14 “(2) Each report under this subsection shall include
15 the following:

16 “(A) An assessment of the adequacy and effec-
17 tiveness of the military family readiness programs
18 and activities of the Department of Defense during
19 the preceding fiscal year in meeting the needs and
20 requirements of military families.

21 “(B) Recommendations on actions to be taken
22 to improve the capability of the military family read-
23 iness programs and activities of the Department of
24 Defense to meet the needs and requirements of mili-
25 tary families, including actions relating to the alloca-



1 tion of funding and other resources to and among
2 such programs and activities.

3 **“§ 1781b. Department of Defense policy and plans for**
4 **military family readiness**

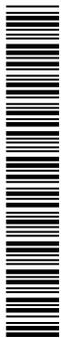
5 “(a) POLICY AND PLANS REQUIRED.—The Secretary
6 of Defense shall develop a policy and plans for the Depart-
7 ment of Defense for the support of military family readi-
8 ness.

9 “(b) PURPOSES.—The purposes of the policy and
10 plans required under subsection (a) are as follows:

11 “(1) To ensure that the military family readi-
12 ness programs and activities of the Department of
13 Defense are comprehensive, effective, and properly
14 supported.

15 “(2) To ensure that support is continuously
16 available to military families in peacetime and in
17 war, as well as during periods of force structure
18 change and relocation of military units.

19 “(3) To ensure that the military family readi-
20 ness programs and activities of the Department of
21 Defense are available to all military families, includ-
22 ing military families of members of the regular com-
23 ponents and military families of members of the re-
24 serve components.



1 “(4) To make military family readiness an ex-
2 plicit element of applicable Department of Defense
3 plans, programs, and budgeting activities, and that
4 achievement of military family readiness is expressed
5 through Department-wide goals that are identifiable
6 and measurable.

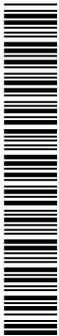
7 “(5) To ensure that the military family readi-
8 ness programs and activities of the Department of
9 Defense undergo continuous evaluation in order to
10 ensure that resources are allocated and expended for
11 such programs and activities to achieve Department-
12 wide family readiness goals.

13 “(c) ELEMENTS OF POLICY.—The policy required
14 under subsection (a) shall include the following elements:

15 “(1) A list of military family readiness pro-
16 grams and activities.

17 “(2) Department of Defense-wide goals for mili-
18 tary family support, including joint programs, both
19 for military families of members of the regular com-
20 ponents and military families of members of the re-
21 serve components.

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



1 “(4) Metrics to measure the performance and
2 effectiveness of the military family readiness pro-
3 grams and activities of the Department of Defense.

4 “(5) A summary, by fiscal year, of the alloca-
5 tion of funds (including appropriated funds and non-
6 appropriated funds) for major categories of military
7 family readiness programs and activities of the De-
8 partment of Defense, set forth for each of the mili-
9 tary departments and for the Office of the Secretary
10 of Defense.

11 “(d) ANNUAL REPORT.—Not later than March 1,
12 2008, and each year thereafter, the Secretary of Defense
13 shall submit to the congressional defense committees a re-
14 port on the plans required under subsection (a) for the
15 five-fiscal year period beginning with the fiscal year in
16 which the report is submitted. Each report shall include
17 the plans covered by the report and an assessment of the
18 discharge by the Department of Defense of the previous
19 plans submitted under this section.”.

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



1 (c) SURVEYS OF MILITARY FAMILIES.—Section 1782
2 of title 10, United States Code, is amended by adding at
3 the end the following new subsection:

4 “(d) SURVEY REQUIRED FOR FISCAL YEAR 2010.—
5 Notwithstanding subsection (a), during fiscal year 2010,
6 the Secretary of Defense shall conduct a survey otherwise
7 authorized under such subsection. Thereafter, additional
8 surveys may be conducted not less often than once every
9 three fiscal years.”.

10 (d) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of subchapter I of chapter 88 of such
12 title is amended by inserting after the item relating to sec-
13 tion 1781 the following new items:

“1781a. Department of Defense Military Family Readiness Council.

“1781b. Department of Defense policy and plans for military family readiness.”.

14 **SEC. 582. YELLOW RIBBON REINTEGRATION PROGRAM.**

15 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
16 of Defense shall establish a national combat veteran re-
17 integration program to provide National Guard and Re-
18 serve members and their families with sufficient informa-
19 tion, services, referral, and proactive outreach opportuni-
20 ties throughout the entire deployment cycle. This program
21 shall be known as the Yellow Ribbon Reintegration Pro-
22 gram.

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



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

6 (1) Pre-Deployment.

7 (2) Deployment.

8 (3) Demobilization.

9 (4) Post-Deployment-Reconstitution.

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

14 (d) OFFICE FOR REINTEGRATION PROGRAMS.—

15 (1) ESTABLISHMENT.—The Under Secretary of
16 Defense for Personnel and Readiness shall establish
17 the Office for Reintegration Programs within the Of-
18 fice of the Secretary of Defense. The office shall ad-
19 minister all reintegration programs in coordination
20 with State National Guard organizations. The office
21 shall be responsible for coordination with existing
22 National Guard and Reserve family and support pro-
23 grams. The Directors of the Army National Guard
24 and Air National Guard and the Chiefs of the Army
25 Reserve, Marine Corps Reserve, Navy Reserve, and



1 Air Force Reserve may appoint liaison officers to co-
2 ordinate with the permanent office staff. The office
3 may also enter into partnerships with other public
4 entities, including the Department of Health and
5 Human Services, Substance Abuse and the Mental
6 Health Services Administration, for access to nec-
7 essary substance abuse and mental health treatment
8 services from local State-licensed service providers.

9 (2) CENTER FOR EXCELLENCE IN REINTEGRA-
10 TION.—The Office for Reintegration Programs shall
11 establish a Center for Excellence in Reintegration
12 within the office. The Center shall collect and ana-
13 lyze “lessons learned” and suggestions from State
14 National Guard and Reserve organizations with ex-
15 isting or developing reintegration programs. The
16 Center shall also assist in developing training aids
17 and briefing materials and training representatives
18 from State National Guard and Reserve organiza-
19 tions.

20 (e) ADVISORY BOARD.—

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



1 of the Army National Guard, the Director of the Air
2 National Guard, Chiefs of the Army Reserve, Marine
3 Corps Reserve, Navy Reserve, and Air Force Re-
4 serve, the Assistant Secretary of Defense for Reserve
5 Affairs, an Adjutant General on a rotational basis as
6 determined by the Chief of the National Guard Bu-
7 reau, and any other Department of Defense, Federal
8 Government agency, or outside organization as de-
9 termined by the Secretary of Defense. The members
10 of the advisory board may designate representatives
11 in their stead.

12 (2) SCHEDULE.—The advisory board shall meet
13 on a schedule determined by the Secretary of De-
14 fense.

15 (3) INITIAL REPORTING REQUIREMENT.—The
16 advisory board shall issue internal reports as nec-
17 essary and shall submit an initial report to the Com-
18 mittees on Armed Services of the Senate and House
19 of Representatives not later than 180 days after the
20 end of the 1-year period beginning on the date of the
21 establishment of the Office for Reintegration Pro-
22 grams. The report shall contain—

23 (A) an evaluation of the implementation of
24 the Yellow Ribbon Reintegration Program by



1 State National Guard and Reserve organiza-
2 tions;

3 (B) an assessment of any unmet resource
4 requirements; and

5 (C) recommendations regarding closer co-
6 ordination between the Office of Reintegration
7 Programs and State National Guard and Re-
8 serve organizations.

9 (4) ANNUAL REPORTS.—The advisory board
10 shall submit annual reports to the Committees on
11 Armed Services of the Senate and the House of Rep-
12 resentatives following the initial report by the first
13 week in March of subsequent years following the ini-
14 tial report.

15 (f) STATE DEPLOYMENT CYCLE SUPPORT TEAMS.—
16 The Office for Reintegration Programs may employ per-
17 sonnel to administer the Yellow Ribbon Reintegration Pro-
18 gram at the State level. The primary function of team
19 members shall be—

20 (1) to implement the reintegration curriculum
21 through the deployment cycle described in subsection
22 (g);

23 (2) to obtain necessary service providers; and

24 (3) to educate service providers regarding the
25 unique military nature of the reintegration program.



1 (g) OPERATION OF PROGRAM THROUGH DEPLOY-
2 MENT CYCLE.—

3 (1) IN GENERAL.—The Office for Reintegration
4 Programs shall analyze the demographics, placement
5 of State Family Assistance Centers and their re-
6 sources before a mobilization alert is issued to af-
7 fected State National Guard and Reserve organiza-
8 tions. The Office of Reintegration Programs shall
9 consult with affected State National Guard and Re-
10 serve organizations following the issuance of a mobi-
11 lization alert and implement the reintegration events
12 in accordance with the Reintegration Program phase
13 model.

14 (2) PRE-DEPLOYMENT PHASE.—The Pre-De-
15 ployment Phase shall constitute the time from first
16 notification of mobilization until deployment of the
17 mobilized National Guard or Reserve unit. Events
18 and activities shall focus on providing education and
19 ensuring the readiness of members of the unit, their
20 families, and affected communities for the rigors of
21 a combat deployment.

22 (3) DEPLOYMENT PHASE.—The Deployment
23 Phase shall constitute the period from deployment of
24 the mobilized National Guard or Reserve unit until
25 the unit arrives at a demobilization station inside



1 the continental United States. Events and services
2 provided shall focus on the challenges and stress as-
3 sociated with separation and having a member in a
4 combat zone. Information sessions shall utilize State
5 National Guard and Reserve resources in coordina-
6 tion with the Employer Support of Guard and Re-
7 serve Office, Transition Assistance Advisors, and the
8 State Family Programs Director.

9 (4) DEMOBILIZATION PHASE.—

10 (A) IN GENERAL.—The Demobilization
11 Phase shall constitute the period from arrival of
12 the National Guard or Reserve unit at the de-
13 mobilization station until its departure for home
14 station.

15 (B) INITIAL REINTEGRATION ACTIVITY.—

16 The purpose of this reintegration program is to
17 educate members about the resources that are
18 available to them and to connect members to
19 service providers who can assist them in over-
20 coming the challenges of reintegration.

21 (5) POST-DEPLOYMENT-RECONSTITUTION
22 PHASE.—

23 (A) IN GENERAL.—The Post-Deployment-
24 Reconstitution Phase shall constitute the period
25 from arrival at home station until 180 days fol-



1 lowing demobilization. Activities and services
2 provided shall focus on reconnecting members
3 with their families and communities and pro-
4 viding resources and information necessary for
5 successful reintegration. Reintegration events
6 shall begin with elements of the Initial Re-
7 integration Activity program that were not com-
8 pleted during the Demobilization Phase.

9 (B) 30-DAY, 60-DAY, AND 90-DAY RE-
10 INTEGRATION ACTIVITIES.—The State National
11 Guard and Reserve organizations shall hold re-
12 integration activities at the 30-day, 60-day, and
13 90-day interval following demobilization. These
14 activities shall focus on reconnecting members
15 and their families with the service providers
16 from the Initial Reintegration Activity to ensure
17 that members and their families understand
18 what benefits they are entitled to and what re-
19 sources are available to help them overcome the
20 challenges of reintegration. The Reintegration
21 Activities shall also provide a forum for mem-
22 bers and their families to address negative be-
23 haviors related to combat stress and transition.

24 (C) MEMBER PAY.—Members shall receive
25 appropriate pay for days spent attending the



1 Reintegration Activities at the 30-day, 60-day,
2 and 90-day intervals.

3 (h) OUTREACH SERVICES.—As part of the Yellow
4 Ribbon Reintegration Program, the Office for Reintegra-
5 tion Programs may develop programs of outreach to mem-
6 bers of the Armed Forces and their family members to
7 educate such members and their family members about
8 the assistance and services available to them under the
9 Yellow Ribbon Reintegration Program. Such assistance
10 and services may include the following:

- 11 (1) Marriage counseling.
- 12 (2) Services for children.
- 13 (3) Suicide prevention.
- 14 (4) Substance abuse awareness and treatment.
- 15 (5) Mental health awareness and treatment.
- 16 (6) Financial counseling.
- 17 (7) Anger management counseling.
- 18 (8) Domestic violence awareness and preven-
19 tion.
- 20 (9) Employment assistance.
- 21 (10) Preparing and updating family care plans.
- 22 (11) Development of strategies for living with a
23 member of the Armed Forces with post-traumatic
24 stress disorder or traumatic brain injury.



1 (12) Other services that may be appropriate to
2 address the unique needs of members of the Armed
3 Forces and their families who live in rural or remote
4 areas with respect to family readiness and
5 servicemember reintegration.

6 (13) Assisting members of the Armed Forces
7 and their families find and receive assistance with
8 military family readiness and servicemember re-
9 integration, including referral services.

10 (14) Development of strategies and programs
11 that recognize the need for long-term follow-up serv-
12 ices for reintegrating members of the Armed Forces
13 and their families for extended periods following de-
14 ployments, including between deployments.

15 (15) Assisting members of the Armed Forces
16 and their families in receiving services and assist-
17 ance from the Department of Veterans Affairs, in-
18 cluding referral services.

19 **SEC. 583. STUDY TO ENHANCE AND IMPROVE SUPPORT**
20 **SERVICES AND PROGRAMS FOR FAMILIES OF**
21 **MEMBERS OF REGULAR AND RESERVE COM-**
22 **ONENTS UNDERGOING DEPLOYMENT.**

23 (a) **STUDY REQUIRED.**—The Secretary of Defense
24 shall conduct a study to determine the most effective
25 means to enhance and improve family support programs



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

8 (b) ELEMENTS.—The study shall include at a min-
9 imum the following:

10 (1) The assessment of the types of information
11 on health care and mental health benefits and serv-
12 ices and other community resources that should be
13 made available to members of the regular and re-
14 serve components and their families, including—

15 (A) crisis services;

16 (B) marriage and family counseling; and

17 (C) financial counseling.

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

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



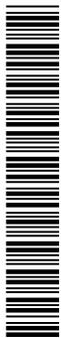
1 on children, including extended and multiple de-
2 ployments and reunion (and the death or injury
3 of members during such deployment), and the
4 role that parents and caretakers can play in ad-
5 dressing or mitigating such effects.

6 (B) The potential best practices that are
7 identified which build psychological and emo-
8 tional resiliency in children in coping with de-
9 ployment.

10 (C) The potential to improve dissemination
11 throughout the Armed Forces of the most effec-
12 tive practices for outreach, training, and build-
13 ing psychological and emotional resiliency in
14 children.

15 (D) The effectiveness of training materials
16 for education, mental health, health, and family
17 support professionals who provide services to
18 parents and caretakers of military dependent
19 children.

20 (E) The requirement to develop programs
21 and activities to increase awareness throughout
22 the military and civilian communities of the ef-
23 fects of deployment of a military spouse or
24 guardians for such children and their families



1 and to increase collaboration within such com-
2 munities to address and mitigate such effects.

3 (F) The development of training for early
4 child care and education, mental health, health
5 care, and family support professionals to en-
6 hance the awareness of such professionals of
7 their role in assisting families in addressing and
8 mitigating the adverse implications of such de-
9 ployment.

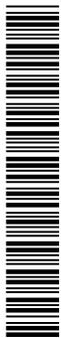
10 (G) The conduct of research on best prac-
11 tices for building psychological and emotional
12 resiliency in such children in coping with the
13 deployment of such members.

14 (3) An assessment of the effectiveness of fam-
15 ily-to-family support programs—

16 (A) in providing peer support for families
17 of deployed members of the regular and reserve
18 components;

19 (B) in identifying and preventing family
20 problems in such families;

21 (C) in reducing adverse outcomes for chil-
22 dren of such families, including poor academic
23 performance, behavioral problems, stress, and
24 anxiety;



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

4 (E) in utilizing spouses of members of the
5 Armed Forces as counselors for families of de-
6 ployed members, in order to assist such families
7 in coping before, during, and after the deploy-
8 ment, and the best practices for training
9 spouses of members of the Armed Forces to act
10 as counselors for families of deployed members.

11 (4) An assessment of the effectiveness of transi-
12 tion assistance programs and policies for families of
13 members during post-deployment transition from a
14 combat zone back to civilian or military
15 communities—

16 (A) in identifying signs and symptoms of
17 mental health conditions for both service mem-
18 bers and their families; and

19 (B) in receiving information and resources
20 available within the local communities to ease
21 transition.

22 (5) An assessment of the impact of multiple
23 overseas deployments of members on their families,
24 particularly in the case of members serving in Oper-
25 ation Iraqi Freedom and Operation Enduring Free-



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

3 (6) An assessment of the most effective timing
4 of providing information and support to the families
5 of deployed members before, during, and after de-
6 ployment, including at least six months after the
7 date of return of deployed members.

8 (7) An assessment of the need for additional
9 long-term research on the effects of multiple war-
10 time deployments on families, including children,
11 and critical areas of focus that should be addressed
12 by such research.

13 (c) REPORT ON RESULTS OF STUDY.—Not later than
14 180 days after the date of enactment of this Act, the Sec-
15 retary of Defense shall submit to the congressional defense
16 committees a report containing the results of the study
17 conducted under subsection (a).

18 **SEC. 584. PROTECTION OF CHILD CUSTODY ARRANGE-**
19 **MENTS FOR PARENTS WHO ARE MEMBERS OF**
20 **THE ARMED FORCES DEPLOYED IN SUPPORT**
21 **OF A CONTINGENCY OPERATION.**

22 (a) PROTECTION OF SERVICEMEMBERS AGAINST DE-
23 FAULT JUDGMENTS.—Section 201(a) of the
24 Servicemembers Civil Relief Act (50 U.S.C. App. 521(a))



1 is amended by inserting “, including any child custody
2 proceeding,” after “proceeding”.

3 (b) STAY OF PROCEEDINGS WHEN SERVICEMEMBER
4 HAS NOTICE.—Section 202(a) of the Servicemembers
5 Civil Relief Act (50 U.S.C. App. 522(a)) is amended by
6 inserting “, including any child custody proceeding,” after
7 “civil action or proceeding”.

8 **SEC. 585. FAMILY LEAVE IN CONNECTION WITH INJURED**
9 **MEMBERS OF THE ARMED FORCES.**

10 (a) SERVICEMEMBER FAMILY LEAVE.—

11 (1) DEFINITIONS.—Section 101 of the Family
12 and Medical Leave Act of 1993 (29 U.S.C. 2611) is
13 amended by adding at the end the following new
14 paragraphs:

15 “(14) ACTIVE DUTY.—The term ‘active duty’
16 means duty under a call or order to active duty
17 under a provision of law referred to in section
18 101(a)(13)(B) of title 10, United States Code.

19 “(15) CONTINGENCY OPERATION.—The term
20 ‘contingency operation’ has the same meaning given
21 such term in section 101(a)(13) of title 10, United
22 States Code.

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



1 Guard or Reserves, who is undergoing medical treat-
2 ment, recuperation, or therapy, is otherwise in out-
3 patient status, or is otherwise on the temporary dis-
4 ability retired list, for a serious injury or illness.

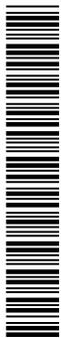
5 “(17) OUTPATIENT STATUS.—The term ‘out-
6 patient status’, with respect to a covered
7 servicemember, means the status of a member of the
8 Armed Forces assigned to—

9 “(A) a military medical treatment facility
10 as an outpatient; or

11 “(B) a unit established for the purpose of
12 providing command and control of members of
13 the Armed Forces receiving medical care as
14 outpatients.

15 “(18) NEXT OF KIN.—The term ‘next of kin’,
16 used with respect to an individual, means the near-
17 est blood relative of that individual.

18 “(19) SERIOUS INJURY OR ILLNESS.—The term
19 ‘serious injury or illness’, in the case of a member
20 of the Armed Forces, including a member of the Na-
21 tional Guard or Reserves, means an injury or illness
22 incurred by the member in line of duty on active
23 duty in the Armed Forces that may render the mem-
24 ber medically unfit to perform the duties of the
25 member’s office, grade, rank, or rating.”.



1 (2) ENTITLEMENT TO LEAVE.—Section 102(a)
2 of such Act (29 U.S.C. 2612(a)) is amended—

3 (A) in paragraph (1), by adding at the end
4 the following new subparagraph:

5 “(E) Because of any qualifying exigency
6 (as the Secretary shall, by regulation, deter-
7 mine) arising out of the fact that the spouse, or
8 a son, daughter, or parent of the employee is on
9 active duty (or has been notified of an impend-
10 ing call or order to active duty) in the Armed
11 Forces in support of a contingency operation.”;
12 and

13 (B) by adding at the end the following new
14 paragraphs:

15 “(3) SERVICEMEMBER FAMILY LEAVE.—Subject
16 to section 103, an eligible employee who is the
17 spouse, son, daughter, parent, or next of kin of a
18 covered servicemember shall be entitled to a total of
19 26 workweeks of leave during a 12-month period to
20 care for the servicemember. The leave described in
21 this paragraph shall only be available during a single
22 12-month period.

23 “(4) COMBINED LEAVE TOTAL.—During the
24 single 12-month period described in paragraph (3),
25 an eligible employee shall be entitled to a combined



1 total of 26 workweeks of leave under paragraphs (1)
2 and (3). Nothing in this paragraph shall be con-
3 strued to limit the availability of leave under para-
4 graph (1) during any other 12-month period.”.

5 (3) REQUIREMENTS RELATING TO LEAVE.—

6 (A) SCHEDULE.—Section 102(b) of such
7 Act (29 U.S.C. 2612(b)) is amended—

8 (i) in paragraph (1), in the second
9 sentence—

10 (I) by striking “section
11 103(b)(5)” and inserting “subsection
12 (b)(5) or (f) (as appropriate) of sec-
13 tion 103”; and

14 (II) by inserting “or under sub-
15 section (a)(3)” after “subsection
16 (a)(1)”;

17 (ii) in paragraph (1), by inserting
18 after the second sentence the following new
19 sentence: “Subject to subsection (e)(3) and
20 section 103(f), leave under subsection
21 (a)(1)(E) may be taken intermittently or
22 on a reduced leave schedule.”; and

23 (iii) in paragraph (2), by inserting “or
24 under subsection (a)(3)” after “subsection
25 (a)(1)”.



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

4 (i) in paragraph (1)—

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

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

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

16 (iii) in paragraph (2)(B), by adding at
17 the end the following: “An eligible em-
18 ployee may elect, or an employer may re-
19 quire the employee, to substitute any of
20 the accrued paid vacation leave, personal
21 leave, family leave, or medical or sick leave
22 of the employee for leave provided under
23 subsection (a)(3) for any part of the 26-
24 week period of such leave under such sub-
25 section, except that nothing in this title re-



1 quires an employer to provide paid sick
2 leave or paid medical leave in any situation
3 in which the employer would not normally
4 provide any such paid leave.”.

5 (C) NOTICE.—Section 102(e) of such Act
6 (29 U.S.C. 2612(e)) is amended—

7 (i) in paragraph (2), by inserting “or
8 under subsection (a)(3)” after “subsection
9 (a)(1)”;

10 (ii) by adding at the end the following
11 new paragraph:

12 “(3) NOTICE FOR LEAVE DUE TO ACTIVE DUTY
13 OF FAMILY MEMBER.—In any case in which the ne-
14 cessity for leave under subsection (a)(1)(E) is fore-
15 seeable, whether because the spouse, or a son,
16 daughter, or parent, of the employee is on active
17 duty, or because of notification of an impending call
18 or order to active duty in support of a contingency
19 operation, the employee shall provide such notice to
20 the employer as is reasonable and practicable.”.

21 (D) SPOUSES EMPLOYED BY SAME EM-
22 PLOYER.—Section 102(f) of such Act (29
23 U.S.C. 2612(f)) is amended—

24 (i) by redesignating paragraphs (1)
25 and (2) as subparagraphs (A) and (B),



1 and aligning the margins of the subpara-
2 graphs with the margins of section
3 102(e)(2)(A);

4 (ii) by striking “In any” and inserting
5 the following:

6 “(1) IN GENERAL.—In any”; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(2) SERVICEMEMBER FAMILY LEAVE.—

10 “(A) IN GENERAL.—The aggregate num-
11 ber of workweeks of leave to which both that
12 husband and wife may be entitled under sub-
13 section (a) may be limited to 26 workweeks
14 during the single 12-month period described in
15 subsection (a)(3) if the leave is—

16 “(i) leave under subsection (a)(3); or

17 “(ii) a combination of leave under
18 subsection (a)(3) and leave described in
19 paragraph (1).

20 “(B) BOTH LIMITATIONS APPLICABLE.—If
21 the leave taken by the husband and wife in-
22 cludes leave described in paragraph (1), the
23 limitation in paragraph (1) shall apply to the
24 leave described in paragraph (1).”.



1 (E) CERTIFICATION REQUIREMENTS.—
2 Section 103 of such Act (29 U.S.C. 2613) is
3 amended—

4 (i) in subsection (a)—

5 (I) by striking “section
6 102(a)(1)” and inserting “paragraph
7 (1) or paragraph (3) of section
8 102(a)”;

9 (II) by inserting “or of the next
10 of kin of an individual in the case of
11 leave taken under such paragraph
12 (3),” after “parent of the employee,”;
13 and

14 (ii) by adding at the end the fol-
15 lowing:

16 “(f) CERTIFICATION RELATED TO ACTIVE DUTY OR
17 CALL TO ACTIVE DUTY.—An employer may require that
18 a request for leave under section 102(a)(1)(E) be sup-
19 ported by a certification issued at such time and in such
20 manner as the Secretary may by regulation prescribe. If
21 the Secretary issues a regulation requiring such certifi-
22 cation, the employee shall provide, in a timely manner, a
23 copy of such certification to the employer.”

24 (F) FAILURE TO RETURN.—Section 104(c)
25 of such Act (29 U.S.C. 2614(c)) is amended—



1 (i) in paragraph (2)(B)(i), by insert-
2 ing “or under section 102(a)(3)” before
3 the semicolon; and

4 (ii) in paragraph (3)(A)—

5 (I) in clause (i), by striking “or”
6 at the end;

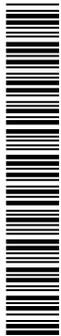
7 (II) in clause (ii), by striking the
8 period and inserting “; or”; and

9 (III) by adding at the end the
10 following:

11 “(iii) a certification issued by the
12 health care provider of the servicemember
13 being cared for by the employee, in the
14 case of an employee unable to return to
15 work because of a condition specified in
16 section 102(a)(3).”.

17 (G) ENFORCEMENT.—Section 107 of such
18 Act (29 U.S.C. 2617) is amended, in subsection
19 (a)(1)(A)(i)(II), by inserting “(or 26 weeks, in
20 a case involving leave under section 102(a)(3))”
21 after “12 weeks”.

22 (H) INSTRUCTIONAL EMPLOYEES.—Sec-
23 tion 108 of such Act (29 U.S.C. 2618) is
24 amended, in subsections (c)(1), (d)(2), and



1 (d)(3), by inserting “or under section
2 102(a)(3)” after “section 102(a)(1)”.

3 (b) SERVICEMEMBER FAMILY LEAVE FOR CIVIL
4 SERVICE EMPLOYEES.—

5 (1) DEFINITIONS.—Section 6381 of title 5,
6 United States Code, is amended—

7 (A) in paragraph (5), by striking “and” at
8 the end;

9 (B) in paragraph (6), by striking the pe-
10 riod and inserting a semicolon; and

11 (C) by adding at the end the following:

12 “(7) the term ‘active duty’ means duty under a
13 call or order to active duty under a provision of law
14 referred to in section 101(a)(13)(B) of title 10;

15 “(8) the term ‘covered servicemember’ means a
16 member of the Armed Forces, including a member
17 of the National Guard or Reserves, who is under-
18 going medical treatment, recuperation, or therapy, is
19 otherwise in an outpatient status, or is otherwise on
20 the temporary disability retired list, for a serious in-
21 jury or illness;

22 “(9) the term ‘outpatient status’, with respect
23 to a covered servicemember, means the status of a
24 member of the Armed Forces assigned to—



1 “(A) a military medical treatment facility
2 as an outpatient; or

3 “(B) a unit established for the purpose of
4 providing command and control of members of
5 the Armed Forces receiving medical care as
6 outpatients;

7 “(10) the term ‘next of kin’, used with respect
8 to an individual, means the nearest blood relative of
9 that individual; and

10 “(11) the term ‘serious injury or illness’, in the
11 case of a member of the Armed Forces, means an
12 injury or illness incurred by the member in line of
13 duty on active duty in the Armed Forces that may
14 render the member medically unfit to perform the
15 duties of the member’s office, grade, rank, or rat-
16 ing.”.

17 (2) ENTITLEMENT TO LEAVE.—Section 6382(a)
18 of such title is amended by adding at the end the
19 following:

20 “(3) Subject to section 6383, an employee who is the
21 spouse, son, daughter, parent, or next of kin of a covered
22 servicemember shall be entitled to a total of 26 adminis-
23 trative workweeks of leave during a 12-month period to
24 care for the servicemember. The leave described in this



1 paragraph shall only be available during a single 12-month
2 period.

3 “(4) During the single 12-month period described in
4 paragraph (3), an employee shall be entitled to a combined
5 total of 26 administrative workweeks of leave under para-
6 graphs (1) and (3). Nothing in this paragraph shall be
7 construed to limit the availability of leave under paragraph
8 (1) during any other 12-month period.”.

9 (3) REQUIREMENTS RELATING TO LEAVE.—

10 (A) SCHEDULE.—Section 6382(b) of such
11 title is amended—

12 (i) in paragraph (1), in the second
13 sentence—

14 (I) by striking “section
15 6383(b)(5)” and inserting “subsection
16 (b)(5) or (f) (as appropriate) of sec-
17 tion 6383”; and

18 (II) by inserting “or under sub-
19 section (a)(3)” after “subsection
20 (a)(1)”; and

21 (ii) in paragraph (2), by inserting “or
22 under subsection (a)(3)” after “subsection
23 (a)(1)”.

24 (B) SUBSTITUTION OF PAID LEAVE.—Sec-
25 tion 6382(d) of such title is amended by adding



1 at the end the following: “An employee may
2 elect to substitute for leave under subsection
3 (a)(3) any of the employee’s accrued or accu-
4 mulated annual or sick leave under subchapter
5 I for any part of the 26-week period of leave
6 under such subsection.”.

7 (C) NOTICE.—Section 6382(e) of such title
8 is amended by inserting “or under subsection
9 (a)(3)” after “subsection (a)(1)”.

10 (D) CERTIFICATION.—Section 6383 of
11 such title is amended by adding at the end the
12 following:

13 “(f) An employing agency may require that a request
14 for leave under section 6382(a)(3) be supported by a cer-
15 tification issued at such time and in such manner as the
16 Office of Personnel Management may by regulation pre-
17 scribe.”.

18 **SEC. 586. FAMILY CARE PLANS AND DEFERMENT OF DE-**
19 **PLOYMENT OF SINGLE PARENT OR DUAL**
20 **MILITARY COUPLES WITH MINOR DEPEND-**
21 **ENTS.**

22 The Secretary of Defense shall establish appropriate
23 procedures to ensure that an adequate family care plan
24 is in place for a member of the Armed Forces with minor
25 dependents who is a single parent or whose spouse is also



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

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

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

18 (1) The local availability of adequate edu-
19 cational services for children with autism.

20 (2) The local availability of adequate medical
21 services for children with autism.

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



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

4 (b) REVIEW OF BEST PRACTICES.—In preparing the
5 assessment under subsection (a), the Secretary of Defense
6 shall conduct a review of best practices in the United
7 States in the provision of covered educational services and
8 treatment services for children with autism, including an
9 assessment of Federal and State education and treatment
10 services for children with autism in each State, with an
11 emphasis on locations where eligible members and eligible
12 dependents reside. The Secretary of Defense shall conduct
13 the review in coordination with the Secretary of Edu-
14 cation.

15 (c) PERSONNEL MANAGEMENT REQUIREMENTS.—

16 (1) LIMITED STATIONING OPTIONS.—The Sec-
17 retary of the military department concerned shall
18 ensure that, whenever practicable, eligible members
19 are only assigned to military installations that are
20 identified in the report required by subsection
21 (g)(1).

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



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

3 (d) CASE MANAGERS AND SERVICES.—

4 (1) CASE MANAGERS.—The Secretary of the
5 military department concerned shall ensure that eli-
6 gible members are assigned case managers for both
7 medical services and covered educational services for
8 eligible dependents, which shall be required under
9 the Exceptional Family Member Program pursuant
10 to the policy established by the Secretary.

11 (2) INDIVIDUALIZED SERVICES PLAN.—The
12 Secretary of the military department concerned shall
13 provide for the voluntary development for eligible de-
14 pendents of individualized autism services plans for
15 use by case managers, caregivers, and families to en-
16 sure continuity of services throughout the active
17 military service of eligible members.

18 (3) AUTISM SUPPORT CENTERS.—The Sec-
19 retary of the military department concerned may es-
20 tablish local centers on military installations for the
21 purpose of providing and coordinating autism serv-
22 ices for eligible dependents.

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



1 other appropriate public and private entities to carry
2 out the responsibilities of this section.

3 (e) DEMONSTRATION PROJECTS.—

4 (1) PROJECTS AUTHORIZED.—The Secretary of
5 Defense may conduct 1 or more demonstration
6 projects to evaluate improved approaches to the pro-
7 vision of covered educational services and treatment
8 services to eligible dependents for the purpose of
9 evaluating strategies for integrated treatment and
10 case manager services, including early intervention
11 and diagnosis, medical care, parent involvement, spe-
12 cial education services, intensive behavioral interven-
13 tion, and language, communications, and other inter-
14 ventions considered appropriate by the Secretary.

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

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



1 the provision of safe and effective services for autism
2 and who are from an accredited educational facility
3 in the mental health, human development, social
4 work, or education field to act as supervisory level
5 providers of behavioral intervention services for au-
6 tism. In so acting, such personnel may be
7 authorized—

8 (A) to develop and monitor intensive be-
9 havior intervention plans for eligible dependents
10 who are participating in the demonstration
11 projects; and

12 (B) to provide appropriate training in the
13 provision of approved services to participating
14 eligible dependents.

15 (4) SERVICES UNDER CORPORATE SERVICES
16 PROVIDER MODEL.—In carrying out the demonstra-
17 tion projects, the Secretary of Defense may utilize a
18 corporate services provider model. Employees of a
19 provider under such a model shall include personnel
20 who implement special educational and behavioral
21 intervention plans for eligible dependents that are
22 developed, reviewed, and maintained by supervisory
23 level providers approved by the Secretary. In author-
24 izing such a model, the Secretary shall establish—



1 (A) minimum education, training, and ex-
2 perience criteria required to be met by employ-
3 ees who provide services to eligible dependents;

4 (B) requirements for supervisory personnel
5 and supervision, including requirements for su-
6 pervisor credentials and for the frequency and
7 intensity of supervision; and

8 (C) such other requirements as the Sec-
9 retary considers appropriate to ensure safety
10 and the protection of the eligible dependents
11 who receive services from such employees under
12 the demonstration projects.

13 (5) PERIOD.—If the Secretary of Defense de-
14 termines to conduct demonstration projects under
15 this subsection, the Secretary shall commence such
16 demonstration projects not later than 180 days after
17 the date of the enactment of this Act. The dem-
18 onstration projects shall be conducted for not less
19 than 2 years.

20 (6) EVALUATION.—The Secretary of Defense
21 shall conduct an evaluation of each demonstration
22 project conducted under this section. The evaluation
23 shall include the following:

24 (A) An assessment of the extent to which
25 the activities under the demonstration project



1 contributed to positive outcomes for eligible de-
2 pendents.

3 (B) An assessment of the extent to which
4 the activities under the demonstration project
5 led to improvements in services and continuity
6 of care for eligible dependents.

7 (C) An assessment of the extent to which
8 the activities under the demonstration project
9 improved military family readiness and en-
10 hanced military retention.

11 (f) RELATIONSHIP TO OTHER BENEFITS.—Nothing
12 in this section precludes the eligibility of members of the
13 Armed Forces and their dependents for extended benefits
14 under section 1079 of title 10, United States Code.

15 (g) REPORTS.—

16 (1) REPORT IDENTIFYING COVERED MILITARY
17 INSTALLATIONS.—As a result of the assessment re-
18 quired by subsection (a), the Secretary of Defense
19 shall submit to the congressional defense commit-
20 tees, not later than December 31, 2008, a report
21 identifying those covered military installations that
22 have covered educational services and facilities avail-
23 able (on the installation or in the vicinity of the in-
24 stallation) for eligible dependents that provide spe-
25 cial education and related services consistent with



1 the Individuals with Disabilities Education Act (20
2 U.S.C. 1400 et seq.).

3 (2) REPORTS ON DEMONSTRATION PROJECTS.—

4 Not later than 30 months after the commencement
5 of any demonstration project under subsection (e),
6 the Secretary of Defense shall submit to the Com-
7 mittees on Armed Services of the Senate and the
8 House of Representatives a report on the demonstra-
9 tion project. The report shall include a description of
10 the project, the results of the evaluation under sub-
11 section (e)(6) with respect to the project, and a de-
12 scription of plans for the further provision of serv-
13 ices for eligible dependents under the project.

14 (h) COVERED EDUCATIONAL SERVICES PLAN.—

15 After completing the assessment required by subsection
16 (a) and the report required by subsection (g)(1), the Sec-
17 retary of Defense shall develop a plan that would ensure
18 that all eligible dependents are able to obtain covered edu-
19 cational services. In the event that eligible members are
20 assigned to military installations that are not identified
21 in the report required by subsection (g)(1), the plan
22 should ensure that such eligible dependents are still able
23 to obtain covered educational services, including by the use
24 of authority granted to the Secretary under section 2164
25 of title 10, United States Code. The plan shall also include



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

7 (i) DEFINITIONS.—In this section:

8 (1) The term “autism” refers to the Autism
9 Spectrum Disorders, which are developmental dis-
10 abilities that cause substantial impairments in the
11 areas of social interaction, emotional regulation,
12 communication, and the integration of higher-order
13 cognitive processes and are often characterized by
14 the presence of unusual behaviors and interests. The
15 term includes autistic disorder, pervasive develop-
16 mental disorder (not otherwise specified), and
17 Asperger’s syndrome.

18 (2) The term “child” has the meaning given
19 that term in section 1072 of title 10, United States
20 Code.

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



1 (4) The term “eligible member” means a mem-
2 ber of the Armed Forces who—

3 (A) has a dependent child who is diagnosed
4 with autism; and

5 (B) is enrolled in an Exceptional Family
6 Member Program of the Department of De-
7 fense.

8 (5) The term “eligible dependent” means a
9 child of an eligible member who is diagnosed with
10 autism.

11 (6) The term “local educational agency” has
12 the meaning given that term in section 8013(9) of
13 the Elementary and Secondary Education Act of
14 1965 (20 U.S.C. 7713(9)), except that the term in-
15 cludes publicly financed schools in communities, De-
16 partment of Defense domestic dependent elementary
17 and secondary schools, and schools of the defense
18 dependents’ education system.

19 (7) The term “covered educational services” in-
20 cludes behavioral intervention services for autism,
21 such as Applied Behavioral Analysis.



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

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

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

18 **Subtitle I—Other Matters**

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

21 (a) IN GENERAL.—

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



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

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

8 “(1) engage in the performance of music in
9 competition with local civilian musicians; or

10 “(2) receive remuneration for official perform-
11 ances.

12 “(b) MEMBERS PERFORMING IN PERSONAL CAPAC-
13 ITY.—A member of a band, ensemble, chorus, or similar
14 musical unit of the armed forces may engage in the per-
15 formance of music in the member’s personal capacity, as
16 an individual or part of a group, for remuneration or oth-
17 erwise, if the member—

18 “(1) does not wear a military uniform for the
19 performance;

20 “(2) does not identify himself or herself as a
21 member of the armed forces in connection with the
22 performance; and

23 “(3) complies with all other applicable regula-
24 tions and standards of conduct.

25 “(c) RECORDINGS.—(1) When authorized pursuant
26 to regulations prescribed by the Secretary of Defense for



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

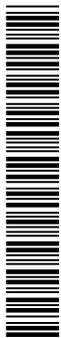
5 “(2) Amounts received in payment for recordings dis-
6 tributed to the public under this subsection shall be cred-
7 ited to the appropriation or account providing the funds
8 for the production of such recordings. Any amounts so
9 credited shall be merged with amounts in the appropria-
10 tion or account to which credited, and shall be available
11 for the same purposes, and subject to the same conditions
12 and limitations, as amounts in such appropriation or ac-
13 count.

14 “(d) PERFORMANCE OF MUSIC IN COMPETITION
15 WITH LOCAL CIVILIAN MUSICIANS DEFINED.—(1) In this
16 section, the term ‘performance of music in competition
17 with local civilian musicians’ includes performances—

18 “(A) that are more than incidental to events
19 that are not supported solely by appropriated funds
20 and are not free to the public; and

21 “(B) of background, dinner, dance, or other so-
22 cial music at events, regardless of location, that are
23 not supported solely by appropriated funds.

24 “(2) The term does not include performances—



1 “(A) at official Federal Government events that
2 are supported solely by appropriated funds;

3 “(B) at concerts, parades, and other events that
4 are patriotic events or celebrations of national holi-
5 days and are free to the public; or

6 “(C) that are incidental, such as short perform-
7 ances of military or patriotic music to open or close
8 events, to events that are not supported solely by ap-
9 propriated funds, in compliance with applicable rules
10 and regulations.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of such chapter is amended
13 by inserting after the item relating to section 973
14 the following new item:

 “974. Uniform performance policies for military bands and other musical
 units.”.

15 (b) REPEAL OF SEPARATE SERVICE AUTHORITIES.—

16 (1) REPEAL.—Sections 3634, 6223, and 8634
17 of such title are repealed.

18 (2) TABLE OF SECTIONS.—(A) The table of
19 sections at the beginning of chapter 349 of such title
20 is amended by striking the item relating to section
21 3634.

22 (B) The table of sections at the beginning of
23 chapter 565 of such title is amended by striking the
24 item relating to section 6223.



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

4 **SEC. 591. TRANSPORTATION OF REMAINS OF DECEASED**
5 **MEMBERS OF THE ARMED FORCES AND CER-**
6 **TAIN OTHER PERSONS.**

7 Section 1482(a)(8) of title 10, United States Code,
8 is amended by adding at the end the following new sen-
9 tence: “When transportation of the remains includes
10 transportation by aircraft under section 562 of the John
11 Warner National Defense Authorization Act for Fiscal
12 Year 2007 (Public Law 109–364; 10 U.S.C. 1482 note),
13 the Secretary concerned shall provide, to the maximum ex-
14 tent practicable, for delivery of the remains by air to the
15 commercial, general aviation, or military airport nearest
16 to the place selected by the designee.”.

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

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

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



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

4 **SEC. 593. GIFT ACCEPTANCE AUTHORITY.**

5 (a) PERMANENT AUTHORITY TO ACCEPT GIFTS ON
6 BEHALF OF THE WOUNDED.—Section 2601(b) of title 10,
7 United States Code, is amended by striking paragraph (4).

8 (b) LIMITATION ON SOLICITATION OF GIFTS.—The
9 Secretary of Defense shall prescribe regulations imple-
10 menting sections 2601 and 2608 of title 10, United States
11 Code, that prohibit the solicitation of any gift under such
12 sections by any employee of the Department of Defense
13 if the nature or circumstances of such solicitation would
14 compromise the integrity or the appearance of integrity
15 of any program of the Department of Defense or of any
16 individual involved in such program.

17 **SEC. 594. CONDUCT BY MEMBERS OF THE ARMED FORCES**
18 **AND VETERANS OUT OF UNIFORM DURING**
19 **HOISTING, LOWERING, OR PASSING OF**
20 **UNITED STATES FLAG.**

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



1 are present but not in uniform may render the military
2 salute. All other persons present should face the flag and
3 stand at attention with their right hand over the heart,
4 or if applicable, remove their headdress with their right
5 hand and hold it at the left shoulder, the hand being over
6 the heart. Citizens of other countries present should stand
7 at attention. All such conduct toward the flag in a moving
8 column should be rendered at the moment the flag
9 passes.”.

10 **SEC. 595. ANNUAL REPORT ON CASES REVIEWED BY NA-**
11 **TIONAL COMMITTEE FOR EMPLOYER SUP-**
12 **PORT OF THE GUARD AND RESERVE.**

13 Section 4332 of title 38, United States Code, is
14 amended—

15 (1) by redesignating paragraphs (2), (3), (4),
16 (5), and (6) as paragraphs (3), (4), (5), (6), and (7)
17 respectively;

18 (2) by inserting after paragraph (1) the fol-
19 lowing new paragraph (2):

20 “(2) The number of cases reviewed by the Sec-
21 retary of Defense under the National Committee for
22 Employer Support of the Guard and Reserve of the
23 Department of Defense during the fiscal year for
24 which the report is made.”; and



1 (3) in paragraph (5), as so redesignated, by
2 striking “(2), or (3)” and inserting “(2), (3), or
3 (4)”.

4 **SEC. 596. MODIFICATION OF CERTIFICATE OF RELEASE OR**
5 **DISCHARGE FROM ACTIVE DUTY (DD FORM**
6 **214).**

7 The Secretary of Defense, in consultation with the
8 Secretary of Veterans Affairs, shall modify the Certificate
9 of Release or Discharge from Active Duty (DD Form 214)
10 in order to permit a member of the Armed Forces, upon
11 discharge or release from active duty in the Armed Forces,
12 to elect that the DD-214 issued with regard to the mem-
13 ber be forwarded to the following:

14 (1) The Central Office of the Department of
15 Veterans Affairs in the District of Columbia.

16 (2) The appropriate office of the Department of
17 Veterans Affairs for the State or other locality in
18 which the member will first reside after such dis-
19 charge or release.

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

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



1 (1) REPORT REQUIRED.—Not later than April
2 1, 2008, the Secretary of Defense shall submit to
3 the Committees on Armed Services of the Senate
4 and the House of Representatives a report on all
5 cases of administrative separation from the Armed
6 Forces of covered members of the Armed Forces on
7 the basis of a personality disorder.

8 (2) ELEMENTS.—The report required by para-
9 graph (1) shall include the following:

10 (A) A statement of the total number of
11 cases, by Armed Force, in which covered mem-
12 bers of the Armed Forces have been separated
13 from the Armed Forces on the basis of a per-
14 sonality disorder, and an identification of the
15 various forms of personality disorder forming
16 the basis for such separations.

17 (B) A statement of the total number of
18 cases, by Armed Force, in which covered mem-
19 bers of the Armed Forces who have served in
20 Iraq and Afghanistan since October 2001 have
21 been separated from the Armed Forces on the
22 basis of a personality disorder, and the identi-
23 fication of the various forms of personality dis-
24 order forming the basis for such separations.



1 (C) A summary of the policies, by Armed
2 Force, controlling administrative separations of
3 members of the Armed Forces based on person-
4 ality disorder, and an evaluation of the ade-
5 quacy of such policies for ensuring that covered
6 members of the Armed Forces who may be eli-
7 gible for disability evaluation due to mental
8 health conditions are not separated from the
9 Armed Forces on the basis of a personality dis-
10 order.

11 (D) A discussion of measures being imple-
12 mented to ensure that members of the Armed
13 Forces who should be evaluated for disability
14 separation or retirement due to mental health
15 conditions are not processed for separation
16 from the Armed Forces on the basis of a per-
17 sonality disorder, and recommendations regard-
18 ing how members of the Armed Forces who
19 may have been so separated from the Armed
20 Forces should be provided with expedited review
21 by the applicable board for the correction of
22 military records.

23 (b) COMPTROLLER GENERAL REPORT ON POLICIES
24 ON ADMINISTRATIVE SEPARATION BASED ON PERSON-
25 ALITY DISORDER.—



1 (1) REPORT REQUIRED.—Not later than June
2 1, 2008, the Comptroller General shall submit to
3 Congress a report evaluating the policies and proce-
4 dures of the Department of Defense and of the mili-
5 tary departments relating to the separation of mem-
6 bers of the Armed Forces based on a personality dis-
7 order.

8 (2) ELEMENTS.—The report required by para-
9 graph (1) shall—

10 (A) include an audit of a sampling of cases
11 to determine the validity and clinical efficacy of
12 the policies and procedures referred to in para-
13 graph (1) and the extent, if any, of the diver-
14 gence between the terms of such policies and
15 procedures and the implementation of such poli-
16 cies and procedures; and

17 (B) include a determination by the Comp-
18 troller General of whether, and to what extent,
19 the policies and procedures referred to in para-
20 graph (1)—

21 (i) deviate from standard clinical diag-
22 nostic practices and current clinical stand-
23 ards; and

24 (ii) provide adequate safeguards
25 aimed at ensuring that members of the



1 Armed Forces who suffer from mental
2 health conditions (including depression,
3 post-traumatic stress disorder, or trau-
4 matic brain injury) resulting from service
5 in a combat zone are not separated from
6 the Armed Forces on the basis of a person-
7 ality disorder.

8 (3) ALTERNATIVE SUBMISSION METHOD.—In
9 lieu of submitting a separate report under this sub-
10 section, the Comptroller may include the evaluation,
11 audit and determination required by this subsection
12 as part of the study of mental health services re-
13 quired by section 723 of the Ronald W. Reagan Na-
14 tional Defense Authorization Act of 2005 (Public
15 Law 108–375; 118 Stat. 1989).

16 (c) COVERED MEMBER OF THE ARMED FORCES DE-
17 FINED.—In this section, the term “covered member of the
18 Armed Forces” includes the following:

19 (1) Any member of a regular component of the
20 Armed Forces who has served in Iraq or Afghani-
21 stan since October 2001.

22 (2) Any member of the Selected Reserve of the
23 Ready Reserve of the Armed Forces who served on
24 active duty in Iraq or Afghanistan since October
25 2001.



1 **SEC. 598. PROGRAM TO COMMEMORATE 50TH ANNIVER-**
2 **SARY OF THE VIETNAM WAR.**

3 (a) **COMMEMORATIVE PROGRAM AUTHORIZED.**—The
4 Secretary of Defense may conduct a program to com-
5 memorate the 50th anniversary of the Vietnam War. In
6 conducting the commemorative program, the Secretary
7 shall coordinate, support, and facilitate other programs
8 and activities of the Federal Government, State and local
9 governments, and other persons and organizations in com-
10 memoration of the Vietnam War.

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

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

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

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



1 governmental organizations that served with, or in
2 support of, the Armed Forces.

3 (3) To pay tribute to the contributions made on
4 the home front by the people of the United States
5 during the Vietnam War.

6 (4) To highlight the advances in technology,
7 science, and medicine related to military research
8 conducted during the Vietnam War.

9 (5) To recognize the contributions and sac-
10 rifices made by the allies of the United States dur-
11 ing the Vietnam War.

12 (d) NAMES AND SYMBOLS.—The Secretary of De-
13 fense shall have the sole and exclusive right to use the
14 name “The United States of America Vietnam War Com-
15 memoration”, and such seal, emblems, and badges incor-
16 porating such name as the Secretary may lawfully adopt.
17 Nothing in this section may be construed to supersede
18 rights that are established or vested before the date of the
19 enactment of this Act.

20 (e) COMMEMORATIVE FUND.—

21 (1) ESTABLISHMENT AND ADMINISTRATION.—

22 If the Secretary establishes the commemorative pro-
23 gram under subsection (a), the Secretary the Treas-
24 ury shall establish in the Treasury of the United
25 States an account to be known as the “Department



1 of Defense Vietnam War Commemoration Fund” (in
2 this section referred to as the “Fund”). The Fund
3 shall be administered by the Secretary of Defense.

4 (2) USE OF FUND.—The Secretary shall use
5 the assets of the Fund only for the purpose of con-
6 ducting the commemorative program and shall pre-
7 scribe such regulations regarding the use of the
8 Fund as the Secretary considers to be necessary.

9 (3) DEPOSITS.—There shall be deposited into
10 the Fund—

11 (A) amounts appropriated to the Fund;

12 (B) proceeds derived from the Secretary’s
13 use of the exclusive rights described in sub-
14 section (d);

15 (C) donations made in support of the com-
16 memorative program by private and corporate
17 donors; and

18 (D) funds transferred to the Fund by the
19 Secretary from funds appropriated for fiscal
20 year 2008 and subsequent years for the Depart-
21 ment of Defense.

22 (4) AVAILABILITY.—Subject to subsection
23 (g)(2), amounts deposited under paragraph (3) shall
24 constitute the assets of the Fund and remain avail-
25 able until expended.



1 (5) BUDGET REQUEST.—The Secretary of De-
2 fense may establish a separate budget line for the
3 commemorative program. In the budget justification
4 materials submitted by the Secretary in support of
5 the budget of the President for any fiscal year for
6 which the Secretary establishes the separate budget
7 line, the Secretary shall—

8 (A) identify and explain any amounts ex-
9 pended for the commemorative program in the
10 fiscal year preceding the budget request;

11 (B) identify and explain the amounts being
12 requested to support the commemorative pro-
13 gram for the fiscal year of the budget request;
14 and

15 (C) present a summary of the fiscal status
16 of the Fund.

17 (f) ACCEPTANCE OF VOLUNTARY SERVICES.—

18 (1) AUTHORITY TO ACCEPT SERVICES.—Not-
19 withstanding section 1342 of title 31, United States
20 Code, the Secretary of Defense may accept from any
21 person voluntary services to be provided in further-
22 ance of the commemorative program. The Secretary
23 of Defense shall prohibit the solicitation of any vol-
24 untary services if the nature or circumstances of
25 such solicitation would compromise the integrity or



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

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

10 (g) FINAL REPORT.—

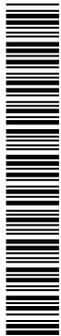
11 (1) REPORT REQUIRED.—Not later than 60
12 days after the end of the commemorative program,
13 if established by the Secretary of Defense under sub-
14 section (a), the Secretary shall submit to Congress
15 a report containing an accounting of—

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

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

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

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



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

3 (h) **LIMITATION ON EXPENDITURES.**—Total expendi-
4 tures from the Fund, using amounts appropriated to the
5 Department of Defense, may not exceed \$5,000,000 for
6 fiscal year 2008 or for any subsequent fiscal year to carry
7 out the commemorative program.

8 (i) **FUNDING.**—Of the amount authorized to be ap-
9 propriated pursuant to section 301(5) for Defense-wide
10 activities, \$1,000,000 shall be available for deposit in the
11 Fund for fiscal year 2008 if the Fund is established under
12 subsection (e).

13 **SEC. 599. RECOGNITION OF MEMBERS OF THE MONU-**
14 **MENTS, FINE ARTS, AND ARCHIVES PROGRAM**
15 **OF THE CIVIL AFFAIRS AND MILITARY GOV-**
16 **ERNMENT SECTIONS OF THE ARMED FORCES**
17 **DURING AND FOLLOWING WORLD WAR II.**

18 Congress hereby—

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



1 tance in Europe and Asia during and following
2 World War II;

3 (2) recognizes that without their dedication and
4 service, many more of the world's artistic and his-
5 toric treasures would have been destroyed or lost
6 forever amidst the chaos and destruction of World
7 War II;

8 (3) acknowledges that the detailed catalogues,
9 documentation, inventories, and photographs devel-
10 oped and compiled by MFAA personnel during and
11 following World War II, have made, and continue to
12 make, possible the restitution of stolen works of art
13 to their rightful owners; and

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

20 **TITLE VI—COMPENSATION AND**
21 **OTHER PERSONNEL BENEFITS**

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2008 increase in military basic pay.

Sec. 602. Basic allowance for housing for reserve component members without dependents who attend accession training while maintaining a primary residence.



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- Sec. 603. Extension and enhancement of authority for temporary lodging expenses for members of the Armed Forces in areas subject to major disaster declaration or for installations experiencing sudden increase in personnel levels.
- Sec. 604. Income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
- Sec. 605. Midmonth payment of basic pay for contributions of members of the uniformed services participating in Thrift Savings Plan.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 610. Correction of lapsed authorities for payment of bonuses, special pays, and similar benefits for members of the uniformed services.
- Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
- Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
- Sec. 615. Increase in incentive special pay and multiyear retention bonus for medical officers.
- Sec. 616. Increase in dental officer additional special pay.
- Sec. 617. Increase in maximum monthly rate of hardship duty pay and authority to provide hardship duty pay in a lump sum.
- Sec. 618. Definition of sea duty for career sea pay to include service as off-cycle crewmembers of multi-crew ships.
- Sec. 619. Reenlistment bonus for members of the Selected Reserve.
- Sec. 620. Availability of Selected Reserve accession bonus for persons who previously served in the Armed Forces for a short period.
- Sec. 621. Availability of nuclear officer continuation pay for officers with more than 26 years of commissioned service.
- Sec. 622. Waiver of years-of-service limitation on receipt of critical skills retention bonus.
- Sec. 623. Accession bonus for participants in the Armed Forces Health Professions Scholarship and Financial Assistance Program.
- Sec. 624. Payment of assignment incentive pay for Reserve members serving in combat zone for more than 22 months.

Subtitle C—Travel and Transportation Allowances

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

Subtitle D—Retired Pay and Survivor Benefits

- Sec. 641. Expansion of combat-related special compensation eligibility.



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

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

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

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

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

Subtitle G—Other Matters

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



1 **Subtitle A—Pay and Allowances**

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

3 **PAY.**

4 (a) RESCISSION OF PRIOR BASIC PAY ADJUST-
5 MENT.—The adjustment made as of January 1, 2008,
6 pursuant to section 4 of Executive Order No. 13454
7 (issued January 4, 2008), in elements of compensation of
8 members of the uniformed services pursuant to section
9 1009 of title 37, United States Code, is hereby rescinded
10 in order to permit the 3.5 percent increase in monthly
11 basic pay for members of the uniformed services required
12 by subsection (b) to take effect as intended.

13 (b) INCREASE IN BASIC PAY.—Effective as of Janu-
14 ary 1, 2008, the rates of monthly basic pay for members
15 of the uniformed services are increased by 3.5 percent.

16 **SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR RESERVE**

17 **COMPONENT MEMBERS WITHOUT DEPEND-**

18 **ENTS WHO ATTEND ACCESSION TRAINING**

19 **WHILE MAINTAINING A PRIMARY RESIDENCE.**

20 (a) AVAILABILITY OF ALLOWANCE.—Section
21 403(g)(1) of title 37, United States Code, is amended—

22 (1) by inserting “to attend accession training,”
23 after “active duty” the first place it appears; and

24 (2) by inserting a comma after “contingency
25 operation” the first place it appears.



1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply with respect to months begin-
3 ning on or after the date of the enactment of this Act.

4 **SEC. 603. EXTENSION AND ENHANCEMENT OF AUTHORITY**
5 **FOR TEMPORARY LODGING EXPENSES FOR**
6 **MEMBERS OF THE ARMED FORCES IN AREAS**
7 **SUBJECT TO MAJOR DISASTER DECLARA-**
8 **TION OR FOR INSTALLATIONS EXPERI-**
9 **ENCING SUDDEN INCREASE IN PERSONNEL**
10 **LEVELS.**

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

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

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

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



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

4 (b) ELIGIBILITY.—Subsection (b) of such section is
5 amended to read as follows:

6 “(b) ELIGIBILITY.—(1) A member of a reserve com-
7 ponent is entitled to a payment under this section for any
8 full month of active duty of the member, when the total
9 monthly military compensation of the member is less than
10 the average monthly civilian income of the member, while
11 the member is on active duty under an involuntary mobili-
12 zation order, following the date on which the member—

13 “(A) completes 547 continuous days of service
14 on active duty under an involuntary mobilization
15 order;

16 “(B) completes 730 cumulative days on active
17 duty under an involuntary mobilization order during
18 the previous 1,826 days; or

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

24 “(2) The entitlement of a member of a reserve com-
25 ponent to a payment under this section also shall com-



1 mence or, if previously commenced under paragraph (1),
2 shall continue if the member—

3 “(A) satisfies the required number of days on
4 active duty specified in subparagraph (A) or (B) of
5 paragraph (1) or was involuntarily mobilized as pro-
6 vided in subparagraph (C) of such paragraph; and

7 “(B) is retained on active duty under subpara-
8 graph (A) or (B) of section 12301(h)(1) of title 10
9 because of an injury or illness incurred or aggra-
10 vated while the member was assigned to duty in an
11 area for which special pay under section 310 of this
12 title is available.”.

13 (c) TERMINATION OF AUTHORITY.—Subsection (g) of
14 such section is amended to read as follows:

15 “(g) TERMINATION.—No payment shall be made to
16 a member under this section for months beginning after
17 December 31, 2008, unless the entitlement of the member
18 to payments under this section commenced on or before
19 that date.”.

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

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



1 Code, is amended by adding at the end the following new
2 subsection:

3 “(c) With respect to a member of the uniformed serv-
4 ices who has elected to participate in the Thrift Savings
5 Plan under section 211 of this title, subsection (a) does
6 not preclude the payment of an amount equal to one-half
7 of the monthly deposit to the Thrift Savings Fund other-
8 wise to be made by the member in participating in the
9 Plan, which amount may be deposited in the Thrift Sav-
10 ings Fund at midmonth.”.

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

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



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

3 **SEC. 610. CORRECTION OF LAPSED AUTHORITIES FOR PAY-**
4 **MENT OF BONUSES, SPECIAL PAYS, AND SIMI-**
5 **LAR BENEFITS FOR MEMBERS OF THE UNI-**
6 **FORMED SERVICES.**

7 (a) **RETROACTIVE EFFECTIVE DATE FOR PAYMENT**
8 **AUTHORITIES.**—The amendments made by sections 611,
9 612, 613, and 614 shall take effect as of December 31,
10 2007.

11 (b) **RATIFICATION OF EXISTING CONTINGENT**
12 **AGREEMENTS.**—In the case of a provision of title 10 or
13 37, United States Code, amended by section 611, 612,
14 613, or 614 under which an individual must enter into
15 an agreement with the Secretary concerned for receipt of
16 a bonus, special pay, or similar benefit, the Secretary con-
17 cerned may treat any agreement entered into under such
18 a provision during the period beginning on January 1,
19 2008, and ending on the date of the enactment of this
20 Act as having taken effect as of the date on which the
21 agreement was signed by the individual.

22 (c) **TEMPORARY ADDITIONAL AGREEMENT AUTHOR-**
23 **ITY.**—

24 (1) **AUTHORITY.**—In the case of a provision of
25 title 10 or 37, United States Code, amended by sec-



1 tion 611, 612, 613, or 614 under which an indi-
2 vidual must enter into an agreement with the Sec-
3 retary concerned for receipt of a bonus, special pay,
4 or similar benefit, the Secretary concerned, during
5 the 120-day period beginning on the date of the en-
6 actment of this Act, may treat any agreement en-
7 tered into under such a provision by an individual
8 described in paragraph (2) as having been signed by
9 the individual during the period beginning on Janu-
10 ary 1, 2008, and ending on the date of the enact-
11 ment of this Act.

12 (2) COVERED INDIVIDUALS.—An individual re-
13 ferred to in paragraph (1) is an individual who
14 would have met all of the qualifications for a bonus,
15 special pay, or similar benefit under a provision of
16 title 10 or 37, United States Code, amended by sec-
17 tion 611, 612, 613, or 614 at any time during the
18 period beginning on January 1, 2008, and ending on
19 the date of the enactment of this Act, but for the
20 fact that the statutory authority for the bonus, spe-
21 cial pay, or similar benefit lapsed on December 31,
22 2007.

23 (d) TAX TREATMENT.—The payment of a bonus, spe-
24 cial pay, or similar benefit under a provision of title 10
25 or 37, United States Code, amended by section 611, 612,



1 613, or 614 to an individual who would have been entitled
2 to the tax treatment accorded by section 112 of the Inter-
3 nal Revenue Code of 1986 on the date on which the mem-
4 ber would have otherwise earned the bonus, special pay,
5 or similar benefit, but for the fact that the statutory au-
6 thority for the bonus, special pay, or similar benefit lapsed
7 on December 31, 2007, shall be treated as covered by such
8 section 112.

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

18 (f) SECRETARY CONCERNED DEFINED.—In this sec-
19 tion, the term “Secretary concerned” has the meaning
20 given that term in section 101(5) of title 37, United States
21 Code.

22 **SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL**
23 **PAY AUTHORITIES FOR RESERVE FORCES.**

24 (a) SELECTED RESERVE REENLISTMENT BONUS.—
25 Section 308b(g) of title 37, United States Code, is amend-



1 ed by striking “December 31, 2007” and inserting “De-
2 cember 31, 2008”.

3 (b) SELECTED RESERVE AFFILIATION OR ENLIST-
4 MENT BONUS.—Section 308c(i) of such title is amended
5 by striking “December 31, 2007” and inserting “Decem-
6 ber 31, 2008”.

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

11 (d) READY RESERVE ENLISTMENT BONUS FOR PER-
12 SONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of
13 such title is amended by striking “December 31, 2007”
14 and inserting “December 31, 2008”.

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

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



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

4 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
5 GRAM.—Section 2130a(a)(1) of title 10, United States
6 Code, is amended by striking “December 31, 2007” and
7 inserting “December 31, 2008”.

8 (b) REPAYMENT OF EDUCATION LOANS FOR CER-
9 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
10 LECTED RESERVE.—Section 16302(d) of such title is
11 amended by striking “January 1, 2008” and inserting
12 “January 1, 2009”.

13 (c) ACCESSION BONUS FOR REGISTERED NURSES.—
14 Section 302d(a)(1) of title 37, United States Code, is
15 amended by striking “December 31, 2007” and inserting
16 “December 31, 2008”.

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

3 (f) INCENTIVE BONUS FOR CONVERSION TO MILI-
4 TARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL
5 SHORTAGE.—Section 326(g) of such title is amended by
6 striking “December 31, 2007” and inserting “December
7 31, 2008”.

8 (g) ACCESSION BONUS FOR OFFICER CAN-
9 DIDATES.—Section 330(f) of such title is amended by
10 striking “December 31, 2007” and inserting “December
11 31, 2008”.

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

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

20 (a) INCENTIVE SPECIAL PAY.—Section 302(b)(1) of
21 title 37, United States Code, is amended by striking
22 “\$50,000” and inserting “\$75,000”.

23 (b) MULTIYEAR RETENTION BONUS.—Section
24 301d(a)(2) of title 37, United States Code, is amended
25 by striking “\$50,000” and inserting “\$75,000”.



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

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

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

10 (1) in the matter preceding subparagraph (A),
11 by striking “at the following rates” and inserting
12 “at a rate determined by the Secretary concerned,
13 which rate may not exceed the following”;

14 (2) in subparagraph (A), by striking “\$4,000”
15 and inserting “\$10,000”; and

16 (3) in subparagraph (B), by striking “\$6,000”
17 and inserting “\$12,000”.

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



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

5 Section 305 of title 37, United States Code, is
6 amended to read as follows:

7 **“§ 305. Special pay: hardship duty pay**

8 “(a) SPECIAL PAY AUTHORIZED.—A member of a
9 uniformed service who is entitled to basic pay may be paid
10 special pay under this section while the member is per-
11 forming duty that is designated by the Secretary of De-
12 fense as hardship duty.

13 “(b) PAYMENT ON MONTHLY OR LUMP SUM
14 BASIS.—Special pay payable under this section may be
15 paid on a monthly basis or in a lump sum.

16 “(c) MAXIMUM RATE OR AMOUNT.—(1) The monthly
17 rate of special pay payable to a member under this section
18 may not exceed \$1,500.

19 “(2) The amount of the lump sum payment of special
20 pay payable to a member under this section may not ex-
21 ceed the product of—

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



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

3 “(iv) while serving as an off-cycle crew-
4 member of a multi-crewed ship; or”.

5 **SEC. 619. REENLISTMENT BONUS FOR MEMBERS OF THE**
6 **SELECTED RESERVE.**

7 (a) **MINIMUM TERM OF REENLISTMENT OR ENLIST-**
8 **MENT EXTENSION.**—Subsection (a)(2) of 308b of title 37,
9 United States Code, is amended by striking “his enlist-
10 ment for a period of three years or for a period of six
11 years” and inserting “an enlistment for a period of at
12 least three years”.

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

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

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

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



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

5 **SEC. 620. AVAILABILITY OF SELECTED RESERVE ACCES-**
6 **SION BONUS FOR PERSONS WHO PRE-**
7 **VIOUSLY SERVED IN THE ARMED FORCES**
8 **FOR A SHORT PERIOD.**

9 Section 308c(c)(1) of title 37, United States Code,
10 is amended by inserting before the semicolon the following:
11 “or has served in the armed forces, but was released from
12 such service before completing the basic training require-
13 ments of the armed force of which the person was a mem-
14 ber and the service was characterized as either honorable
15 or uncharacterized”.

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

19 (a) INCREASE.—Section 312 of title 37, United
20 States Code, is amended—

21 (1) in subsection (a)(3), by striking “26 years”
22 and inserting “30 years”; and

23 (2) in subsection (e)(1), by striking “the end of
24 26 years of commissioned service” and inserting



1 “the maximum number of years of commissioned
2 service authorized by subsection (a)(3)”.

3 (b) EFFECT ON EXISTING AGREEMENTS.—The Sec-
4 retary of the Navy and an officer of the naval service who
5 is a party to an agreement under section 312 of title 37,
6 United States Code, that was entered into before the date
7 of the enactment of this Act may revise the agreement
8 to reflect the new limitation on the number of years of
9 commissioned service that the officer may serve while re-
10 maining eligible for special pay under such section.

11 **SEC. 622. WAIVER OF YEARS-OF-SERVICE LIMITATION ON**
12 **RECEIPT OF CRITICAL SKILLS RETENTION**
13 **BONUS.**

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

17 “(4) The Secretary of Defense, or the Secretary of
18 Homeland Security with respect to the Coast Guard when
19 it is not operating as a service in the Navy, may waive
20 the limitations in paragraph (1) with respect to a member
21 who, during the period of active duty or service in an ac-
22 tive status in a reserve component for which the bonus
23 is being offered, is assigned duties in a skill designated
24 as critical under subsection (b)(1). The authority to grant
25 a waiver under this paragraph may not be delegated below



1 the Under Secretary of Defense for Personnel and Readiness or the Deputy Secretary of the Department of Homeland Security.”.

4 **SEC. 623. ACCESSION BONUS FOR PARTICIPANTS IN THE**
5 **ARMED FORCES HEALTH PROFESSIONS**
6 **SCHOLARSHIP AND FINANCIAL ASSISTANCE**
7 **PROGRAM.**

8 (a) ACCESSION BONUS AUTHORIZED.—Subchapter I of chapter 105 of title 10, United States Code, is amended by adding at the end the following new section:

11 **“§ 2128. Accession bonus for members of the program**

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

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

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



1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such subchapter is amended by adding
3 at the end the following new item:
“2128. Accession bonus for members of the program.”.

4 (c) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall apply with respect to agreements en-
6 tered into under section 2122(a)(2) of title 10, United
7 States Code, on or after the date of the enactment of this
8 Act.

9 **SEC. 624. PAYMENT OF ASSIGNMENT INCENTIVE PAY FOR**
10 **RESERVE MEMBERS SERVING IN COMBAT**
11 **ZONE FOR MORE THAN 22 MONTHS.**

12 (a) PAYMENT.—The Secretary of a military depart-
13 ment may pay assignment incentive pay under section
14 307a of title 37, United States Code, to a member of a
15 reserve component under the jurisdiction of the Secretary
16 for each month during the eligibility period of the member
17 determined under subsection (b) during which the member
18 served for any portion of the month in a combat zone asso-
19 ciated with Operating Enduring Freedom or Operation
20 Iraqi Freedom in excess of 22 months of qualifying serv-
21 ice.

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



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

4 (c) AMOUNT OF PAYMENT.—The monthly rate of in-
5 centive pay payable to a member under this section is
6 \$1,000.

7 (d) QUALIFYING SERVICE.—For purposes of this sec-
8 tion, qualifying service includes cumulative mobilized serv-
9 ice on active duty under sections 12301(d), 12302, and
10 12304 of title 10, United States Code, during the period
11 beginning on January 1, 2003, through the end of the
12 member's active duty service during the member's most
13 recent period of mobilization to active duty beginning be-
14 fore January 19, 2007.

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

17 **SEC. 631. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL** 18 **COSTS FOR CERTAIN SELECTED RESERVE** 19 **MEMBERS.**

20 (a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

21 (1) IN GENERAL.—Chapter 7 of title 37, United
22 States Code, is amended by inserting after section
23 408 the following new section:



1 **“§ 408a. Travel and transportation allowances: inac-**
2 **tive duty training outside of normal com-**
3 **muting distances**

4 “(a) ALLOWANCE AUTHORIZED.—The Secretary con-
5 cerned may reimburse an eligible member of the Selected
6 Reserve of the Ready Reserve for travel expenses for travel
7 to an inactive duty training location to perform inactive
8 duty training when the member is required to commute
9 a distance from the member’s permanent residence to the
10 inactive duty training location that is outside the normal
11 commuting distance (as determined under the regulations
12 prescribed under subsection (d)) for that commute.

13 “(b) ELIGIBLE MEMBERS.—To be eligible for reim-
14 bursement under subsection (a), a member of the Selected
15 Reserve of the Ready Reserve must be—

16 “(1) qualified in a skill designated as critically
17 short by the Secretary concerned;

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

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



1 “(c) MAXIMUM REIMBURSEMENT AMOUNT.—The
2 amount of reimbursement provided a member under sub-
3 section (a) for each round trip to a training location may
4 not exceed \$300.

5 “(d) REGULATIONS.—The Secretary concerned shall
6 prescribe regulations to carry out this section. Regulations
7 prescribed by the Secretary of a military department shall
8 be subject to the approval of the Secretary of Defense.

9 “(e) TERMINATION.—No reimbursement may be pro-
10 vided under this section for travel that occurs after De-
11 cember 31, 2010.”.

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

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

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



1 **SEC. 632. SURVIVORS OF DECEASED MEMBERS ELIGIBLE**
2 **FOR TRANSPORTATION TO ATTEND BURIAL**
3 **CEREMONIES.**

4 (a) **ELIGIBLE RELATIVES.**—Paragraph (1) of section
5 411f(c) of title 37, United States Code, is amended—

6 (1) by striking subparagraph (B) and inserting
7 the following new subparagraph:

8 “(B) The child or children of the deceased
9 member (including stepchildren, adopted children,
10 and illegitimate children).”; and

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

13 “(D) The sibling or siblings of the deceased
14 member.

15 “(E) The person who directs the disposition of
16 the remains of the deceased member under section
17 1482(c) of title 10 or, in the case of a deceased
18 member whose remains are commingled and buried
19 in a common grave in a national cemetery, the per-
20 son who would have been designated under such sec-
21 tion to direct the disposition of the remains if indi-
22 vidual identification had been made.”.

23 (b) **OTHER PERSONS.**—Paragraph (2) of such section
24 is amended to read as follows:

25 “(2) If no person described in subparagraphs (A)
26 through (D) of paragraph (1) is provided travel and trans-



1 portation allowances under subsection (a)(1), the travel
2 and transportation allowances may be provided to one or
3 two other persons who are closely related to the deceased
4 member and are selected by the person referred to in para-
5 graph (1)(E). A person provided travel and transportation
6 allowances under this paragraph is in addition to the per-
7 son referred to in paragraph (1)(E).”.

8 **SEC. 633. ALLOWANCE FOR PARTICIPATION OF RESERVES**
9 **IN ELECTRONIC SCREENING.**

10 (a) ALLOWANCE FOR PARTICIPATION IN ELEC-
11 TRONIC SCREENING.—

12 (1) IN GENERAL.—Chapter 7 of title 37, United
13 States Code, is amended by inserting after section
14 433 the following new section:

15 **“§ 433a. Allowance for participation in Ready Re-**
16 **serve screening**

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

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



1 participation in the screening described in paragraph (1),
2 and shall constitute payment in full to the member for
3 participation in such screening, regardless of the grade or
4 rank in which the member is serving.

5 “(b) MAXIMUM PAYMENT.—The aggregate amount
6 of the stipend paid a member of the Individual Ready Re-
7 serve under this section in any calendar year may not ex-
8 ceed \$50.

9 “(c) PAYMENT REQUIREMENTS.—(1) The stipend
10 authorized by this section may not be disbursed in kind.

11 “(2) Payment of a stipend to a member of the Indi-
12 vidual Ready Reserve under this section for participation
13 in screening shall be made on or after the date of partici-
14 pation in such screening, but not later than 30 days after
15 such date.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of chapter 7 of such title is
18 amended by inserting after the item relating to sec-
19 tion 433 the following new item:

“433a. Allowance for participation in Ready Reserve screening.”.

20 (b) BAR TO DUAL COMPENSATION.—Section 206 of
21 such title is amended by adding at the end the following
22 new subsection:

23 “(f) A member of the Individual Ready Reserve is
24 not entitled to compensation under this section for partici-



1 pation in screening for which the member is paid a stipend
2 under section 433a of this title.”.

3 (c) BAR TO RETIREMENT CREDIT.—Section
4 12732(b) of title 10, United States Code, is amended by
5 adding at the end the following new paragraph:

6 “(8) Service in the screening performed pursu-
7 ant to section 10149 of this title through electronic
8 means, regardless of whether or not a stipend is
9 paid the member concerned for such service under
10 section 433a of title 37.”.

11 **SEC. 634. ALLOWANCE FOR CIVILIAN CLOTHING FOR MEM-**
12 **BERS OF THE ARMED FORCES TRAVELING IN**
13 **CONNECTION WITH MEDICAL EVACUATION.**

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

17 **SEC. 635. PAYMENT OF MOVING EXPENSES FOR JUNIOR RE-**
18 **SERVE OFFICERS’ TRAINING CORPS IN-**
19 **STRUCTORS IN HARD-TO-FILL POSITIONS.**

20 Section 2031 of title 10, United States Code, is
21 amended by adding at the end the following new sub-
22 section:

23 “(f)(1) When determined by the Secretary of the mili-
24 tary department concerned to be in the national interest
25 and agreed upon by the institution concerned, the institu-



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

6 “(2) As a condition on providing reimbursement
7 under paragraph (1), the institution shall require the in-
8 structor to execute a written agreement to serve a min-
9 imum of two years of employment at the institution in the
10 hard-to-fill position.

11 “(3) Any reimbursement provided to an instructor
12 under paragraph (1) is in addition to the minimum in-
13 structor pay otherwise payable to the instructor.

14 “(4) The Secretary concerned shall reimburse an in-
15 stitution providing reimbursement to an instructor under
16 paragraph (1) in an amount equal to the amount of the
17 reimbursement paid by the institution under that para-
18 graph. Any reimbursement provided by the Secretary con-
19 cerned shall be provided from funds appropriated for that
20 purpose.

21 “(5) The provision of reimbursement under para-
22 graph (1) or (4) shall be subject to regulations prescribed
23 by the Secretary of Defense for purposes of this sub-
24 section.”.



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

3 **SEC. 641. EXPANSION OF COMBAT-RELATED SPECIAL COM-**
4 **PENSATION ELIGIBILITY.**

5 (a) EXPANDED ELIGIBILITY FOR CHAPTER 61 MILI-
6 TARY RETIREES.—Subsection (e) of section 1413a of title
7 10, United States Code, is amended by striking “entitled
8 to retired pay who—” and all that follows and inserting
9 “who—

10 “(1) is entitled to retired pay (other than by
11 reason of section 12731b of this title); and

12 “(2) has a combat-related disability.”.

13 (b) COMPUTATION.—Paragraph (3) of subsection (b)
14 of such section is amended—

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

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

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

21 “(B) SPECIAL RULE FOR RETIREES WITH
22 FEWER THAN 20 YEARS OF SERVICE.—In the
23 case of an eligible combat-related disabled uni-
24 formed services retiree who is retired under
25 chapter 61 of this title with fewer than 20

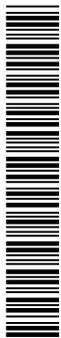


1 years of creditable service, the amount of the
2 payment under paragraph (1) for any month
3 shall be reduced by the amount (if any) by
4 which the amount of the member's retired pay
5 under chapter 61 of this title exceeds the
6 amount equal to 2½ percent of the member's
7 years of creditable service multiplied by the
8 member's retired pay base under section
9 1406(b)(1) or 1407 of this title, whichever is
10 applicable to the member.”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on January 1, 2008, and shall
13 apply to payments for months beginning on or after that
14 date.

15 **SEC. 642. INCLUSION OF VETERANS WITH SERVICE-CON-**
16 **NECTED DISABILITIES RATED AS TOTAL BY**
17 **REASON OF UNEMPLOYABILITY UNDER TER-**
18 **MINATION OF PHASE-IN OF CONCURRENT RE-**
19 **CEIPT OF RETIRED PAY AND VETERANS' DIS-**
20 **ABILITY COMPENSATION.**

21 (a) INCLUSION OF VETERANS.—Section 1414(a)(1)
22 of title 10, United States Code, is amended by striking
23 “except that” and all that follows and inserting “except
24 that payment of retired pay is subject to subsection (c)



1 only during the period beginning on January 1, 2004, and
2 ending on December 31, 2004, in the case of the following:

3 “(A) A qualified retiree receiving veterans’
4 disability compensation for a disability rated as
5 100 percent.

6 “(B) A qualified retiree receiving veterans’
7 disability compensation at the rate payable for
8 a 100 percent disability by reason of a deter-
9 mination of individual unemployability.”.

10 (b) EFFECTIVE DATE.—

11 (1) IN GENERAL.—Subject to paragraph (2),
12 the amendment made by subsection (a) shall take ef-
13 fect as of December 31, 2004.

14 (2) TIMING OF PAYMENT OF RETROACTIVE
15 BENEFITS.—Any amount payable for a period before
16 October 1, 2008, by reason of the amendment made
17 by subsection (a) shall not be paid until after that
18 date.

19 **SEC. 643. RECOUPMENT OF ANNUITY AMOUNTS PRE-**
20 **VIOUSLY PAID, BUT SUBJECT TO OFFSET FOR**
21 **DEPENDENCY AND INDEMNITY COMPENSA-**
22 **TION.**

23 (a) LIMITATION ON RECOUPMENT; NOTIFICATION
24 REQUIREMENTS.—Section 1450(c) of title 10, United



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

3 “(3) LIMITATION ON RECOUPMENT OF OFFSET
4 AMOUNT.—Any amount subject to offset under this
5 subsection that was previously paid to the surviving
6 spouse or former spouse shall be recouped only to
7 the extent that the amount paid exceeds any amount
8 to be refunded under subsection (e). In notifying a
9 surviving spouse or former spouse of the recoupment
10 requirement, the Secretary shall provide the spouse
11 or former spouse—

12 “(A) a single notice of the net amount to
13 be recouped or the net amount to be refunded,
14 as applicable, under this subsection or sub-
15 section (e);

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

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

24 “(D) contact information for a person who
25 can provide information about the offset



1 recoupment and retired pay deduction refund
2 processes and answer questions the surviving
3 spouse or former spouse may have about the re-
4 quirements, processes, or amounts.”.

5 (b) APPLICATION.—Paragraph (3) of subsection (c)
6 of section 1450 of title 10, United States Code, as added
7 by subsection (a), shall apply with respect to the
8 recoupment on or after April 1, 2008, of amounts subject
9 to offset under such subsection.

10 **SEC. 644. SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR**
11 **PERSONS AFFECTED BY REQUIRED SUR-**
12 **VIVOR BENEFIT PLAN ANNUITY OFFSET FOR**
13 **DEPENDENCY AND INDEMNITY COMPENSA-**
14 **TION.**

15 Section 1450 of title 10, United States Code, is
16 amended by adding at the end the following new sub-
17 section:

18 “(m) SPECIAL SURVIVOR INDEMNITY ALLOWANCE.—

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



1 “(A) the surviving spouse or former spouse
2 is entitled to dependency and indemnity com-
3 pensation under section 1311(a) of title 38;

4 “(B) except for subsection (c) of this sec-
5 tion, the surviving spouse or former spouse is
6 eligible for an annuity by reason of a partici-
7 pant in the Plan under section 1448(a)(1) of
8 this title; and

9 “(C) the eligibility of the surviving spouse
10 or former spouse for an annuity as described in
11 subparagraph (B) is affected by subsection (c)
12 of this section.

13 “(2) AMOUNT OF PAYMENT.—Subject to para-
14 graph (3), the amount of the allowance paid to an
15 eligible survivor under paragraph (1) for a month
16 shall be equal to—

17 “(A) for months during fiscal year 2009,
18 \$50;

19 “(B) for months during fiscal year 2010,
20 \$60;

21 “(C) for months during fiscal year 2011,
22 \$70;

23 “(D) for months during fiscal year 2012,
24 \$80;



1 “(E) for months during fiscal year 2013,
2 \$90; and

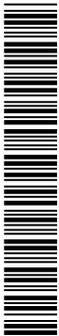
3 “(F) for months after fiscal year 2013,
4 \$100.

5 “(3) LIMITATION.—The amount of the allow-
6 ance paid to an eligible survivor under paragraph
7 (1) for any month may not exceed the amount of the
8 annuity for that month that is subject to offset
9 under subsection (c).

10 “(4) STATUS OF PAYMENTS.—An allowance
11 paid under this subsection does not constitute an an-
12 nuity, and amounts so paid are not subject to ad-
13 justment under any other provision of law.

14 “(5) SOURCE OF FUNDS.—The special survivor
15 indemnity allowance shall be paid from amounts in
16 the Department of Defense Military Retirement
17 Fund established under section 1461 of this title.

18 “(6) EFFECTIVE DATE AND DURATION.—This
19 subsection shall only apply with respect to the
20 month beginning on October 1, 2008, and subse-
21 quent months through the month ending on Feb-
22 ruary 28, 2016. Effective on March 1, 2016, the au-
23 thority provided by this subsection shall terminate.
24 No special survivor indemnity allowance may be paid
25 to any person by reason of this subsection for any



1 period before October 1, 2008, or beginning on or
2 after March 1, 2016.”.

3 **SEC. 645. MODIFICATION OF AUTHORITY OF MEMBERS OF**
4 **THE ARMED FORCES TO DESIGNATE RECIPI-**
5 **ENTS FOR PAYMENT OF DEATH GRATUITY.**

6 (a) AUTHORITY TO DESIGNATE RECIPIENTS.—Sec-
7 tion 1477 of title 10, United States Code, is amended—

8 (1) by striking subsections (c) and (d);

9 (2) by redesignating subsection (b) as sub-
10 section (d) and, in such subsection, by striking
11 “Subsection (a)(2)” and inserting “TREATMENT OF
12 CHILDREN.—Subsection (b)(2)”; and

13 (3) by striking subsection (a) and inserting the
14 following new subsections:

15 “(a) DESIGNATION OF RECIPIENTS.—(1) On and
16 after July 1, 2008, or such earlier date as the Secretary
17 of Defense may prescribe, a person covered by section
18 1475 or 1476 of this title may designate one or more per-
19 sons to receive all or a portion of the amount payable
20 under section 1478 of this title. The designation of a per-
21 son to receive a portion of the amount shall indicate the
22 percentage of the amount, to be specified only in 10 per-
23 cent increments, that the designated person may receive.
24 The balance of the amount of the death gratuity, if any,
25 shall be paid in accordance with subsection (b).



1 “(2) If a person covered by section 1475 or 1476 of
2 this title has a spouse, but designates a person other than
3 the spouse to receive all or a portion of the amount pay-
4 able under section 1478 of this title, the Secretary con-
5 cerned shall provide notice of the designation to the
6 spouse.

7 “(b) DISTRIBUTION OF REMAINDER; DISTRIBUTION
8 IN ABSENCE OF DESIGNATED RECIPIENT.—If a person
9 covered by section 1475 or 1476 of this title does not
10 make a designation under subsection (a) or designates
11 only a portion of the amount payable under section 1478
12 of this title, the amount of the death gratuity not covered
13 by a designation shall be paid as follows:

14 “(1) To the surviving spouse of the person, if
15 any.

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

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

23 “(4) If there is none of the above, to the duly-
24 appointed executor or administrator of the estate of
25 the person.



1 “(5) If there is none of the above, to other next
2 of kin of the person entitled under the laws of domi-
3 cile of the person at the time of the person’s death.

4 “(c) TREATMENT OF PARENTS.—For purposes of
5 subsection (b)(3), parents include fathers and mothers
6 through adoption. However, only one father and one moth-
7 er may be recognized in any case, and preference shall
8 be given to those who exercised a parental relationship on
9 the date, or most nearly before the date, on which the de-
10 cedent entered a status described in section 1475 or 1476
11 of this title.”.

12 (b) CLERICAL AND CONFORMING AMENDMENTS.—
13 Subsection (e) of such section is amended—

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

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

18 (3) by striking “subsection (a).” and inserting
19 “subsection (b)”.

20 (c) EXISTING DESIGNATION AUTHORITY.—The au-
21 thority provided by subsection (d) of section 1477 of title
22 10, United States Code, as in effect on the day before
23 the date of the enactment of this Act, shall remain avail-
24 able to persons covered by section 1475 or 1476 of such
25 title until July 1, 2008, or such earlier date as the Sec-



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

7 (d) REGULATIONS.—

8 (1) IN GENERAL.—Not later than April 1,
9 2008, the Secretary of Defense shall prescribe regu-
10 lations to implement the amendments to section
11 1477 of title 10, United States Code, made by sub-
12 section (a).

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

20 **SEC. 646. CLARIFICATION OF APPLICATION OF RETIRED**
21 **PAY MULTIPLIER PERCENTAGE TO MEMBERS**
22 **OF THE UNIFORMED SERVICES WITH OVER 30**
23 **YEARS OF SERVICE.**

24 (a) COMPUTATION OF RETIRED AND RETAINER PAY
25 FOR MEMBERS OF NAVAL SERVICE.—The table in section



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

6 (b) RETIRED PAY FOR CERTAIN MEMBERS RE-
7 CALLED TO ACTIVE DUTY.—The table in section 1402(a)
8 of such title is amended by striking Column 3.

9 (c) EFFECTIVE DATE.—The amendments made by
10 subsections (a) and (b) shall take effect as of January 1,
11 2007, and shall apply with respect to retired pay and re-
12 tainer pay payable on or after that date.

13 **SEC. 647. COMMENCEMENT OF RECEIPT OF NON-REGULAR**
14 **SERVICE RETIRED PAY BY MEMBERS OF THE**
15 **READY RESERVE ON ACTIVE FEDERAL STA-**
16 **TUS OR ACTIVE DUTY FOR SIGNIFICANT PE-**
17 **RIODS.**

18 (a) REDUCED ELIGIBILITY AGE.—Section 12731 of
19 title 10, United States Code, is amended—

20 (1) in subsection (a), by striking paragraph (1)
21 and inserting the following:

22 “(1) has attained the eligibility age applicable
23 under subsection (f) to that person;”; and

24 (2) by adding at the end the following new sub-
25 section:

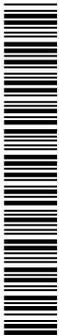


1 “(f)(1) Subject to paragraph (2), the eligibility age
2 for purposes of subsection (a)(1) is 60 years of age.

3 “(2)(A) In the case of a person who as a member
4 of the Ready Reserve serves on active duty or performs
5 active service described in subparagraph (B) after the date
6 of the enactment of the National Defense Authorization
7 Act for Fiscal Year 2008, the eligibility age for purposes
8 of subsection (a)(1) shall be reduced below 60 years of
9 age by three months for each aggregate of 90 days on
10 which such person so performs in any fiscal year after
11 such date, subject to subparagraph (C). A day of duty may
12 be included in only one aggregate of 90 days for purposes
13 of this subparagraph.

14 “(B)(i) Service on active duty described in this sub-
15 paragraph is service on active duty pursuant to a call or
16 order to active duty under a provision of law referred to
17 in section 101(a)(13)(B) or under section 12301(d) of this
18 title. Such service does not include service on active duty
19 pursuant to a call or order to active duty under section
20 12310 of this title.

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



1 emergency declared by the President or supported by Fed-
2 eral funds.

3 “(C) The eligibility age for purposes of subsection
4 (a)(1) may not be reduced below 50 years of age for any
5 person under subparagraph (A).”.

6 (b) CONTINUATION OF AGE 60 AS MINIMUM AGE
7 FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES
8 FOR HEALTH CARE.—Section 1074(b) of such title is
9 amended—

10 (1) by inserting “(1)” after “(b)”; and

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

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

17 (c) ADMINISTRATION OF RELATED PROVISIONS OF
18 LAW OR POLICY.—With respect to any provision of law,
19 or of any policy, regulation, or directive of the executive
20 branch that refers to a member or former member of the
21 uniformed services as being eligible for, or entitled to, re-
22 tired pay under chapter 1223 of title 10, United States
23 Code, but for the fact that the member or former member
24 is under 60 years of age, such provision shall be carried
25 out with respect to that member or former member by



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

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

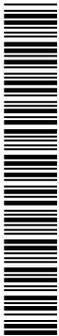
10 Section 12733(3) of title 10, United States Code, is
11 amended—

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

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

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

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



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

4 **SEC. 651. AUTHORITY TO CONTINUE COMMISSARY AND EX-**
5 **CHANGE BENEFITS FOR CERTAIN INVOLUN-**
6 **TARILY SEPARATED MEMBERS OF THE**
7 **ARMED FORCES.**

8 (a) RESUMPTION FOR MEMBERS INVOLUNTARILY
9 SEPARATED FROM ACTIVE DUTY.—Section 1146 of title
10 10, United States Code, is amended—

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

12 TARILY SEPARATED FROM ACTIVE DUTY.—” before

13 “The Secretary of Defense”;

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

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

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

17 31, 2012”; and

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

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

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

21 riod”.

22 (b) EXTENSION TO MEMBERS INVOLUNTARILY SEPA-

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

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

25 section:



1 “(b) MEMBERS INVOLUNTARILY SEPARATED FROM
2 SELECTED RESERVE.—The Secretary of Defense shall
3 prescribe regulations to allow a member of the Selected
4 Reserve of the Ready Reserve who is involuntarily sepa-
5 rated from the Selected Reserve as a result of the exercise
6 of the force shaping authority of the Secretary concerned
7 under section 647 of this title or other force shaping au-
8 thority during the period beginning on October 1, 2007,
9 and ending on December 31, 2012, to continue to use
10 commissary and exchange stores during the two-year pe-
11 riod beginning on the date of the involuntary separation
12 of the member in the same manner as a member on active
13 duty. The Secretary of Homeland Security shall imple-
14 ment this provision for Coast Guard members involun-
15 tarily separated during the same period.”.

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

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

23 (1) in subsection (a)(5), by inserting “any non-
24 appropriated fund instrumentality described in sec-
25 tion 2105(c) of this title,” after “Commission,”; and



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

3 “(e) An employee of a nonappropriated fund instru-
4 mentality described in section 2105(c) of this title is
5 deemed an employee covered by this section.”.

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

9 **SEC. 661. CONSOLIDATION OF SPECIAL PAY, INCENTIVE**
10 **PAY, AND BONUS AUTHORITIES OF THE UNI-**
11 **FORMED SERVICES.**

12 (a) CONSOLIDATION.—Chapter 5 of title 37, United
13 States Code, is amended—

14 (1) by inserting before section 301 the following
15 subchapter heading:

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

18 and

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



1 “SUBCHAPTER II—CONSOLIDATION OF SPE-
2 CIAL PAY, INCENTIVE PAY, AND BONUS AU-
3 THORITIES

4 “§ 331. **General bonus authority for enlisted members**

5 “(a) AUTHORITY TO PROVIDE BONUS.—The Sec-
6 retary concerned may pay a bonus under this section to
7 a person, including a member of the armed forces, who—

8 “(1) enlists in an armed force;

9 “(2) enlists in or affiliates with a reserve com-
10 ponent of an armed force;

11 “(3) reenlists, voluntarily extends an enlist-
12 ment, or otherwise agrees to serve—

13 “(A) for a specified period in a designated
14 career field, skill, or unit of an armed force; or

15 “(B) under other conditions of service in
16 an armed force;

17 “(4) transfers from a regular component of an
18 armed force to a reserve component of that same
19 armed force or from a reserve component of an
20 armed force to the regular component of that same
21 armed force; or

22 “(5) transfers from a regular component or re-
23 serve component of an armed force to a regular com-
24 ponent or reserve component of another armed force,
25 subject to the approval of the Secretary with juris-



1 diction over the armed force to which the member is
2 transferring.

3 “(b) SERVICE ELIGIBILITY.—A bonus authorized by
4 subsection (a) may be paid to a person or member only
5 if the person or member agrees under subsection (d)—

6 “(1) to serve for a specified period in a des-
7 ignated career field, skill, unit, or grade; or

8 “(2) to meet some other condition or conditions
9 of service imposed by the Secretary concerned.

10 “(c) MAXIMUM AMOUNT AND METHOD OF PAY-
11 MENT.—

12 “(1) MAXIMUM AMOUNT.—The Secretary con-
13 cerned shall determine the amount of a bonus to be
14 paid under this section, except that—

15 “(A) a bonus paid under paragraph (1) or
16 (2) of subsection (a) may not exceed \$50,000
17 for a minimum two-year period of obligated
18 service agreed to under subsection (d);

19 “(B) a bonus paid under paragraph (3) of
20 subsection (a) may not exceed \$30,000 for each
21 year of obligated service in a regular component
22 agreed to under subsection (d);

23 “(C) a bonus paid under paragraph (3) of
24 subsection (a) may not exceed \$15,000 for each



1 year of obligated service in a reserve component
2 agreed to under subsection (d); and

3 “(D) a bonus paid under paragraph (4) or
4 (5) of subsection (a) may not exceed \$10,000.

5 “(2) LUMP SUM OR INSTALLMENTS.—A bonus
6 under this section may be paid in a lump sum or in
7 periodic installments, as determined by the Secretary
8 concerned.

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

14 “(d) WRITTEN AGREEMENT.—To receive a bonus
15 under this section, a person or member determined to be
16 eligible for the bonus shall enter into a written agreement
17 with the Secretary concerned that specifies—

18 “(1) the amount of the bonus;

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

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

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

23 “(e) RELATIONSHIP TO OTHER PAY AND ALLOW-
24 ANCES.—A bonus paid to a person or member under this



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

3 “(f) RELATIONSHIP TO PROHIBITION ON BOUN-
4 TIES.—A bonus authorized under this section is not a
5 bounty for purposes of section 514(a) of title 10.

6 “(g) REPAYMENT.—A person or member who re-
7 ceives a bonus under this section and who fails to complete
8 the period of service, or meet the conditions of service,
9 for which the bonus is paid, as specified in the written
10 agreement under subsection (d), shall be subject to the
11 repayment provisions of section 373 of this title.

12 “(h) TERMINATION OF AUTHORITY.—No agreement
13 may be entered into under this section after December 31,
14 2009.

15 **“§ 332. General bonus authority for officers**

16 “(a) AUTHORITY TO PROVIDE BONUS.—The Sec-
17 retary concerned may pay a bonus under this section to
18 a person, including an officer in the uniformed services,
19 who—

20 “(1) accepts a commission or appointment as
21 an officer in a uniformed service;

22 “(2) affiliates with a reserve component of a
23 uniformed service;



1 “(3) agrees to remain on active duty or to serve
2 in an active status for a specific period as an officer
3 in a uniformed service;

4 “(4) transfers from a regular component of a
5 uniformed service to a reserve component of that
6 same uniformed service or from a reserve component
7 of a uniformed service to the regular component of
8 that same uniformed service; or

9 “(5) transfers from a regular component or re-
10 serve component of a uniformed service to a regular
11 component or reserve component of another uni-
12 formed service, subject to the approval of the Sec-
13 retary with jurisdiction over the uniformed service to
14 which the member is transferring.

15 “(b) SERVICE ELIGIBILITY.—A bonus authorized by
16 subsection (a) may be paid to a person or officer only if
17 the person or officer agrees under subsection (d)—

18 “(1) to serve for a specified period in a des-
19 ignated career field, skill, unit, or grade; or

20 “(2) to meet some other condition or conditions
21 of service imposed by the Secretary concerned.

22 “(c) MAXIMUM AMOUNT AND METHOD OF PAY-
23 MENT.—



1 “(1) MAXIMUM AMOUNT.—The Secretary con-
2 cerned shall determine the amount of a bonus to be
3 paid under this section, except that—

4 “(A) a bonus paid under paragraph (1) of
5 subsection (a) may not exceed \$60,000 for a
6 minimum three-year period of obligated service
7 agreed to under subsection (d);

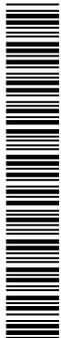
8 “(B) a bonus paid under paragraph (2) of
9 subsection (a) may not exceed \$12,000 for a
10 minimum three-year period of obligated service
11 agreed to under subsection (d);

12 “(C) a bonus paid under paragraph (3) of
13 subsection (a) may not exceed \$50,000 for each
14 year of obligated service in a regular component
15 agreed to under subsection (d);

16 “(D) a bonus paid under paragraph (3) of
17 subsection (a) may not exceed \$12,000 for each
18 year of obligated service in a reserve component
19 agreed to under subsection (d); and

20 “(E) a bonus paid under paragraph (4) or
21 (5) of subsection (a) may not exceed \$10,000.

22 “(2) LUMP SUM OR INSTALLMENTS.—A bonus
23 under this section may be paid in a lump sum or in
24 periodic installments, as determined by the Secretary
25 concerned.



1 “(3) FIXING BONUS AMOUNT.—Upon accept-
2 ance by the Secretary concerned of the written
3 agreement required by subsection (d), the total
4 amount of the bonus to be paid under the agreement
5 shall be fixed.

6 “(d) WRITTEN AGREEMENT.—To receive a bonus
7 under this section, a person or officer determined to be
8 eligible for the bonus shall enter into a written agreement
9 with the Secretary concerned that specifies—

10 “(1) the amount of the bonus;

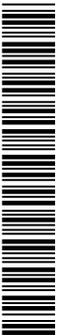
11 “(2) the method of payment of the bonus under
12 subsection (c)(2);

13 “(3) the period of obligated service; and

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

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

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



1 “(g) TERMINATION OF AUTHORITY.—No agreement
2 may be entered into under this section after December 31,
3 2009.

4 **“§ 333. Special bonus and incentive pay authorities**
5 **for nuclear officers**

6 “(a) NUCLEAR OFFICER BONUS.—The Secretary of
7 the Navy may pay a nuclear officer bonus under this sec-
8 tion to a person, including an officer in the Navy, who—

9 “(1) is selected for the officer naval nuclear
10 power training program in connection with the su-
11 pervision, operation, and maintenance of naval nu-
12 clear propulsion plants and agrees to serve, upon
13 completion of such training, on active duty in con-
14 nection with the supervision, operation, and mainte-
15 nance of naval nuclear propulsion plants; or

16 “(2) has the current technical and operational
17 qualification for duty in connection with the super-
18 vision, operation, and maintenance of naval nuclear
19 propulsion plants and agrees to remain on active
20 duty in connection with the supervision, operation,
21 and maintenance of naval nuclear propulsion plants.

22 “(b) NUCLEAR OFFICER INCENTIVE PAY.—The Sec-
23 retary of the Navy may pay nuclear officer incentive pay
24 under this section to an officer in the Navy who—



1 “(1) is entitled to basic pay under section 204
2 of this title; and

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

9 “(c) ADDITIONAL ELIGIBILITY CRITERIA.—The Sec-
10 retary of the Navy may impose such additional criteria
11 for the receipt of a nuclear officer bonus or nuclear officer
12 incentive pay under this section as the Secretary deter-
13 mines to be appropriate.

14 “(d) MAXIMUM AMOUNT AND METHOD OF PAY-
15 MENT.—

16 “(1) MAXIMUM AMOUNT.—The Secretary of the
17 Navy shall determine the amounts of a nuclear offi-
18 cer bonus or nuclear officer incentive pay to be paid
19 under this section, except that—

20 “(A) a nuclear officer bonus paid under
21 subsection (a) may not exceed \$35,000 for each
22 12-month period of the agreement under sub-
23 section (e); and

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



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

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

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

12 “(e) WRITTEN AGREEMENT FOR BONUS.—

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

18 “(A) the amount of the bonus;

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

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

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

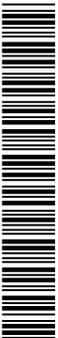
23 “(2) REPLACEMENT AGREEMENT.—An officer
24 who is performing obligated service under an agree-
25 ment for a nuclear officer bonus may execute a new



1 agreement to replace the existing agreement if the
2 amount to be paid under the new agreement will be
3 higher than the amount to be paid under the exist-
4 ing agreement. The period of the new agreement
5 shall be equal to or exceed the remaining term of the
6 period of the officer's existing agreement. If a new
7 agreement is executed under this paragraph, the ex-
8 isting agreement shall be cancelled, effective on the
9 day before an anniversary date of the existing agree-
10 ment occurring after the date on which the amount
11 to be paid under this paragraph is increased.

12 “(f) RELATIONSHIP TO OTHER PAY AND ALLOW-
13 ANCES.—A nuclear officer bonus or nuclear officer incen-
14 tive pay paid to a person or officer under this section is
15 in addition to any other pay and allowance to which the
16 person or officer is entitled, except that a person or officer
17 may not receive a payment under this section and section
18 332 or 353 of this title for the same skill and period of
19 service.

20 “(g) REPAYMENT.—A person or officer who receives
21 a nuclear officer bonus or nuclear officer incentive pay
22 under this section and who fails to complete the officer
23 naval nuclear power training program, maintain required
24 technical and operational qualifications, complete the pe-
25 riod of service, or meet the types or conditions of service



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

5 “(h) REGULATIONS.—This section shall be adminis-
6 tered under regulations prescribed by the Secretary of the
7 Navy.

8 “(i) TERMINATION OF AUTHORITY.—No agreement
9 may be entered into under this section after December 31,
10 2009.

11 **“§ 334. Special aviation incentive pay and bonus au-**
12 **thorities for officers**

13 “(a) AVIATION INCENTIVE PAY.—The Secretary con-
14 cerned may pay aviation incentive pay under this section
15 to an officer in a regular or reserve component of a uni-
16 formed service who—

17 “(1) is entitled to basic pay under section 204
18 of this title or compensation under section 206 of
19 this title;

20 “(2) maintains, or is in training leading to, an
21 aeronautical rating or designation that qualifies the
22 officer to engage in operational flying duty or pro-
23 ficiency flying duty;



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

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

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

8 “(b) AVIATION BONUS.—The Secretary concerned
9 may pay an aviation bonus under this section to an officer
10 in a regular or reserve component of a uniformed service
11 who—

12 “(1) is entitled to aviation incentive pay under
13 subsection (a);

14 “(2) has completed any active duty service com-
15 mitment incurred for undergraduate aviator training
16 or is within one year of completing such commit-
17 ment;

18 “(3) executes a written agreement to remain on
19 active duty in a regular component or to serve in an
20 active status in a reserve component in aviation
21 service for at least one year; and

22 “(4) meets such other criteria as the Secretary
23 concerned determines appropriate.

24 “(c) MAXIMUM AMOUNT AND METHOD OF PAY-
25 MENT.—



1 “(1) MAXIMUM AMOUNT.—The Secretary con-
2 cerned shall determine the amount of a bonus or in-
3 centive pay to be paid under this section, except
4 that—

5 “(A) aviation incentive pay under sub-
6 section (a) shall be paid at a monthly rate, not
7 to exceed \$850 per month; and

8 “(B) an aviation bonus under subsection
9 (b) may not exceed \$25,000 for each 12-month
10 period of obligated service agreed to under sub-
11 section (d).

12 “(2) LUMP SUM OR INSTALLMENTS.—A bonus
13 under this section may be paid in a lump sum or in
14 periodic installments, as determined by the Secretary
15 concerned.

16 “(3) FIXING BONUS AMOUNT.—Upon accept-
17 ance by the Secretary concerned of the written
18 agreement required by subsection (d), the total
19 amount of the bonus to be paid under the agreement
20 shall be fixed.

21 “(d) WRITTEN AGREEMENT FOR BONUS.—To receive
22 an aviation officer bonus under this section, an officer de-
23 termined to be eligible for the bonus shall enter into a
24 written agreement with the Secretary concerned that
25 specifies—



1 “(1) the amount of the bonus;

2 “(2) the method of payment of the bonus under
3 subsection (c)(2);

4 “(3) the period of obligated service; and

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

6 “(e) RESERVE COMPONENT OFFICERS PERFORMING
7 INACTIVE DUTY TRAINING.—A reserve component officer
8 who is entitled to compensation under section 206 of this
9 title and who is authorized aviation incentive pay under
10 this section may be paid an amount of incentive pay that
11 is proportionate to the compensation received under sec-
12 tion 206 for inactive-duty training.

13 “(f) RELATIONSHIP TO OTHER PAY AND ALLOW-
14 ANCES.—

15 “(1) AVIATION INCENTIVE PAY.—Aviation in-
16 centive pay paid to an officer under subsection (a)
17 shall be in addition to any other pay and allowance
18 to which the officer is entitled, except that an officer
19 may not receive a payment under such subsection
20 and section 351 or 353 of this title for the same
21 skill and period of service.

22 “(2) AVIATION BONUS.—An aviation bonus
23 paid to an officer under subsection (b) shall be in
24 addition to any other pay and allowance to which the
25 officer is entitled, except that an officer may not re-



1 ceive a payment under such subsection and section
2 332 or 353 of this title for the same skill and period
3 of service.

4 “(g) REPAYMENT.—An officer who receives aviation
5 incentive pay or an aviation bonus under this section and
6 who fails to fulfill the eligibility requirements for the re-
7 ceipt of the incentive pay or bonus or complete the period
8 of service for which the incentive pay or bonus is paid,
9 as specified in the written agreement under subsection (d)
10 in the case of a bonus, shall be subject to the repayment
11 provisions of section 373 of this title.

12 “(h) DEFINITIONS.—In this section:

13 “(1) The term ‘aviation service’ means service
14 performed by an officer in a regular or reserve com-
15 ponent (except a flight surgeon or other medical offi-
16 cer) while holding an aeronautical rating or designa-
17 tion or while in training to receive an aeronautical
18 rating or designation.

19 “(2) The term ‘operational flying duty’ means
20 flying performed under competent orders by rated or
21 designated regular or reserve component officers
22 while serving in assignments in which basic flying
23 skills normally are maintained in the performance of
24 assigned duties as determined by the Secretary con-
25 cerned, and flying performed by members in training



1 that leads to the award of an aeronautical rating or
2 designation.

3 “(3) The term ‘proficiency flying duty’ means
4 flying performed under competent orders by rated or
5 designated regular or reserve component officers
6 while serving in assignments in which such skills
7 would normally not be maintained in the perform-
8 ance of assigned duties.

9 “(4) The term ‘officer’ includes an individual
10 enlisted and designated as an aviation cadet under
11 section 6911 of title 10.

12 “(i) TERMINATION OF AUTHORITY.—No agreement
13 may be entered into under this section after December 31,
14 2009.

15 **“§ 335. Special bonus and incentive pay authorities**
16 **for officers in health professions**

17 “(a) HEALTH PROFESSIONS BONUS.—The Secretary
18 concerned may pay a health professions bonus under this
19 section to a person, including an officer in the uniformed
20 services, who is a graduate of an accredited school in a
21 health profession and who—

22 “(1) accepts a commission or appointment as
23 an officer in a regular or reserve component of a
24 uniformed service, or affiliates with a reserve compo-
25 nent of a uniformed service, and agrees to serve on



1 active duty in a regular component or in an active
2 status in a reserve component in a health profession;

3 “(2) accepts a commission or appointment as
4 an officer and whose health profession specialty is
5 designated by the Secretary of Defense as a criti-
6 cally short wartime specialty; or

7 “(3) agrees to remain on active duty or con-
8 tinue serving in an active status in a reserve compo-
9 nent in a health profession.

10 “(b) HEALTH PROFESSIONS INCENTIVE PAY.—The
11 Secretary concerned may pay incentive pay under this sec-
12 tion to an officer in a regular or reserve component of
13 a uniformed service who—

14 “(1) is entitled to basic pay under section 204
15 of this title or compensation under section 206 of
16 this title; and

17 “(2) is serving on active duty or in an active
18 status in a designated health profession specialty or
19 skill.

20 “(c) BOARD CERTIFICATION INCENTIVE PAY.—The
21 Secretary concerned may pay board certification incentive
22 pay under this section to an officer in a regular or reserve
23 component of a uniformed service who—



1 “(1) is entitled to basic pay under section 204
2 of this title or compensation under section 206 of
3 this title;

4 “(2) is board certified in a designated health
5 profession specialty or skill; and

6 “(3) is serving on active duty or in an active
7 status in such designated health profession specialty
8 or skill.

9 “(d) ADDITIONAL ELIGIBILITY CRITERIA.—The Sec-
10 retary concerned may impose such additional criteria for
11 the receipt of a bonus or incentive pay under this section
12 as the Secretary determines to be appropriate.

13 “(e) MAXIMUM AMOUNT AND METHOD OF PAY-
14 MENT.—

15 “(1) MAXIMUM AMOUNT.—The Secretary con-
16 cerned shall determine the amounts of a bonus or in-
17 centive pay to be paid under this section, except
18 that—

19 “(A) a health professions bonus paid under
20 paragraph (1) of subsection (a) may not exceed
21 \$30,000 for each 12-month period of obligated
22 service agreed to under subsection (f);

23 “(B) a health professions bonus paid under
24 paragraph (2) of subsection (a) may not exceed



1 \$100,000 for each 12-month period of obligated
2 service agreed to under subsection (f);

3 “(C) a health professions bonus paid under
4 paragraph (3) of subsection (a) may not exceed
5 \$75,000 for each 12-month period of obligated
6 service agreed to under subsection (f);

7 “(D) health professions incentive pay
8 under subsection (b) may be paid monthly and
9 may not exceed, in any 12-month period—

10 “(i) \$100,000 for medical officers and
11 dental surgeons; and

12 “(ii) \$15,000 for officers in other
13 health professions; and

14 “(E) board certification incentive pay
15 under subsection (c) may not exceed \$6,000 for
16 each 12-month period an officer remains cer-
17 tified in the designated health profession spe-
18 cialty or skill.

19 “(2) LUMP SUM OR INSTALLMENTS.—A health
20 professions bonus under subsection (a) may be paid
21 in a lump sum or in periodic installments, as deter-
22 mined by the Secretary concerned. Board certifi-
23 cation incentive pay under subsection (c) may be
24 paid monthly, in a lump sum at the beginning of the
25 certification period, or in periodic installments dur-



1 ing the certification period, as determined by the
2 Secretary concerned.

3 “(3) **FIXING BONUS AMOUNT.**—Upon accept-
4 ance by the Secretary concerned of the written
5 agreement required by subsection (f), the total
6 amount of the health professions bonus to be paid
7 under the agreement shall be fixed.

8 “(f) **WRITTEN AGREEMENT FOR BONUS.**—To receive
9 a bonus under this section, an officer determined to be
10 eligible for the bonus shall enter into a written agreement
11 with the Secretary concerned that specifies—

12 “(1) the amount of the bonus;

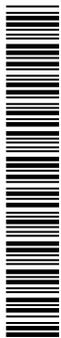
13 “(2) the method of payment of the bonus under
14 subsection (e)(2);

15 “(3) the period of obligated service;

16 “(4) whether the service will be performed on
17 active duty or in an active status in a reserve com-
18 ponent; and

19 “(5) the type or conditions of the service.

20 “(g) **RESERVE COMPONENT OFFICERS.**—An officer
21 in a reserve component authorized incentive pay under
22 subsection (b) or (c) who is not serving on continuous ac-
23 tive duty and is entitled to compensation under section
24 204 of this title or compensation under section 206 of this
25 title may be paid a monthly amount of incentive pay that



1 is proportionate to the basic pay or compensation received
2 under this title.

3 “(h) RELATIONSHIP TO OTHER PAY AND ALLOW-
4 ANCES.—

5 “(1) HEALTH PROFESSIONS BONUS.—A bonus
6 paid to a person or officer under subsection (a) shall
7 be in addition to any other pay and allowance to
8 which the person or officer is entitled, except that a
9 person or officer may not receive a payment under
10 such subsection and section 332 of this title for the
11 same period of obligated service.

12 “(2) HEALTH PROFESSIONS INCENTIVE PAY.—
13 Incentive pay paid to an officer under subsection (b)
14 shall be in addition to any other pay and allowance
15 to which an officer is entitled, except that an officer
16 may not receive a payment under such subsection
17 and section 353 of this title for the same skill and
18 period of service.

19 “(3) BOARD CERTIFICATION INCENTIVE PAY.—
20 Incentive pay paid to an officer under subsection (c)
21 shall be in addition to any other pay and allowance
22 to which an officer is entitled, except that an officer
23 may not receive a payment under such subsection
24 and section 353(b) of this title for the same skill
25 and period of service covered by the certification.



1 “(i) REPAYMENT.—An officer who receives a bonus
2 or incentive pay under this section and who fails to fulfill
3 the eligibility requirements for the receipt of the bonus
4 or incentive pay or complete the period of service for which
5 the bonus or incentive pay is paid, as specified in the writ-
6 ten agreement under subsection (f) in the case of a bonus,
7 shall be subject to the repayment provisions of section 373
8 of this title.

9 “(j) HEALTH PROFESSION DEFINED.—In this sec-
10 tion, the term ‘health profession’ means the following:

11 “(1) Any health profession performed by offi-
12 cers in the Medical Corps of a uniformed service or
13 by officers designated as a medical officer.

14 “(2) Any health profession performed by offi-
15 cers in the Dental Corps of a uniformed service or
16 by officers designated as a dental officer.

17 “(3) Any health profession performed by offi-
18 cers in the Medical Service Corps of a uniformed
19 service or by officers designated as a medical service
20 officer or biomedical sciences officer.

21 “(4) Any health profession performed by offi-
22 cers in the Medical Specialist Corps of a uniformed
23 service or by officers designated as a medical spe-
24 cialist.



1 “(5) Any health profession performed by offi-
2 cers of the Nurse Corps of a uniformed service or
3 by officers designated as a nurse.

4 “(6) Any health profession performed by offi-
5 cers in the Veterinary Corps of a uniformed service
6 or by officers designated as a veterinary officer.

7 “(7) Any health profession performed by offi-
8 cers designated as a physician assistant.

9 “(8) Any health profession performed by offi-
10 cers in the regular or reserve corps of the Public
11 Health Service.

12 “(k) TERMINATION OF AUTHORITY.—No agreement
13 may be entered into under this section after December 31,
14 2009.

15 **“§ 351. Hazardous duty pay**

16 “(a) HAZARDOUS DUTY PAY.—The Secretary con-
17 cerned may pay hazardous duty pay under this section to
18 a member of a regular or reserve component of the uni-
19 formed services entitled to basic pay under section 204
20 of this title or compensation under section 206 of this title
21 who—

22 “(1) performs duty in a hostile fire area des-
23 ignated by the Secretary concerned, is exposed to a
24 hostile fire event, explosion of a hostile explosive de-
25 vice, or any other hostile action, or is on duty during



1 a month in an area in which a hostile event occurred
2 which placed the member in grave danger of physical
3 injury;

4 “(2) performs duty designated by the Secretary
5 concerned as hazardous duty based upon the inher-
6 ent dangers of that duty and risks of physical injury;
7 or

8 “(3) performs duty in a foreign area designated
9 by the Secretary concerned as an area in which the
10 member is subject to imminent danger of physical
11 injury due to threat conditions.

12 “(b) MAXIMUM AMOUNT.—The amount of hazardous
13 duty pay paid to a member under subsection (a) shall be
14 based on the type of duty and the area in which the duty
15 is performed, as follows:

16 “(1) In the case of a member who performs
17 duty in a designated hostile fire area, as described
18 in subsection (a)(1), hazardous duty pay may not
19 exceed \$450 per month.

20 “(2) In the case of a member who performs a
21 designated hazardous duty, as described in sub-
22 section (a)(2), hazardous duty pay may not exceed
23 \$250 per month.

24 “(3) In the case of a member who performs
25 duty in a foreign area designated as an imminent



1 danger area, as described in subsection (a)(3), haz-
2 arduous duty pay may not exceed \$250 per month.

3 “(c) METHOD OF PAYMENT.—Hazardous duty pay
4 shall be paid on a monthly basis. A member who is eligible
5 for hazardous duty pay by reason of subsection (a) shall
6 receive the full monthly rate of hazardous duty pay au-
7 thorized by the Secretary concerned under such para-
8 graph, notwithstanding subsection (d).

9 “(d) RESERVE COMPONENT MEMBERS PERFORMING
10 INACTIVE DUTY TRAINING.—A member of a reserve com-
11 ponent entitled to compensation under section 206 of this
12 title who is authorized hazardous duty pay under this sec-
13 tion may be paid an amount of hazardous duty pay that
14 is proportionate to the compensation received by the mem-
15 ber under section 206 of this title for inactive-duty train-
16 ing.

17 “(e) ADMINISTRATION AND RETROACTIVE PAY-
18 MENTS.—The effective date for the designation of a hos-
19 tile fire area, as described in paragraph (1) of subsection
20 (a), and for the designation of a foreign area as an immi-
21 nent danger area, as described in paragraph (3) of such
22 subsection, may be a date that occurs before, on, or after
23 the actual date of the designation by the Secretary con-
24 cerned.



1 “(f) DETERMINATION OF FACT.—Any determination
2 of fact that is made in administering subsection (a) is con-
3 clusive. The determination may not be reviewed by any
4 other officer or agency of the United States unless there
5 has been fraud or gross negligence. However, the Sec-
6 retary concerned may change the determination on the
7 basis of new evidence or for other good cause. The regula-
8 tions prescribed to administer this section shall define the
9 activities that are considered hazardous for purposes of
10 subsection (a)(2).

11 “(g) RELATIONSHIP TO OTHER PAY AND ALLOW-
12 ANCES.—

13 “(1) IN ADDITION TO OTHER PAY AND ALLOW-
14 ANCES.—A member may be paid hazardous duty pay
15 under this section in addition to any other pay and
16 allowances to which the member is entitled. The reg-
17 ulations prescribed to administer this section shall
18 address dual compensation under this section for
19 multiple circumstances involving performance of a
20 designated hazardous duty, as described in para-
21 graph (2) of subsection (a), or for duty in certain
22 designated areas, as described in paragraph (1) or
23 (3) of such subsection, that is performed by a mem-
24 ber during a single month of service.



1 “(2) LIMITATION.—A member may not receive
2 hazardous duty pay under this section for a month
3 for more than three qualifying instances described in
4 subsection (a)(2).

5 “(h) PROHIBITION ON VARIABLE RATES.—The regu-
6 lations prescribed to administer this section may not in-
7 clude varied criteria or rates for payment of hazardous
8 duty for officers and enlisted members.

9 “(i) TERMINATION OF AUTHORITY.—No hazardous
10 duty pay under this section may be paid after December
11 31, 2009.

12 **“§ 352. Assignment pay or special duty pay**

13 “(a) ASSIGNMENT OR SPECIAL DUTY PAY AUTHOR-
14 IZED.—The Secretary concerned may pay assignment or
15 special duty pay under this section to a member of a reg-
16 ular or reserve component of the uniformed services who—

17 “(1) is entitled to basic pay under section 204
18 of this title or compensation under section 206 of
19 this title; and

20 “(2) performs duties in an assignment, location,
21 or unit designated by, and under the conditions of
22 service specified by, the Secretary concerned.

23 “(b) MAXIMUM AMOUNT AND METHOD OF PAY-
24 MENT.—



1 “(1) LUMP SUM OR INSTALLMENTS.—Assign-
2 ment or special duty pay under subsection (a) may
3 be paid monthly, in a lump sum, or in periodic in-
4 stallments other than monthly, as determined by the
5 Secretary concerned.

6 “(2) MAXIMUM MONTHLY AMOUNT.—The max-
7 imum monthly amount of assignment or special duty
8 pay may not exceed \$5,000.

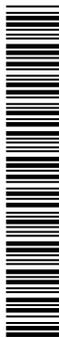
9 “(3) MAXIMUM LUMP SUM AMOUNT.—The
10 amount of a lump sum payment of assignment or
11 special duty pay payable to a member may not ex-
12 ceed the amount equal to the product of—

13 “(A) the maximum monthly rate author-
14 ized under paragraph (2) at the time the mem-
15 ber enters into a written agreement under sub-
16 section (c); and

17 “(B) the number of continuous months in
18 the period for which assignment or special duty
19 pay will be paid pursuant to the agreement.

20 “(4) MAXIMUM INSTALLMENT AMOUNT.—The
21 amount of each installment payment of assignment
22 or special duty pay payable to a member on an in-
23 stallment basis may not exceed the amount equal
24 to—

25 “(A) the product of—



1 “(i) a monthly rate specified in the
2 written agreement entered into under sub-
3 section (c), which monthly rate may not
4 exceed the maximum monthly rate author-
5 ized under paragraph (2) at the time the
6 member enters into the agreement; and

7 “(ii) the number of continuous
8 months in the period for which the assign-
9 ment or special duty pay will be paid; di-
10 vided by

11 “(B) the number of installments over such
12 period.

13 “(5) EFFECT OF EXTENSION.—If a member ex-
14 tends an assignment or performance of duty speci-
15 fied in an agreement with the Secretary concerned
16 under subsection (c), assignment or special duty pay
17 for the period of the extension may be paid on a
18 monthly basis, in a lump sum, or in installments,
19 consistent with this subsection.

20 “(c) WRITTEN AGREEMENT.—

21 “(1) DISCRETIONARY FOR MONTHLY PAY-
22 MENTS.—The Secretary concerned may require a
23 member to enter into a written agreement with the
24 Secretary in order to qualify for the payment of as-
25 signment or special duty pay on a monthly basis.



1 The written agreement shall specify the period for
2 which the assignment or special duty pay will be
3 paid to the member and the monthly rate of the as-
4 signment or special duty pay.

5 “(2) REQUIRED FOR LUMP SUM OR INSTALL-
6 MENT PAYMENTS.—The Secretary concerned shall
7 require a member to enter into a written agreement
8 with the Secretary in order to qualify for payment
9 of assignment or special duty pay on a lump sum or
10 installment basis. The written agreement shall speci-
11 fy the period for which the assignment or special
12 duty pay will be paid to the member and the amount
13 of the lump sum or each periodic installment.

14 “(d) RESERVE COMPONENT MEMBERS PERFORMING
15 INACTIVE DUTY TRAINING.—A member of a reserve com-
16 ponent entitled to compensation under section 206 of this
17 title who is authorized assignment or special duty pay
18 under this section may be paid an amount of assignment
19 or special duty pay that is proportionate to the compensa-
20 tion received by the member under section 206 of this title
21 for inactive-duty training.

22 “(e) RELATIONSHIP TO OTHER PAY AND ALLOW-
23 ANCES.—Assignment or special duty pay paid to a mem-
24 ber under this section is in addition to any other pay and
25 allowances to which the member is entitled.



1 “(f) REPAYMENT.—A member who receives assign-
2 ment or special duty pay under this section and who fails
3 to fulfill the eligibility requirements under subsection (a)
4 for receipt of such pay shall be subject to the repayment
5 provisions of section 373 of this title.

6 “(g) TERMINATION OF AUTHORITY.—No agreement
7 may be entered into under this section after December 31,
8 2009.

9 **“§ 353. Skill incentive pay or proficiency bonus**

10 “(a) SKILL INCENTIVE PAY.—The Secretary con-
11 cerned may pay a monthly skill incentive pay to a member
12 of a regular or reserve component of the uniformed serv-
13 ices who—

14 “(1) is entitled to basic pay under section 204
15 of this title or compensation under section 206 of
16 this title; and

17 “(2) serves in a career field or skill designated
18 as critical by the Secretary concerned.

19 “(b) SKILL PROFICIENCY BONUS.—The Secretary
20 concerned may pay a proficiency bonus to a member of
21 a regular or reserve component of the uniformed services
22 who—

23 “(1) is entitled to basic pay under section 204
24 of this title or compensation under section 206 of
25 this title; and



1 “(2) is determined to have, and maintains, cer-
2 tified proficiency under subsection (d) in a skill des-
3 ignated as critical by the Secretary concerned.

4 “(c) MAXIMUM AMOUNTS AND METHODS OF PAY-
5 MENT.—

6 “(1) SKILL INCENTIVE PAY.—Skill incentive
7 pay under subsection (a) shall be paid monthly in an
8 amount not to exceed \$1,000 per month.

9 “(2) PROFICIENCY BONUS.—A proficiency
10 bonus under subsection (b) may be paid in a lump
11 sum at the beginning of the proficiency certification
12 period or in periodic installments during the pro-
13 ficiency certification period. The amount of the
14 bonus may not exceed \$12,000 for each 12-month
15 period of certification. The Secretary concerned may
16 not vary the criteria or rates for the proficiency
17 bonus paid for officers and enlisted members.

18 “(d) CERTIFIED PROFICIENCY FOR PROFICIENCY
19 BONUS.—

20 “(1) CERTIFICATION REQUIRED.—Proficiency
21 in a designated critical skill for purposes of sub-
22 section (b) shall be subject to annual certification by
23 the Secretary concerned.

24 “(2) DURATION OF CERTIFICATION.—A certifi-
25 cation period for purposes of subsection (c)(2) shall



1 expire at the end of the one-year period beginning
2 on the first day of the first month beginning on or
3 after the certification date.

4 “(3) WAIVER.—Notwithstanding paragraphs
5 (1) and (2), the regulations prescribed to administer
6 this section shall address the circumstances under
7 which the Secretary concerned may waive the certifi-
8 cation requirement under paragraph (1) or extend a
9 certification period under paragraph (2).

10 “(e) WRITTEN AGREEMENT.—

11 “(1) DISCRETIONARY FOR SKILL INCENTIVE
12 PAY.—The Secretary concerned may require a mem-
13 ber to enter into a written agreement with the Sec-
14 retary in order to qualify for the payment of skill in-
15 centive pay under subsection (a). The written agree-
16 ment shall specify the period for which the skill in-
17 centive pay will be paid to the member and the
18 monthly rate of the pay.

19 “(2) REQUIRED FOR PROFICIENCY BONUS.—
20 The Secretary concerned shall require a member to
21 enter into a written agreement with the Secretary in
22 order to qualify for payment of a proficiency bonus
23 under subsection (b). The written agreement shall
24 specify the amount of the proficiency bonus, the pe-
25 riod for which the bonus will be paid, and the initial



1 certification or recertification necessary for payment
2 of the proficiency bonus.

3 “(f) RESERVE COMPONENT MEMBERS PERFORMING
4 INACTIVE DUTY TRAINING.—

5 “(1) PRORATION.—A member of a reserve com-
6 ponent entitled to compensation under section 206
7 of this title who is authorized skill incentive pay
8 under subsection (a) or a skill proficiency bonus
9 under subsection (b) may be paid an amount of the
10 pay or bonus, as the case may be, that is propor-
11 tionate to the compensation received by the member
12 under section 206 of this title for inactive-duty
13 training.

14 “(2) EXCEPTION FOR FOREIGN LANGUAGE PRO-
15 FICIENCY.—No reduction in the amount of a skill
16 proficiency bonus may be made under paragraph (1)
17 in the case of a member of a reserve component who
18 is authorized the bonus because of the member’s
19 proficiency in a foreign language.

20 “(g) REPAYMENT.—A member who receives skill in-
21 centive pay or a proficiency bonus under this section and
22 who fails to fulfill the eligibility requirement for receipt
23 of the pay or bonus shall be subject to the repayment pro-
24 visions of section 373 of this title.



1 “(h) RELATIONSHIP TO OTHER PAYS AND ALLOW-
2 ANCES.—A member may not be paid more than one pay
3 under this section in any month for the same period of
4 service and skill. A member may be paid skill incentive
5 pay or the proficiency bonus under this section in addition
6 to any other pay and allowances to which the member is
7 entitled, except that a member may not be paid skill incen-
8 tive pay or a proficiency bonus under this section and haz-
9 ardous duty pay under section 351 of this title for the
10 same period of service in the same career field or skill.

11 “(i) TERMINATION OF AUTHORITY.—No agreement
12 may be entered into under this section after December 31,
13 2009.

14 “SUBCHAPTER III—GENERAL PROVISIONS

15 “§ 371. **Relationship to other incentives and pays**

16 “(a) TREATMENT.—A bonus or incentive pay paid to
17 a member of the uniformed services under subchapter II
18 is in addition to any other pay and allowance to which
19 a member is entitled, unless otherwise provided under this
20 chapter.

21 “(b) EXCEPTION.—A member may not receive a
22 bonus or incentive pay under both subchapter I and sub-
23 chapter II for the same activity, skill, or period of service.

24 “(c) RELATIONSHIP TO OTHER COMPUTATIONS.—
25 The amount of a bonus or incentive pay to which a mem-



1 ber is entitled under subchapter II may not be included
2 in computing the amount of—

3 “(1) any increase in pay authorized by any
4 other provision of this title; or

5 “(2) any retired pay, retainer pay, separation
6 pay, or disability severance pay.

7 **“§ 372. Continuation of pays during hospitalization**
8 **and rehabilitation resulting from**
9 **wounds, injury, or illness incurred while**
10 **on duty in a hostile fire area or exposed**
11 **to an event of hostile fire or other hostile**
12 **action**

13 “(a) CONTINUATION OF PAYS.—If a member of a
14 regular or reserve component of a uniformed service incurs
15 a wound, injury, or illness in the line of duty while serving
16 in a combat operation or a combat zone, while serving in
17 a hostile fire area, or while exposed to a hostile fire event,
18 as described under section 351 of this title, and is hos-
19 pitalized for treatment of the wound, injury, or illness, the
20 Secretary concerned may continue to pay to the member,
21 notwithstanding any provision of this chapter to the con-
22 trary, all pay and allowances (including any bonus, incen-
23 tive pay, or similar benefit) that were being paid to the
24 member at the time the member incurred the wound, in-
25 jury, or illness.



1 “(b) DURATION.—The payment of pay and allow-
2 ances to a member under subsection (a) may continue
3 until the end of the first month beginning after the earliest
4 of the following dates:

5 “(1) The date on which the member is returned
6 for assignment to other than a medical or patient
7 unit for duty.

8 “(2) One year after the date on which the mem-
9 ber is first hospitalized for the treatment of the
10 wound, injury, or illness, except that the Secretary
11 concerned may extend the termination date in six-
12 month increments.

13 “(3) The date on which the member is dis-
14 charged, separated, or retired (including temporary
15 disability retirement) from the uniformed services.

16 “(c) BONUS, INCENTIVE PAY, OR SIMILAR BENEFIT
17 DEFINED.—In this section, the term ‘bonus, incentive
18 pay, or similar benefit’ means a bonus, incentive pay, spe-
19 cial pay, or similar payment paid to a member of the uni-
20 formed services under this title or title 10.

21 **“§ 373. Repayment of unearned portion of bonus, in-**
22 **centive pay, or similar benefit when con-**
23 **ditions of payment not met**

24 “(a) REPAYMENT.—Except as provided in subsection
25 (b), a member of the uniformed services who is paid a



1 bonus, incentive pay, or similar benefit, the receipt of
2 which is contingent upon the member's satisfaction of cer-
3 tain service or eligibility requirements, shall repay to the
4 United States any unearned portion of the bonus, incen-
5 tive pay, or similar benefit if the member fails to satisfy
6 any such service or eligibility requirement.

7 “(b) EXCEPTIONS.—The regulations prescribed to
8 administer this section may specify procedures for deter-
9 mining the circumstances under which an exception to the
10 required repayment may be granted.

11 “(c) EFFECT OF BANKRUPTCY.—An obligation to
12 repay the United States under this section is, for all pur-
13 poses, a debt owed the United States. A discharge in bank-
14 ruptcy under title 11 does not discharge a person from
15 such debt if the discharge order is entered less than five
16 years after—

17 “(1) the date of the termination of the agree-
18 ment or contract on which the debt is based; or

19 “(2) in the absence of such an agreement or
20 contract, the date of the termination of the service
21 on which the debt is based.

22 “(d) DEFINITIONS.—In this section:

23 “(1) The term ‘bonus, incentive pay, or similar
24 benefit’ means a bonus, incentive pay, special pay, or
25 similar payment, or an educational benefit or sti-



1 pend, paid to a member of the uniformed services
2 under a provision of law that refers to the repay-
3 ment requirements of this section or section 303a(e)
4 of this title.

5 “(2) The term ‘service’, as used in subsection
6 (c)(2), refers to an obligation willingly undertaken
7 by a member of the uniformed services, in exchange
8 for a bonus, incentive pay, or similar benefit offered
9 by the Secretary concerned—

10 “(A) to a member in a regular or reserve
11 component who remains on active duty or in an
12 active status;

13 “(B) to perform duty in a specified skill,
14 with or without a specified qualification or cre-
15 dential;

16 “(C) to perform duty in a specified assign-
17 ment, location or unit; or

18 “(D) to perform duty for a specified period
19 of time.

20 **“§ 374. Regulations**

21 “‘This subchapter and subchapter II shall be adminis-
22 tered under regulations prescribed by—

23 “(1) the Secretary of Defense, with respect to
24 the armed forces under the jurisdiction of the Sec-
25 retary of Defense;



1 “(2) the Secretary of Homeland Security, with
2 respect to the Coast Guard when it is not operating
3 as a service in the Navy;

4 “(3) the Secretary of Health and Human Serv-
5 ices, with respect to the commissioned corps of the
6 Public Health Service; and

7 “(4) the Secretary of Commerce, with respect
8 to the National Oceanic and Atmospheric Adminis-
9 tration.”.

10 (b) TRANSFER OF 15-YEAR CAREER STATUS BONUS
11 TO SUBCHAPTER II.—

12 (1) TRANSFER.—Section 322 of title 37, United
13 States Code, is transferred to appear after section
14 353 of subchapter II of chapter 5 of such title, as
15 added by subsection (a), and is redesignated as sec-
16 tion 354.

17 (2) CONFORMING AMENDMENT.—Subsection (f)
18 of such section, as so transferred and redesignated,
19 is amended by striking “section 303a(e)” and insert-
20 ing “section 373”.

21 (3) CROSS REFERENCES.—Sections 1401a,
22 1409(b)(2), and 1410 of title 10, United States
23 Code, are amended by striking “section 322” each
24 place it appears and inserting “section 322 (as in ef-
25 fect before the enactment of the National Defense



1 Authorization Act for Fiscal Year 2008) or section
2 354”.

3 (c) TRANSFER OF RETENTION INCENTIVES FOR
4 MEMBERS QUALIFIED IN CRITICAL MILITARY SKILLS OR
5 ASSIGNED TO HIGH PRIORITY UNITS.—

6 (1) TRANSFER.—Section 323 of title 37, United
7 States Code, as amended by sections 614 and 622,
8 is transferred to appear after section 354 of sub-
9 chapter II of chapter 5 of such title, as transferred
10 and redesignated by subsection (b)(1), and is redesi-
11 gnated as section 355.

12 (2) CONFORMING AMENDMENT.—Subsection (g)
13 of such section, as so transferred and redesignated,
14 is amended by striking “section 303a(e)” and insert-
15 ing “section 373”.

16 (d) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 5 of title 37, United States
18 Code, is amended to read as follows:

“SUBCHAPTER I—EXISTING SPECIAL PAY, INCENTIVE PAY, AND BONUS
AUTHORITIES

“Sec.

“301. Incentive pay: hazardous duty.

“301a. Incentive pay: aviation career.

“301b. Special pay: aviation career officers extending period of active duty.

“301c. Incentive pay: submarine duty.

“301d. Multiyear retention bonus: medical officers of the armed forces.

“301e. Multiyear retention bonus: dental officers of the armed forces.

“302. Special pay: medical officers of the armed forces.

“302a. Special pay: optometrists.

“302b. Special pay: dental officers of the armed forces.

“302c. Special pay: psychologists and nonphysician health care providers.

“302d. Special pay: accession bonus for registered nurses.

“302e. Special pay: nurse anesthetists.



- “302f. Special pay: reserve, recalled, or retained health care officers.
- “302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties.
- “302h. Special pay: accession bonus for dental officers.
- “302i. Special pay: pharmacy officers.
- “302j. Special pay: accession bonus for pharmacy officers.
- “302k. Special pay: accession bonus for medical officers in critically short wartime specialties.
- “302l. Special pay: accession bonus for dental specialist officers in critically short wartime specialties.
- “303. Special pay: veterinarians.
- “303a. Special pay: general provisions.
- “303b. Waiver of board certification requirements.
- “304. Special pay: diving duty.
- “305. Special pay: hardship duty pay.
- “305a. Special pay: career sea pay.
- “305b. Special pay: service as member of Weapons of Mass Destruction Civil Support Team.
- “306. Special pay: officers holding positions of unusual responsibility and of critical nature.
- “306a. Special pay: members assigned to international military headquarters.
- “307. Special pay: special duty assignment pay for enlisted members.
- “307a. Special pay: assignment incentive pay.
- “308. Special pay: reenlistment bonus.
- “308b. Special pay: reenlistment bonus for members of the Selected Reserve.
- “308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve.
- “308d. Special pay: members of the Selected Reserve assigned to certain high priority units.
- “308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.
- “308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.
- “308i. Special pay: prior service enlistment bonus.
- “308j. Special pay: affiliation bonus for officers in the Selected Reserve.
- “309. Special pay: enlistment bonus.
- “310. Special pay: duty subject to hostile fire or imminent danger.
- “312. Special pay: nuclear-qualified officers extending period of active duty.
- “312b. Special pay: nuclear career accession bonus.
- “312c. Special pay: nuclear career annual incentive bonus.
- “314. Special pay or bonus: qualified members extending duty at designated locations overseas.
- “315. Special pay: engineering and scientific career continuation pay.
- “316. Special pay: bonus for members with foreign language proficiency.
- “317. Special pay: officers in critical acquisition positions extending period of active duty.
- “318. Special pay: special warfare officers extending period of active duty.
- “319. Special pay: surface warfare officer continuation pay.
- “320. Incentive pay: career enlisted flyers.
- “321. Special pay: judge advocate continuation pay.
- “324. Special pay: accession bonus for new officers in critical skills.
- “325. Incentive bonus: savings plan for education expenses and other contingencies.
- “326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage.



- “327. Incentive bonus: transfer between armed forces.
- “328. Combat-related injury rehabilitation pay.
- “329. Incentive bonus: retired members and reserve component members volunteering for high-demand, low-density assignments.
- “330. Special pay: accession bonus for officer candidates.

“SUBCHAPTER II—CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND
BONUS AUTHORITIES

- “331. General bonus authority for enlisted members.
- “332. General bonus authority for officers.
- “333. Special bonus and incentive pay authorities for nuclear officers.
- “334. Special aviation incentive pay and bonus authorities for officers.
- “335. Special bonus and incentive pay authorities for officers in health professions.
- “351. Hazardous duty pay.
- “352. Assignment pay or special duty pay.
- “353. Skill incentive pay or proficiency bonus.
- “354. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986.
- “355. Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units.

“SUBCHAPTER III—GENERAL PROVISIONS

- “371. Relationship to other incentives and pays.
- “372. Continuation of pays during hospitalization and rehabilitation resulting from wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action.
- “373. Repayment of unearned portion of bonus, incentive pay, or similar benefit when conditions of payment not met.
- “374. Regulations.”.

1 SEC. 662. TRANSITIONAL PROVISIONS.

2 (a) IMPLEMENTATION PLAN.—

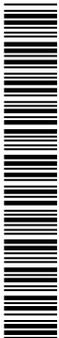
- 3 (1) DEVELOPMENT.—**The Secretary of Defense
4 shall develop a plan to implement subchapters II
5 and III of chapter 5 of title 37, United States Code,
6 as added by section 661(a), and to correspondingly
7 transition all of the special and incentive pay pro-
8 grams for members of the uniformed services solely
9 to provisions of such subchapters.



1 (2) SUBMISSION.—Not later than one year after
2 the date of the enactment of this Act, the Secretary
3 shall submit the implementation plan to the congress-
4 sional defense committees.

5 (b) TRANSITION PERIOD.—During a transition pe-
6 riod of not more than 10 years beginning on the date of
7 the enactment of this Act, the Secretary of Defense, the
8 Secretary of a military department, and the Secretaries
9 referred to in subsection (d) may continue to use the au-
10 thorities in provisions in subchapter I of chapter 5 of title
11 37, United States Code, as designated by section 661(a),
12 but subject to the terms of such provisions and such modi-
13 fications as the Secretary of Defense may include in the
14 implementation plan, to provide bonuses and special and
15 incentive pays for members of the uniformed services.

16 (c) NOTICE OF IMPLEMENTATION OF NEW AUTHORI-
17 TIES.—Not less than 30 days before the date on which
18 a special pay or bonus authority provided under sub-
19 chapter II of chapter 5 of title 37, United States Code,
20 as added by section 661(a), is first utilized, the Secretary
21 of Defense shall submit to the congressional defense com-
22 mittees a notice of the implementation of the authority,
23 including whether, as a result of implementation of the
24 authority, a corresponding authority in subchapter I of



1 such chapter, as designated by section 661(a), will no
2 longer be used.

3 (d) COORDINATION.—The Secretary of Defense shall
4 prepare the implementation plan in coordination with—

5 (1) the Secretary of Homeland Security, with
6 respect to the Coast Guard;

7 (2) the Secretary of Health and Human Serv-
8 ices, with respect to the commissioned corps of the
9 Public Health Service; and

10 (3) the Secretary of Commerce, with respect to
11 the National Oceanic and Atmospheric Administra-
12 tion.

13 (e) NO EFFECT ON FISCAL YEAR 2008 OBLIGA-
14 TIONS.—During fiscal year 2008, obligations incurred
15 under subchapters I, II, and III of chapter 5 of title 37,
16 United States Code, as amended by section 661, to provide
17 bonuses, incentive pays, special pays, and similar pay-
18 ments to members of the uniformed services under such
19 subchapters may not exceed the obligations that would be
20 incurred in the absence of the amendments made by such
21 section.

22 **Subtitle G—Other Matters**

23 **SEC. 671. REFERRAL BONUS AUTHORITIES.**

24 (a) CODIFICATION AND MODIFICATION OF ARMY RE-
25 FERRAL BONUS AUTHORITY.—



1 (1) ARMY REFERRAL BONUS.—Chapter 333 of
2 title 10, United States Code, is amended by insert-
3 ing after section 3251 the following new section:

4 **“§ 3252. Bonus to encourage Army personnel to refer**
5 **persons for enlistment in the Army**

6 “(a) AUTHORITY TO PAY BONUS.—

7 “(1) AUTHORITY.—The Secretary of the Army
8 may pay a bonus under this section to an individual
9 referred to in paragraph (2) who refers to an Army
10 recruiter a person who has not previously served in
11 an armed force and who, after such referral, enlists
12 in the regular component of the Army or in the
13 Army National Guard or Army Reserve.

14 “(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Sub-
15 ject to subsection (c), the following individuals are
16 eligible for a referral bonus under this section:

17 “(A) A member in the regular component
18 of the Army.

19 “(B) A member of the Army National
20 Guard.

21 “(C) A member of the Army Reserve.

22 “(D) A member of the Army in a retired
23 status, including a member under 60 years of
24 age who, but for age, would be eligible for re-
25 tired pay.



1 “(E) A civilian employee of the Depart-
2 ment of the Army.

3 “(b) REFERRAL.—For purposes of this section, a re-
4 ferral for which a bonus may be paid under subsection
5 (a) occurs—

6 “(1) when the individual concerned contacts an
7 Army recruiter on behalf of a person interested in
8 enlisting in the Army; or

9 “(2) when a person interested in enlisting in
10 the Army contacts the Army recruiter and informs
11 the recruiter of the role of the individual concerned
12 in initially recruiting the person.

13 “(c) CERTAIN REFERRALS INELIGIBLE.—

14 “(1) REFERRAL OF IMMEDIATE FAMILY.—A
15 member of the Army or civilian employee of the De-
16 partment of the Army may not be paid a bonus
17 under subsection (a) for the referral of an immediate
18 family member.

19 “(2) MEMBERS IN RECRUITING ROLES.—A
20 member of the Army or civilian employee of the De-
21 partment of the Army serving in a recruiting or re-
22 tention assignment, or assigned to other duties re-
23 garding which eligibility for a bonus under sub-
24 section (a) could (as determined by the Secretary) be



1 perceived as creating a conflict of interest, may not
2 be paid a bonus under subsection (a).

3 “(3) JUNIOR RESERVE OFFICERS’ TRAINING
4 CORPS INSTRUCTORS.—A member of the Army de-
5 tailed under subsection (c)(1) of section 2031 of this
6 title to serve as an administrator or instructor in the
7 Junior Reserve Officers’ Training Corps program or
8 a retired member of the Army employed as an ad-
9 ministrator or instructor in the program under sub-
10 section (d) of such section may not be paid a bonus
11 under subsection (a).

12 “(d) AMOUNT OF BONUS.—The amount of the bonus
13 payable for a referral under subsection (a) may not exceed
14 \$2,000. The amount shall be payable as provided in sub-
15 section (e).

16 “(e) PAYMENT.—A bonus payable for a referral of
17 a person under subsection (a) shall be paid as follows:

18 “(1) Not more than \$1,000 shall be paid upon
19 the commencement of basic training by the person.

20 “(2) Not more than \$1,000 shall be paid upon
21 the completion of basic training and individual ad-
22 vanced training by the person.

23 “(f) RELATION TO PROHIBITION ON BOUNTIES.—
24 The referral bonus authorized by this section is not a
25 bounty for purposes of section 514(a) of this title.



1 “(g) COORDINATION WITH RECEIPT OF RETIRED
2 PAY.—A bonus paid under this section to a member of
3 the Army in a retired status is in addition to any com-
4 pensation to which the member is entitled under this title,
5 title 37 or 38, or any other provision of law.

6 “(h) DURATION OF AUTHORITY.—A bonus may not
7 be paid under subsection (a) with respect to any referral
8 that occurs after December 31, 2008.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of such chapter is amended
11 by inserting after the item relating to section 3251
12 the following new item:

“3252. Bonus to encourage Army personnel to refer persons for enlistment in
the Army.”.

13 (b) BONUS FOR REFERRAL OF PERSONS FOR AP-
14 POINTMENT AS OFFICERS TO SERVE IN HEALTH PRO-
15 FESSIONS.—

16 (1) HEALTH PROFESSIONS REFERRAL
17 BONUS.—Chapter 53 of such title is amended by in-
18 serting before section 1031 the following new sec-
19 tion:

20 **“§ 1030. Bonus to encourage Department of Defense**
21 **personnel to refer persons for appoint-**
22 **ment as officers to serve in health profes-**
23 **sions**

24 “(a) AUTHORITY TO PAY BONUS.—



1 “(1) AUTHORITY.—The Secretary of Defense
2 may authorize the appropriate Secretary to pay a
3 bonus under this section to an individual referred to
4 in paragraph (2) who refers to a military recruiter
5 a person who has not previously served in an armed
6 force and, after such referral, takes an oath of en-
7 listment that leads to appointment as a commis-
8 sioned officer, or accepts an appointment as a com-
9 missioned officer, in an armed force in a health pro-
10 fession designated by the appropriate Secretary for
11 purposes of this section.

12 “(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Sub-
13 ject to subsection (c), the following individuals are
14 eligible for a referral bonus under this section:

15 “(A) A member of the armed forces in a
16 regular component of the armed forces.

17 “(B) A member of the armed forces in a
18 reserve component of the armed forces.

19 “(C) A member of the armed forces in a
20 retired status, including a member under 60
21 years of age who, but for age, would be eligible
22 for retired or retainer pay.

23 “(D) A civilian employee of a military de-
24 partment or the Department of Defense.



1 “(b) REFERRAL.—For purposes of this section, a re-
2 ferral for which a bonus may be paid under subsection
3 (a) occurs—

4 “(1) when the individual concerned contacts a
5 military recruiter on behalf of a person interested in
6 taking an oath of enlistment that leads to appoint-
7 ment as a commissioned officer, or accepting an ap-
8 pointment as a commissioned officer, as applicable,
9 in an armed force in a health profession; or

10 “(2) when a person interested in taking an oath
11 of enlistment that leads to appointment as a com-
12 missioned officer, or accepting an appointment as a
13 commissioned officer, as applicable, in an armed
14 force in a health profession contacts a military re-
15 cruiter and informs the recruiter of the role of the
16 individual concerned in initially recruiting the per-
17 son.

18 “(c) CERTAIN REFERRALS INELIGIBLE.—

19 “(1) REFERRAL OF IMMEDIATE FAMILY.—A
20 member of the armed forces or civilian employee of
21 a military department or the Department of Defense
22 may not be paid a bonus under subsection (a) for
23 the referral of an immediate family member.

24 “(2) MEMBERS IN RECRUITING ROLES.—A
25 member of the armed forces or civilian employee of



1 a military department or the Department of Defense
2 serving in a recruiting or retention assignment, or
3 assigned to other duties regarding which eligibility
4 for a bonus under subsection (a) could (as deter-
5 mined by the appropriate Secretary) be perceived as
6 creating a conflict of interest, may not be paid a
7 bonus under subsection (a).

8 “(3) JUNIOR RESERVE OFFICERS’ TRAINING
9 CORPS INSTRUCTORS.—A member of the armed
10 forces detailed under subsection (c)(1) of section
11 2031 of this title to serve as an administrator or in-
12 structor in the Junior Reserve Officers’ Training
13 Corps program or a retired member of the armed
14 forces employed as an administrator or instructor in
15 the program under subsection (d) of such section
16 may not be paid a bonus under subsection (a).

17 “(d) AMOUNT OF BONUS.—The amount of the bonus
18 payable for a referral under subsection (a) may not exceed
19 \$2,000. The amount shall be payable as provided in sub-
20 section (e).

21 “(e) PAYMENT.—A bonus payable for a referral of
22 a person under subsection (a) shall be paid as follows:

23 “(1) Not more than \$1,000 shall be paid upon
24 the execution by the person of an agreement to serve



1 as an officer in a health profession in an armed
2 force for not less than 3 years,

3 “(2) Not more than \$1,000 shall be paid upon
4 the completion by the person of the initial period of
5 military training as an officer.

6 “(f) RELATION TO PROHIBITION ON BOUNTIES.—
7 The referral bonus authorized by this section is not a
8 bounty for purposes of section 514(a) of this title.

9 “(g) COORDINATION WITH RECEIPT OF RETIRED
10 PAY.—A bonus paid under this section to a member of
11 the armed forces in a retired status is in addition to any
12 compensation to which the member is entitled under this
13 title, title 37 or 38, or any other provision of law.

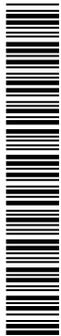
14 “(h) APPROPRIATE SECRETARY DEFINED.—In this
15 section, the term ‘appropriate Secretary’ means—

16 “(1) the Secretary of the Army, with respect to
17 matters concerning the Army;

18 “(2) the Secretary of the Navy, with respect to
19 matters concerning the Navy, the Marine Corps, and
20 the Coast Guard when it is operating as a service in
21 the Navy;

22 “(3) the Secretary of the Air Force, with re-
23 spect to matters concerning the Air Force; and

24 “(4) the Secretary of Defense, with respect to
25 personnel of the Department of Defense.



1 “(i) DURATION OF AUTHORITY.—A bonus may not
2 be paid under subsection (a) with respect to any referral
3 that occurs after December 31, 2008.”.

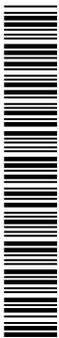
4 (2) CLERICAL AMENDMENTS.—The table of sec-
5 tions at the beginning of such chapter is amended
6 by inserting before the item relating to section 1031
7 the following new item:

“1030. Bonus to encourage Department of Defense personnel to refer persons
for appointment as officers to serve in health professions.”.

8 (c) REPEAL OF SUPERSEDED ARMY REFERRAL
9 BONUS AUTHORITY.—

10 (1) REPEAL.—Section 645 of the National De-
11 fense Authorization Act for Fiscal Year 2006 (Pub-
12 lic Law 109–163) is repealed.

13 (2) PAYMENT OF BONUSES UNDER SUPER-
14 SEDED AUTHORITY.—Any bonus payable under sec-
15 tion 645 of the National Defense Authorization Act
16 for Fiscal Year 2006, as in effect before its repeal
17 by paragraph (1), shall remain payable after that
18 date and shall be paid in accordance with the provi-
19 sions of such section, as in effect on the day before
20 the date of the enactment of this Act.



1 **SEC. 672. EXPANSION OF EDUCATION LOAN REPAYMENT**
2 **PROGRAM FOR MEMBERS OF THE SELECTED**
3 **RESERVE.**

4 (a) ADDITIONAL EDUCATIONAL LOANS ELIGIBLE
5 FOR REPAYMENT.—Paragraph (1) of subsection (a) of
6 section 16301 of title 10, United States Code, is
7 amended—

8 (1) by striking “or” at the end of subparagraph
9 (B);

10 (2) by striking the period at the end of sub-
11 paragraph (C) and inserting “; or”; and

12 (3) by inserting after subparagraph (C) the fol-
13 lowing new subparagraph:

14 “(D) any loan incurred for educational purposes
15 made by a lender that is—

16 “(i) an agency or instrumentality of a
17 State;

18 “(ii) a financial or credit institution (in-
19 cluding an insurance company) that is subject
20 to examination and supervision by an agency of
21 the United States or any State;

22 “(iii) a pension fund approved by the Sec-
23 retary for purposes of this section; or

24 “(iv) a nonprofit private entity designated
25 by a State, regulated by that State, and ap-



1 proved by the Secretary for purposes of this
2 section.”.

3 (b) PARTICIPATION OF OFFICERS IN PROGRAM.—

4 Such subsection is further amended—

5 (1) in paragraph (2)—

6 (A) by striking “Except as provided in
7 paragraph (3), the Secretary” and inserting
8 “The Secretary”; and

9 (B) by striking “an enlisted member of the
10 Selected Reserve of the Ready Reserve of an
11 armed force in a reserve component and mili-
12 tary specialty” and inserting “a member of the
13 Selected Reserve of the Ready Reserve of an
14 armed force in a reserve component and in an
15 officer program or military specialty”; and

16 (2) by striking paragraph (3).

17 (c) CLERICAL AMENDMENTS.—

18 (1) SECTION HEADING.—The heading of such
19 section is amended to read as follows:

20 **“§ 16301. Education loan repayment program: mem-**
21 **bers of Selected Reserve”.**

22 (2) TABLE OF SECTIONS.—The table of sections
23 at the beginning of chapter 1609 of such title is
24 amended by striking the item relating to section
25 16301 and inserting the following new item:

“16301. Education loan repayment program: members of Selected Reserve.”.



1 **SEC. 673. ENSURING ENTRY INTO UNITED STATES AFTER**
2 **TIME ABROAD FOR PERMANENT RESIDENT**
3 **ALIEN MILITARY SPOUSES AND CHILDREN.**

4 Section 284 of the Immigration and Nationality Act
5 (8 U.S.C. 1354) is amended—

6 (1) by striking “Nothing” and inserting “(a)
7 Nothing”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(b) If a person lawfully admitted for permanent resi-
11 dence is the spouse or child of a member of the Armed
12 Forces of the United States, is authorized to accompany
13 the member and reside abroad with the member pursuant
14 to the member’s official orders, and is so accompanying
15 and residing with the member (in marital union if a
16 spouse), then the residence and physical presence of the
17 person abroad shall not be treated as—

18 “(1) an abandonment or relinquishment of law-
19 ful permanent resident status for purposes of clause
20 (i) of section 101(a)(13)(C); or

21 “(2) an absence from the United States for
22 purposes of clause (ii) of such section.”.



1 **SEC. 674. OVERSEAS NATURALIZATION FOR MILITARY**
2 **SPOUSES AND CHILDREN.**

3 (a) SPOUSES.—Section 319 of the Immigration and
4 Nationality Act (8 U.S.C. 1430) is amended by adding
5 at the end the following new subsection:

6 “(e)(1) In the case of a person lawfully admitted for
7 permanent residence in the United States who is the
8 spouse of a member of the Armed Forces of the United
9 States, is authorized to accompany such member and re-
10 side abroad with the member pursuant to the member’s
11 official orders, and is so accompanying and residing with
12 the member in marital union, such residence and physical
13 presence abroad shall be treated, for purposes of sub-
14 section (a) and section 316(a), as residence and physical
15 presence in—

16 “(A) the United States; and

17 “(B) any State or district of the Department of
18 Homeland Security in the United States.

19 “(2) Notwithstanding any other provision of law, a
20 spouse described in paragraph (1) shall be eligible for nat-
21 uralization proceedings overseas pursuant to section
22 1701(d) of the National Defense Authorization Act for
23 Fiscal Year 2004 (Public Law 108–136; 8 U.S.C.
24 1443a).”



1 (b) CHILDREN.—Section 322 of the Immigration and
2 Nationality Act (8 U.S.C. 1433) is amended by adding
3 at the end the following new subsection:

4 “(d) In the case of a child of a member of the Armed
5 Forces of the United States who is authorized to accom-
6 pany such member and reside abroad with the member
7 pursuant to the member’s official orders, and is so accom-
8 panying and residing with the member—

9 “(1) any period of time during which the mem-
10 ber of the Armed Forces is residing abroad pursuant
11 to official orders shall be treated, for purposes of
12 subsection (a)(2)(A), as physical presence in the
13 United States;

14 “(2) subsection (a)(5) shall not apply; and

15 “(3) the oath of allegiance described in sub-
16 section (b) may be subscribed to abroad pursuant to
17 section 1701(d) of the National Defense Authoriza-
18 tion Act for Fiscal Year 2004 (Public Law 108–136;
19 8 U.S.C. 1443a).”.

20 (c) OVERSEAS NATURALIZATION AUTHORITY.—Sec-
21 tion 1701(d) of the National Defense Authorization Act
22 for Fiscal Year 2004 (Public Law 108–136; 8 U.S.C.
23 1443a) is amended—



1 (1) in the subsection heading, by inserting
2 “AND THEIR SPOUSES AND CHILDREN” after
3 “FORCES”; and

4 (2) by inserting “, and persons made eligible
5 for naturalization by section 319(e) or 322(d) of
6 such Act,” after “Armed Forces”.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on the date of enactment of
9 this Act and apply to any application for naturalization
10 or issuance of a certificate of citizenship pending on or
11 after such date.

12 **SEC. 675. MODIFICATION OF AMOUNT OF BACK PAY FOR**
13 **MEMBERS OF NAVY AND MARINE CORPS SE-**
14 **LECTED FOR PROMOTION WHILE INTERNED**
15 **AS PRISONERS OF WAR DURING WORLD WAR**
16 **II TO TAKE INTO ACCOUNT CHANGES IN CON-**
17 **SUMER PRICE INDEX.**

18 (a) MODIFICATION.—Section 667(c) of the Floyd D.
19 Spence National Defense Authorization Act for Fiscal
20 Year 2001 (as enacted into law by Public Law 106–398;
21 114 Stat. 1654A–170) is amended by adding at the end
22 the following new paragraph:

23 “(3) The amount determined for a person under
24 paragraph (1) shall be increased to reflect increases in
25 cost of living since the basic pay referred to in paragraph



1 (1)(B) was paid to or for that person, calculated on the
2 basis of the Consumer Price Index (all items—United
3 States city average) published monthly by the Bureau of
4 Labor Statistics.”.

5 (b) RECALCULATION OF PREVIOUS PAYMENTS.—In
6 the case of any payment of back pay made to or for a
7 person under section 667 of the Floyd D. Spence National
8 Defense Authorization Act for Fiscal Year 2001 before the
9 date of the enactment of this Act, the Secretary of the
10 Navy shall—

11 (1) recalculate the amount of back pay to which
12 the person is entitled by reason of the amendment
13 made by subsection (a); and

14 (2) if the amount of back pay, as so recal-
15 culated, exceeds the amount of back pay so paid, pay
16 the person, or the surviving spouse of the person, an
17 amount equal to the excess.

18 **TITLE VII—HEALTH CARE**

19 **PROVISIONS**

Subtitle A—Improvements to Military Health Benefits

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

- Sec. 707. Extension of pilot program for health care delivery.
- Sec. 708. Inclusion of mental health care in definition of health care and report on mental health care services.

Subtitle B—Studies and Reports

- Sec. 711. Surveys on continued viability of TRICARE Standard and TRICARE Extra.
- Sec. 712. Report on training in preservation of remains under combat or combat-related conditions.
- Sec. 713. Report on patient satisfaction surveys.
- Sec. 714. Report on medical physical examinations of members of the Armed Forces before their deployment.
- Sec. 715. Report and study on multiple vaccinations of members of the Armed Forces.
- Sec. 716. Review of gender- and ethnic group-specific mental health services and treatment for members of the Armed Forces.
- Sec. 717. Licensed mental health counselors and the TRICARE program.
- Sec. 718. Report on funding of the Department of Defense for health care.

Subtitle C—Other Matters

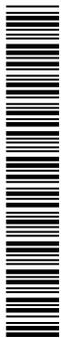
- Sec. 721. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
- Sec. 722. Establishment of Joint Pathology Center.

1 **Subtitle A—Improvements to**
 2 **Military Health Benefits**

3 **SEC. 701. ONE-YEAR EXTENSION OF PROHIBITION ON IN-**
 4 **CREASES IN CERTAIN HEALTH CARE COSTS**
 5 **FOR MEMBERS OF THE UNIFORMED SERV-**
 6 **ICES.**

7 (a) CHARGES UNDER CONTRACTS FOR MEDICAL
 8 CARE.—Section 1097(e) of title 10, United States Code,
 9 is amended by striking “September 30, 2007” and insert-
 10 ing “September 30, 2008”.

11 (b) CHARGES FOR INPATIENT CARE.—Section
 12 1086(b)(3) of such title is amended by striking “Sep-
 13 tember 30, 2007.” and inserting “September 30, 2008”.



1 (c) PREMIUMS UNDER TRICARE COVERAGE FOR
2 CERTAIN MEMBERS IN THE SELECTED RESERVE.—Sec-
3 tion 1076d(d)(3) of such title is amended by striking
4 “September 30, 2007” and inserting “September 30,
5 2008”.

6 **SEC. 702. TEMPORARY PROHIBITION ON INCREASE IN CO-**
7 **PAYMENTS UNDER RETAIL PHARMACY SYS-**
8 **TEM OF PHARMACY BENEFITS PROGRAM.**

9 During the period beginning on October 1, 2007, and
10 ending on September 30, 2008, the cost sharing require-
11 ments established under paragraph (6) of section
12 1074g(a) of title 10, United States Code, for pharma-
13 ceutical agents available through retail pharmacies cov-
14 ered by paragraph (2)(E)(ii) of such section may not ex-
15 ceed amounts as follows:

- 16 (1) In the case of generic agents, \$3.
17 (2) In the case of formulary agents, \$9.
18 (3) In the case of nonformulary agents, \$22.

19 **SEC. 703. INCLUSION OF TRICARE RETAIL PHARMACY PRO-**
20 **GRAM IN FEDERAL PROCUREMENT OF PHAR-**
21 **MACEUTICALS.**

22 (a) IN GENERAL.—Section 1074g of title 10, United
23 States Code, is amended—

- 24 (1) by redesignating subsections (f) and (g) as
25 subsections (g) and (h), respectively; and



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

3 “(f) PROCUREMENT OF PHARMACEUTICALS BY
4 TRICARE RETAIL PHARMACY PROGRAM.—With respect
5 to any prescription filled on or after the date of the enact-
6 ment of the National Defense Authorization Act for Fiscal
7 Year 2008, the TRICARE retail pharmacy program shall
8 be treated as an element of the Department of Defense
9 for purposes of the procurement of drugs by Federal agen-
10 cies under section 8126 of title 38 to the extent necessary
11 to ensure that pharmaceuticals paid for by the Depart-
12 ment of Defense that are provided by pharmacies under
13 the program to eligible covered beneficiaries under this
14 section are subject to the pricing standards in such section
15 8126.”.

16 (b) REGULATIONS.—The Secretary of Defense shall,
17 after consultation with the other administering Secretaries
18 under chapter 55 of title 10, United States Code, modify
19 the regulations under subsection (h) of section 1074g of
20 title 10, United States Code (as redesignated by sub-
21 section (a)(1) of this section), to implement the require-
22 ments of subsection (f) of section 1074g of title 10, United
23 States Code (as amended by subsection (a)(2) of this sec-
24 tion). The Secretary shall so modify such regulations not
25 later than December 31, 2007.



1 **SEC. 704. STIPEND FOR MEMBERS OF RESERVE COMPO-**
2 **NENTS FOR HEALTH CARE FOR CERTAIN DE-**
3 **PENDENTS.**

4 The Secretary of Defense may, pursuant to regula-
5 tions prescribed by the Secretary, pay a stipend to a mem-
6 ber of a reserve component of the Armed Forces who is
7 called or ordered to active duty for a period of more than
8 30 days for purposes of maintaining civilian health care
9 coverage for a dependant whom the Secretary determines
10 to possess a special health care need that would be best
11 met by remaining in the member's civilian health plan. In
12 making such determination, the Secretary shall consider
13 whether—

14 (1) the dependent of the member was receiving
15 treatment for the special health care need before the
16 call or order to active duty of the member; and

17 (2) the call or order to active duty would result
18 in an interruption in treatment or a change in
19 health care provider for such treatment.

20 **SEC. 705. AUTHORITY FOR EXPANSION OF PERSONS ELIGI-**
21 **BLE FOR CONTINUED HEALTH BENEFITS**
22 **COVERAGE.**

23 (a) **AUTHORITY TO SPECIFY ADDITIONAL ELIGIBLE**
24 **PERSONS.**—Subsection (b) of section 1078a of title 10,
25 United States Code, is amended by adding at the end the
26 following new paragraph:



1 “(4) Any other person specified in regulations
2 prescribed by the Secretary of Defense for purposes
3 of this paragraph who loses entitlement to health
4 care services under this chapter or section 1145 of
5 this title, subject to such terms and conditions as
6 the Secretary shall prescribe in the regulations.”.

7 (b) ELECTION OF COVERAGE.—Subsection (d) of
8 such section is amended by adding at the end the following
9 new paragraph:

10 “(4) In the case of a person described in sub-
11 section (b)(4), by such date as the Secretary shall
12 prescribe in the regulations required for purposes of
13 that subsection.”.

14 (c) PERIOD OF COVERAGE.—Subsection (g)(1) of
15 such section is amended—

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

18 (2) in subparagraph (C), by striking the period
19 at the end and inserting “; and”; and

20 (3) by adding at the end the following new sub-
21 paragraph:

22 “(D) in the case of a person described in sub-
23 section (b)(4), the date that is 36 months after the
24 date on which the person loses entitlement to health
25 care services as described in that subsection.”.



1 **SEC. 706. CONTINUATION OF ELIGIBILITY FOR TRICARE**
2 **STANDARD COVERAGE FOR CERTAIN MEM-**
3 **BERS OF THE SELECTED RESERVE.**

4 (a) IN GENERAL.—Section 706(f) of the John War-
5 ner National Defense Authorization Act for Fiscal Year
6 2007 (Public Law 109–364; 120 Stat. 2282; 10 U.S.C.
7 1076d note) is amended—

8 (1) by striking “Enrollments” and inserting
9 “(1) Except as provided in paragraph (2), enroll-
10 ments”; and

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

13 “(2) The enrollment of a member in TRICARE
14 Standard that is in effect on the day before health care
15 under TRICARE Standard is provided pursuant to the ef-
16 fective date in subsection (g) shall not be terminated by
17 operation of the exclusion of eligibility under subsection
18 (a)(2) of such section 1076d, as so amended, for the dura-
19 tion of the eligibility of the member under TRICARE
20 Standard as in effect on October 16, 2006.”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 subsection (a) shall take effect on October 1, 2007.

23 **SEC. 707. EXTENSION OF PILOT PROGRAM FOR HEALTH**
24 **CARE DELIVERY.**

25 (a) EXTENSION OF DURATION OF PILOT PRO-
26 GRAM.—Section 721(e) of the Ronald W. Reagan National



1 Defense Authorization Act for Fiscal Year 2005 (Public
2 Law 108–375; 118 Stat. 1988; 10 U.S.C. 1092 note) is
3 amended by striking “and 2007” and inserting “, 2007,
4 2008, 2009, and 2010”.

5 (b) EXTENSION OF REPORT DEADLINE.—Section
6 721(f) of such Act is amended by striking “July 1, 2007”
7 and inserting “July 1, 2010”.

8 (c) REVISION IN SELECTION CRITERIA.—Section
9 721(d)(2) of such Act is amended by striking “expected
10 to increase over the next five years” and inserting “has
11 increased over the five years preceding 2008”.

12 (d) ADDITION TO REQUIREMENTS OF PILOT PRO-
13 GRAM.—Section 721(b) of such Act is amended—

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

15 (3);

16 (2) by striking the period and inserting “; and”
17 at the end of paragraph (4); and

18 (3) by adding at the end the following:

19 “(5) collaborate with State and local authorities
20 to create an arrangement to share and exchange, be-
21 tween the Department of Defense and non-military
22 health care systems, personal health information and
23 data of military personnel and their families.”.



1 **SEC. 708. INCLUSION OF MENTAL HEALTH CARE IN DEFINI-**
2 **TION OF HEALTH CARE AND REPORT ON**
3 **MENTAL HEALTH CARE SERVICES.**

4 (a) INCLUSION OF MENTAL HEALTH CARE IN DEFINI-
5 TION OF HEALTH CARE.—Section 1072 of title 10,
6 United States Code, is amended by adding at the end the
7 following new paragraph:

8 “(10) The term ‘health care’ includes mental
9 health care.”.

10 (b) REPORT ON ACCESS TO MENTAL HEALTH CARE
11 SERVICES.—Not later than one year after the date of the
12 enactment of this Act, the Secretary of Defense shall sub-
13 mit to the Committees on Armed Services of the Senate
14 and the House of Representatives a report on the ade-
15 quacy of access to mental health services under the
16 TRICARE program, including in the geographic areas
17 where surveys on the continued viability of TRICARE
18 Standard and TRICARE Extra are conducted under sec-
19 tion 711 of this Act.

20 **Subtitle B—Studies and Reports**

21 **SEC. 711. SURVEYS ON CONTINUED VIABILITY OF TRICARE**
22 **STANDARD AND TRICARE EXTRA.**

23 (a) REQUIREMENT FOR SURVEYS.—

24 (1) IN GENERAL.—The Secretary of Defense
25 shall conduct surveys of health care providers and
26 beneficiaries who use TRICARE in the United



1 States to determine, utilizing a reconciliation of the
2 responses of providers and beneficiaries to such sur-
3 veys, each of the following:

4 (A) How many health care providers in
5 TRICARE Prime service areas selected under
6 paragraph (3)(A) are accepting new patients
7 under each of TRICARE Standard and
8 TRICARE Extra.

9 (B) How many health care providers in ge-
10 ographic areas in which TRICARE Prime is not
11 offered are accepting patients under each of
12 TRICARE Standard and TRICARE Extra.

13 (C) The availability of mental health care
14 providers in TRICARE Prime service areas se-
15 lected under paragraph (3)(C) and in geo-
16 graphic areas in which TRICARE Prime is not
17 offered.

18 (2) BENCHMARKS.—The Secretary shall estab-
19 lish for purposes of the surveys required by para-
20 graph (1) benchmarks for primary care and specialty
21 care providers, including mental health care pro-
22 viders, to be utilized to determine the adequacy of
23 the availability of health care providers to bene-
24 ficiaries eligible for TRICARE.



1 (3) SCOPE OF SURVEYS.—The Secretary shall
2 carry out the surveys required by paragraph (1) as
3 follows:

4 (A) In the case of the surveys required by
5 subparagraph (A) of that paragraph, in at least
6 20 TRICARE Prime service areas in the
7 United States in each of fiscal years 2008
8 through 2011.

9 (B) In the case of the surveys required by
10 subparagraph (B) of that paragraph, in 20 geo-
11 graphic areas in which TRICARE Prime is not
12 offered and in which significant numbers of
13 beneficiaries who are members of the Selected
14 Reserve reside.

15 (C) In the case of the surveys required by
16 subparagraph (C) of that paragraph, in at least
17 40 geographic areas.

18 (4) PRIORITY FOR SURVEYS.—In prioritizing
19 the areas which are to be surveyed under paragraph
20 (1), the Secretary shall—

21 (A) consult with representatives of
22 TRICARE beneficiaries and health care and
23 mental health care providers to identify loca-
24 tions where TRICARE Standard beneficiaries
25 are experiencing significant levels of access-to-



1 care problems under TRICARE Standard or
2 TRICARE Extra;

3 (B) give a high priority to surveying health
4 care and mental health care providers in such
5 areas; and

6 (C) give a high priority to surveying bene-
7 ficiaries and providers located in geographic
8 areas with high concentrations of members of
9 the Selected Reserve.

10 (5) INFORMATION FROM PROVIDERS.—The sur-
11 veys required by paragraph (1) shall include ques-
12 tions seeking to determine from health care and
13 mental health care providers the following:

14 (A) Whether the provider is aware of the
15 TRICARE program.

16 (B) What percentage of the provider's cur-
17 rent patient population uses any form of
18 TRICARE.

19 (C) Whether the provider accepts patients
20 for whom payment is made under the medicare
21 program for health care and mental health care
22 services.

23 (D) If the provider accepts patients re-
24 ferred to in subparagraph (C), whether the pro-
25 vider would accept additional such patients who



1 are not in the provider's current patient popu-
2 lation.

3 (6) INFORMATION FROM BENEFICIARIES.—The
4 surveys required by paragraph (1) shall include
5 questions seeking information to determine from
6 TRICARE beneficiaries whether they have difficul-
7 ties in finding health care and mental health care
8 providers willing to provide services under
9 TRICARE Standard or TRICARE Extra.

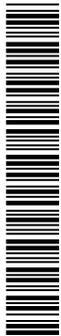
10 (b) GAO REVIEW.—

11 (1) ONGOING REVIEW.—The Comptroller Gen-
12 eral shall, on an ongoing basis, review—

13 (A) the processes, procedures, and analysis
14 used by the Department of Defense to deter-
15 mine the adequacy of the number of health care
16 and mental health care providers—

17 (i) that currently accept TRICARE
18 Standard or TRICARE Extra beneficiaries
19 as patients under TRICARE Standard in
20 each TRICARE area as of the date of
21 completion of the review; and

22 (ii) that would accept TRICARE
23 Standard or TRICARE Extra beneficiaries
24 as new patients under TRICARE Standard
25 or TRICARE Extra, as applicable, within



1 a reasonable time after the date of comple-
2 tion of the review; and

3 (B) the actions taken by the Department
4 of Defense to ensure ready access of TRICARE
5 Standard beneficiaries to health care and men-
6 tal health care under TRICARE Standard in
7 each TRICARE area, including any pending or
8 resolved requests for waiver of payment limits
9 in order to improve access to health care or
10 mental health care in a specific geographic
11 area.

12 (2) REPORTS.—The Comptroller General shall
13 submit to the Committees on Armed Services of the
14 Senate and the House of Representatives on a bi-an-
15 nual basis a report on the results of the review
16 under paragraph (1). Each report shall include the
17 following:

18 (A) An analysis of the adequacy of the sur-
19 veys under subsection (a).

20 (B) An identification of any impediments
21 to achieving adequacy of availability of health
22 care and mental health care under TRICARE
23 Standard or TRICARE Extra.

24 (C) An assessment of the adequacy of De-
25 partment of Defense education programs to in-



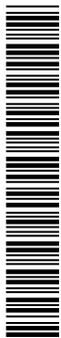
1 form health care and mental health care pro-
2 viders about TRICARE Standard and
3 TRICARE Extra.

4 (D) An assessment of the adequacy of De-
5 partment of Defense initiatives to encourage
6 health care and mental health care providers to
7 accept patients under TRICARE Standard and
8 TRICARE Extra.

9 (E) An assessment of the adequacy of in-
10 formation available to TRICARE Standard
11 beneficiaries to facilitate access by such bene-
12 ficiaries to health care and mental health care
13 under TRICARE Standard and TRICARE
14 Extra.

15 (F) An assessment of any need for adjust-
16 ment of health care and mental health care pro-
17 vider payment rates to attract participation in
18 TRICARE Standard by appropriate numbers of
19 health care and mental health care providers.

20 (G) An assessment of the adequacy of De-
21 partment of Defense programs to inform mem-
22 bers of the Selected Reserve about the
23 TRICARE Reserve Select program.



1 (H) An assessment of the ability of
2 TRICARE Reserve Select beneficiaries to re-
3 ceive care in their geographic area.

4 (c) EFFECTIVE DATE.—This section shall take effect
5 on October 1, 2007.

6 (d) REPEAL OF SUPERSEDED REQUIREMENTS AND
7 AUTHORITY.—Section 723 of the National Defense Au-
8 thorization Act for Fiscal Year 2004 (10 U.S.C. 1073
9 note) is repealed, effective as of October 1, 2007.

10 (e) DEFINITIONS.—In this section:

11 (1) The term “TRICARE Extra” means the
12 option of the TRICARE program under which
13 TRICARE Standard beneficiaries may obtain dis-
14 counts on cost-sharing as a result of using
15 TRICARE network providers.

16 (2) The term “TRICARE Prime” means the
17 managed care option of the TRICARE program.

18 (3) The term “TRICARE Prime service area”
19 means a geographic area designated by the Depart-
20 ment of Defense in which managed care support
21 contractors develop a managed care network under
22 TRICARE Prime.

23 (4) The term “TRICARE Standard” means the
24 option of the TRICARE program that is also known
25 as the Civilian Health and Medical Program of the



1 Uniformed Services, as defined in section 1072(4) of
2 title 10, United States Code.

3 (5) The term “TRICARE Reserve Select”
4 means the option of the TRICARE program that al-
5 lows members of the Selected Reserve to enroll in
6 TRICARE Standard, pursuant to section 1076d of
7 title 10, United States Code.

8 (6) The term “member of the Selected Reserve”
9 means a member of the Selected Reserve of the
10 Ready Reserve of a reserve component of the Armed
11 Forces.

12 (7) The term “United States” means the
13 United States (as defined in section 101(a) of title
14 10, United States Code), its possessions (as defined
15 in such section), and the Commonwealth of Puerto
16 Rico.

17 **SEC. 712. REPORT ON TRAINING IN PRESERVATION OF RE-**
18 **MAINS UNDER COMBAT OR COMBAT-RE-**
19 **LATED CONDITIONS.**

20 (a) REPORT REQUIRED.—The Secretary of Defense
21 shall submit to the Committees on Armed Services of the
22 Senate and the House of Representatives a report on the
23 requirements of section 567 of the John Warner National
24 Defense Authorization Act for Fiscal Year 2007 (Public
25 Law 109–364; 120 Stat. 2224; 10 U.S.C. 1481 note).



1 (b) MATTERS COVERED.—The report shall include a
2 detailed description of the implementation of such section,
3 including—

4 (1) where the training program is taking place;

5 (2) who is providing the training;

6 (3) the number of each type of military health
7 care professional trained to date; and

8 (4) what the training covers.

9 (c) DEADLINE.—The report required by this section
10 shall be submitted not later than 180 days after the date
11 of the enactment of this Act.

12 **SEC. 713. REPORT ON PATIENT SATISFACTION SURVEYS.**

13 (a) REPORT REQUIRED.—Not later than March 1,
14 2008, the Secretary of Defense shall submit to the con-
15 gressional defense committees a report on the ongoing pa-
16 tient satisfaction surveys taking place in Department of
17 Defense inpatient and outpatient settings at military
18 treatment facilities.

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

21 (1) The types of survey questions asked.

22 (2) How frequently the surveying is conducted.

23 (3) How often the results are analyzed and re-
24 ported back to the treatment facilities.

25 (4) To whom survey feedback is made available.



1 in which a member (including a member of a reserve
2 component) may be required to undergo multiple
3 physical examinations, from the time of notification
4 of an upcoming deployment through the period of
5 preparation for deployment.

6 (2) An assessment of the current policies re-
7 lated to, as well as the feasibility of, each of the fol-
8 lowing:

9 (A) A single predeployment physical exam-
10 ination for members of the Armed Forces be-
11 fore their deployment.

12 (B) A single system for tracking electroni-
13 cally the results of examinations under subpara-
14 graph (A) that can be shared among the mili-
15 tary departments and thereby eliminate redun-
16 dancy of medical physical examinations for
17 members of the Armed Forces before their de-
18 ployment.

19 **SEC. 715. REPORT AND STUDY ON MULTIPLE VACCINA-**
20 **TIONS OF MEMBERS OF THE ARMED FORCES.**

21 (a) REPORT REQUIRED.—Not later than 90 days
22 after the date of the enactment of this Act, the Secretary
23 of Defense shall submit to the Committees on Armed Serv-
24 ices of the Senate and the House of Representatives a re-
25 port on the policies of the Department of Defense for ad-



1 ministering and evaluating the vaccination of members of
2 the Armed Forces.

3 (b) ELEMENTS.—The report required by subsection
4 (a) shall include the following:

5 (1) An assessment of the Department's policies
6 governing the administration of multiple vaccina-
7 tions in a 24-hour period, including the procedures
8 providing for a full review of an individual's medical
9 history prior to the administration of multiple vac-
10 cinations, and whether such policies and procedures
11 differ for members of the Armed Forces on active
12 duty and members of reserve components.

13 (2) An assessment of how the Department's
14 policies on multiple vaccinations in a 24-hour period
15 conform to current regulations of the Food and
16 Drug Administration and research performed or
17 being performed by the Centers for Disease Control,
18 other non-military Federal agencies, and non-Fed-
19 eral institutions on multiple vaccinations in a 24-
20 hour period.

21 (3) An assessment of the Department's proce-
22 dures for initiating investigations of deaths of mem-
23 bers of the Armed Forces in which vaccinations may
24 have played a role, including whether such investiga-



1 tions can be requested by family members of the de-
2 ceased individuals.

3 (4) The number of deaths of members of the
4 Armed Forces since May 18, 1998, that the Depart-
5 ment has investigated for the potential role of vac-
6 cine administration, including both the number of
7 deaths investigated that was alleged to have involved
8 more than one vaccine administered in a given 24-
9 hour period and the number of deaths investigated
10 that was determined to have involved more than one
11 vaccine administered in a given 24-hour period.

12 (5) An assessment of the procedures for pro-
13 viding the Adjutants General of the various States
14 and territories with up-to-date information on the ef-
15 fectiveness and potential allergic reactions and side
16 effects of vaccines required to be taken by National
17 Guard members.

18 (6) An assessment of whether procedures are in
19 place to provide that the Adjutants General of the
20 various States and territories retain updated medical
21 records of each National Guard member called up
22 for active duty.



1 **SEC. 716. REVIEW OF GENDER- AND ETHNIC GROUP-SPE-**
2 **CIFIC MENTAL HEALTH SERVICES AND**
3 **TREATMENT FOR MEMBERS OF THE ARMED**
4 **FORCES.**

5 (a) **COMPREHENSIVE REVIEW.**—The Secretary of
6 Defense shall conduct a comprehensive review of—

7 (1) the need for gender- and ethnic group-spe-
8 cific mental health treatment and services for mem-
9 bers of the Armed Forces; and

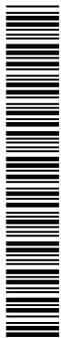
10 (2) the efficacy and adequacy of existing
11 gender- and ethnic group-specific mental health
12 treatment programs and services for members of the
13 Armed Forces, to include availability of and access
14 to such programs.

15 (b) **ELEMENTS.**—The review required by subsection
16 (a) shall include, but not be limited to, an assessment of
17 the following:

18 (1) The need for gender- and ethnic group-spe-
19 cific mental health outreach, prevention, and treat-
20 ment services for members of the Armed Forces.

21 (2) The access to and efficacy of existing
22 gender- and ethnic group-specific mental health out-
23 reach, prevention, and treatment services and pro-
24 grams (including substance abuse programs).

25 (3) The availability of gender- and ethnic
26 group-specific services and treatment for members of



1 the Armed Forces who experienced sexual assault or
2 abuse.

3 (4) The access to and need for treatment facili-
4 ties focusing on the gender- and ethnic group-spe-
5 cific mental health care needs of members of the
6 Armed Forces.

7 (5) The need for further clinical research on the
8 gender- and ethnic group-specific needs of members
9 of the Armed Forces who served in a combat zone.

10 (c) REPORT.—Not later than 90 days after the date
11 of the enactment of this Act, the Secretary of Defense
12 shall submit to the congressional defense committees a re-
13 port on the review required by subsection (a).

14 **SEC. 717. LICENSED MENTAL HEALTH COUNSELORS AND**
15 **THE TRICARE PROGRAM.**

16 (a) REGULATIONS.—The Secretary of Defense shall
17 prescribe regulations to establish criteria that licensed or
18 certified mental health counselors shall meet in order to
19 be able to independently provide care to TRICARE bene-
20 ficiaries and receive payment under the TRICARE pro-
21 gram for such services. The criteria shall include require-
22 ments for education level, licensure, certification, and clin-
23 ical experience as considered appropriate by the Secretary.

24 (b) STUDY REQUIRED.—The Secretary of Defense
25 shall enter into a contract with the Institute of Medicine



1 of the National Academy of Sciences, or another similarly
2 qualified independent academic medical organization, for
3 the purpose of—

4 (1) conducting an independent study of the cre-
5 dentials, preparation, and training of individuals
6 practicing as licensed mental health counselors; and

7 (2) making recommendations for permitting li-
8 censed mental health counselors to practice inde-
9 pendently under the TRICARE program.

10 (c) ELEMENTS OF STUDY.—

11 (1) EDUCATIONAL REQUIREMENTS.—The study
12 required by subsection (b) shall provide for an as-
13 sessment of the educational requirements and cur-
14 ricula relevant to mental health practice for licensed
15 mental health counselors, including types of degrees
16 recognized, certification standards for graduate pro-
17 grams for such profession, and recognition of under-
18 graduate coursework for completion of graduate de-
19 gree requirements.

20 (2) LICENSING REQUIREMENTS.—The study re-
21 quired by subsection (b) shall provide for an assess-
22 ment of State licensing requirements for licensed
23 mental health counselors, including for each level of
24 licensure if a State issues more than one type of li-
25 cense for the profession. The assessment shall exam-



1 ine requirements in the areas of education, training,
2 examination, continuing education, and ethical
3 standards, and shall include an evaluation of the ex-
4 tent to which States authorize members of the li-
5 censed mental health counselor profession to diag-
6 nose and treat mental illnesses.

7 (3) CLINICAL EXPERIENCE REQUIREMENTS.—
8 The study required by subsection (b) shall provide
9 for an analysis of the requirements for clinical expe-
10 rience for a licensed mental health counselor to be
11 recognized under regulations for the TRICARE pro-
12 gram, and recommendations, if any, for standardiza-
13 tion or adjustment of such requirements.

14 (4) INDEPENDENT PRACTICE UNDER OTHER
15 FEDERAL PROGRAMS.—The study required by sub-
16 section (b) shall provide for an assessment of the ex-
17 tent to which licensed mental health counselors are
18 authorized to practice independently under other
19 Federal programs (such as the Medicare program,
20 the Department of Veterans Affairs, the Indian
21 Health Service, and Head Start), and a review of
22 the relationship, if any, between recognition of men-
23 tal health professions under the Medicare program
24 and independent practice authority for such profes-
25 sion under the TRICARE program.



1 (5) INDEPENDENT PRACTICE UNDER FEHBP.—

2 The study required by subsection (b) shall provide
3 for an assessment of the extent to which licensed
4 mental health counselors are authorized to practice
5 independently under the Federal Employee Health
6 Benefits Program and private insurance plans. The
7 assessment shall identify the States having laws re-
8 quiring private insurers to cover, or offer coverage
9 of, the services of members of licensed mental health
10 counselors and shall identify the conditions, if any,
11 that are placed on coverage of practitioners under
12 the profession by insurance plans and how fre-
13 quently these types of conditions are used by insur-
14 ers.

15 (6) HISTORICAL REVIEW OF REGULATIONS.—

16 The study required by subsection (b) shall provide
17 for a review of the history of regulations prescribed
18 by the Department of Defense regarding which
19 members of the mental health profession are recog-
20 nized as providers under the TRICARE program as
21 independent practitioners, and an examination of the
22 recognition by the Department of third-party certifi-
23 cation for members of such profession.

24 (7) CLINICAL CAPABILITIES STUDIES.—The

25 study required by subsection (b) shall include a re-



1 view of outcome studies and of the literature regard-
2 ing the comparative quality and effectiveness of care
3 provided by licensed mental health counselors and
4 provide an independent review of the findings.

5 (d) **RECOMMENDATIONS FOR TRICARE INDE-**
6 **PENDENT PRACTICE AUTHORITY.**—The recommendations
7 provided under subsection (b)(2) shall include rec-
8 ommendations regarding modifications of current policy
9 for the TRICARE program with respect to allowing li-
10 censed mental health counselors to practice independently
11 under the TRICARE program.

12 (e) **REPORT.**—Not later than March 1, 2009, the
13 Secretary of Defense shall submit to the Committees on
14 Armed Services of the Senate and the House of Represent-
15 atives a report on the review required by subsection (b).

16 **SEC. 718. REPORT ON FUNDING OF THE DEPARTMENT OF**
17 **DEFENSE FOR HEALTH CARE.**

18 (a) **REPORT.**—If the President submits to Congress
19 the budget for a fiscal year under section 1105 of title
20 31, United States Code, and the aggregate amount in-
21 cluded in that budget for the Department of Defense for
22 health care for such fiscal year is less than the aggregate
23 amount provided by Congress for the Department for
24 health care for the preceding fiscal year, and, in the case
25 of the Department, the total allocation from the Defense



1 Health Program to any military department is less than
2 the total of such allocation in the preceding fiscal year,
3 the President shall submit to Congress a report on—

4 (1) the reasons for the determination that in-
5 clusion of a lesser aggregate amount or allocation to
6 any military department is in the national interest;
7 and

8 (2) the anticipated effects of the inclusion of
9 such lesser aggregate amount or allocation to any
10 military department on the access to and delivery of
11 medical and support services to members of the
12 Armed Forces and their family members.

13 (b) TERMINATION.—The section shall not be in effect
14 after December 31, 2017.

15 **Subtitle C—Other Matters**

16 **SEC. 721. PROHIBITION ON CONVERSION OF MILITARY** 17 **MEDICAL AND DENTAL POSITIONS TO CIVIL-** 18 **IAN MEDICAL AND DENTAL POSITIONS.**

19 (a) PROHIBITION.—The Secretary of a military de-
20 partment may not convert any military medical or dental
21 position to a civilian medical or dental position during the
22 period beginning on October 1, 2007, and ending on Sep-
23 tember 30, 2012.

24 (b) RESTORATION OF CERTAIN POSITIONS TO MILI-
25 TARY POSITIONS.—In the case of any military medical or



1 dental position that is converted to a civilian medical or
2 dental position during the period beginning on October 1,
3 2004, and ending on September 30, 2008, if the position
4 is not filled by a civilian by September 30, 2008, the Sec-
5 retary of the military department concerned shall restore
6 the position to a military medical or dental position that
7 can be filled only by a member of the Armed Forces who
8 is a health professional.

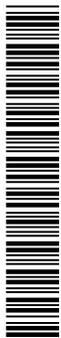
9 (c) REPORT.—

10 (1) REQUIREMENT.—The Secretary of Defense
11 shall submit to the congressional defense committees
12 a report on conversions made during fiscal year
13 2007 not later than 180 days after the enactment of
14 this Act.

15 (2) MATTERS COVERED.—The report shall in-
16 clude the following:

17 (A) The number of military medical or
18 dental positions, by grade or band and spe-
19 cialty, converted to civilian medical or dental
20 positions.

21 (B) The results of a market survey in each
22 affected area of the availability of civilian med-
23 ical and dental care providers in such area in
24 order to determine whether there were civilian
25 medical and dental care providers available in

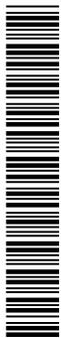


1 such area adequate to fill the civilian positions
2 created by the conversion of military medical
3 and dental positions to civilian positions in such
4 area.

5 (C) An analysis, by affected area, showing
6 the extent to which access to health care and
7 cost of health care was affected in both the di-
8 rect care and purchased care systems, including
9 an assessment of the effect of any increased
10 shifts in patient load from the direct care to the
11 purchased care system, or any delays in receipt
12 of care in either the direct or purchased care
13 system because of the conversions.

14 (D) The extent to which military medical
15 and dental positions converted to civilian med-
16 ical or dental positions affected recruiting and
17 retention of uniformed medical and dental per-
18 sonnel.

19 (E) A comparison of the full costs for the
20 military medical and dental positions converted
21 with the full costs for civilian medical and den-
22 tal positions, including expenses such as re-
23 cruiting, salary, benefits, training, and any
24 other costs the Department identifies.



1 (F) An assessment showing that the mili-
2 tary medical or dental positions converted were
3 in excess of the military medical and dental po-
4 sitions needed to meet medical and dental read-
5 iness requirements of the uniformed services, as
6 determined jointly by all the uniformed services.

7 (d) DEFINITIONS.—In this section:

8 (1) The term “military medical or dental posi-
9 tion” means a position for the performance of health
10 care functions within the Armed Forces held by a
11 member of the Armed Forces.

12 (2) The term “civilian medical or dental posi-
13 tion” means a position for the performance of health
14 care functions within the Department of Defense
15 held by an employee of the Department or of a con-
16 tractor of the Department.

17 (3) The term “uniformed services” has the
18 meaning given that term in section 1072(1) of title
19 10, United States Code.

20 (4) The term “conversion”, with respect to a
21 military medical or dental position, means a change
22 of the position to a civilian medical or dental posi-
23 tion, effective as of the date of the manning author-
24 ization document of the military department making
25 the change (through a change in designation from



1 military to civilian in the document, the elimination
2 of the listing of the position as a military position
3 in the document, or through any other means indi-
4 cating the change in the document or otherwise).

5 (e) REPEAL.—Section 742 of the John Warner Na-
6 tional Defense Authorization Act for Fiscal Year 2007
7 (Public Law 109–364; 120 Stat. 2306) is repealed.

8 **SEC. 722. ESTABLISHMENT OF JOINT PATHOLOGY CENTER.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) The Secretary of Defense proposed to dis-
12 establish all elements of the Armed Forces Institute
13 of Pathology, except the National Medical Museum
14 and the Tissue Repository, as part of the rec-
15 ommendations of the Secretary for the closure of
16 Walter Reed Army Medical Center in the 2005
17 round of defense base closure and realignment.

18 (2) The Defense Base Closure and Realignment
19 Commission altered, but did not reject, the proposal
20 of the Secretary of Defense to disestablish the
21 Armed Forces Institute of Pathology.

22 (3) The Commission’s recommendation that the
23 Armed Forces Institute of Pathology’s “capabilities
24 not specified in this recommendation will be ab-
25 sorbed into other DOD, Federal, or civilian facili-



1 ties” provides the flexibility to retain a Joint Pathol-
2 ogy Center as a Department of Defense or Federal
3 entity.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the Armed Forces Institute of Pathology has
6 provided important medical benefits to the Armed Forces
7 and to the United States and that the Federal Govern-
8 ment should retain a Joint Pathology Center.

9 (c) ESTABLISHMENT.—

10 (1) ESTABLISHMENT REQUIRED.—The Presi-
11 dent shall establish and maintain a Joint Pathology
12 Center that shall function as the reference center in
13 pathology for the Federal Government.

14 (2) ESTABLISHMENT WITHIN DOD.—Except as
15 provided in paragraph (3), the Joint Pathology Cen-
16 ter shall be established in the Department of De-
17 fense, consistent with the final recommendations of
18 the 2005 Defense Base Closure and Realignment
19 Commission, as approved by the President.

20 (3) ESTABLISHMENT IN ANOTHER DEPART-
21 MENT.—If the President makes a determination,
22 within 180 days after the date of the enactment of
23 this Act, that the Joint Pathology Center cannot be
24 established in the Department of Defense, the Joint
25 Pathology Center shall be established as an element



1 of a Federal agency other than the Department of
2 Defense. The President shall incorporate the selec-
3 tion of such agency into the determination made
4 under this paragraph.

5 (d) SERVICES.—The Joint Pathology Center shall
6 provide, at a minimum, the following:

7 (1) Diagnostic pathology consultation services
8 in medicine, dentistry, and veterinary sciences.

9 (2) Pathology education, to include graduate
10 medical education, including residency and fellow-
11 ship programs, and continuing medical education.

12 (3) Diagnostic pathology research.

13 (4) Maintenance and continued modernization
14 of the Tissue Repository and, as appropriate, utiliza-
15 tion of the Repository in conducting the activities
16 described in paragraphs (1) through (3).

17 **TITLE VIII—ACQUISITION POL-**
18 **ICY, ACQUISITION MANAGE-**
19 **MENT, AND RELATED MAT-**
20 **TERS**

Sec. 800. Short title.

Subtitle A—Acquisition Policy and Management

Sec. 801. Internal controls for procurements on behalf of the Department of
Defense by certain non-Defense agencies.

Sec. 802. Lead systems integrators.

Sec. 803. Reinvestment in domestic sources of strategic materials.

Sec. 804. Clarification of the protection of strategic materials critical to na-
tional security.

Sec. 805. Procurement of commercial services.



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- Sec. 806. Specification of amounts requested for procurement of contract services.
- Sec. 807. Inventories and reviews of contracts for services.
- Sec. 808. Independent management reviews of contracts for services.
- Sec. 809. Implementation and enforcement of requirements applicable to undefinitized contractual actions.
- Sec. 810. Clarification of limited acquisition authority for Special Operations Command.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

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

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

- Sec. 821. Plan for restricting Government-unique contract clauses on commercial contracts.
- Sec. 822. Extension of authority for use of simplified acquisition procedures for certain commercial items.
- Sec. 823. Five-year extension of authority to carry out certain prototype projects.
- Sec. 824. Exemption of Special Operations Command from certain requirements for certain contracts relating to vessels, aircraft, and combat vehicles.
- Sec. 825. Provision of authority to maintain equipment to unified combatant command for joint warfighting.
- Sec. 826. Market research.
- Sec. 827. Modification of competition requirements for purchases from Federal Prison Industries.
- Sec. 828. Multiyear contract authority for electricity from renewable energy sources.
- Sec. 829. Procurement of fire resistant rayon fiber for the production of uniforms from foreign sources.
- Sec. 830. Comptroller General review of noncompetitive awards of congressional and executive branch interest items.

Subtitle D—Accountability in Contracting

- Sec. 841. Commission on Wartime Contracting in Iraq and Afghanistan.
- Sec. 842. Investigation of waste, fraud, and abuse in wartime contracts and contracting processes in Iraq and Afghanistan.
- Sec. 843. Enhanced competition requirements for task and delivery order contracts.



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- Sec. 844. Public disclosure of justification and approval documents for non-competitive contracts.
- Sec. 845. Disclosure of government contractor audit findings.
- Sec. 846. Protection for contractor employees from reprisal for disclosure of certain information.
- Sec. 847. Requirements for senior Department of Defense officials seeking employment with defense contractors.
- Sec. 848. Report on contractor ethics programs of Major Defense contractors.
- Sec. 849. Contingency contracting training for personnel outside the acquisition workforce and evaluations of Army Commission recommendations.

Subtitle E—Acquisition Workforce Provisions

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

Subtitle F—Contracts in Iraq and Afghanistan

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

Subtitle G—Defense Materiel Readiness Board

- Sec. 871. Establishment of Defense Materiel Readiness Board.
- Sec. 872. Critical materiel readiness shortfalls.

Subtitle H—Other Matters

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



Sec. 892. Competition for procurement of small arms supplied to Iraq and Afghanistan.

1 **SEC. 800. SHORT TITLE.**

2 This title may be cited as the “Acquisition Improve-
3 ment and Accountability Act of 2007”.

4 **Subtitle A—Acquisition Policy and**
5 **Management**

6 **SEC. 801. INTERNAL CONTROLS FOR PROCUREMENTS ON**
7 **BEHALF OF THE DEPARTMENT OF DEFENSE**
8 **BY CERTAIN NON-DEFENSE AGENCIES.**

9 (a) INSPECTORS GENERAL REVIEWS AND DETER-
10 MINATIONS.—

11 (1) IN GENERAL.—For each covered non-de-
12 fense agency, the Inspector General of the Depart-
13 ment of Defense and the Inspector General of such
14 covered non-defense agency shall, not later than the
15 date specified in paragraph (2), jointly—

16 (A) review—

17 (i) the procurement policies, proce-
18 dures, and internal controls of such cov-
19 ered non-defense agency that are applica-
20 ble to the procurement of property and
21 services on behalf of the Department by
22 such covered non-defense agency; and

23 (ii) the administration of such poli-
24 cies, procedures, and internal controls; and



1 (B) determine in writing whether such cov-
2 ered non-defense agency is or is not compliant
3 with defense procurement requirements.

4 (2) DEADLINE FOR REVIEWS AND DETERMINA-
5 TIONS.—The reviews and determinations required by
6 paragraph (1) shall take place as follows:

7 (A) In the case of the General Services Ad-
8 ministration, by not later than March 15, 2010.

9 (B) In the case of each of the Department
10 of the Treasury, the Department of the Inte-
11 rior, and the National Aeronautics and Space
12 Administration, by not later than March 15,
13 2011.

14 (C) In the case of each of the Department
15 of Veterans Affairs and the National Institutes
16 of Health, by not later than March 15, 2012.

17 (3) SEPARATE REVIEWS AND DETERMINA-
18 TIONS.—The Inspector General of the Department
19 of Defense and the Inspector General of a covered
20 non-defense agency may by joint agreement conduct
21 separate reviews of the procurement of property and
22 services on behalf of the Department of Defense that
23 are conducted by separate business units, or under
24 separate government-wide acquisition contracts, of
25 the covered non-defense agency. If such separate re-



1 views are conducted, the Inspectors General shall
2 make a separate determination under paragraph
3 (1)(B) with respect to each such separate review.

4 (4) MEMORANDA OF UNDERSTANDING FOR RE-
5 VIEWS AND DETERMINATIONS.—Not later than one
6 year before a review and determination is required
7 under this subsection with respect to a covered non-
8 defense agency, the Inspector General of the Depart-
9 ment of Defense and the Inspector General of the
10 covered non-defense agency shall enter into a memo-
11 randum of understanding with each other to carry
12 out such review and determination.

13 (5) TERMINATION OF NON-COMPLIANCE DETER-
14 MINATION.—If the Inspector General of the Depart-
15 ment of Defense and the Inspector General of a cov-
16 ered non-defense agency determine, pursuant to
17 paragraph (1)(B), that a covered non-defense agency
18 is not compliant with defense procurement require-
19 ments, the Inspectors General shall terminate such
20 a determination effective on the date on which the
21 Inspectors General jointly—

22 (A) determine that the non-defense agency
23 is compliant with defense procurement require-
24 ments; and



1 (B) notify the Secretary of Defense of that
2 determination.

3 (6) RESOLUTION OF DISAGREEMENTS.—If the
4 Inspector General of the Department of Defense and
5 the Inspector General of a covered non-defense agen-
6 cy are unable to agree on a joint determination
7 under this subsection, a determination by the In-
8 spector General of the Department of Defense under
9 this subsection shall be conclusive for the purposes
10 of this section.

11 (b) LIMITATION ON PROCUREMENTS ON BEHALF OF
12 DEPARTMENT OF DEFENSE.—

13 (1) Except as provided in paragraph (2), an ac-
14 quisition official of the Department of Defense may
15 place an order, make a purchase, or otherwise pro-
16 cure property or services for the Department of De-
17 fense in excess of the simplified acquisition threshold
18 through a non-defense agency only if—

19 (A) in the case of a procurement by any
20 non-defense agency in any fiscal year, the head
21 of the non-defense agency has certified that the
22 non-defense agency will comply with defense
23 procurement requirements for the fiscal year;

24 (B) in the case of—



1 (i) a procurement by a covered non-
2 defense agency in a fiscal year for which a
3 memorandum of understanding is required
4 by subsection (a)(4), the Inspector General
5 of the Department of Defense and the In-
6 spector General of the covered non-defense
7 agency have entered into such a memo-
8 randum of understanding; or

9 (ii) a procurement by a covered non-
10 defense agency in a fiscal year following
11 the Inspectors General review and deter-
12 mination required by subsection (a), the
13 Inspectors General have determined that a
14 covered non-defense agency is compliant
15 with defense procurement requirements or
16 have terminated a prior determination of
17 non-compliance in accordance with sub-
18 section (a)(5); and

19 (C) the procurement is not otherwise pro-
20 hibited by section 817 of the John Warner Na-
21 tional Defense Authorization Act for Fiscal
22 Year 2007 (Public Law 109-364) or section
23 811 of the National Defense Authorization Act
24 for Fiscal Year 2006 (Public Law 109-163).



1 (2) EXCEPTION FOR PROCUREMENTS OF NEC-
2 CESSARY PROPERTY AND SERVICES.—

3 (A) IN GENERAL.—The limitation in para-
4 graph (1) shall not apply to the procurement of
5 property and services on behalf of the Depart-
6 ment of Defense by a non-defense agency dur-
7 ing any fiscal year for which there is in effect
8 a written determination of the Under Secretary
9 of Defense for Acquisition, Technology, and Lo-
10 gistics that it is necessary in the interest of the
11 Department of Defense to procure property and
12 services through the non-defense agency during
13 such fiscal year.

14 (B) SCOPE OF PARTICULAR EXCEPTION.—
15 A written determination with respect to a non-
16 defense agency under subparagraph (A) shall
17 apply to any category of procurements through
18 the non-defense agency that is specified in the
19 determination.

20 (c) GUIDANCE ON INTERAGENCY CONTRACTING.—

21 (1) REQUIREMENT.—Not later than 180 days
22 after the date of enactment of this Act, the Sec-
23 retary of Defense shall issue guidance on the use of
24 interagency contracting by the Department of De-
25 fense.



1 (2) MATTERS COVERED.—The guidance re-
2 quired by paragraph (1) shall address the cir-
3 cumstances in which it is appropriate for Depart-
4 ment of Defense acquisition officials to procure
5 goods or services through a contract entered into by
6 an agency outside the Department of Defense. At a
7 minimum, the guidance shall address—

8 (A) the circumstances in which it is appro-
9 priate for such acquisition officials to use direct
10 acquisitions;

11 (B) the circumstances in which it is appro-
12 priate for such acquisition officials to use as-
13 sisted acquisitions;

14 (C) the circumstances in which it is appro-
15 priate for such acquisition officials to use inter-
16 agency contracting to acquire items unique to
17 the Department of Defense and the procedures
18 for approving such interagency contracting;

19 (D) the circumstances in which it is appro-
20 priate for such acquisition officials to use inter-
21 agency contracting to acquire items that are al-
22 ready being provided under a contract awarded
23 by the Department of Defense;

24 (E) tools that should be used by such ac-
25 quisition officials to determine whether items



1 are already being provided under a contract
2 awarded by the Department of Defense; and

3 (F) procedures for ensuring that defense
4 procurement requirements are identified and
5 communicated to outside agencies involved in
6 interagency contracting.

7 (d) COMPLIANCE WITH DEFENSE PROCUREMENT
8 REQUIREMENTS.—For the purposes of this section, a non-
9 defense agency is compliant with defense procurement re-
10 quirements if the procurement policies, procedures, and
11 internal controls of the non-defense agency applicable to
12 the procurement of products and services on behalf of the
13 Department of Defense, and the manner in which they are
14 administered, are adequate to ensure the compliance of
15 the non-defense agency with the requirements of laws and
16 regulations (including applicable Department of Defense
17 financial management regulations) that apply to procure-
18 ments of property and services made directly by the De-
19 partment of Defense.

20 (e) TREATMENT OF PROCUREMENTS FOR FISCAL
21 YEAR PURPOSES.—For the purposes of this section, a
22 procurement shall be treated as being made during a par-
23 ticular fiscal year to the extent that funds are obligated
24 by the Department of Defense for the procurement in that
25 fiscal year.



1 (f) DEFINITIONS.—In this section:

2 (1) NON-DEFENSE AGENCY.—The term “non-
3 defense agency” means any department or agency of
4 the Federal Government other than the Department
5 of Defense. Such term includes a covered non-de-
6 fense agency.

7 (2) COVERED NON-DEFENSE AGENCY.—The
8 term “covered non-defense agency” means each of
9 the following:

10 (A) The General Services Administration.

11 (B) The Department of the Treasury.

12 (C) The Department of the Interior.

13 (D) The National Aeronautics and Space
14 Administration.

15 (E) The Department of Veterans Affairs.

16 (F) The National Institutes of Health.

17 (3) GOVERNMENT-WIDE ACQUISITION CON-
18 TRACT.—The term “government-wide acquisition
19 contract” means a task or delivery order contract
20 that—

21 (A) is entered into by a non-defense agen-
22 cy; and

23 (B) may be used as the contract under
24 which property or services are procured for one



1 or more other departments or agencies of the
2 Federal Government.

3 (4) SIMPLIFIED ACQUISITION THRESHOLD.—

4 The term “simplified acquisition threshold” has the
5 meaning provided by section 2302(7) of title 10,
6 United States Code.

7 (5) INTERAGENCY CONTRACTING.—The term

8 “interagency contracting” means the exercise of the
9 authority under section 1535 of title 31, United
10 States Code, or other statutory authority, for Fed-
11 eral agencies to purchase goods and services under
12 contracts entered into or administered by other
13 agencies.

14 (6) ACQUISITION OFFICIAL.—The term “acqui-
15 sition official”, with respect to the Department of
16 Defense, means—

17 (A) a contracting officer of the Depart-
18 ment of Defense; or

19 (B) any other Department of Defense offi-
20 cial authorized to approve a direct acquisition
21 or an assisted acquisition on behalf of the De-
22 partment of Defense.

23 (7) DIRECT ACQUISITION.—The term “direct
24 acquisition”, with respect to the Department of De-
25 fense, means the type of interagency contracting



1 through which the Department of Defense orders an
2 item or service from a government-wide acquisition
3 contract maintained by a non-defense agency.

4 (8) ASSISTED ACQUISITION.—The term “as-
5 sisted acquisition”, with respect to the Department
6 of Defense, means the type of interagency con-
7 tracting through which acquisition officials of a non-
8 defense agency award a contract or task or delivery
9 order for the procurement of goods or services on
10 behalf of the Department of Defense.

11 **SEC. 802. LEAD SYSTEMS INTEGRATORS.**

12 (a) PROHIBITIONS ON THE USE OF LEAD SYSTEMS
13 INTEGRATORS.—

14 (1) PROHIBITION ON NEW LEAD SYSTEMS INTE-
15 GRATORS.—Effective October 1, 2010, the Depart-
16 ment of Defense may not award a new contract for
17 lead systems integrator functions in the acquisition
18 of a major system to any entity that was not per-
19 forming lead systems integrator functions in the ac-
20 quisition of the major system prior to the date of the
21 enactment of this Act.

22 (2) PROHIBITION ON LEAD SYSTEMS INTEGRA-
23 TORS BEYOND LOW-RATE INITIAL PRODUCTION.—
24 Effective on the date of the enactment of this Act,
25 the Department of Defense may award a new con-



1 tract for lead systems integrator functions in the ac-
2 quisition of a major system only if—

3 (A) the major system has not yet pro-
4 ceeded beyond low-rate initial production; or

5 (B) the Secretary of Defense determines in
6 writing that it would not be practicable to carry
7 out the acquisition without continuing to use a
8 contractor to perform lead systems integrator
9 functions and that doing so is in the best inter-
10 est of the Department.

11 (3) REQUIREMENTS RELATING TO DETERMINA-
12 TIONS.—A determination under paragraph (2)(B)—

13 (A) shall specify the reasons why it would
14 not be practicable to carry out the acquisition
15 without continuing to use a contractor to per-
16 form lead systems integrator functions (includ-
17 ing a discussion of alternatives, such as the use
18 of the Department of Defense workforce, or a
19 system engineering and technical assistance
20 contractor);

21 (B) shall include a plan for phasing out
22 the use of contracted lead systems integrator
23 functions over the shortest period of time con-
24 sistent with the interest of the national defense;



1 (C) may not be delegated below the level of
2 the Under Secretary of Defense for Acquisition,
3 Technology, and Logistics; and

4 (D) shall be provided to the Committees on
5 Armed Services of the Senate and the House of
6 Representatives at least 45 days before the
7 award of a contract pursuant to the determina-
8 tion.

9 (b) ACQUISITION WORKFORCE.—

10 (1) REQUIREMENT.—The Secretary of Defense
11 shall ensure that the acquisition workforce is of the
12 appropriate size and skill level necessary—

13 (A) to accomplish inherently governmental
14 functions related to acquisition of major sys-
15 tems; and

16 (B) to effectuate the purpose of subsection
17 (a) to minimize and eventually eliminate the use
18 of contractors to perform lead systems inte-
19 grator functions.

20 (2) REPORT.—The Secretary shall include an
21 update on the progress made in complying with
22 paragraph (1) in the annual report required by sec-
23 tion 820 of the John Warner National Defense Au-
24 thorization Act for Fiscal Year 2007 (Public Law
25 109–364; 120 Stat. 2330).



1 (c) EXCEPTION FOR CONTRACTS FOR OTHER MAN-
2 AGEMENT SERVICES.—The Department of Defense may
3 continue to award contracts for the procurement of serv-
4 ices the primary purpose of which is to perform acquisition
5 support functions with respect to the development or pro-
6 duction of a major system, if the following conditions are
7 met with respect to each such contract:

8 (1) The contract prohibits the contractor from
9 performing inherently governmental functions.

10 (2) The Department of Defense organization
11 responsible for the development or production of the
12 major system ensures that Federal employees are re-
13 sponsible for—

14 (A) determining courses of action to be
15 taken in the best interest of the government;
16 and

17 (B) determining best technical perform-
18 ance for the warfighter.

19 (3) The contract requires that the prime con-
20 tractor for the contract may not advise or rec-
21 ommend the award of a contract or subcontract for
22 the development or production of the major system
23 to an entity owned in whole or in part by the prime
24 contractor.

25 (d) DEFINITIONS.—In this section:



1 (1) LEAD SYSTEMS INTEGRATOR.—The term
2 “lead systems integrator” means—

3 (A) a prime contractor for the development
4 or production of a major system, if the prime
5 contractor is not expected at the time of award
6 to perform a substantial portion of the work on
7 the system and the major subsystems; or

8 (B) a prime contractor under a contract
9 for the procurement of services the primary
10 purpose of which is to perform acquisition func-
11 tions closely associated with inherently govern-
12 mental functions with respect to the develop-
13 ment or production of a major system.

14 (2) MAJOR SYSTEM.—The term “major system”
15 has the meaning given such term in section 2302d
16 of title 10, United States Code.

17 (3) LOW-RATE INITIAL PRODUCTION.—The
18 term “low-rate initial production” has the meaning
19 given such term in section 2400 of title 10, United
20 States Code.

21 **SEC. 803. REINVESTMENT IN DOMESTIC SOURCES OF STRA-**
22 **TEGIC MATERIALS.**

23 (a) ASSESSMENT REQUIRED.—Not later than 180
24 days after the date of the enactment of this Act, the Stra-
25 tegic Materials Protection Board established pursuant to



1 section 187 of title 10, United States Code, shall perform
2 an assessment of the extent to which domestic producers
3 of strategic materials are investing and planning to invest
4 on a sustained basis in the processes, infrastructure, work-
5 force training, and facilities required for the continued do-
6 mestic production of such materials to meet national de-
7 fense requirements.

8 (b) COOPERATION OF DOMESTIC PRODUCERS.—The
9 Department of Defense may take into consideration the
10 degree of cooperation of any domestic producer of stra-
11 tegic materials with the assessment conducted under sub-
12 section (a) when determining how much weight to accord
13 any comments provided by such domestic producer regard-
14 ing a proposed waiver of domestic source limitations pur-
15 suant to section 2533b of title 10, United States Code.

16 (c) REPORT TO CONGRESSIONAL DEFENSE COMMIT-
17 TEES.—The Board shall include the findings and rec-
18 ommendations of the assessment required by subsection
19 (a) in the first report submitted to Congress pursuant to
20 section 187(d) of title 10, United States Code, after the
21 completion of such assessment.

22 (d) DEFINITION.—The term “strategic material”
23 means—

24 (1) a material designated as critical to national
25 security by the Strategic Materials Protection Board



1 in accordance with section 187 of title 10, United
2 States Code; or

3 (2) a specialty metal as defined by section
4 2533b of title 10, United States Code.

5 **SEC. 804. CLARIFICATION OF THE PROTECTION OF STRA-**
6 **TEGIC MATERIALS CRITICAL TO NATIONAL**
7 **SECURITY.**

8 (a) PROHIBITION.—Subsection (a) of section 2533b
9 of title 10, United States Code, is amended—

10 (1) by striking “Except as provided in sub-
11 sections (b) through (j), funds appropriated or oth-
12 erwise available to the Department of Defense may
13 not be used for the procurement of—” and inserting
14 “Except as provided in subsections (b) through (m),
15 the acquisition by the Department of Defense of the
16 following items is prohibited.”;

17 (2) in paragraph (1)—

18 (A) by striking “the following” and insert-
19 ing “The following”; and

20 (B) by striking “; or” and inserting a pe-
21 riod; and

22 (3) in paragraph (2), by striking “a specialty”
23 and inserting “A specialty”.



1 (b) APPLICABILITY TO ACQUISITION OF COMMERCIAL
2 ITEMS.—Subsection (h) of such section is amended to
3 read as follows:

4 “(h) APPLICABILITY TO ACQUISITIONS OF COMMERCIAL
5 ITEMS.—(1) Except as provided in paragraphs (2)
6 and (3), this section applies to acquisitions of commercial
7 items, notwithstanding sections 34 and 35 of the Office
8 of Federal Procurement Policy Act (41 U.S.C. 430 and
9 431).

10 “(2) This section does not apply to contracts or sub-
11 contracts for the acquisition of commercially available off-
12 the-shelf items, as defined in section 35(c) of the Office
13 of Federal Procurement Policy Act (41 U.S.C. 431(c)),
14 other than—

15 “(A) contracts or subcontracts for the acquisi-
16 tion of specialty metals, including mill products,
17 such as bar, billet, slab, wire, plate and sheet, that
18 have not been incorporated into end items, sub-
19 systems, assemblies, or components;

20 “(B) contracts or subcontracts for the acquisi-
21 tion of forgings or castings of specialty metals, un-
22 less such forgings or castings are incorporated into
23 commercially available off-the-shelf end items, sub-
24 systems, or assemblies;



1 “(C) contracts or subcontracts for commercially
2 available high performance magnets unless such high
3 performance magnets are incorporated into commer-
4 cially available off-the-shelf-end items or subsystems;
5 and

6 “(D) contracts or subcontracts for commercially
7 available off-the-shelf fasteners, unless such fas-
8 teners are—

9 “(i) incorporated into commercially avail-
10 able off-the-shelf end items, subsystems, assem-
11 blies, or components; or

12 “(ii) purchased as provided in paragraph
13 (3).

14 “(3) This section does not apply to fasteners that are
15 commercial items that are purchased under a contract or
16 subcontract with a manufacturer of such fasteners, if the
17 manufacturer has certified that it will purchase, during
18 the relevant calendar year, an amount of domestically
19 melted specialty metal, in the required form, for use in
20 the production of such fasteners for sale to the Depart-
21 ment of Defense and other customers, that is not less than
22 50 percent of the total amount of the specialty metal that
23 it will purchase to carry out the production of such fas-
24 teners.”.



1 (c) ELECTRONIC COMPONENTS.—Subsection (g) of
2 such section is amended by striking “commercially avail-
3 able” and all that follows through the end of the sub-
4 section and inserting “electronic components, unless the
5 Secretary of Defense, upon the recommendation of the
6 Strategic Materials Protection Board pursuant to section
7 187 of this title, determines that the domestic availability
8 of a particular electronic component is critical to national
9 security.”.

10 (d) ADDITIONAL EXCEPTIONS.—Section 2533b of
11 title 10, United States Code, as amended by subsections
12 (a), (b), and (c), is further amended—

13 (1) by redesignating subsections (i) and (j) as
14 subsections (l) and (m), respectively; and

15 (2) by inserting after subsection (h) the fol-
16 lowing new subsections:

17 “(i) EXCEPTIONS FOR PURCHASES OF SPECIALTY
18 METALS BELOW MINIMUM THRESHOLD.—(1) Notwith-
19 standing subsection (a), the Secretary of Defense or the
20 Secretary of a military department may accept delivery of
21 an item containing specialty metals that were not melted
22 in the United States if the total amount of noncompliant
23 specialty metals in the item does not exceed 2 percent of
24 the total weight of specialty metals in the item.



1 “(2) This subsection does not apply to high perform-
2 ance magnets.

3 “(j) STREAMLINED COMPLIANCE FOR COMMERCIAL
4 DERIVATIVE MILITARY ARTICLES.—(1) Subsection (a)
5 shall not apply to an item acquired under a prime contract
6 if the Secretary of Defense or the Secretary of a military
7 department determines that—

8 “(A) the item is a commercial derivative mili-
9 tary article; and

10 “(B) the contractor certifies that the contractor
11 and its subcontractors have entered into a contrac-
12 tual agreement, or agreements, to purchase an
13 amount of domestically melted specialty metal in the
14 required form, for use during the period of contract
15 performance in the production of the commercial de-
16 rivative military article and the related commercial
17 article, that is not less than the greater of—

18 “(i) an amount equivalent to 120 percent
19 of the amount of specialty metal that is re-
20 quired to carry out the production of the com-
21 mercial derivative military article (including the
22 work performed under each subcontract); or

23 “(ii) an amount equivalent to 50 percent of
24 the amount of specialty metal that is purchased
25 by the contractor and its subcontractors for use



1 during such period in the production of the
2 commercial derivative military article and the
3 related commercial article.

4 “(2) For the purposes of this subsection, the amount
5 of specialty metal that is required to carry out the produc-
6 tion of the commercial derivative military article includes
7 specialty metal contained in any item, including commer-
8 cially available off-the-shelf items, incorporated into such
9 commercial derivative military article.

10 “(k) NATIONAL SECURITY WAIVER.—(1) Notwith-
11 standing subsection (a), the Secretary of Defense may ac-
12 cept the delivery of an end item containing noncompliant
13 materials if the Secretary determines in writing that ac-
14 ceptance of such end item is necessary to the national se-
15 curity interests of the United States.

16 “(2) A written determination under paragraph (1)—
17 “(A) may not be delegated below the level of
18 the Deputy Secretary of Defense or the Under Sec-
19 retary of Defense for Acquisition, Technology, and
20 Logistics;

21 “(B) shall specify the quantity of end items to
22 which the waiver applies and the time period over
23 which the waiver applies; and

24 “(C) shall be provided to the congressional de-
25 fense committees prior to making such a determina-



1 tion (except that in the case of an urgent national
2 security requirement, such certification may be pro-
3 vided to the defense committees up to 7 days after
4 it is made).

5 “(3)(A) In any case in which the Secretary makes
6 a determination under paragraph (1), the Secretary shall
7 determine whether or not the noncompliance was knowing
8 and willful.

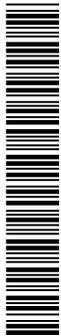
9 “(B) If the Secretary determines that the noncompli-
10 ance was not knowing or willful, the Secretary shall ensure
11 that the contractor or subcontractor responsible for the
12 noncompliance develops and implements an effective plan
13 to ensure future compliance.

14 “(C) If the Secretary determines that the noncompli-
15 ance was knowing or willful, the Secretary shall—

16 “(i) require the development and implementa-
17 tion of a plan to ensure future compliance; and

18 “(ii) consider suspending or debarring the con-
19 tractor or subcontractor until such time as the con-
20 tractor or subcontractor has effectively addressed
21 the issues that lead to such noncompliance.”.

22 (e) ADDITIONAL DEFINITIONS.—Subsection (m) of
23 section 2533b of title 10, United States Code, as redesign-
24 nated by subsection (c), is further amended by adding at
25 the end the following:



1 “(3) The term ‘acquisition’ has the meaning
2 provided in section 4 of the Office of Federal Pro-
3 curement Policy Act (41 U.S.C. 403).

4 “(4) The term ‘required form’ shall not apply
5 to end items or to their components at any tier. The
6 term ‘required form’ means in the form of mill prod-
7 uct, such as bar, billet, wire, slab, plate or sheet,
8 and in the grade appropriate for the production of—

9 “(A) a finished end item delivered to the
10 Department of Defense; or

11 “(B) a finished component assembled into
12 an end item delivered to the Department of De-
13 fense.

14 “(5) The term ‘commercially available off-the-
15 shelf’, has the meaning provided in section 35(c) of
16 the Office of Federal Procurement Policy Act (41
17 U.S.C. 431(c)).

18 “(6) The term ‘assemblies’ means items form-
19 ing a portion of a system or subsystem that can be
20 provisioned and replaced as an entity and which in-
21 corporates multiple, replaceable parts.

22 “(7) The term ‘commercial derivative military
23 article’ means an item procured by the Department
24 of Defense that is or will be produced using the
25 same production facilities, a common supply chain,



1 and the same or similar production processes that
2 are used for the production of articles predominantly
3 used by the general public or by nongovernmental
4 entities for purposes other than governmental pur-
5 poses.

6 “(8) The term ‘subsystem’ means a functional
7 grouping of items that combine to perform a major
8 function within an end item, such as electrical
9 power, attitude control, and propulsion.

10 “(9) The term ‘end item’ means the final pro-
11 duction product when assembled or completed, and
12 ready for issue, delivery, or deployment.

13 “(10) The term ‘subcontract’ includes a sub-
14 contract at any tier.”.

15 (f) CONFORMING AMENDMENTS.—Section 2533b of
16 title 10, United States Code, is further amended—

17 (1) in subsection (c)—

18 (A) in the heading, by striking “PROCURE-
19 MENTS” and inserting “ACQUISITIONS”; and

20 (B) in paragraphs (1) and (2), by striking
21 “Procurements” and inserting “Acquisitions”;

22 (2) in subsection (d), by striking “procure-
23 ment” each place it appears and inserting “acquisi-
24 tion”; and



1 (3) in subsections (f) and (g), by striking “pro-
2 curements” each place it appears and inserting “ac-
3 quisitions”.

4 (g) IMPLEMENTATION.—Not later than 120 days
5 after the date of the enactment of this Act, the Secretary
6 of Defense shall prescribe regulations on the implementa-
7 tion of this section and the amendments made by this sec-
8 tion, including specific guidance on how thresholds estab-
9 lished in subsections (h)(3), (i) and (j) of section 2533b
10 of title 10, United States Code, as amended by this sec-
11 tion, should be implemented.

12 (h) REVISION OF DOMESTIC NONAVAILABILITY DE-
13 TERMINATIONS AND RULES.—No later than 180 days
14 after the date of the enactment of this Act, any domestic
15 nonavailability determination under section 2533b of title
16 10, United States Code, including a class deviation, or
17 rules made by the Department of Defense between Decem-
18 ber 6, 2006, and the date of the enactment of this Act,
19 shall be reviewed and amended, as necessary, to comply
20 with the amendments made by this section. This require-
21 ment shall not apply to a domestic nonavailability deter-
22 mination that applies to—

23 (1) an individual contract that was entered into
24 before the date of the enactment of this Act; or



1 (2) an individual Department of Defense pro-
2 gram, except to the extent that such domestic non-
3 availability determination applies to contracts en-
4 tered into after the date of the enactment of this
5 Act.

6 (i) **TRANSPARENCY REQUIREMENT FOR COMMER-**
7 **CIALLY AVAILABLE OFF-THE-SHELF ITEM EXCEPTION.**—
8 The Secretary of Defense shall submit to the Committees
9 on Armed Services of the Senate and House of Represent-
10 atives, not later than December 30, 2008, a report on the
11 use of authority provided under subsection (h) of section
12 2533b of title 10, United States Code, as amended by this
13 section. Such report shall include, at a minimum, a de-
14 scription of types of items being procured as commercially
15 available off-the-shelf items under such subsection and in-
16 corporated into noncommercial items. The Secretary shall
17 submit an update of such report to such committees not
18 later than December 30, 2009.

19 **SEC. 805. PROCUREMENT OF COMMERCIAL SERVICES.**

20 (a) **REGULATIONS REQUIRED.**—Not later than 180
21 days after the date of the enactment of this Act , the Sec-
22 retary of Defense shall modify the regulations of the De-
23 partment of Defense for the procurement of commercial
24 services for or on behalf of the Department of Defense.



1 (b) APPLICABILITY OF COMMERCIAL PROCE-
2 DURES.—

3 (1) SERVICES OF A TYPE SOLD IN MARKET-
4 PLACE.—The regulations modified pursuant to sub-
5 section (a) shall ensure that services that are not of-
6 fered and sold competitively in substantial quantities
7 in the commercial marketplace, but are of a type of-
8 fered and sold competitively in substantial quantities
9 in the commercial marketplace, may be treated as
10 commercial items for purposes of section 2306a of
11 title 10, United States Code (relating to truth in ne-
12 gotiations), only if the contracting officer determines
13 in writing that the offeror has submitted sufficient
14 information to evaluate, through price analysis, the
15 reasonableness of the price for such services.

16 (2) INFORMATION SUBMITTED.—To the extent
17 necessary to make a determination under paragraph
18 (1), the contracting officer may request the offeror
19 to submit—

20 (A) prices paid for the same or similar
21 commercial items under comparable terms and
22 conditions by both government and commercial
23 customers; and

24 (B) if the contracting officer determines
25 that the information described in subparagraph



1 (A) is not sufficient to determine the reason-
2 ableness of price, other relevant information re-
3 garding the basis for price or cost, including in-
4 formation on labor costs, material costs, and
5 overhead rates.

6 (c) TIME-AND-MATERIALS CONTRACTS.—

7 (1) COMMERCIAL ITEM ACQUISITIONS.—The
8 regulations modified pursuant to subsection (a) shall
9 ensure that procedures applicable to time-and-mate-
10 rials contracts and labor-hour contracts for commer-
11 cial item acquisitions may be used only for the fol-
12 lowing:

13 (A) Services procured for support of a
14 commercial item, as described in section
15 4(12)(E) of the Office of Federal Procurement
16 Policy Act (41 U.S.C. 403(12)(E)).

17 (B) Emergency repair services.

18 (C) Any other commercial services only to
19 the extent that the head of the agency con-
20 cerned approves a determination in writing by
21 the contracting officer that—

22 (i) the services to be acquired are
23 commercial services as defined in section
24 4(12)(F) of the Office of Federal Procure-
25 ment Policy Act (41 U.S.C. 403(12)(F));



1 (ii) if the services to be acquired are
2 subject to subsection (b), the offeror of the
3 services has submitted sufficient informa-
4 tion in accordance with that subsection;

5 (iii) such services are commonly sold
6 to the general public through use of time-
7 and-materials or labor-hour contracts; and

8 (iv) the use of a time-and-materials or
9 labor-hour contract type is in the best in-
10 terest of the Government.

11 (2) NON-COMMERCIAL ITEM ACQUISITIONS.—

12 Nothing in this subsection shall be construed to pre-
13 clude the use of procedures applicable to time-and-
14 materials contracts and labor-hour contracts for
15 non-commercial item acquisitions for the acquisition
16 of any category of services.

17 **SEC. 806. SPECIFICATION OF AMOUNTS REQUESTED FOR**
18 **PROCUREMENT OF CONTRACT SERVICES.**

19 (a) SPECIFICATION OF AMOUNTS REQUESTED.—The
20 budget justification materials submitted to Congress in
21 support of the budget of the Department of Defense for
22 any fiscal year after fiscal year 2009 shall identify clearly
23 and separately the amounts requested in each budget ac-
24 count for the procurement of contract services.



1 (b) INFORMATION PROVIDED.—For each budget ac-
2 count, the materials submitted shall clearly identify—

3 (1) the amount requested for each Department
4 of Defense component, installation, or activity; and

5 (2) the amount requested for each type of serv-
6 ice to be provided.

7 (c) CONTRACT SERVICES DEFINED.—In this section,
8 the term “contract services”—

9 (1) means services from contractors; but

10 (2) excludes services relating to research and
11 development and services relating to military con-
12 struction.

13 **SEC. 807. INVENTORIES AND REVIEWS OF CONTRACTS FOR**
14 **SERVICES.**

15 (a) INVENTORY REQUIREMENT.—Section 2330a of
16 title 10, United States Code, is amended—

17 (1) by redesignating subsection (d) as sub-
18 section (g);

19 (2) by striking subsection (e) and inserting the
20 following:

21 “(e) INVENTORY.—(1) Not later than the end of the
22 third quarter of each fiscal year, the Secretary of Defense
23 shall submit to Congress an annual inventory of the activi-
24 ties performed during the preceding fiscal year pursuant
25 to contracts for services for or on behalf of the Depart-



1 ment of Defense. The entry for an activity on an inventory
2 under this subsection shall include, for the fiscal year cov-
3 ered by such entry, the following:

4 “(A) The functions and missions performed by
5 the contractor.

6 “(B) The contracting organization, the compo-
7 nent of the Department of Defense administering
8 the contract, and the organization whose require-
9 ments are being met through contractor performance
10 of the function.

11 “(C) The funding source for the contract under
12 which the function is performed by appropriation
13 and operating agency.

14 “(D) The fiscal year for which the activity first
15 appeared on an inventory under this section.

16 “(E) The number of full-time contractor em-
17 ployees (or its equivalent) paid for the performance
18 of the activity.

19 “(F) A determination whether the contract pur-
20 suant to which the activity is performed is a per-
21 sonal services contract.

22 “(G) A summary of the data required to be col-
23 lected for the activity under subsection (a).



1 “(2) The inventory required under this subsection
2 shall be submitted in unclassified form, but may include
3 a classified annex.

4 “(d) PUBLIC AVAILABILITY OF INVENTORIES.—Not
5 later than 30 days after the date on which an inventory
6 under subsection (c) is required to be submitted to Con-
7 gress, the Secretary shall—

8 “(1) make the inventory available to the public;
9 and

10 “(2) publish in the Federal Register a notice
11 that the inventory is available to the public.

12 “(e) REVIEW AND PLANNING REQUIREMENTS.—
13 Within 90 days after the date on which an inventory is
14 submitted under subsection (c), the Secretary of the mili-
15 tary department or head of the Defense Agency respon-
16 sible for activities in the inventory shall—

17 “(1) review the contracts and activities in the
18 inventory for which such Secretary or agency head
19 is responsible;

20 “(2) ensure that—

21 “(A) each contract on the list that is a
22 personal services contract has been entered
23 into, and is being performed, in accordance with
24 applicable statutory and regulatory require-
25 ments;



1 “(B) the activities on the list do not in-
2 clude any inherently governmental functions;
3 and

4 “(C) to the maximum extent practicable,
5 the activities on the list do not include any
6 functions closely associated with inherently gov-
7 ernmental functions;

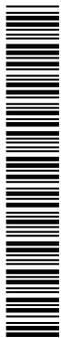
8 “(3) identify activities that should be considered
9 for conversion—

10 “(A) to performance by civilian employees
11 of the Department of Defense pursuant to sec-
12 tion 2463 of this title; or

13 “(B) to an acquisition approach that would
14 be more advantageous to the Department of
15 Defense; and

16 “(4) develop a plan to provide for appropriate
17 consideration of the conversion of activities identified
18 under paragraph (3) within a reasonable period of
19 time.

20 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to authorize the performance of
22 personal services by a contractor except where expressly
23 authorized by a provision of law other than this section.”;
24 and



1 (3) by adding at the end of subsection (g) (as
2 so redesignated) the following new paragraphs:

3 “(3) FUNCTION CLOSELY ASSOCIATED WITH IN-
4 HERENTLY GOVERNMENTAL FUNCTIONS.—The term
5 ‘function closely associated with inherently govern-
6 mental functions’ has the meaning given that term
7 in section 2383(b)(3) of this title.

8 “(4) INHERENTLY GOVERNMENTAL FUNC-
9 TIONS.—The term ‘inherently governmental func-
10 tions’ has the meaning given that term in section
11 2383(b)(2) of this title.

12 “(5) PERSONAL SERVICES CONTRACT.—The
13 term ‘personal services contract’ means a contract
14 under which, as a result of its terms or conditions
15 or the manner of its administration during perform-
16 ance, contractor personnel are subject to the rel-
17 atively continuous supervision and control of one or
18 more Government officers or employees, except that
19 the giving of an order for a specific article or serv-
20 ice, with the right to reject the finished product or
21 result, is not the type of supervision or control that
22 makes a contract a personal services contract.”.

23 (b) EFFECTIVE DATE.—



1 (1) The amendments made by subsection (a)
2 shall be effective upon the date of the enactment of
3 this Act.

4 (2) The first inventory required by section
5 2330a(c) of title 10, United States Code, as added
6 by subsection (a), shall be submitted not later than
7 the end of the third quarter of fiscal year 2008.

8 **SEC. 808. INDEPENDENT MANAGEMENT REVIEWS OF CON-**
9 **TRACTS FOR SERVICES.**

10 (a) GUIDANCE AND INSTRUCTIONS.—Not later than
11 180 days after the date of the enactment of this Act, the
12 Secretary of Defense shall issue guidance, with detailed
13 implementation instructions, for the Department of De-
14 fense to provide for periodic independent management re-
15 views of contracts for services. The independent manage-
16 ment review guidance and instructions issued pursuant to
17 this subsection shall be designed to evaluate, at a
18 minimum—

19 (1) contract performance in terms of cost,
20 schedule, and requirements;

21 (2) the use of contracting mechanisms, includ-
22 ing the use of competition, the contract structure
23 and type, the definition of contract requirements,
24 cost or pricing methods, the award and negotiation



1 of task orders, and management and oversight
2 mechanisms;

3 (3) the contractor's use, management, and over-
4 sight of subcontractors;

5 (4) the staffing of contract management and
6 oversight functions; and

7 (5) the extent of any pass-throughs, and exces-
8 sive pass-through charges (as defined in section 852
9 of the John Warner National Defense Authorization
10 Act for Fiscal Year 2007), by the contractor.

11 (b) ADDITIONAL SUBJECT OF REVIEW.—In addition
12 to the matters required by subsection (a), the guidance
13 and instructions issued pursuant to subsection (a) shall
14 provide for procedures for the periodic review of contracts
15 under which one contractor provides oversight for services
16 performed by other contractors. In particular, the proce-
17 dures shall be designed to evaluate, at a minimum—

18 (1) the extent of the agency's reliance on the
19 contractor to perform acquisition functions closely
20 associated with inherently governmental functions as
21 defined in section 2383(b)(3) of title 10, United
22 States Code; and

23 (2) the financial interest of any prime con-
24 tractor performing acquisition functions described in
25 paragraph (1) in any contract or subcontract with



1 regard to which the contractor provided advice or
2 recommendations to the agency.

3 (c) ELEMENTS.—The guidance and instructions
4 issued pursuant to subsection (a) shall address, at a
5 minimum—

6 (1) the contracts subject to independent man-
7 agement reviews, including any applicable thresholds
8 and exceptions;

9 (2) the frequency with which independent man-
10 agement reviews shall be conducted;

11 (3) the composition of teams designated to per-
12 form independent management reviews;

13 (4) any phase-in requirements needed to ensure
14 that qualified staff are available to perform inde-
15 pendent management reviews;

16 (5) procedures for tracking the implementation
17 of recommendations made by independent manage-
18 ment review teams; and

19 (6) procedures for developing and disseminating
20 lessons learned from independent management re-
21 views.

22 (c) REPORTS.—

23 (1) REPORT ON GUIDANCE AND INSTRUC-
24 TION.—Not later than 270 days after the date of the
25 enactment of this Act, the Secretary of Defense shall



1 submit to the congressional defense committees a re-
2 port setting forth the guidance and instructions
3 issued pursuant to subsection (a).

4 (2) GAO REPORT ON IMPLEMENTATION.—Not
5 later than two years after the date of the enactment
6 of this Act, the Comptroller General of the United
7 States shall submit to the congressional defense
8 committees a report on the implementation of the
9 guidance and instructions issued pursuant to sub-
10 section (a).

11 **SEC. 809. IMPLEMENTATION AND ENFORCEMENT OF RE-**
12 **QUIREMENTS APPLICABLE TO**
13 **UNDEFINITIZED CONTRACTUAL ACTIONS.**

14 (a) GUIDANCE AND INSTRUCTIONS.—Not later than
15 180 days after the date of the enactment of this Act, the
16 Secretary of Defense shall issue guidance, with detailed
17 implementation instructions, for the Department of De-
18 fense to ensure the implementation and enforcement of re-
19 quirements applicable to undefinitized contractual actions.

20 (b) ELEMENTS.—The guidance and instructions
21 issued pursuant to subsection (a) shall address, at a
22 minimum—

23 (1) the circumstances in which it is, and is not,
24 appropriate for Department of Defense officials to
25 use undefinitized contractual actions;



1 (2) approval requirements (including thresh-
2 olds) for the use of undefinitized contractual actions;

3 (3) procedures for ensuring that timelines for
4 the definitization of undefinitized contractual actions
5 are met;

6 (4) procedures for ensuring compliance with
7 regulatory limitations on the obligation of funds pur-
8 suant to undefinitized contractual actions;

9 (5) procedures for ensuring compliance with
10 regulatory limitations on profit or fee with respect to
11 costs incurred before the definitization of an
12 undefinitized contractual action; and

13 (6) reporting requirements for undefinitized
14 contractual actions that fail to meet required
15 timelines for definitization or fail to comply with
16 regulatory limitations on the obligation of funds or
17 on profit or fee.

18 (c) REPORTS.—

19 (1) REPORT ON GUIDANCE AND INSTRU-
20 TIONS.—Not later than 210 days after the date of
21 the enactment of this Act, the Secretary of Defense
22 shall submit to the congressional defense committees
23 a report setting forth the guidance and instructions
24 issued pursuant to subsection (a).



1 (2) GAO REPORT.—Not later than two years
2 after the date of the enactment of this Act, the
3 Comptroller General of the United States shall sub-
4 mit to the congressional defense committees a report
5 on the extent to which the guidance and instructions
6 issued pursuant to subsection (a) have resulted in
7 improvements to—

8 (A) the level of insight that senior Depart-
9 ment of Defense officials have into the use of
10 undefinitized contractual actions;

11 (B) the appropriate use of undefinitized
12 contractual actions;

13 (C) the timely definitization of
14 undefinitized contractual actions; and

15 (D) the negotiation of appropriate profits
16 and fees for undefinitized contractual actions.

17 **SEC. 810. CLARIFICATION OF LIMITED ACQUISITION AU-**
18 **THORITY FOR SPECIAL OPERATIONS COM-**
19 **MAND.**

20 Section 167(e)(4) of title 10, United States Code, is
21 amended—

22 (1) by redesignating subparagraph (C) as sub-
23 paragraph (D); and

24 (2) by inserting after subparagraph (B) the fol-
25 lowing new subparagraph:



1 “(C)(i) The staff of the commander shall include a
2 command acquisition executive, who shall be responsible
3 for the overall supervision of acquisition matters for the
4 special operations command. The command acquisition ex-
5 ecutive shall have the authority to—

6 “(I) negotiate memoranda of agreement with
7 the military departments to carry out the acquisition
8 of equipment, material, supplies, and services de-
9 scribed in subparagraph (A) on behalf of the com-
10 mand;

11 “(II) supervise the acquisition of equipment,
12 material, supplies, and services described in subpara-
13 graph (A), regardless of whether such acquisition is
14 carried out by the command, or by a military de-
15 partment pursuant to a delegation of authority by
16 the command;

17 “(III) represent the command in discussions
18 with the military departments regarding acquisition
19 programs for which the command is a customer; and

20 “(IV) work with the military departments to en-
21 sure that the command is appropriately represented
22 in any joint working group or integrated product
23 team regarding acquisition programs for which the
24 command is a customer.



1 “(ii) The command acquisition executive of the spe-
2 cial operations command shall be included on the distribu-
3 tion list for acquisition directives and instructions of the
4 Department of Defense.”.

5 **Subtitle B—Provisions Relating to**
6 **Major Defense Acquisition Pro-**
7 **grams**

8 **SEC. 811. REQUIREMENTS APPLICABLE TO MULTIYEAR**
9 **CONTRACTS FOR THE PROCUREMENT OF**
10 **MAJOR SYSTEMS OF THE DEPARTMENT OF**
11 **DEFENSE.**

12 (a) ADDITIONAL REQUIREMENTS APPLICABLE TO
13 MULTIYEAR CONTRACTS.—Section 2306b of title 10,
14 United States Code, is amended as follows:

15 (1) Subsection (a) of such section is amended
16 by adding at the end the following new paragraph:

17 “(7) In the case of a contract in an amount
18 equal to or greater than \$500,000,000, that the con-
19 ditions required by subparagraphs (C) through (F)
20 of paragraph (1) of subsection (i) will be met, in ac-
21 cordance with the Secretary’s certification and deter-
22 mination under such subsection, by such contract.”.

23 (2) Subsection (i)(1) of such section is amended
24 by inserting after “unless” the following: “the Sec-
25 retary of Defense certifies in writing by no later



1 than March 1 of the year in which the Secretary re-
2 quests legislative authority to enter into such con-
3 tract that”.

4 (3) Subsection (i)(1) of such section is further
5 amended—

6 (A) by redesignating subparagraph (B) as
7 subparagraph (G); and

8 (B) by striking subparagraph (A) and in-
9 serting the following:

10 “(A) The Secretary has determined that each of
11 the requirements in paragraphs (1) through (6) of
12 subsection (a) will be met by such contract and has
13 provided the basis for such determination to the con-
14 gressional defense committees.

15 “(B) The Secretary’s determination under sub-
16 paragraph (A) was made after the completion of a
17 cost analysis performed by the Cost Analysis Im-
18 provement Group of the Department of Defense and
19 such analysis supports the findings.

20 “(C) The system being acquired pursuant to
21 such contract has not been determined to have expe-
22 rienced cost growth in excess of the critical cost
23 growth threshold pursuant to section 2433(d) of this
24 title within 5 years prior to the date the Secretary
25 anticipates such contract (or a contract for advance



1 procurement entered into consistent with the author-
2 ization for such contract) will be awarded.

3 “(D) A sufficient number of end items of the
4 system being acquired under such contract have
5 been delivered at or within the most current esti-
6 mates of the program acquisition unit cost or pro-
7 curement unit cost for such system to determine
8 that current estimates of such unit costs are real-
9 istic.

10 “(E) During the fiscal year in which such con-
11 tract is to be awarded, sufficient funds will be avail-
12 able to perform the contract in such fiscal year, and
13 the future-years defense program for such fiscal year
14 will include the funding required to execute the pro-
15 gram without cancellation.

16 “(F) The contract is a fixed price type con-
17 tract.”.

18 (4) Subsection (i) of such section is further
19 amended by adding at the end the following new
20 paragraphs:

21 “(5) The Secretary may make the certification under
22 paragraph (1) notwithstanding the fact that one or more
23 of the conditions of such certification are not met if the
24 Secretary determines that, due to exceptional cir-
25 cumstances, proceeding with a multiyear contract under



1 this section is in the best interest of the Department of
2 Defense and the Secretary provides the basis for such de-
3 termination with the certification.

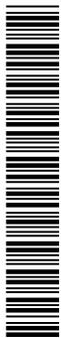
4 “(6) The Secretary of Defense may not delegate the
5 authority to make the certification under paragraph (1)
6 or the determination under paragraph (5) to an official
7 below the level of Under Secretary of Defense for Acquisi-
8 tion, Technology, and Logistics.

9 “(7) The Secretary of Defense shall send a notifica-
10 tion containing the findings of the agency head under sub-
11 section (a), and the basis for such findings, 30 days prior
12 to the award of a multiyear contract for a defense acquisi-
13 tion program that has been specifically authorized by
14 law.”.

15 (5) Such section is further amended by adding
16 at the end the following new subsection:

17 “(m) INCREASED FUNDING AND REPROGRAMMING
18 REQUESTS.—Any request for increased funding for the
19 procurement of a major system under a multiyear contract
20 authorized under this section shall be accompanied by an
21 explanation of how the request for increased funding af-
22 fects the determinations made by the Secretary under sub-
23 section (i).”.

24 (b) APPLICABILITY.—The amendments made by this
25 section shall take effect on the date of the enactment of



1 this Act and shall apply with respect to multiyear con-
2 tracts for the purchase of major systems for which legisla-
3 tive authority is requested on or after that date.

4 **SEC. 812. CHANGES TO MILESTONE B CERTIFICATIONS.**

5 Section 2366a of title 10, United States Code, is
6 amended—

7 (1) by amending subsection (a) to read as fol-
8 lows:

9 “(a) CERTIFICATION.—A major defense acquisition
10 program may not receive Milestone B approval, or Key
11 Decision Point B approval in the case of a space program,
12 until the milestone decision authority—

13 “(1) has received a business case analysis and
14 certifies on the basis of the analysis that—

15 “(A) the program is affordable when con-
16 sidering the ability of the Department of De-
17 fense to accomplish the program’s mission
18 using alternative systems;

19 “(B) the program is affordable when con-
20 sidering the per unit cost and the total acquisi-
21 tion cost in the context of the total resources
22 available during the period covered by the fu-
23 ture-years defense program submitted during
24 the fiscal year in which the certification is
25 made;



1 “(C) reasonable cost and schedule esti-
2 mates have been developed to execute the prod-
3 uct development and production plan under the
4 program; and

5 “(D) funding is available to execute the
6 product development and production plan under
7 the program, through the period covered by the
8 future-years defense program submitted during
9 the fiscal year in which the certification is
10 made, consistent with the estimates described in
11 subparagraph (C) for the program; and

12 “(2) further certifies that—

13 “(A) appropriate market research has been
14 conducted prior to technology development to
15 reduce duplication of existing technology and
16 products;

17 “(B) the Department of Defense has com-
18 pleted an analysis of alternatives with respect to
19 the program;

20 “(C) the Joint Requirements Oversight
21 Council has accomplished its duties with respect
22 to the program pursuant to section 181(b) of
23 this title, including an analysis of the oper-
24 ational requirements for the program;



1 “(D) the technology in the program has
2 been demonstrated in a relevant environment;

3 “(E) the program demonstrates a high
4 likelihood of accomplishing its intended mission;

5 and

6 “(F) the program complies with all rel-
7 evant policies, regulations, and directives of the
8 Department of Defense.”;

9 (2) by redesignating subsections (b), (c), (d),
10 and (e) as subsections (c), (d), (e), and (f), respec-
11 tively;

12 (3) by inserting after subsection (a) the fol-
13 lowing new subsection (b):

14 “(b) CHANGES TO CERTIFICATION.—(1) The pro-
15 gram manager for a major defense acquisition program
16 that has received certification under subsection (a) shall
17 immediately notify the milestone decision authority of any
18 changes to the program that—

19 “(A) alter the substantive basis for the certifi-
20 cation of the milestone decision authority relating to
21 any component of such certification specified in
22 paragraph (1) or (2) of subsection (a); or

23 “(B) otherwise cause the program to deviate
24 significantly from the material provided to the mile-



1 stone decision authority in support of such certifi-
2 cation.

3 “(2) Upon receipt of information under paragraph
4 (1), the milestone decision authority may withdraw the
5 certification concerned or rescind Milestone B approval (or
6 Key Decision Point B approval in the case of a space pro-
7 gram) if the milestone decision authority determines that
8 such certification or approval is no longer valid.”;

9 (4) in subsection (c), as redesignated by para-
10 graph (1)—

11 (A) by inserting “(1)” before “The certifi-
12 cation”; and

13 (B) by adding at the end the following new
14 paragraph (2):

15 “(2) A summary of any information provided to the
16 milestone decision authority pursuant to subsection (b)
17 and a description of the actions taken as a result of such
18 information shall be submitted with the first Selected Ac-
19 quisition Report submitted under section 2432 of this title
20 after receipt of such information by the milestone decision
21 authority.”;

22 (5) in subsection (d), as so redesignated—

23 (A) by striking “authority may waive” and
24 inserting the following: “authority may, at the
25 time of Milestone B approval (or Key Decision



1 Point B approval in the case of a space pro-
2 gram) or at the time that such milestone deci-
3 sion authority withdraws a certification or re-
4 scinds Milestone B approval (or Key Decision
5 Point B approval in the case of a space pro-
6 gram) pursuant to subsection (b)(2), waive”;
7 and

8 (B) by striking “paragraph (1), (2), (3),
9 (4), (5), (6), (7), (8), or (9)” and inserting
10 “paragraph (1) or (2)”; and

11 (6) in subsection (e), as so redesignated, by
12 striking “subsection (c)” and inserting “subsection
13 (d)”.

14 **SEC. 813. COMPTROLLER GENERAL REPORT ON DEPART-**
15 **MENT OF DEFENSE ORGANIZATION AND**
16 **STRUCTURE FOR MAJOR DEFENSE ACQUISI-**
17 **TION PROGRAMS.**

18 (a) REPORT REQUIRED.—Not later than one year
19 after the date of the enactment of this Act, the Comp-
20 troller General of the United States shall submit to the
21 congressional defense committees a report on potential
22 modifications of the organization and structure of the De-
23 partment of Defense for major defense acquisition pro-
24 grams.



1 (b) ELEMENTS.—The report required by subsection
2 (a) shall include the results of a review, conducted by the
3 Comptroller General for purposes of the report, regarding
4 the feasibility and advisability of, at a minimum, the fol-
5 lowing:

6 (1) Revising the acquisition process for major
7 defense acquisition programs by establishing shorter,
8 more frequent acquisition program milestones.

9 (2) Requiring certifications of program status
10 to the defense acquisition executive and Congress
11 prior to milestone approval for major defense acqui-
12 sition programs.

13 (3) Establishing a new office (to be known as
14 the “Office of Independent Assessment”) to provide
15 independent cost estimates and performance esti-
16 mates for major defense acquisition programs.

17 (4) Requiring the milestone decision authority
18 for a major defense acquisition program to specify,
19 at the time of Milestone B approval, or Key Decision
20 Point B approval, as applicable, the period of time
21 that will be required to deliver an initial operational
22 capability to the relevant combatant commanders.

23 (5) Establishing a materiel solutions process for
24 addressing identified gaps in critical warfighting ca-
25 pabilities, under which process the Under Secretary



1 of Defense for Acquisition, Technology, and Logis-
2 tics circulates among the military departments and
3 appropriate Defense Agencies a request for pro-
4 posals for technologies and systems to address such
5 gaps.

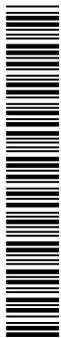
6 (6) Modifying the role played by chiefs of staff
7 of the Armed Forces in the requirements, resource
8 allocation, and acquisition processes.

9 (7) Establishing a process in which the com-
10 manders of combatant commands assess, and pro-
11 vide input on, the capabilities needed to successfully
12 accomplish the missions in the operational and con-
13 tingency plans of their commands over a long-term
14 planning horizon of 15 years or more, taking into
15 account expected changes in threats, the geo-political
16 environment, and doctrine, training, and operational
17 concepts.

18 (c) CONSULTATION.—In conducting the review re-
19 quired under subsection (b) for the report required by sub-
20 section (a), the Comptroller General shall obtain the views
21 of the following:

22 (1) Senior acquisition officials currently serving
23 in the Department of Defense.

24 (2) Senior military officers involved in setting
25 requirements for the joint staff, the Armed Forces,



1 and the combatant commands currently serving in
2 the Department of Defense.

3 (3) Individuals who formerly served as senior
4 acquisition officials in the Department of Defense.

5 (4) Participants in previous reviews of the orga-
6 nization and structure of the Department of Defense
7 for the acquisition of major weapon systems, includ-
8 ing the President's Blue Ribbon Commission on De-
9 fense Management in 1986.

10 (5) Other experts on the acquisition of major
11 weapon systems.

12 (6) Appropriate experts in the Government Ac-
13 countability Office.

14 **SEC. 814. CLARIFICATION OF SUBMISSION OF COST OR**
15 **PRICING DATA ON NONCOMMERCIAL MODI-**
16 **FICATIONS OF COMMERCIAL ITEMS.**

17 (a) MEASUREMENT OF PERCENTAGE AT CONTRACT
18 AWARD.—Section 2306a(b)(3)(A) of title 10, United
19 States Code, is amended by inserting after “total price of
20 the contract” the following: “(at the time of contract
21 award)”.

22 (b) HARMONIZATION OF THRESHOLDS FOR COST OR
23 PRICING DATA.—Section 2306a(b)(3)(A) of title 10,
24 United States Code, is amended by striking “\$500,000”
25 and inserting “the amount specified in subsection



1 (a)(1)(A)(i), as adjusted from time to time under sub-
2 section (a)(7),”.

3 **SEC. 815. CLARIFICATION OF RULES REGARDING THE PRO-**
4 **CUREMENT OF COMMERCIAL ITEMS.**

5 (a) TREATMENT OF SUBSYSTEMS, COMPONENTS,
6 AND SPARE PARTS AS COMMERCIAL ITEMS.—

7 (1) IN GENERAL.—Section 2379 of title 10,
8 United States Code, is amended—

9 (A) in subsection (a)—

10 (i) by redesignating paragraph (2) as
11 paragraph (3);

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

14 (iii) by inserting after paragraph (1),
15 the following:

16 “(2) the offeror has submitted sufficient infor-
17 mation to evaluate, through price analysis, the rea-
18 sonableness of the price for such system; and”;

19 (B) by striking subsection (b) and insert-
20 ing the following new subsection (b):

21 “(b) TREATMENT OF SUBSYSTEMS AS COMMERCIAL
22 ITEMS.—A subsystem of a major weapon system (other
23 than a commercially available off-the-shelf item as defined
24 in section 35(c) of the Office of Federal Procurement Pol-
25 icy Act (41 U.S.C. 431(c))) shall be treated as a commer-



1 cial item and purchased under procedures established for
2 the procurement of commercial items only if—

3 “(1) the subsystem is intended for a major
4 weapon system that is being purchased, or has been
5 purchased, under procedures established for the pro-
6 curement of commercial items in accordance with
7 the requirements of subsection (a); or

8 “(2) the contracting officer determines in writ-
9 ing that—

10 “(A) the subsystem is a commercial item,
11 as defined in section 4(12) of the Office of Fed-
12 eral Procurement Policy Act (41 U.S.C.
13 403(12)); and

14 “(B) the offeror has submitted sufficient
15 information to evaluate, through price analysis,
16 the reasonableness of the price for such sub-
17 system.”;

18 (C) by redesignating subsections (c) and
19 (d) as subsections (e) and (f), respectively; and

20 (D) by inserting after subsection (b) the
21 following new subsections (c) and (d):

22 “(c) TREATMENT OF COMPONENTS AND SPARE
23 PARTS AS COMMERCIAL ITEMS.—(1) A component or
24 spare part for a major weapon system (other than a com-
25 mercially available off-the-shelf item as defined in section



1 35(c) of the Office of Federal Procurement Policy Act (41
2 U.S.C. 431(c)) may be treated as a commercial item for
3 the purposes of section 2306a of this title only if—

4 “(A) the component or spare part is intended
5 for—

6 “(i) a major weapon system that is being
7 purchased, or has been purchased, under proce-
8 dures established for the procurement of com-
9 mercial items in accordance with the require-
10 ments of subsection (a); or

11 “(ii) a subsystem of a major weapon sys-
12 tem that is being purchased, or has been pur-
13 chased, under procedures established for the
14 procurement of commercial items in accordance
15 with the requirements of subsection (b); or

16 “(B) the contracting officer determines in writ-
17 ing that—

18 “(i) the component or spare part is a com-
19 mercial item, as defined in section 4(12) of the
20 Office of Federal Procurement Policy Act (41
21 U.S.C. 403(12)); and

22 “(ii) the offeror has submitted sufficient
23 information to evaluate, through price analysis,
24 the reasonableness of the price for such compo-
25 nent or spare part.



1 “(2) This subsection shall apply only to components
2 and spare parts that are acquired by the Department of
3 Defense through a prime contract or a modification to a
4 prime contract (or through a subcontract under a prime
5 contract or modification to a prime contract on which the
6 prime contractor adds no, or negligible, value).

7 “(d) INFORMATION SUBMITTED.—To the extent nec-
8 essary to make a determination under subsection (a)(2),
9 (b)(2), or (c)(1)(B), the contracting officer may request
10 the offeror to submit—

11 “(1) prices paid for the same or similar com-
12 mercial items under comparable terms and condi-
13 tions by both government and commercial customers;
14 and

15 “(2) if the contracting officer determines that
16 the information described in paragraph (1) is not
17 sufficient to determine the reasonableness of price,
18 other relevant information regarding the basis for
19 price or cost, including information on labor costs,
20 material costs, and overhead rates.”.

21 “(2) CONFORMING AMENDMENT TO TECHNICAL
22 DATA PROVISION.—Section 2321(f)(2) of such title
23 is amended by striking “(whether or not under a
24 contract for commercial items)” and inserting
25 “(other than technical data for a commercially avail-



1 able off-the-shelf item as defined in section 35(c) of
2 the Office of Federal Procurement Policy Act (41
3 U.S.C. 431(c))”.

4 (b) SALES OF COMMERCIAL ITEMS TO NONGOVERN-
5 MENTAL ENTITIES.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of Defense
7 shall modify the regulations of the Department of Defense
8 on the procurement of commercial items in order to clarify
9 that the terms “general public” and “nongovernmental en-
10 tities” in such regulations do not include the Federal Gov-
11 ernment or a State, local, or foreign government.

12 **SEC. 816. REVIEW OF SYSTEMIC DEFICIENCIES ON MAJOR**
13 **DEFENSE ACQUISITION PROGRAMS.**

14 (a) ANNUAL REVIEW.—The Under Secretary of De-
15 fense for Acquisition, Technology, and Logistics shall con-
16 duct an annual review of systemic deficiencies in the major
17 defense acquisition programs of the Department of De-
18 fense for each fiscal year in which three or more major
19 defense acquisition programs—

20 (1) experience a critical cost growth threshold
21 breach;

22 (2) have a section 2366a certification with-
23 drawn; or

24 (3) have a Milestone A approval or Key Deci-
25 sion Point A approval rescinded, by the milestone



1 decision authority under subsection (b) of section
2 2366b of title 10, United States Code, as added by
3 section 943 of this Act.

4 (b) CONTENT OF REVIEW.—The review conducted
5 under subsection (a) shall—

6 (1) identify common factors, including any sys-
7 temic deficiencies in the budget, requirements, and
8 acquisition policies and practices, that may have
9 contributed to problems with major defense acquisi-
10 tion programs covered by the criteria in subsection
11 (a);

12 (2) assess the adequacy of corrective actions
13 taken or to be taken to address cost growth or other
14 performance deficiencies in programs covered by the
15 criteria in subsection (a); and

16 (3) make recommendations for any changes in
17 budget, requirements, and acquisition policies and
18 practices that may be appropriate to avoid similar
19 problems with major defense acquisition programs in
20 the future.

21 (c) DEFINITIONS.—In this section:

22 (1) CRITICAL COST GROWTH THRESHOLD
23 BREACH.—The term “critical cost growth threshold
24 breach” means a determination under section
25 2433(d) of title 10, United States Code, by the Sec-



1 retary of a military department with respect to a
2 major defense acquisition program that the program
3 acquisition unit cost has increased by a percentage
4 equal to or greater than the critical cost growth
5 threshold or that the procurement unit cost has in-
6 creased by a percentage equal to or greater than the
7 critical cost growth threshold.

8 (2) SECTION 2366a CERTIFICATION.—The term
9 “section 2366a certification” means a certification
10 with respect to a major defense acquisition program
11 under section 2366a(a) of title 10, United States
12 Code, by the milestone decision authority.

13 (d) REPORT.—Not later than July 15, 2008, and not
14 later than August 15 of each year from 2009 through
15 2012, the Secretary of Defense shall submit to the con-
16 gressional defense committees a report on the results of
17 the annual review conducted (if any) for the preceding fis-
18 cal year under subsection (a).

19 (e) SUNSET.—The requirement to conduct an annual
20 review under subsection (a) shall terminate on September
21 30, 2012.

22 **SEC. 817. INVESTMENT STRATEGY FOR MAJOR DEFENSE**
23 **ACQUISITION PROGRAMS.**

24 (a) REPORT REQUIRED.—Not later than May 1,
25 2008, the Secretary of Defense shall submit to the con-



1 gressional defense committees a report on the strategies
2 of the Department of Defense for balancing the allocation
3 of funds and other resources among major defense acqui-
4 sition programs.

5 (b) ELEMENTS.—The report required by subsection
6 (a) shall address, at a minimum, the ability of the organi-
7 zations, policies, and procedures of the Department of De-
8 fense to provide for—

9 (1) establishing priorities among needed capa-
10 bilities under major defense acquisition programs,
11 and assessing the resources (including funds, tech-
12 nologies, time, and personnel) needed to achieve
13 such capabilities;

14 (2) balancing the cost, schedule, and require-
15 ments of major defense acquisition programs, includ-
16 ing those within the same functional or mission area,
17 to ensure the most efficient use of resources; and

18 (3) ensuring that the budget, requirements, and
19 acquisition processes of the Department of Defense
20 work in a complementary manner to achieve desired
21 results.

22 (c) ROLE OF TRI-CHAIR COMMITTEE IN RESOURCE
23 ALLOCATION.—

24 (1) IN GENERAL.—The report required by sub-
25 section (a) shall also address the role of the com-



1 mittee described in paragraph (2) in the resource al-
2 location process for major defense acquisition pro-
3 grams.

4 (2) COMMITTEE.—The committee described in
5 this paragraph is a committee (to be known as the
6 “Tri-Chair Committee”) composed of the following:

7 (A) The Under Secretary of Defense for
8 Acquisition, Technology, and Logistics, who is
9 one of the chairs of the committee.

10 (B) The Vice Chairman of the Joint Chiefs
11 of Staff, who is one of the chairs of the com-
12 mittee.

13 (C) The Director of Program Analysis and
14 Evaluation, who is one of the chairs of the com-
15 mittee.

16 (D) Any other appropriate officials of the
17 Department of Defense, as jointly agreed upon
18 by the Under Secretary and the Vice Chairman.

19 (d) CHANGES IN LAW.—The report required by sub-
20 section (a) shall, to the maximum extent practicable, in-
21 clude a discussion of any changes in the budget, acquisi-
22 tion, and requirements processes of the Department of De-
23 fense undertaken as a result of changes in law pursuant
24 to any section in this Act.



1 (e) RECOMMENDATIONS.—The report required by
2 subsection (a) shall include any recommendations, includ-
3 ing recommendations for legislative action, that the Sec-
4 retary considers appropriate to improve the organizations,
5 policies, and procedures described in the report.

6 **SEC. 818. REPORT ON IMPLEMENTATION OF RECOMMENDA-**
7 **TIONS ON TOTAL OWNERSHIP COST FOR**
8 **MAJOR WEAPON SYSTEMS.**

9 (a) REPORT REQUIRED.—Not later than 180 days
10 after the date of the enactment of this Act, the Secretary
11 of Defense shall submit to the congressional defense com-
12 mittees a report on the extent of the implementation of
13 the recommendations set forth in the February 2003 re-
14 port of the Government Accountability Office entitled
15 “Setting Requirements Differently Could Reduce Weapon
16 Systems’ Total Ownership Costs”.

17 (b) ELEMENTS.—The report required by subsection
18 (a) shall include the following:

19 (1) For each recommendation described in sub-
20 section (a) that has been implemented, or that the
21 Secretary plans to implement—

22 (A) a summary of all actions that have
23 been taken to implement such recommendation;
24 and



1 (B) a schedule, with specific milestones,
2 for completing the implementation of such rec-
3 ommendation.

4 (2) For each recommendation that the Sec-
5 retary has not implemented and does not plan to
6 implement—

7 (A) the reasons for the decision not to im-
8 plement such recommendation; and

9 (B) a summary of any alternative actions
10 the Secretary plans to take to address the pur-
11 poses underlying such recommendation.

12 (3) A summary of any additional actions the
13 Secretary has taken or plans to take to ensure that
14 total ownership cost is appropriately considered in
15 the requirements process for major weapon systems.

16 **Subtitle C—Amendments to Gen-**
17 **eral Contracting Authorities,**
18 **Procedures, and Limitations**

19 **SEC. 821. PLAN FOR RESTRICTING GOVERNMENT-UNIQUE**
20 **CONTRACT CLAUSES ON COMMERCIAL CON-**
21 **TRACTS.**

22 (a) PLAN.—The Under Secretary of Defense for Ac-
23 quisition, Technology, and Logistics shall develop and im-
24 plement a plan to minimize the number of government-



1 unique contract clauses used in commercial contracts by
2 restricting the clauses to the following:

3 (1) Government-unique clauses authorized by
4 law or regulation.

5 (2) Any additional clauses that are relevant and
6 necessary to a specific contract.

7 (b) COMMERCIAL CONTRACT.—In this section:

8 (1) The term “commercial contract” means a
9 contract awarded by the Federal Government for the
10 procurement of a commercial item.

11 (2) The term “commercial item” has the mean-
12 ing provided by section 4(12) of the Office of Fed-
13 eral Procurement Policy Act (41 U.S.C. 403(12)).

14 **SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIM-**
15 **PLIFIED ACQUISITION PROCEDURES FOR**
16 **CERTAIN COMMERCIAL ITEMS.**

17 (a) EXTENSION.—Section 4202(e) of the Clinger-
18 Cohen Act of 1996 (division D of Public Law 104–106;
19 110 Stat. 652; 10 U.S.C. 2304 note) is amended by strik-
20 ing “January 1, 2008” and inserting “January 1, 2010”.

21 (b) REPORT.—Not later than March 1, 2008, the
22 Under Secretary of Defense for Acquisition, Technology,
23 and Logistics shall submit to the Committees on Armed
24 Services of the Senate and the House of Representatives
25 a report on the use by the Department of Defense of the



1 authority provided by section 4202(e) of the Clinger-
2 Cohen Act of 1996 (10 U.S.C. 2304 note). The report
3 shall include, at a minimum, the following:

4 (1) Summary data on the use of the authority.

5 (2) Specific examples of the use of the author-
6 ity.

7 (3) An evaluation of potential benefits and costs
8 of extending the authority after January 1, 2010.

9 **SEC. 823. FIVE-YEAR EXTENSION OF AUTHORITY TO CARRY**
10 **OUT CERTAIN PROTOTYPE PROJECTS.**

11 Section 845(i) of the National Defense Authorization
12 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amend-
13 ed by striking “September 30, 2008” and inserting “Sep-
14 tember 30, 2013”.

15 **SEC. 824. EXEMPTION OF SPECIAL OPERATIONS COMMAND**
16 **FROM CERTAIN REQUIREMENTS FOR CER-**
17 **TAIN CONTRACTS RELATING TO VESSELS,**
18 **AIRCRAFT, AND COMBAT VEHICLES.**

19 Section 2401(b) of title 10, United States Code, is
20 amended by adding at the end the following new para-
21 graph:

22 “(5) In the case of a contract described in subsection
23 (a)(1)(B), the commander of the special operations com-
24 mand may make a contract without regard to this sub-
25 section if—



1 “(A) funds are available and obligated for the
2 full cost of the contract (including termination costs)
3 on or before the date the contract is awarded;

4 “(B) the Secretary of Defense submits to the
5 congressional defense committees a certification that
6 there is no alternative for meeting urgent oper-
7 ational requirements other than making the con-
8 tract; and

9 “(C) a period of 30 days of continuous session
10 of Congress has expired following the date on which
11 the certification was received by such committees.”.

12 **SEC. 825. PROVISION OF AUTHORITY TO MAINTAIN EQUIP-**
13 **MENT TO UNIFIED COMBATANT COMMAND**
14 **FOR JOINT WARFIGHTING.**

15 (a) **AUTHORITY.**—Section 167a of title 10, United
16 States Code, is amended—

17 (1) in subsection (a), by striking “and acquire”
18 and inserting “, acquire, and maintain”;

19 (2) by redesignating subsection (f) as sub-
20 section (g); and

21 (3) by inserting after subsection (e) the fol-
22 lowing new subsection:

23 “(f) **LIMITATION ON AUTHORITY TO MAINTAIN**
24 **EQUIPMENT.**—The authority delegated under subsection
25 (a) to maintain equipment is subject to the availability of



1 funds authorized and appropriated specifically for that
2 purpose.”.

3 (b) TWO-YEAR EXTENSION.—Subsection (g) of such
4 section, as so redesignated, is amended—

5 (1) by striking “through 2008” and inserting
6 “through 2010”; and

7 (2) by striking “September 30, 2008” and in-
8 serting “September 30, 2010”.

9 **SEC. 826. MARKET RESEARCH.**

10 (a) ADDITIONAL REQUIREMENTS.—Subsection (c) of
11 section 2377 of title 10, United States Code, is amended—

12 (1) in paragraph (1)—

13 (A) by striking “and” at the end of sub-
14 paragraph (A);

15 (B) by striking the period at the end of
16 subparagraph (B) and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(C) before awarding a task order or deliv-
19 ery order in excess of the simplified acquisition
20 threshold.”; and

21 (2) by adding at the end the following:

22 “(4) The head of an agency shall take appropriate
23 steps to ensure that any prime contractor of a contract
24 (or task order or delivery order) in an amount in excess
25 of \$5,000,000 for the procurement of items other than



1 commercial items engages in such market research as may
2 be necessary to carry out the requirements of subsection
3 (b)(2) before making purchases for or on behalf of the
4 Department of Defense.”.

5 (b) REQUIREMENT TO DEVELOP TRAINING AND
6 TOOLS.—The Secretary of Defense shall develop training
7 to assist contracting officers, and market research tools
8 to assist such officers and prime contractors, in per-
9 forming appropriate market research as required by sub-
10 section (c) of section 2377 of title 10, United States Code,
11 as amended by this section.

12 **SEC. 827. MODIFICATION OF COMPETITION REQUIRE-**
13 **MENTS FOR PURCHASES FROM FEDERAL**
14 **PRISON INDUSTRIES.**

15 (a) MODIFICATION OF COMPETITION REQUIRE-
16 MENTS.—

17 (1) IN GENERAL.—Section 2410n of title 10,
18 United States Code, is amended by striking sub-
19 sections (a) and (b) and inserting the following new
20 subsections (a) and (b):

21 “(a) PRODUCTS FOR WHICH FEDERAL PRISON IN-
22 DUSTRIES DOES NOT HAVE SIGNIFICANT MARKET
23 SHARE.—(1) Before purchasing a product listed in the
24 latest edition of the Federal Prison Industries catalog
25 under section 4124(d) of title 18 for which Federal Prison



1 Industries does not have a significant market share, the
2 Secretary of Defense shall conduct market research to de-
3 termine whether the product is comparable to products
4 available from the private sector that best meet the needs
5 of the Department in terms of price, quality, and time of
6 delivery.

7 “(2) If the Secretary determines that a Federal Pris-
8 on Industries product described in paragraph (1) is not
9 comparable in price, quality, or time of delivery to prod-
10 ucts of the private sector that best meets the needs of the
11 Department in terms of price, quality, and time of deliv-
12 ery, the Secretary shall use competitive procedures for the
13 procurement of the product, or shall make an individual
14 purchase under a multiple award contract in accordance
15 with the competition requirements applicable to such con-
16 tract. In conducting such a competition, the Secretary
17 shall consider a timely offer from Federal Prison Indus-
18 tries.

19 “(b) PRODUCTS FOR WHICH FEDERAL PRISON IN-
20 DUSTRIES HAS SIGNIFICANT MARKET SHARE.—(1) The
21 Secretary of Defense may purchase a product listed in the
22 latest edition of the Federal Prison Industries catalog for
23 which Federal Prison Industries has a significant market
24 share only if the Secretary uses competitive procedures for
25 the procurement of the product or makes an individual



1 purchase under a multiple award contract in accordance
2 with the competition requirements applicable to such con-
3 tract. In conducting such a competition, the Secretary
4 shall consider a timely offer from Federal Prison Indus-
5 tries.

6 “(2) For purposes of this subsection, Federal Prison
7 Industries shall be treated as having a significant share
8 of the market for a product if the Secretary, in consulta-
9 tion with the Administrator of Federal Procurement Pol-
10 icy, determines that the Federal Prison Industries share
11 of the Department of Defense market for the category of
12 products including such product is greater than 5 per-
13 cent.”.

14 (2) EFFECTIVE DATE.—The amendment made
15 by subsection (a) shall take effect 60 days after the
16 date of the enactment of this Act.

17 (b) LIST OF PRODUCTS FOR WHICH FEDERAL PRIS-
18 ON INDUSTRIES HAS SIGNIFICANT MARKET SHARE.—

19 (1) INITIAL LIST.—Not later than 60 days after
20 the date of the enactment of this Act, the Secretary
21 of Defense shall publish a list of product categories
22 for which Federal Prison Industries’ share of the
23 Department of Defense market is greater than 5
24 percent, based on the most recent fiscal year for
25 which data is available.



1 (2) MODIFICATION.—The Secretary may modify
2 the list published under paragraph (1) at any time
3 if the Secretary determines that new data require
4 adding a product category to the list or omitting a
5 product category from the list.

6 (3) CONSULTATION.—The Secretary shall carry
7 out this subsection in consultation with the Adminis-
8 trator for Federal Procurement Policy.

9 **SEC. 828. MULTIYEAR CONTRACT AUTHORITY FOR ELEC-**
10 **TRICITY FROM RENEWABLE ENERGY**
11 **SOURCES.**

12 (a) MULTIYEAR CONTRACT AUTHORITY.—Chapter
13 141 of title 10, United States Code, is amended by adding
14 at the end the following new section:

15 **“§ 2410q. Multiyear contracts: purchase of electricity**
16 **from renewable energy sources**

17 “(a) MULTIYEAR CONTRACTS AUTHORIZED.—Sub-
18 ject to subsection (b), the Secretary of Defense may enter
19 into a contract for a period not to exceed 10 years for
20 the purchase of electricity from sources of renewable en-
21 ergy, as that term is defined in section 203(b)(2) of the
22 Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).

23 “(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN
24 EXCESS OF FIVE YEARS.—The Secretary may exercise
25 the authority in subsection (a) to enter into a contract



1 for a period in excess of five years only if the Secretary
2 determines, on the basis of a business case analysis pre-
3 pared by the Department of Defense, that—

4 “(1) the proposed purchase of electricity under
5 such contract is cost effective for the Department of
6 Defense; and

7 “(2) it would not be possible to purchase elec-
8 tricity from the source in an economical manner
9 without the use of a contract for a period in excess
10 of five years.

11 “(c) RELATIONSHIP TO OTHER MULTIYEAR CON-
12 TRACTING AUTHORITY.—Nothing in this section shall be
13 construed to preclude the Department of Defense from
14 using other multiyear contracting authority of the Depart-
15 ment to purchase renewable energy.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 141 of such title is amended
18 by adding at the end the following new item:

“2410q. Multiyear contracts: purchase of electricity from renewable energy
sources.”.

19 **SEC. 829. PROCUREMENT OF FIRE RESISTANT RAYON**
20 **FIBER FOR THE PRODUCTION OF UNIFORMS**
21 **FROM FOREIGN SOURCES.**

22 (a) AUTHORITY TO PROCURE.—The Secretary of De-
23 fense may procure fire resistant rayon fiber for the pro-
24 duction of uniforms that is manufactured in a foreign



1 country referred to in subsection (d) if the Secretary de-
2 termines either of the following:

3 (1) That fire resistant rayon fiber for the pro-
4 duction of uniforms is not available from sources
5 within the national technology and industrial base.

6 (2) That—

7 (A) procuring fire resistant rayon fiber
8 manufactured from suppliers within the na-
9 tional technology and industrial base would re-
10 sult in sole-source contracts or subcontracts for
11 the supply of fire resistant rayon fiber; and

12 (B) such sole-source contracts or sub-
13 contracts would not be in the best interests of
14 the Government or consistent with the objec-
15 tives of section 2304 of title 10, United States
16 Code.

17 (b) SUBMISSION TO CONGRESS.—Not later than 30
18 days after making a determination under subsection (a),
19 the Secretary shall submit to Congress a copy of the deter-
20 mination.

21 (c) APPLICABILITY TO SUBCONTRACTS.—The au-
22 thority under subsection (a) applies with respect to sub-
23 contracts under Department of Defense contracts as well
24 as to such contracts.



1 (d) FOREIGN COUNTRIES COVERED.—The authority
2 under subsection (a) applies with respect to a foreign
3 country that—

4 (1) is a party to a defense memorandum of un-
5 derstanding entered into under section 2531 of title
6 10, United States Code; and

7 (2) does not discriminate against defense items
8 produced in the United States to a greater degree
9 than the United States discriminates against defense
10 items produced in that country.

11 (e) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE
12 DEFINED.—In this section, the term “national technology
13 and industrial base” has the meaning given that term in
14 section 2500 of title 10, United States Code.

15 (f) SUNSET.—The authority under subsection (a)
16 shall expire on the date that is five years after the date
17 of the enactment of this Act.

18 **SEC. 830. COMPTROLLER GENERAL REVIEW OF NON-**
19 **COMPETITIVE AWARDS OF CONGRESSIONAL**
20 **AND EXECUTIVE BRANCH INTEREST ITEMS.**

21 Not later than one year after the date of the enact-
22 ment of this Act, the Comptroller General of the United
23 States shall submit to the congressional defense commit-
24 tees a report on the use of procedures other than competi-
25 tive procedures in the award of contracts by the Depart-



1 ment of Defense. The report shall compare the procedures
2 used by the Department of Defense for the award of funds
3 for new projects pursuant to congressionally directed
4 spending items, as defined in rule XLIV of the Standing
5 Rules of the Senate, or congressional earmarks, as defined
6 in rule XXI of the Rules of the House of Representatives,
7 with the procedures used by the Department of Defense
8 for the award of funds for new projects of special interest
9 to senior executive branch officials.

10 **Subtitle D—Accountability in**
11 **Contracting**

12 **SEC. 841. COMMISSION ON WARTIME CONTRACTING IN**
13 **IRAQ AND AFGHANISTAN.**

14 (a) ESTABLISHMENT.—There is hereby established a
15 commission to be known as the “Commission on Wartime
16 Contracting” (in this section referred to as the “Commis-
17 sion”).

18 (b) MEMBERSHIP MATTERS.—

19 (1) MEMBERSHIP.—The Commission shall be
20 composed of 8 members, as follows:

21 (A) 2 members shall be appointed by the
22 majority leader of the Senate, in consultation
23 with the Chairmen of the Committee on Armed
24 Services, the Committee on Homeland Security



1 and Governmental Affairs, and the Committee
2 on Foreign Relations of the Senate.

3 (B) 2 members shall be appointed by the
4 Speaker of the House of Representatives, in
5 consultation with the Chairmen of the Com-
6 mittee on Armed Services, the Committee on
7 Oversight and Government Reform, and the
8 Committee on Foreign Affairs of the House of
9 Representatives.

10 (C) 1 member shall be appointed by the
11 minority leader of the Senate, in consultation
12 with the Ranking Minority Members of the
13 Committee on Armed Services, the Committee
14 on Homeland Security and Governmental Af-
15 fairs, and the Committee on Foreign Relations
16 of the Senate.

17 (D) 1 member shall be appointed by the
18 minority leader of the House of Representa-
19 tives, in consultation with the Ranking Minority
20 Member of the Committee on Armed Services,
21 the Committee on Oversight and Government
22 Reform, and the Committee on Foreign Affairs
23 of the House of Representatives.



1 (E) 2 members shall be appointed by the
2 President, in consultation with the Secretary of
3 Defense and the Secretary of State.

4 (2) DEADLINE FOR APPOINTMENTS.—All ap-
5 pointments to the Commission shall be made not
6 later than 120 days after the date of the enactment
7 of this Act.

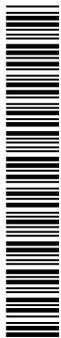
8 (3) CO-CHAIRMEN.—The Commission shall have
9 two co-chairmen, including—

10 (A) a co-chairman who shall be a member
11 of the Commission jointly designated by the
12 Speaker of the House of Representatives and
13 the majority leader of the Senate; and

14 (B) a co-chairman who shall be a member
15 of the Commission jointly designated by the mi-
16 nority leader of the House of Representatives
17 and the minority leader of the Senate.

18 (4) VACANCY.—In the event of a vacancy in a
19 seat on the Commission, the individual appointed to
20 fill the vacant seat shall be—

21 (A) appointed by the same officer (or the
22 officer's successor) who made the appointment
23 to the seat when the Commission was first es-
24 tablished; and



1 (B) if the officer in subparagraph (A) is of
2 a party other than the party of the officer who
3 made the appointment to the seat when the
4 Commission was first established, chosen in
5 consultation with the senior officers in the Sen-
6 ate and the House of Representatives of the
7 party which is the party of the officer who
8 made the appointment to the seat when the
9 Commission was first established.

10 (c) DUTIES.—

11 (1) GENERAL DUTIES.—The Commission shall
12 study the following matters:

13 (A) Federal agency contracting for the re-
14 construction of Iraq and Afghanistan.

15 (B) Federal agency contracting for the
16 logistical support of coalition forces operating in
17 Iraq and Afghanistan.

18 (C) Federal agency contracting for the per-
19 formance of security functions in Iraq and Af-
20 ghanistan.

21 (2) SCOPE OF CONTRACTING COVERED.—The
22 Federal agency contracting covered by this sub-
23 section includes contracts entered into both in the
24 United States and abroad for the performance of ac-
25 tivities described in paragraph (1).



1 (3) PARTICULAR DUTIES.—In carrying out the
2 study under this subsection, the Commission shall
3 assess—

4 (A) the extent of the reliance of the Fed-
5 eral Government on contractors to perform
6 functions (including security functions) in Iraq
7 and Afghanistan and the impact of this reliance
8 on the achievement of the objectives of the
9 United States;

10 (B) the performance exhibited by Federal
11 contractors for the contracts under review pur-
12 suant to paragraph (1), and the mechanisms
13 used to evaluate contractor performance;

14 (C) the extent of waste, fraud, and abuse
15 under such contracts;

16 (D) the extent to which those responsible
17 for such waste, fraud, and abuse have been held
18 financially or legally accountable;

19 (E) the appropriateness of the organiza-
20 tional structure, policies, practices, and re-
21 sources of the Department of Defense and the
22 Department of State for handling program
23 management and contracting for the programs
24 and contracts under review pursuant to para-
25 graph (1);



1 (F) the extent to which contractors under
2 such contracts have engaged in the misuse of
3 force or have used force in a manner incon-
4 sistent with the objectives of the operational
5 field commander; and

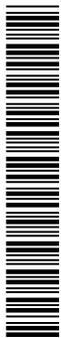
6 (G) the extent of potential violations of the
7 laws of war, Federal law, or other applicable
8 legal standards by contractors under such con-
9 tracts.

10 (d) REPORTS.—

11 (1) INTERIM REPORT.—On March 1, 2009, the
12 Commission shall submit to Congress an interim re-
13 port on the study carried out under subsection (c),
14 including the results and findings of the study as of
15 that date.

16 (2) OTHER REPORTS.—The Commission may
17 from time to time submit to Congress such other re-
18 ports on the study carried out under subsection (c)
19 as the Commission considers appropriate.

20 (3) FINAL REPORT.—Not later than two years
21 after the date of the appointment of all of the mem-
22 bers of the Commission under subsection (b), the
23 Commission shall submit to Congress a final report
24 on the study carried out under subsection (c). The
25 report shall—



1 (A) include the findings of the Commis-
2 sion;

3 (B) identify lessons learned relating to
4 contingency program management and contin-
5 gency contracting covered by the study; and

6 (C) include specific recommendations for
7 improvements to be made in—

8 (i) the process for defining require-
9 ments and developing statements of work
10 for contracts in contingency contracting;

11 (ii) the process for awarding contracts
12 and task or delivery orders in contingency
13 contracting;

14 (iii) the process for contingency pro-
15 gram management;

16 (iv) the process for identifying, ad-
17 dressing, and providing accountability for
18 waste, fraud, and abuse in contingency
19 contracting;

20 (v) the process for determining which
21 functions are inherently governmental and
22 which functions are appropriate for per-
23 formance by contractors in a contingency
24 operation (including during combat oper-
25 ations), especially whether providing secu-



1 rity in an area of combat operations is in-
2 herently governmental;

3 (vi) the organizational structure, re-
4 sources, policies, and practices of the De-
5 partment of Defense and the Department
6 of State for performing contingency pro-
7 gram management; and

8 (vii) the process by which roles and
9 responsibilities with respect to manage-
10 ment and oversight of contracts in contin-
11 gency contracting are distributed among
12 the various departments and agencies of
13 the Federal Government, and interagency
14 coordination and communication mecha-
15 nisms associated with contingency con-
16 tracting.

17 (e) OTHER POWERS AND AUTHORITIES.—

18 (1) HEARINGS AND EVIDENCE.—The Commis-
19 sion or, on the authority of the Commission, any
20 portion thereof, may, for the purpose of carrying out
21 this section—

22 (A) hold such hearings and sit and act at
23 such times and places, take such testimony, re-
24 ceive such evidence, administer such oaths (pro-



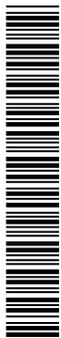
1 vided that the quorum for a hearing shall be
2 three members of the Commission); and

3 (B) provide for the attendance and testi-
4 mony of such witnesses and the production of
5 such books, records, correspondence, memo-
6 randa, papers, and documents;

7 as the Commission, or such portion thereof, may de-
8 termine advisable.

9 (2) INABILITY TO OBTAIN DOCUMENTS OR TES-
10 TIMONY.—In the event the Commission is unable to
11 obtain testimony or documents needed to conduct its
12 work, the Commission shall notify the committees of
13 Congress of jurisdiction and appropriate investiga-
14 tive authorities.

15 (3) ACCESS TO INFORMATION.—The Commis-
16 sion may secure directly from the Department of
17 Defense and any other department or agency of the
18 Federal Government any information or assistance
19 that the Commission considers necessary to enable
20 the Commission to carry out the requirements of
21 this section. Upon request of the Commission, the
22 head of such department or agency shall furnish
23 such information expeditiously to the Commission.
24 Whenever information or assistance requested by the
25 Commission is unreasonably refused or not provided,



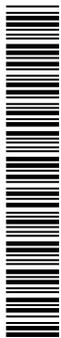
1 the Commission shall report the circumstances to
2 Congress without delay.

3 (4) PERSONNEL.—The Commission shall have
4 the authorities provided in section 3161 of title 5,
5 United States Code, and shall be subject to the con-
6 ditions set forth in such section, except to the extent
7 that such conditions would be inconsistent with the
8 requirements of this section.

9 (5) DETAILEES.—Any employee of the Federal
10 Government may be detailed to the Commission
11 without reimbursement from the Commission, and
12 such detailee shall retain the rights, status, and
13 privileges of his or her regular employment without
14 interruption.

15 (6) SECURITY CLEARANCES.—The appropriate
16 departments or agencies of the Federal Government
17 shall cooperate with the Commission in expeditiously
18 providing to the Commission members and staff ap-
19 propriate security clearances to the extent possible
20 pursuant to existing procedures and requirements,
21 except that no person shall be provided with access
22 to classified information under this section without
23 the appropriate security clearances.

24 (7) VIOLATIONS OF LAW.—



1 (A) REFERRAL TO ATTORNEY GENERAL.—

2 The Commission may refer to the Attorney
3 General any violation or potential violation of
4 law identified by the Commission in carrying
5 out its duties under this section.

6 (B) REPORTS ON RESULTS OF REFER-

7 RAL.—The Attorney General shall submit to
8 Congress a report on each prosecution, convic-
9 tion, resolution, or other disposition that results
10 from a referral made under this subparagraph.

11 (f) TERMINATION.—The Commission shall terminate
12 on the date that is 60 days after the date of the submittal
13 of its final report under subsection (d)(3).

14 (g) DEFINITIONS.—In this section:

15 (1) CONTINGENCY CONTRACTING.—The term
16 “contingency contracting” means all stages of the
17 process of acquiring property or services during a
18 contingency operation.

19 (2) CONTINGENCY OPERATION.—The term
20 “contingency operation” has the meaning given that
21 term in section 101 of title 10, United States Code.

22 (3) CONTINGENCY PROGRAM MANAGEMENT.—

23 The term “contingency program management”
24 means the process of planning, organizing, staffing,
25 controlling, and leading the combined efforts of par-



1 participating personnel for the management of a spe-
2 cific acquisition program or programs during contin-
3 gency operations.

4 **SEC. 842. INVESTIGATION OF WASTE, FRAUD, AND ABUSE**
5 **IN WARTIME CONTRACTS AND CONTRACTING**
6 **PROCESSES IN IRAQ AND AFGHANISTAN.**

7 (a) AUDITS REQUIRED.—Thorough audits shall be
8 performed in accordance with this section to identify po-
9 tential waste, fraud, and abuse in the performance of—

10 (1) Department of Defense contracts, sub-
11 contracts, and task and delivery orders for the
12 logistical support of coalition forces in Iraq and Af-
13 ghanistan; and

14 (2) Federal agency contracts, subcontracts, and
15 task and delivery orders for the performance of secu-
16 rity and reconstruction functions in Iraq and Af-
17 ghanistan.

18 (b) AUDIT PLANS.—

19 (1) The Department of Defense Inspector Gen-
20 eral shall develop a comprehensive plan for a series
21 of audits of contracts, subcontracts, and task and
22 delivery orders covered by subsection (a)(1), con-
23 sistent with the requirements of subsection (g), in
24 consultation with other Inspectors General specified
25 in subsection (c) with regard to any contracts, sub-



1 contracts, or task or delivery orders over which such
2 Inspectors General have jurisdiction.

3 (2) The Special Inspector General for Iraq Re-
4 construction shall develop a comprehensive plan for
5 a series of audits of contracts, subcontracts, and
6 task and delivery orders covered by subsection (a)(2)
7 relating to Iraq, consistent with the requirements of
8 subsection (h), in consultation with other Inspectors
9 General specified in subsection (c) with regard to
10 any contracts, subcontracts, or task or delivery or-
11 ders over which such Inspectors General have juris-
12 diction.

13 (3) The Special Inspector General for Afghani-
14 stan Reconstruction shall develop a comprehensive
15 plan for a series of audits of contracts, subcontracts,
16 and task and delivery orders covered by subsection
17 (a)(2) relating to Afghanistan, consistent with the
18 requirements of subsection (h), in consultation with
19 other Inspectors General specified in subsection (c)
20 with regard to any contracts, subcontracts, or task
21 or delivery orders over which such Inspectors Gen-
22 eral have jurisdiction.

23 (c) PERFORMANCE OF AUDITS BY CERTAIN INSPEC-
24 TORS GENERAL.—The Special Inspector General for Iraq
25 Reconstruction, during such period as such office exists,



1 the Special Inspector General for Afghanistan Reconstruc-
2 tion, during such period as such office exists, the Inspector
3 General of the Department of Defense, the Inspector Gen-
4 eral of the Department of State, and the Inspector Gen-
5 eral of the United States Agency for International Devel-
6 opment shall perform such audits as required by sub-
7 section (a) and identified in the audit plans developed pur-
8 suant to subsection (b) as fall within the respective scope
9 of their duties as specified in law.

10 (d) COORDINATION OF AUDITS.—The Inspectors
11 General specified in subsection (c) shall work to coordinate
12 the performance of the audits required by subsection (a)
13 and identified in the audit plans developed under sub-
14 section (b) including through councils and working groups
15 composed of such Inspectors General.

16 (e) JOINT AUDITS.—If one or more audits required
17 by subsection (a) and identified in an audit plan developed
18 under subsection (b) falls within the scope of the duties
19 of more than one of the Inspectors General specified in
20 subsection (c), and such Inspectors General agree that
21 such audit or audits are best pursued jointly, such Inspec-
22 tors General shall enter into a memorandum of under-
23 standing relating to the performance of such audit or au-
24 dits.



1 (f) SEPARATE AUDITS.—If one or more audits re-
2 quired by subsection (a) and identified in an audit plan
3 developed under subsection (b) falls within the scope of
4 the duties of more than one of the Inspectors General
5 specified in subsection (c), and such Inspectors General
6 do not agree that such audit or audits are best pursued
7 jointly, such audit or audits shall be separately performed
8 by one or more of the Inspectors General concerned.

9 (g) SCOPE OF AUDITS OF CONTRACTS.—Audits con-
10 ducted pursuant to subsection (a)(1) shall examine, at a
11 minimum, one or more of the following issues:

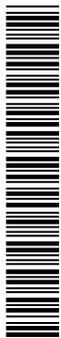
12 (1) The manner in which contract requirements
13 were developed.

14 (2) The procedures under which contracts or
15 task or delivery orders were awarded.

16 (3) The terms and conditions of contracts or
17 task or delivery orders.

18 (4) The staffing and method of performance of
19 contractors, including cost controls.

20 (5) The efficacy of Department of Defense
21 management and oversight, including the adequacy
22 of staffing and training of officials responsible for
23 such management and oversight.



1 (6) The flow of information from contractors to
2 officials responsible for contract management and
3 oversight.

4 (h) SCOPE OF AUDITS OF OTHER CONTRACTS.—Au-
5 dits conducted pursuant to subsection (a)(2) shall exam-
6 ine, at a minimum, one or more of the following issues:

7 (1) The manner in which contract requirements
8 were developed and contracts or task and delivery
9 orders were awarded.

10 (2) The manner in which the Federal agency
11 exercised control over the performance of contrac-
12 tors.

13 (3) The extent to which operational field com-
14 manders were able to coordinate or direct the per-
15 formance of contractors in an area of combat oper-
16 ations.

17 (4) The degree to which contractor employees
18 were properly screened, selected, trained, and
19 equipped for the functions to be performed.

20 (5) The nature and extent of any incidents of
21 misconduct or unlawful activity by contractor em-
22 ployees.

23 (6) The nature and extent of any activity by
24 contractor employees that was inconsistent with the
25 objectives of operational field commanders.



1 (7) The extent to which any incidents of mis-
2 conduct or unlawful activity were reported, docu-
3 mented, investigated, and (where appropriate) pros-
4 ecuted.

5 (i) INDEPENDENT CONDUCT OF AUDIT FUNC-
6 TIONS.—All audit functions under this section, including
7 audit planning and coordination, shall be performed by the
8 relevant Inspectors General in an independent manner,
9 without consultation with the Commission established pur-
10 suant to section 841 of this Act. All audit reports resulting
11 from such audits shall be available to the Commission.

12 **SEC. 843. ENHANCED COMPETITION REQUIREMENTS FOR**
13 **TASK AND DELIVERY ORDER CONTRACTS.**

14 (a) DEFENSE CONTRACTS.—

15 (1) LIMITATION ON SINGLE AWARD CON-
16 TRACTS.—Section 2304a(d) of title 10, United
17 States Code, is amended—

18 (A) by redesignating paragraph (3) as
19 paragraph (4); and

20 (B) by inserting after paragraph (2) the
21 following new paragraph (3):

22 “(3)(A) No task or delivery order contract in an
23 amount estimated to exceed \$100,000,000 (including all
24 options) may be awarded to a single source unless the
25 head of the agency determines in writing that—



1 “(i) the task or delivery orders expected under
2 the contract are so integrally related that only a sin-
3 gle source can reasonably perform the work;

4 “(ii) the contract provides only for firm, fixed
5 price task orders or delivery orders for—

6 “(I) products for which unit prices are es-
7 tablished in the contract; or

8 “(II) services for which prices are estab-
9 lished in the contract for the specific tasks to
10 be performed;

11 “(iii) only one source is qualified and capable of
12 performing the work at a reasonable price to the
13 government; or

14 “(iv) because of exceptional circumstances, it is
15 necessary in the public interest to award the con-
16 tract to a single source.

17 “(B) The head of the agency shall notify Congress
18 within 30 days after any determination under subpara-
19 graph (A)(iv).”.

20 (2) ENHANCED COMPETITION FOR ORDERS IN
21 EXCESS OF \$5,000,000.—Section 2304c of such title
22 is amended—

23 (A) by redesignating subsections (d), (e),
24 and (f) as subsections (e), (f), and (g), respec-
25 tively;



1 (B) by inserting after subsection (c) the
2 following new subsection (d):

3 “(d) ENHANCED COMPETITION FOR ORDERS IN EX-
4 CESS OF \$5,000,000.—In the case of a task or delivery
5 order in excess of \$5,000,000, the requirement to provide
6 all contractors a fair opportunity to be considered under
7 subsection (b) is not met unless all such contractors are
8 provided, at a minimum—

9 “(1) a notice of the task or delivery order that
10 includes a clear statement of the agency’s require-
11 ments;

12 “(2) a reasonable period of time to provide a
13 proposal in response to the notice;

14 “(3) disclosure of the significant factors and
15 subfactors, including cost or price, that the agency
16 expects to consider in evaluating such proposals, and
17 their relative importance;

18 “(4) in the case of an award that is to be made
19 on a best value basis, a written statement docu-
20 menting the basis for the award and the relative im-
21 portance of quality and price or cost factors; and

22 “(5) an opportunity for a post-award debriefing
23 consistent with the requirements of section
24 2305(b)(5) of this title.”; and



1 (C) by striking subsection (e), as redesignig-
2 nated by paragraph (1), and inserting the fol-
3 lowing new subsection (e):

4 “(e) PROTESTS.—(1) A protest is not authorized in
5 connection with the issuance or proposed issuance of a
6 task or delivery order except for—

7 “(A) a protest on the ground that the order in-
8 creases the scope, period, or maximum value of the
9 contract under which the order is issued; or

10 “(B) a protest of an order valued in excess of
11 \$10,000,000.

12 “(2) Notwithstanding section 3556 of title 31, the
13 Comptroller General of the United States shall have exclu-
14 sive jurisdiction of a protest authorized under paragraph
15 (1)(B).

16 “(3) This subsection shall be in effect for three years,
17 beginning on the date that is 120 days after the date of
18 the enactment of the National Defense Authorization Act
19 for Fiscal Year 2008.”.

20 (3) EFFECTIVE DATES.—

21 (A) SINGLE AWARD CONTRACTS.—The
22 amendments made by paragraph (1) shall take
23 effect on the date that is 120 days after the
24 date of the enactment of this Act, and shall



1 apply with respect to any contract awarded on
2 or after such date.

3 (B) ORDERS IN EXCESS OF \$5,000,000.—

4 The amendments made by paragraph (2) shall
5 take effect on the date that is 120 days after
6 the date of the enactment of this Act, and shall
7 apply with respect to any task or delivery order
8 awarded on or after such date.

9 (b) CIVILIAN AGENCY CONTRACTS.—

10 (1) LIMITATION ON SINGLE AWARD CON-
11 TRACTS.—Section 303H(d) of the Federal Property
12 and Administrative Services Act of 1949 (41 U.S.C.
13 253h(d)) is amended—

14 (A) by redesignating paragraph (3) as
15 paragraph (4); and

16 (B) by inserting after paragraph (2) the
17 following new paragraph (3):

18 “(3)(A) No task or delivery order contract in an
19 amount estimated to exceed \$100,000,000 (including all
20 options) may be awarded to a single source unless the
21 head of the executive agency determines in writing that—

22 “(i) the task or delivery orders expected under
23 the contract are so integrally related that only a sin-
24 gle source can reasonably perform the work;



1 “(ii) the contract provides only for firm, fixed
2 price task orders or delivery orders for—

3 “(I) products for which unit prices are es-
4 tablished in the contract; or

5 “(II) services for which prices are estab-
6 lished in the contract for the specific tasks to
7 be performed;

8 “(iii) only one source is qualified and capable of
9 performing the work at a reasonable price to the
10 government; or

11 “(iv) because of exceptional circumstances, it is
12 necessary in the public interest to award the con-
13 tract to a single source.

14 “(B) The head of the executive agency shall notify
15 Congress within 30 days after any determination under
16 subparagraph (A)(iv).”.

17 (2) ENHANCED COMPETITION FOR ORDERS IN
18 EXCESS OF \$5,000,000.—Section 303J of such Act
19 (41 U.S.C. 253j) is amended—

20 (A) by redesignating subsections (d), (e),
21 and (f) as subsections (e), (f), and (g), respec-
22 tively;

23 (B) by inserting after subsection (c) the
24 following new subsection (d):



1 “(d) ENHANCED COMPETITION FOR ORDERS IN EX-
2 CESS OF \$5,000,000.—In the case of a task or delivery
3 order in excess of \$5,000,000, the requirement to provide
4 all contractors a fair opportunity to be considered under
5 subsection (b) is not met unless all such contractors are
6 provided, at a minimum—

7 “(1) a notice of the task or delivery order that
8 includes a clear statement of the executive agency’s
9 requirements;

10 “(2) a reasonable period of time to provide a
11 proposal in response to the notice;

12 “(3) disclosure of the significant factors and
13 subfactors, including cost or price, that the executive
14 agency expects to consider in evaluating such pro-
15 posals, and their relative importance;

16 “(4) in the case of an award that is to be made
17 on a best value basis, a written statement docu-
18 menting the basis for the award and the relative im-
19 portance of quality and price or cost factors; and

20 “(5) an opportunity for a post-award debriefing
21 consistent with the requirements of section
22 303B(e).”; and

23 (C) by striking subsection (e), as redesign-
24 nated by paragraph (1), and inserting the fol-
25 lowing new subsection (e):



1 “(e) PROTESTS.—(1) A protest is not authorized in
2 connection with the issuance or proposed issuance of a
3 task or delivery order except for—

4 “(A) a protest on the ground that the order in-
5 creases the scope, period, or maximum value of the
6 contract under which the order is issued; or

7 “(B) a protest of an order valued in excess of
8 \$10,000,000.

9 “(2) Notwithstanding section 3556 of title 31, United
10 States Code, the Comptroller General of the United States
11 shall have exclusive jurisdiction of a protest authorized
12 under paragraph (1)(B).

13 “(3) This subsection shall be in effect for three years,
14 beginning on the date that is 120 days after the date of
15 the enactment of the National Defense Authorization Act
16 for Fiscal Year 2008.”.

17 (3) EFFECTIVE DATES.—

18 (A) SINGLE AWARD CONTRACTS.—The
19 amendments made by paragraph (1) shall take
20 effect on the date that is 120 days after the
21 date of the enactment of this Act, and shall
22 apply with respect to any contract awarded on
23 or after such date.

24 (B) ORDERS IN EXCESS OF \$5,000,000.—
25 The amendments made by paragraph (2) shall



1 take effect on the date that is 120 days after
2 the date of the enactment of this Act, and shall
3 apply with respect to any task or delivery order
4 awarded on or after such date.

5 **SEC. 844. PUBLIC DISCLOSURE OF JUSTIFICATION AND AP-**
6 **PROVAL DOCUMENTS FOR NONCOMPETITIVE**
7 **CONTRACTS.**

8 (a) CIVILIAN AGENCY CONTRACTS.—

9 (1) IN GENERAL.—Section 303 of the Federal
10 Property and Administrative Services Act of 1949
11 (41 U.S.C. 253) is amended by adding at the end
12 the following new subsection:

13 “(j)(1)(A) Except as provided in subparagraph (B),
14 in the case of a procurement permitted by subsection (c),
15 the head of an executive agency shall make publicly avail-
16 able, within 14 days after the award of the contract, the
17 documents containing the justification and approval re-
18 quired by subsection (f)(1) with respect to the procure-
19 ment.

20 “(B) In the case of a procurement permitted by sub-
21 section (c)(2), subparagraph (A) shall be applied by sub-
22 stituting ‘30 days’ for ‘14 days’.

23 “(2) The documents shall be made available on the
24 website of the agency and through a government-wide



1 website selected by the Administrator for Federal Procure-
2 ment Policy.

3 “(3) This subsection does not require the public avail-
4 ability of information that is exempt from public disclosure
5 under section 552(b) of title 5, United States Code.”.

6 (2) CONFORMING AMENDMENT.—Section 303(f)
7 of such Act is amended—

8 (A) by striking paragraph (4); and

9 (B) by redesignating paragraph (5) as
10 paragraph (4).

11 (b) DEFENSE AGENCY CONTRACTS.—

12 (1) IN GENERAL.—Section 2304 of title 10,
13 United States Code, is amended by adding at the
14 end the following new subsection:

15 “(1)(1)(A) Except as provided in subparagraph (B),
16 in the case of a procurement permitted by subsection (c),
17 the head of an agency shall make publicly available, within
18 14 days after the award of the contract, the documents
19 containing the justification and approval required by sub-
20 section (f)(1) with respect to the procurement.

21 “(B) In the case of a procurement permitted by sub-
22 section (c)(2), subparagraph (A) shall be applied by sub-
23 stituting ‘30 days’ for ‘14 days’.

24 “(2) The documents shall be made available on the
25 website of the agency and through a government-wide



1 website selected by the Administrator for Federal Procure-
2 ment Policy.

3 “(3) This subsection does not require the public avail-
4 ability of information that is exempt from public disclosure
5 under section 552(b) of title 5.”

6 (2) CONFORMING AMENDMENT.—Section
7 2304(f) of such title is amended—

8 (A) by striking paragraph (4); and

9 (B) by redesignating paragraphs (5) and
10 (6) as paragraphs (4) and (5), respectively.

11 **SEC. 845. DISCLOSURE OF GOVERNMENT CONTRACTOR**
12 **AUDIT FINDINGS.**

13 (a) REQUIRED ANNEX ON SIGNIFICANT AUDIT FIND-
14 INGS.—

15 (1) IN GENERAL.—Each Inspector General ap-
16 pointed under the Inspector General Act of 1978
17 shall submit, as part of the semiannual report sub-
18 mitted to Congress pursuant to section 5 of such
19 Act, an annex on final, completed contract audit re-
20 ports issued to the contracting activity containing
21 significant audit findings issued during the period
22 covered by the semiannual report concerned.

23 (2) ELEMENTS.—Such annex shall include—

24 (A) a list of such contract audit reports;



1 (B) for each audit report, a brief descrip-
2 tion of the nature of the significant audit find-
3 ings in the report; and

4 (C) for each audit report, the specific
5 amounts of costs identified as unsupported,
6 questioned, or disallowed.

7 (3) INFORMATION EXEMPT FROM PUBLIC DIS-
8 CLOSURE.—(A) Nothing in this subsection shall be
9 construed to require the release of information to
10 the public that is exempt from public disclosure
11 under section 552(b) of title 5, United States Code.

12 (B) For each element required by paragraph
13 (2), the Inspector General concerned shall note each
14 instance where information has been redacted in ac-
15 cordance with the requirements of section 552(b) of
16 title 5, United States Code, and submit an
17 unredacted annex to the committees listed in sub-
18 section (d)(2) within 7 days after the issuance of the
19 semiannual report.

20 (b) DEFENSE CONTRACT AUDIT AGENCY IN-
21 CLUDED.—For purposes of subsection (a), audits of the
22 Defense Contract Audit Agency shall be included in the
23 annex provided by the Inspector General of the Depart-
24 ment of Defense if they include significant audit findings.



1 (c) EXCEPTION.—Subsection (a) shall not apply to
2 an Inspector General if no audits described in such sub-
3 section were issued during the covered period.

4 (d) SUBMISSION OF INDIVIDUAL AUDITS.—

5 (1) REQUIREMENT.—The head of each Federal
6 department or agency shall provide, within 14 days
7 after a request in writing by the chairman or rank-
8 ing member of any committee listed in paragraph
9 (2), a full and unredacted copy of any audit de-
10 scribed in subsection (a). Such copy shall include an
11 identification of information in the audit exempt
12 from public disclosure under section 552(b) of title
13 5, United States Code.

14 (2) COMMITTEES.—The committees listed in
15 this paragraph are the following:

16 (A) The Committee on Oversight and Gov-
17 ernment Reform of the House of Representa-
18 tives.

19 (B) The Committee on Homeland Security
20 and Governmental Affairs of the Senate.

21 (C) The Committees on Appropriations of
22 the House of Representatives and the Senate.

23 (D) With respect to the Department of De-
24 fense and the Department of Energy, the Com-



1 mittees on Armed Services of the Senate and
2 House of Representatives.

3 (E) The Committees of primary jurisdic-
4 tion over the agency or department to which the
5 request is made.

6 (e) CLASSIFIED INFORMATION.—Nothing in this sec-
7 tion shall be interpreted to require the handling of classi-
8 fied information or information relating to intelligence
9 sources and methods in a manner inconsistent with any
10 law, regulation, executive order, or rule of the House of
11 Representatives or of the Senate relating to the handling
12 or protection of such information.

13 (f) DEFINITIONS.—In this section:

14 (1) SIGNIFICANT AUDIT FINDINGS.—The term
15 “significant audit findings” includes—

16 (A) unsupported, questioned, or disallowed
17 costs in an amount in excess of \$10,000,000; or

18 (B) other findings that the Inspector Gen-
19 eral of the agency or department concerned de-
20 termines to be significant.

21 (2) CONTRACT.—The term “contract” includes
22 a contract, an order placed under a task or delivery
23 order contract, or a subcontract.



1 **SEC. 846. PROTECTION FOR CONTRACTOR EMPLOYEES**
2 **FROM REPRISAL FOR DISCLOSURE OF CER-**
3 **TAIN INFORMATION.**

4 (a) INCREASED PROTECTION FROM REPRISAL.—
5 Subsection (a) of section 2409 of title 10, United States
6 Code, is amended—

7 (1) by striking “disclosing to a Member of Con-
8 gress” and inserting “disclosing to a Member of
9 Congress, a representative of a committee of Con-
10 gress, an Inspector General, the Government Ac-
11 countability Office, a Department of Defense em-
12 ployee responsible for contract oversight or manage-
13 ment,”; and

14 (2) by striking “information relating to a sub-
15 stantial violation of law related to a contract (includ-
16 ing the competition for or negotiation of a con-
17 tract)” and inserting “information that the employee
18 reasonably believes is evidence of gross mismanage-
19 ment of a Department of Defense contract or grant,
20 a gross waste of Department of Defense funds, a
21 substantial and specific danger to public health or
22 safety, or a violation of law related to a Department
23 of Defense contract (including the competition for or
24 negotiation of a contract) or grant”.



1 (b) CLARIFICATION OF INSPECTOR GENERAL DE-
2 TERMINATION.—Subsection (b) of such section is
3 amended—

4 (1) by inserting “(1)” after “INVESTIGATION
5 OF COMPLAINTS.—”;

6 (2) by striking “an agency” and inserting “the
7 Department of Defense, or the Inspector General of
8 the National Aeronautics and Space Administration
9 in the case of a complaint regarding the National
10 Aeronautics and Space Administration”; and

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

13 “(2)(A) Except as provided under subparagraph (B),
14 the Inspector General shall make a determination that a
15 complaint is frivolous or submit a report under paragraph
16 (1) within 180 days after receiving the complaint.

17 “(B) If the Inspector General is unable to complete
18 an investigation in time to submit a report within the 180-
19 day period specified in subparagraph (A) and the person
20 submitting the complaint agrees to an extension of time,
21 the Inspector General shall submit a report under para-
22 graph (1) within such additional period of time as shall
23 be agreed upon between the Inspector General and the
24 person submitting the complaint.”.



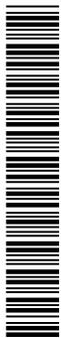
1 (c) ACCELERATION OF SCHEDULE FOR DENYING RE-
2 LIEF OR PROVIDING REMEDY.—Subsection (c) of such
3 section is amended—

4 (1) in paragraph (1), by striking “If the head
5 of the agency determines that a contractor has sub-
6 jected a person to a reprisal prohibited by subsection
7 (a), the head of the agency may” and inserting after
8 “(1)” the following: “Not later than 30 days after
9 receiving an Inspector General report pursuant to
10 subsection (b), the head of the agency concerned
11 shall determine whether there is sufficient basis to
12 conclude that the contractor concerned has subjected
13 the complainant to a reprisal prohibited by sub-
14 section (a) and shall either issue an order denying
15 relief or shall”;

16 (2) by redesignating paragraphs (2) and (3) as
17 paragraphs (4) and (5), respectively; and

18 (3) by inserting after paragraph (1) the fol-
19 lowing new paragraphs:

20 “(2) If the head of an executive agency issues an
21 order denying relief under paragraph (1) or has not issued
22 an order within 210 days after the submission of a com-
23 plaint under subsection (b), or in the case of an extension
24 of time under paragraph (b)(2)(B), not later than 30 days
25 after the expiration of the extension of time, and there



1 is no showing that such delay is due to the bad faith of
2 the complainant, the complainant shall be deemed to have
3 exhausted all administrative remedies with respect to the
4 complaint, and the complainant may bring a de novo ac-
5 tion at law or equity against the contractor to seek com-
6 pensatory damages and other relief available under this
7 section in the appropriate district court of the United
8 States, which shall have jurisdiction over such an action
9 without regard to the amount in controversy. Such an ac-
10 tion shall, at the request of either party to the action, be
11 tried by the court with a jury.

12 “(3) An Inspector General determination and an
13 agency head order denying relief under paragraph (2)
14 shall be admissible in evidence in any de novo action at
15 law or equity brought pursuant to this subsection.”.

16 (d) DEFINITIONS.—Subsection (e) of such section is
17 amended—

18 (1) in paragraph (4), by inserting “or a grant”
19 after “a contract”; and

20 (2) by inserting before the period at the end the
21 following: “and any Inspector General that receives
22 funding from, or has oversight over contracts award-
23 ed for or on behalf of, the Secretary of Defense”.



1 **SEC. 847. REQUIREMENTS FOR SENIOR DEPARTMENT OF**
2 **DEFENSE OFFICIALS SEEKING EMPLOYMENT**
3 **WITH DEFENSE CONTRACTORS.**

4 (a) REQUIREMENT TO SEEK AND OBTAIN WRITTEN
5 OPINION.—

6 (1) REQUEST.—An official or former official of
7 the Department of Defense described in subsection
8 (c) who, within two years after leaving service in the
9 Department of Defense, expects to receive com-
10 pensation from a Department of Defense contractor,
11 shall, prior to accepting such compensation, request
12 a written opinion regarding the applicability of post-
13 employment restrictions to activities that the official
14 or former official may undertake on behalf of a con-
15 tractor.

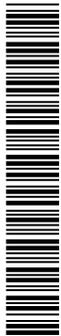
16 (2) SUBMISSION OF REQUEST.—A request for a
17 written opinion under paragraph (1) shall be sub-
18 mitted in writing to an ethics official of the Depart-
19 ment of Defense having responsibility for the organi-
20 zation in which the official or former official serves
21 or served and shall set forth all information relevant
22 to the request, including information relating to gov-
23 ernment positions held and major duties in those po-
24 sitions, actions taken concerning future employment,
25 positions sought, and future job descriptions, if ap-
26 plicable.



1 (3) WRITTEN OPINION.—Not later than 30
2 days after receiving a request by an official or
3 former official of the Department of Defense de-
4 scribed in subsection (c), the appropriate ethics
5 counselor shall provide such official or former offi-
6 cial a written opinion regarding the applicability or
7 inapplicability of post-employment restrictions to ac-
8 tivities that the official or former official may under-
9 take on behalf of a contractor.

10 (4) CONTRACTOR REQUIREMENT.—A Depart-
11 ment of Defense contractor may not knowingly pro-
12 vide compensation to a former Department of De-
13 fense official described in subsection (c) within two
14 years after such former official leaves service in the
15 Department of Defense, without first determining
16 that the former official has sought and received (or
17 has not received after 30 days of seeking) a written
18 opinion from the appropriate ethics counselor re-
19 garding the applicability of post-employment restric-
20 tions to the activities that the former official is ex-
21 pected to undertake on behalf of the contractor.

22 (5) ADMINISTRATIVE ACTIONS.—In the event
23 that an official or former official of the Department
24 of Defense described in subsection (c), or a Depart-
25 ment of Defense contractor, knowingly fails to com-



1 ply with the requirements of this subsection, the
2 Secretary of Defense may take any of the adminis-
3 trative actions set forth in section 27(e) of the Office
4 of Federal Procurement Policy Act (41 U.S.C.
5 423(e)) that the Secretary of Defense determines to
6 be appropriate.

7 (b) RECORDKEEPING REQUIREMENT.—

8 (1) DATABASE.—Each request for a written
9 opinion made pursuant to this section, and each
10 written opinion provided pursuant to such a request,
11 shall be retained by the Department of Defense in
12 a central database or repository for not less than
13 five years beginning on the date on which the writ-
14 ten opinion was provided.

15 (2) INSPECTOR GENERAL REVIEW.—The In-
16 spector General of the Department of Defense shall
17 conduct periodic reviews to ensure that written opin-
18 ions are being provided and retained in accordance
19 with the requirements of this section. The first such
20 review shall be conducted no later than two years
21 after the date of the enactment of this Act.

22 (c) COVERED DEPARTMENT OF DEFENSE OFFI-
23 CIALS.—An official or former official of the Department
24 of Defense is covered by the requirements of this section
25 if such official or former official—



1 (1) participated personally and substantially in
2 an acquisition as defined in section 4(16) of the Of-
3 fice of Federal Procurement Policy Act with a value
4 in excess of \$10,000,000 and serves or served—

5 (A) in an Executive Schedule position
6 under subchapter II of chapter 53 of title 5,
7 United States Code;

8 (B) in a position in the Senior Executive
9 Service under subchapter VIII of chapter 53 of
10 title 5, United States Code; or

11 (C) in a general or flag officer position
12 compensated at a rate of pay for grade O-7 or
13 above under section 201 of title 37, United
14 States Code; or

15 (2) serves or served as a program manager,
16 deputy program manager, procuring contracting offi-
17 cer, administrative contracting officer, source selec-
18 tion authority, member of the source selection eval-
19 uation board, or chief of a financial or technical
20 evaluation team for a contract in an amount in ex-
21 cess of \$10,000,000.

22 (d) DEFINITION.—In this section, the term “post-em-
23 ployment restrictions” includes—

24 (1) section 27 of the Office of Federal Procure-
25 ment Policy Act (41 U.S.C. 423);



1 (2) section 207 of title 18, United States Code;
2 and

3 (3) any other statute or regulation restricting
4 the employment or activities of individuals who leave
5 government service in the Department of Defense.

6 **SEC. 848. REPORT ON CONTRACTOR ETHICS PROGRAMS OF**
7 **MAJOR DEFENSE CONTRACTORS.**

8 (a) **REPORT REQUIRED.**—Not later than one year
9 after the date of the enactment of this Act, the Comp-
10 troller General of the United States shall submit to the
11 Committees on Armed Services of the Senate and the
12 House of Representatives a report on the internal ethics
13 programs of major defense contractors.

14 (b) **ELEMENTS.**—The report required by subsection
15 (a) shall address, at a minimum—

16 (1) the extent to which major defense contrac-
17 tors have internal ethics programs in place;

18 (2) the extent to which the ethics programs de-
19 scribed in paragraph (1) include—

20 (A) the availability of internal mechanisms,
21 such as hotlines, for contractor employees to re-
22 port conduct that may violate applicable re-
23 quirements of law or regulation;

24 (B) notification to contractor employees of
25 the availability of external mechanisms, such as



1 the hotline of the Inspector General of the De-
2 partment of Defense, for the reporting of con-
3 duct that may violate applicable requirements of
4 law or regulation;

5 (C) notification to contractor employees of
6 their right to be free from reprisal for dis-
7 closing a substantial violation of law related to
8 a contract, in accordance with section 2409 of
9 title 10, United States Code;

10 (D) ethics training programs for con-
11 tractor officers and employees;

12 (E) internal audit or review programs to
13 identify and address conduct that may violate
14 applicable requirements of law or regulation;

15 (F) self-reporting requirements, under
16 which contractors report conduct that may vio-
17 late applicable requirements of law or regula-
18 tion to appropriate government officials;

19 (G) disciplinary action for contractor em-
20 ployees whose conduct is determined to have
21 violated applicable requirements of law or regu-
22 lation; and

23 (H) appropriate management oversight to
24 ensure the successful implementation of such
25 ethics programs;



1 (3) the extent to which the Department of De-
2 fense monitors or approves the ethics programs of
3 major defense contractors; and

4 (4) the advantages and disadvantages of legisla-
5 tion requiring that defense contractors develop inter-
6 nal ethics programs and requiring that specific ele-
7 ments be included in such ethics programs.

8 (c) ACCESS TO INFORMATION.—In accordance with
9 the contract clause required pursuant to section 2313(c)
10 of title 10, United States Code, each major defense con-
11 tractor shall provide the Comptroller General access to in-
12 formation requested by the Comptroller General that is
13 within the scope of the report required by this section.

14 (d) MAJOR DEFENSE CONTRACTOR DEFINED.—In
15 this section, the term “major defense contractor” means
16 any company that was awarded contracts by the Depart-
17 ment of Defense during fiscal year 2006 in amounts total-
18 ing more than \$500,000,000.

19 **SEC. 849. CONTINGENCY CONTRACTING TRAINING FOR**
20 **PERSONNEL OUTSIDE THE ACQUISITION**
21 **WORKFORCE AND EVALUATIONS OF ARMY**
22 **COMMISSION RECOMMENDATIONS.**

23 (a) TRAINING REQUIREMENT.—Section 2333 of title
24 10, United States Code is amended—



1 (1) by redesignating subsection (e) as sub-
2 section (f); and

3 (2) by inserting after subsection (d) the fol-
4 lowing new subsection (e):

5 “(e) TRAINING FOR PERSONNEL OUTSIDE ACQUI-
6 TION WORKFORCE.—(1) The joint policy for requirements
7 definition, contingency program management, and contin-
8 gency contracting required by subsection (a) shall provide
9 for training of military personnel outside the acquisition
10 workforce (including operational field commanders and of-
11 ficers performing key staff functions for operational field
12 commanders) who are expected to have acquisition respon-
13 sibility, including oversight duties associated with con-
14 tracts or contractors, during combat operations, post-con-
15 flict operations, and contingency operations.

16 “(2) Training under paragraph (1) shall be sufficient
17 to ensure that the military personnel referred to in that
18 paragraph understand the scope and scale of contractor
19 support they will experience in contingency operations and
20 are prepared for their roles and responsibilities with re-
21 gard to requirements definition, program management (in-
22 cluding contractor oversight), and contingency con-
23 tracting.

24 “(3) The joint policy shall also provide for the incor-
25 poration of contractors and contract operations in mission



1 readiness exercises for operations that will include con-
2 tracting and contractor support.”.

3 (b) ORGANIZATIONAL REQUIREMENTS.—

4 (1) EVALUATION BY THE SECRETARY OF DE-
5 FENSE.—The Secretary of Defense, in consultation
6 with the Chairman of the Joint Chiefs of Staff, shall
7 evaluate the recommendations included in the report
8 of the Commission on Army Acquisition and Pro-
9 gram Management in Expeditionary Operations and
10 shall determine the extent to which such rec-
11 ommendations are applicable to the other Armed
12 Forces. Not later than 120 days after the date of
13 the enactment of this Act, the Secretary of Defense
14 shall submit a report to the congressional defense
15 committees with the conclusions of this evaluation
16 and a description of the Secretary’s plans for imple-
17 menting the Commission’s recommendations for
18 Armed Forces other than the Army.

19 (2) EVALUATION BY THE SECRETARY OF THE
20 ARMY.—The Secretary of the Army, in consultation
21 with the Chief of Staff of the Army, shall evaluate
22 the recommendations included in the report of the
23 Commission on Army Acquisition and Program
24 Management in Expeditionary Operations. Not later
25 than 120 days after the date of the enactment of



1 this Act, the Secretary of the Army shall submit to
2 the congressional defense committees a report detail-
3 ing the Secretary's plans for implementation of the
4 recommendations of the Commission. The report
5 shall include the following:

6 (A) For each recommendation that has
7 been implemented, or that the Secretary plans
8 to implement—

9 (i) a summary of all actions that have
10 been taken to implement such rec-
11 ommendation; and

12 (ii) a schedule, with specific mile-
13 stones, for completing the implementation
14 of such recommendation.

15 (B) For each recommendation that the
16 Secretary has not implemented and does not
17 plan to implement—

18 (i) the reasons for the decision not to
19 implement such recommendation; and

20 (ii) a summary of any alternative ac-
21 tions the Secretary plans to take to ad-
22 dress the purposes underlying such rec-
23 ommendation.



1 (C) For each recommendation that would
2 require legislation to implement, the Secretary's
3 recommendations regarding such legislation.

4 (c) COMPTROLLER GENERAL REPORT.—Section
5 854(c) of the John Warner National Defense Authoriza-
6 tion Act for Fiscal Year 2007 (Public Law 109–364; 120
7 Stat. 2346) is amended by adding at the end the following
8 new paragraph:

9 “(3) COMPTROLLER GENERAL REPORT.—Not
10 later than 180 days after the date on which the Sec-
11 retary of Defense submits the final report required
12 by paragraph (2), the Comptroller General of the
13 United States shall—

14 “(A) review the joint policies developed by
15 the Secretary, including the implementation of
16 such policies; and

17 “(B) submit to the Committees on Armed
18 Services of the Senate and the House of Rep-
19 resentatives a report on the extent to which
20 such policies, and the implementation of such
21 policies, comply with the requirements of sec-
22 tion 2333 of title 10, United States Code (as so
23 amended).”.



1 **Subtitle E—Acquisition Workforce**
2 **Provisions**

3 **SEC. 851. REQUIREMENT FOR SECTION ON DEFENSE AC-**
4 **QUISITION WORKFORCE IN STRATEGIC**
5 **HUMAN CAPITAL PLAN.**

6 (a) IN GENERAL.—In the update of the strategic
7 human capital plan for 2008, and in each subsequent up-
8 date, the Secretary of Defense shall include a separate sec-
9 tion focused on the defense acquisition workforce, includ-
10 ing both military and civilian personnel.

11 (b) FUNDING.—The section shall contain—

12 (1) an identification of the funding programmed
13 for defense acquisition workforce improvements, in-
14 cluding a specific identification of funding provided
15 in the Department of Defense Acquisition Workforce
16 Fund established under section 1705 of title 10,
17 United States Code (as added by section 852 of this
18 Act);

19 (2) an identification of the funding programmed
20 for defense acquisition workforce training in the fu-
21 ture-years defense program, including a specific
22 identification of funding provided by the acquisition
23 workforce training fund established under section
24 37(h)(3) of the Office of Federal Procurement Pol-
25 icy Act (41 U.S.C. 433(h)(3));



1 (3) a description of how the funding identified
2 pursuant to paragraphs (1) and (2) will be imple-
3 mented during the fiscal year concerned to address
4 the areas of need identified in accordance with sub-
5 section (c);

6 (4) a statement of whether the funding identi-
7 fied under paragraphs (1) and (2) is being fully
8 used; and

9 (5) a description of any continuing shortfall in
10 funding available for the defense acquisition work-
11 force.

12 (c) AREAS OF NEED.—The section also shall identify
13 any areas of need in the defense acquisition workforce,
14 including—

15 (1) gaps in the skills and competencies of the
16 current or projected defense acquisition workforce;

17 (2) changes to the types of skills needed in the
18 current or projected defense acquisition workforce;

19 (3) incentives to retain in the defense acquisi-
20 tion workforce qualified, experienced defense acquisi-
21 tion workforce personnel; and

22 (4) incentives for attracting new, high-quality
23 personnel to the defense acquisition workforce.

24 (d) STRATEGIC HUMAN CAPITAL PLAN DEFINED.—

25 In this section, the term “strategic human capital plan”



1 means the strategic human capital plan required under
2 section 1122 of the National Defense Authorization Act
3 for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
4 3452; 10 U.S.C. prec. 1580 note).

5 **SEC. 852. DEPARTMENT OF DEFENSE ACQUISITION WORK-**
6 **FORCE DEVELOPMENT FUND.**

7 (a) IN GENERAL.—

8 (1) ESTABLISHMENT OF FUND.—Chapter 87 of
9 title 10, United States Code, is amended by insert-
10 ing after section 1704 the following new section:

11 **“§ 1705. Department of Defense Acquisition Work-**
12 **force Development Fund**

13 “(a) ESTABLISHMENT.—The Secretary of Defense
14 shall establish a fund to be known as the ‘Department of
15 Defense Acquisition Workforce Fund’ (in this section re-
16 ferred to as the ‘Fund’) to provide funds, in addition to
17 other funds that may be available, for the recruitment,
18 training, and retention of acquisition personnel of the De-
19 partment of Defense.

20 “(b) PURPOSE.—The purpose of the Fund is to en-
21 sure that the Department of Defense acquisition work-
22 force has the capacity, in both personnel and skills, needed
23 to properly perform its mission, provide appropriate over-
24 sight of contractor performance, and ensure that the De-



1 partment receives the best value for the expenditure of
2 public resources.

3 “(c) MANAGEMENT.—The Fund shall be managed by
4 a senior official of the Department of Defense designated
5 by the Under Secretary of Defense for Acquisition, Tech-
6 nology, and Logistics for that purpose, from among per-
7 sons with an extensive background in management relat-
8 ing to acquisition and personnel.

9 “(d) ELEMENTS.—

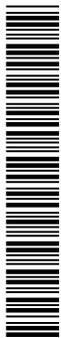
10 “(1) IN GENERAL.—The Fund shall consist of
11 amounts as follows:

12 “(A) Amounts credited to the Fund under
13 paragraph (2).

14 “(B) Any other amounts appropriated to,
15 credited to, or deposited into the Fund by law.

16 “(2) CREDITS TO THE FUND.—(A) There shall
17 be credited to the Fund an amount equal to the ap-
18 plicable percentage for a fiscal year of all amounts
19 expended by the Department of Defense in such fis-
20 cal year for contract services, other than services re-
21 lating to research and development and services re-
22 lating to military construction.

23 “(B) Not later than 30 days after the end of
24 the third fiscal year quarter of fiscal year 2008, and
25 30 days after the end of each fiscal year quarter



1 thereafter, the head of each military department and
2 Defense Agency shall remit to the Secretary of De-
3 fense an amount equal to the applicable percentage
4 for such fiscal year of the amount expended by such
5 military department or Defense Agency, as the case
6 may be, during such fiscal year quarter for services
7 covered by subparagraph (A). Any amount so remit-
8 ted shall be credited to the Fund under subpara-
9 graph (A).

10 “(C) For purposes of this paragraph, the appli-
11 cable percentage for a fiscal year is a percentage as
12 follows:

13 “(i) For fiscal year 2008, 0.5 percent.

14 “(ii) For fiscal year 2009, 1 percent.

15 “(iii) For fiscal year 2010, 1.5 percent.

16 “(iv) For any fiscal year after fiscal year
17 2010, 2 percent.

18 “(D) The Secretary of Defense may reduce a
19 percentage established in subparagraph (C) for any
20 fiscal year, if he determines that the application of
21 such percentage would result in the crediting of an
22 amount greater than is reasonably needed for the
23 purpose of the Fund. In no event may the Secretary
24 reduce a percentage for any fiscal year below a per-



1 centage that results in the deposit in a fiscal year
2 of an amount equal to the following:

3 “(i) For fiscal year 2008, \$300,000,000.

4 “(ii) For fiscal year 2009, \$400,000,000.

5 “(iii) For fiscal year 2010, \$500,000,000.

6 “(iv) For any fiscal year after fiscal year
7 2010, \$600,000,000.

8 “(e) AVAILABILITY OF FUNDS.—

9 “(1) IN GENERAL.—Subject to the provisions of
10 this subsection, amounts in the Fund shall be avail-
11 able to the Secretary of Defense for expenditure, or
12 for transfer to a military department or Defense
13 Agency, for the recruitment, training, and retention
14 of acquisition personnel of the Department of De-
15 fense for the purpose of the Fund, including for the
16 provision of training and retention incentives to the
17 acquisition workforce of the Department.

18 “(2) PROHIBITION.—Amounts in the Fund may
19 not be obligated for any purpose other than pur-
20 poses described in paragraph (1) or otherwise in ac-
21 cordance with this subsection.

22 “(3) GUIDANCE.—The Under Secretary of De-
23 fense for Acquisition, Technology, and Logistics, act-
24 ing through the senior official designated to manage
25 the Fund, shall issue guidance for the administra-



1 tion of the Fund. Such guidance shall include
2 provisions—

3 “(A) identifying areas of need in the acqui-
4 sition workforce for which amounts in the Fund
5 may be used, including—

6 “(i) changes to the types of skills
7 needed in the acquisition workforce;

8 “(ii) incentives to retain in the acqui-
9 sition workforce qualified, experienced ac-
10 quisition workforce personnel; and

11 “(iii) incentives for attracting new,
12 high-quality personnel to the acquisition
13 workforce;

14 “(B) describing the manner and timing for
15 applications for amounts in the Fund to be sub-
16 mitted;

17 “(C) describing the evaluation criteria to
18 be used for approving or prioritizing applica-
19 tions for amounts in the Fund in any fiscal
20 year; and

21 “(D) describing measurable objectives of
22 performance for determining whether amounts
23 in the Fund are being used in compliance with
24 this section.



1 “(4) LIMITATION ON PAYMENTS TO OR FOR
2 CONTRACTORS.—Amounts in the Fund shall not be
3 available for payments to contractors or contractor
4 employees, other than for the purpose of providing
5 advanced training to Department of Defense employ-
6 ees.

7 “(5) PROHIBITION ON PAYMENT OF BASE SAL-
8 ARY OF CURRENT EMPLOYEES.—Amounts in the
9 Fund may not be used to pay the base salary of any
10 person who was an employee of the Department as
11 of the date of the enactment of the National Defense
12 Authorization Act for Fiscal Year 2008.

13 “(6) DURATION OF AVAILABILITY.—Amounts
14 credited to the Fund under subsection (d)(2) shall
15 remain available for expenditure in the fiscal year
16 for which credited and the two succeeding fiscal
17 years.

18 “(f) ANNUAL REPORT.—Not later than 60 days after
19 the end of each fiscal year beginning with fiscal year 2008,
20 the Secretary of Defense shall submit to the congressional
21 defense committees a report on the operation of the Fund
22 during such fiscal year. Each report shall include, for the
23 fiscal year covered by such report, the following:

24 “(1) A statement of the amounts remitted to
25 the Secretary for crediting to the Fund for such fis-



1 cal year by each military department and Defense
2 Agency, and a statement of the amounts credited to
3 the Fund for such fiscal year.

4 “(2) A description of the expenditures made
5 from the Fund (including expenditures following a
6 transfer of amounts in the Fund to a military de-
7 partment or Defense Agency) in such fiscal year, in-
8 cluding the purpose of such expenditures.

9 “(3) A description and assessment of improve-
10 ments in the Department of Defense acquisition
11 workforce resulting from such expenditures.

12 “(4) Recommendations for additional authori-
13 ties to fulfill the purpose of the Fund.

14 “(5) A statement of the balance remaining in
15 the Fund at the end of such fiscal year.

16 “(g) ACQUISITION WORKFORCE DEFINED.—In this
17 section, the term ‘acquisition workforce’ means personnel
18 in positions designated under section 1721 of this title as
19 acquisition positions for purposes of this chapter.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of subchapter I of such chap-
22 ter is amended by inserting after the item relating
23 to section 1704 the following new item:

“1705. Department of Defense Acquisition Workforce Development Fund.”.



1 (b) EFFECTIVE DATE.—Section 1705 of title 10,
2 United States Code, as added by subsection (a), shall take
3 effect on the date of the enactment of this Act.

4 **SEC. 853. EXTENSION OF AUTHORITY TO FILL SHORTAGE**
5 **CATEGORY POSITIONS FOR CERTAIN FED-**
6 **ERAL ACQUISITION POSITIONS.**

7 Section 1413(b) of the National Defense Authoriza-
8 tion Act for Fiscal Year 2004 (Public Law 108–136; 117
9 Stat. 1665) is amended by striking “September 30, 2007”
10 and inserting “September 30, 2012”.

11 **SEC. 854. REPEAL OF SUNSET OF ACQUISITION WORK-**
12 **FORCE TRAINING FUND.**

13 Section 37(h)(3) of the Office of Federal Procure-
14 ment Policy Act (41 U.S.C. 433(h)(3)) is amended by
15 striking subparagraph (H).

16 **SEC. 855. FEDERAL ACQUISITION WORKFORCE IMPROVE-**
17 **MENTS.**

18 (a) ASSOCIATE ADMINISTRATOR FOR ACQUISITION
19 WORKFORCE PROGRAMS.—The Administrator for Federal
20 Procurement Policy shall designate a member of the Sen-
21 ior Executive Service as the Associate Administrator for
22 Acquisition Workforce Programs. The Associate Adminis-
23 trator for Acquisition Workforce Programs shall be lo-
24 cated in the Federal Acquisition Institute (or its suc-



1 cessor). The Associate Administrator shall be responsible
2 for—

3 (1) supervising the acquisition workforce train-
4 ing fund established under section 37(h)(3) of the
5 Office of Federal Procurement Policy Act (41 U. S.
6 C. 433(h)(3));

7 (2) developing, in coordination with Chief Ac-
8 quisition Officers and Chief Human Capital Officers,
9 a strategic human capital plan for the acquisition
10 workforce of the Federal Government;

11 (3) reviewing and providing input to individual
12 agency acquisition workforce succession plans;

13 (4) recommending to the Administrator and
14 other senior government officials appropriate pro-
15 grams, policies, and practices to increase the quan-
16 tity and quality of the Federal acquisition workforce;
17 and

18 (5) carrying out such other functions as the Ad-
19 ministrator may assign.

20 (b) ACQUISITION AND CONTRACTING TRAINING PRO-
21 GRAMS WITHIN EXECUTIVE AGENCIES.—

22 (1) REQUIREMENT.—The head of each execu-
23 tive agency, after consultation with the Associate
24 Administrator for Acquisition Workforce Programs,



1 shall establish and operate acquisition and con-
2 tracting training programs. Such programs shall—

3 (A) have curricula covering a broad range
4 of acquisition and contracting disciplines cor-
5 responding to the specific acquisition and con-
6 tracting needs of the agency involved;

7 (B) be developed and applied according to
8 rigorous standards; and

9 (C) be designed to maximize efficiency,
10 through the use of self-paced courses, online
11 courses, on-the-job training, and the use of re-
12 mote instructors, wherever such features can be
13 applied without reducing the effectiveness of the
14 training or negatively affecting academic stand-
15 ards.

16 (2) CHIEF ACQUISITION OFFICER AUTHORITIES
17 AND RESPONSIBILITIES.—Subject to the authority,
18 direction, and control of the head of an executive
19 agency, the Chief Acquisition Officer for such agen-
20 cy shall carry out all powers, functions, and duties
21 of the head of the agency with respect to implemen-
22 tation of this subsection. The Chief Acquisition Offi-
23 cer shall ensure that the policies established by the
24 head of the agency in accordance with this sub-
25 section are implemented throughout the agency.



1 (c) GOVERNMENT-WIDE POLICIES AND EVALUA-
2 TION.—The Administrator for Federal Procurement Pol-
3 icy shall issue policies to promote the development of per-
4 formance standards for training and uniform implementa-
5 tion of this section by executive agencies, with due regard
6 for differences in program requirements among agencies
7 that may be appropriate and warranted in view of the
8 agency mission. The Administrator shall evaluate the im-
9 plementation of the provisions of subsection (b) by execu-
10 tive agencies.

11 (d) ACQUISITION AND CONTRACTING TRAINING RE-
12 PORTING.—The Administrator for Federal Procurement
13 Policy shall ensure that the heads of executive agencies
14 collect and maintain standardized information on the ac-
15 quisition and contracting workforce related to the imple-
16 mentation of subsection (b).

17 (e) ACQUISITION WORKFORCE HUMAN CAPITAL SUC-
18 CESSION PLAN.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of the enactment of this Act, each Chief Ac-
21 quisition Officer for an executive agency shall de-
22 velop, in consultation with the Chief Human Capital
23 Officer for the agency and the Associate Adminis-
24 trator for Acquisition Workforce Programs, a suc-
25 cession plan consistent with the agency's strategic



1 human capital plan for the recruitment, develop-
2 ment, and retention of the agency's acquisition
3 workforce, with a particular focus on warranted con-
4 tracting officers and program managers of the agen-
5 cy.

6 (2) CONTENT OF PLAN.—The acquisition work-
7 force succession plan shall address—

8 (A) recruitment goals for personnel from
9 procurement intern programs;

10 (B) the agency's acquisition workforce
11 training needs;

12 (C) actions to retain high performing ac-
13 quisition professionals who possess critical rel-
14 evant skills;

15 (D) recruitment goals for personnel from
16 the Federal Career Intern Program; and

17 (E) recruitment goals for personnel from
18 the Presidential Management Fellows Program.

19 (f) TRAINING IN THE ACQUISITION OF ARCHITECT
20 AND ENGINEERING SERVICES.—The Administrator for
21 Federal Procurement Policy shall ensure that a sufficient
22 number of Federal employees are trained in the acqui-
23 sition of architect and engineering services.

24 (g) UTILIZATION OF RECRUITMENT AND RETENTION
25 AUTHORITIES.—The Administrator for Federal Procure-



1 ment Policy, in coordination with the Director of the Of-
2 fice of Personnel Management, shall encourage executive
3 agencies to utilize existing authorities, including direct
4 hire authority and tuition assistance programs, to recruit
5 and retain acquisition personnel and consider recruiting
6 acquisition personnel who may be retiring from the private
7 sector, consistent with existing laws and regulations.

8 (h) DEFINITIONS.—In this section:

9 (1) EXECUTIVE AGENCY.—The term “executive
10 agency” has the meaning provided in section 4(1) of
11 the Office of Federal Procurement Policy Act (41
12 U.S.C. 403(1)).

13 (2) CHIEF ACQUISITION OFFICER.—The term
14 “Chief Acquisition Officer” means a Chief Acquisi-
15 tion Officer for an executive agency appointed pur-
16 suant to section 16 of the Office of Federal Procure-
17 ment Policy Act (41 U.S.C. 414).

18 **Subtitle F—Contracts in Iraq and**
19 **Afghanistan**

20 **SEC. 861. MEMORANDUM OF UNDERSTANDING ON MAT-**
21 **TERS RELATING TO CONTRACTING.**

22 (a) MEMORANDUM OF UNDERSTANDING RE-
23 QUIRED.—The Secretary of Defense, the Secretary of
24 State, and the Administrator of the United States Agency
25 for International Development shall, not later than July



1 1, 2008, enter into a memorandum of understanding re-
2 garding matters relating to contracting for contracts in
3 Iraq or Afghanistan.

4 (b) MATTERS COVERED.—The memorandum of un-
5 derstanding required by subsection (a) shall address, at
6 a minimum, the following:

7 (1) Identification of the major categories of
8 contracts in Iraq or Afghanistan being awarded by
9 the Department of Defense, the Department of
10 State, or the United States Agency for International
11 Development.

12 (2) Identification of the roles and responsibil-
13 ities of each department or agency for matters relat-
14 ing to contracting for contracts in Iraq or Afghani-
15 stan.

16 (3) Responsibility for establishing procedures
17 for, and the coordination of, movement of contractor
18 personnel in Iraq or Afghanistan.

19 (4) Identification of common databases that will
20 serve as repositories of information on contracts in
21 Iraq or Afghanistan and contractor personnel in
22 Iraq or Afghanistan, including agreement on the ele-
23 ments to be included in the databases, including, at
24 a minimum—

25 (A) with respect to each contract—



1 (i) a brief description of the contract
2 (to the extent consistent with security con-
3 siderations);

4 (ii) the total value of the contract;
5 and

6 (iii) whether the contract was awarded
7 competitively; and

8 (B) with respect to contractor personnel—

9 (i) the total number of personnel em-
10 ployed on contracts in Iraq or Afghanistan;

11 (ii) the total number of personnel per-
12 forming security functions under contracts
13 in Iraq or Afghanistan; and

14 (iii) the total number of personnel
15 working under contracts in Iraq or Af-
16 ghanistan who have been killed or wound-
17 ed.

18 (5) Responsibility for maintaining and updating
19 information in the common databases identified
20 under paragraph (4).

21 (6) Responsibility for the collection and referral
22 to the appropriate Government agency of any infor-
23 mation relating to offenses under chapter 47 of title
24 10, United States Code (the Uniform Code of Mili-
25 tary Justice) or chapter 212 of title 18, United



1 States Code (commonly referred to as the Military
2 Extraterritorial Jurisdiction Act), including a clari-
3 fication of responsibilities under section 802(a)(10)
4 of title 10, United States Code (article 2(a) of the
5 Uniform Code of Military Justice), as amended by
6 section 552 of the John Warner National Defense
7 Authorization Act for Fiscal Year 2007 (Public Law
8 109–364).

9 (c) IMPLEMENTATION OF MEMORANDUM OF UNDER-
10 STANDING.—Not later than 120 days after the memo-
11 randum of understanding required by subsection (a) is
12 signed, the Secretary of Defense, the Secretary of State,
13 and the Administrator of the United States Agency for
14 International Development shall issue such policies or
15 guidance and prescribe such regulations as are necessary
16 to implement the memorandum of understanding for the
17 relevant matters pertaining to their respective agencies.

18 (d) COPIES PROVIDED TO CONGRESS.—

19 (1) MEMORANDUM OF UNDERSTANDING.—Cop-
20 ies of the memorandum of understanding required
21 by subsection (a) shall be provided to the relevant
22 committees of Congress within 30 days after the
23 memorandum is signed.

24 (2) REPORT ON IMPLEMENTATION.—Not later
25 than 180 days after the memorandum of under-



1 standing required by subsection (a) is signed, the
2 Secretary of Defense, the Secretary of State, and
3 the Administrator of the United States Agency for
4 International Development shall each provide a re-
5 port to the relevant committees of Congress on the
6 implementation of the memorandum of under-
7 standing.

8 (3) DATABASES.—The Secretary of Defense,
9 the Secretary of State, or the Administrator of the
10 United States Agency for International Development
11 shall provide access to the common databases identi-
12 fied under subsection (b)(4) to the relevant commit-
13 tees of Congress.

14 (4) CONTRACTS.—Effective on the date of the
15 enactment of this Act, copies of any contracts in
16 Iraq or Afghanistan awarded after December 1,
17 2007, shall be provided to any of the relevant com-
18 mittees of Congress within 15 days after the submis-
19 sion of a request for such contract or contracts from
20 such committee to the department or agency man-
21 aging the contract.



1 **SEC. 862. CONTRACTORS PERFORMING PRIVATE SECURITY**
2 **FUNCTIONS IN AREAS OF COMBAT OPER-**
3 **ATIONS.**

4 (a) REGULATIONS ON CONTRACTORS PERFORMING
5 PRIVATE SECURITY FUNCTIONS.—

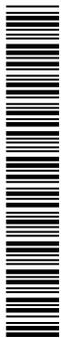
6 (1) IN GENERAL.—Not later than 120 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Defense, in coordination with the Secretary
9 of State, shall prescribe regulations on the selection,
10 training, equipping, and conduct of personnel per-
11 forming private security functions under a covered
12 contract in an area of combat operations.

13 (2) ELEMENTS.—The regulations prescribed
14 under subsection (a) shall, at a minimum,
15 establish—

16 (A) a process for registering, processing,
17 accounting for, and keeping appropriate records
18 of personnel performing private security func-
19 tions in an area of combat operations;

20 (B) a process for authorizing and account-
21 ing for weapons to be carried by, or available to
22 be used by, personnel performing private secu-
23 rity functions in an area of combat operations;

24 (C) a process for the registration and iden-
25 tification of armored vehicles, helicopters, and
26 other military vehicles operated by contractors



1 performing private security functions in an area
2 of combat operations;

3 (D) a process under which contractors are
4 required to report all incidents, and persons
5 other than contractors are permitted to report
6 incidents, in which—

7 (i) a weapon is discharged by per-
8 sonnel performing private security func-
9 tions in an area of combat operations;

10 (ii) personnel performing private secu-
11 rity functions in an area of combat oper-
12 ations are killed or injured; or

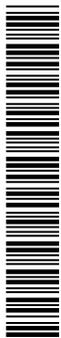
13 (iii) persons are killed or injured, or
14 property is destroyed, as a result of con-
15 duct by contractor personnel;

16 (E) a process for the independent review
17 and, if practicable, investigation of—

18 (i) incidents reported pursuant to sub-
19 paragraph (D); and

20 (ii) incidents of alleged misconduct by
21 personnel performing private security func-
22 tions in an area of combat operations;

23 (F) requirements for qualification, train-
24 ing, screening (including, if practicable, through
25 background checks), and security for personnel



1 performing private security functions in an area
2 of combat operations;

3 (G) guidance to the commanders of the
4 combatant commands on the issuance of—

5 (i) orders, directives, and instructions
6 to contractors performing private security
7 functions relating to equipment, force pro-
8 tection, security, health, safety, or relations
9 and interaction with locals;

10 (ii) predeployment training require-
11 ments for personnel performing private se-
12 curity functions in an area of combat oper-
13 ations, addressing the requirements of this
14 section, resources and assistance available
15 to contractor personnel, country informa-
16 tion and cultural training, and guidance on
17 working with host country nationals and
18 military; and

19 (iii) rules on the use of force for per-
20 sonnel performing private security func-
21 tions in an area of combat operations;

22 (H) a process by which a commander of a
23 combatant command may request an action de-
24 scribed in subsection (b)(3); and



1 (I) a process by which the training require-
2 ments referred to in subparagraph (G)(ii) shall
3 be implemented.

4 (3) AVAILABILITY OF ORDERS, DIRECTIVES,
5 AND INSTRUCTIONS.—The regulations prescribed
6 under subsection (a) shall include mechanisms to en-
7 sure the provision and availability of the orders, di-
8 rectives, and instructions referred to in paragraph
9 (2)(G)(i) to contractors referred to in that para-
10 graph, including through the maintenance of a single
11 location (including an Internet website, to the extent
12 consistent with security considerations) at or
13 through which such contractors may access such or-
14 ders, directives, and instructions.

15 (b) CONTRACT CLAUSE ON CONTRACTORS PER-
16 FORMING PRIVATE SECURITY FUNCTIONS.—

17 (1) REQUIREMENT UNDER FAR.—Not later
18 than 180 days after the date of the enactment of
19 this Act, the Federal Acquisition Regulation issued
20 in accordance with section 25 of the Office of Fed-
21 eral Procurement Policy Act (41 U.S.C. 421) shall
22 be revised to require the insertion into each covered
23 contract (or, in the case of a task order, the contract
24 under which the task order is issued) of a contract
25 clause addressing the selection, training, equipping,



1 and conduct of personnel performing private security
2 functions under such contract.

3 (2) CLAUSE REQUIREMENT.—The contract
4 clause required by paragraph (1) shall require, at a
5 minimum, that the contractor concerned shall—

6 (A) comply with regulations prescribed
7 under subsection (a), including any revisions or
8 updates to such regulations, and follow the pro-
9 cedures established in such regulations for—

10 (i) registering, processing, accounting
11 for, and keeping appropriate records of
12 personnel performing private security func-
13 tions in an area of combat operations;

14 (ii) authorizing and accounting of
15 weapons to be carried by, or available to be
16 used by, personnel performing private se-
17 curity functions in an area of combat oper-
18 ations;

19 (iii) registration and identification of
20 armored vehicles, helicopters, and other
21 military vehicles operated by contractors
22 and subcontractors performing private se-
23 curity functions in an area of combat oper-
24 ations; and



1 (iv) the reporting of incidents in
2 which—

3 (I) a weapon is discharged by
4 personnel performing private security
5 functions in an area of combat oper-
6 ations;

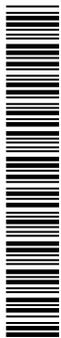
7 (II) personnel performing private
8 security functions in an area of com-
9 bat operations are killed or injured; or

10 (III) persons are killed or in-
11 jured, or property is destroyed, as a
12 result of conduct by contractor per-
13 sonnel;

14 (B) ensure that all personnel performing
15 private security functions under such contract
16 are briefed on and understand their obligation
17 to comply with—

18 (i) qualification, training, screening
19 (including, if practicable, through back-
20 ground checks), and security requirements
21 established by the Secretary of Defense for
22 personnel performing private security func-
23 tions in an area of combat operations;

24 (ii) applicable laws and regulations of
25 the United States and the host country,



1 and applicable treaties and international
2 agreements, regarding the performance of
3 the functions of the contractor;

4 (iii) orders, directives, and instruc-
5 tions issued by the applicable commander
6 of a combatant command relating to equip-
7 ment, force protection, security, health,
8 safety, or relations and interaction with
9 locals; and

10 (iv) rules on the use of force issued by
11 the applicable commander of a combatant
12 command for personnel performing private
13 security functions in an area of combat op-
14 erations; and

15 (C) cooperate with any investigation con-
16 ducted by the Department of Defense pursuant
17 to subsection (a)(2)(E) by providing access to
18 employees of the contractor and relevant infor-
19 mation in the possession of the contractor re-
20 garding the incident concerned.

21 (3) NONCOMPLIANCE OF PERSONNEL WITH
22 CLAUSE.—The contracting officer for a covered con-
23 tract may direct the contractor, at its own expense,
24 to remove or replace any personnel performing pri-
25 vate security functions in an area of combat oper-



1 ations who violate or fail to comply with applicable
2 requirements of the clause required by this sub-
3 section. If the violation or failure to comply is a
4 gross violation or failure or is repeated, the contract
5 may be terminated for default.

6 (4) APPLICABILITY.—The contract clause re-
7 quired by this subsection shall be included in all cov-
8 ered contracts awarded on or after the date that is
9 180 days after the date of the enactment of this Act.
10 Federal agencies shall make best efforts to provide
11 for the inclusion of the contract clause required by
12 this subsection in covered contracts awarded before
13 such date.

14 (5) INSPECTOR GENERAL REPORT ON PILOT
15 PROGRAM ON IMPOSITION OF FINES FOR NON-
16 COMPLIANCE OF PERSONNEL WITH CLAUSE.—Not
17 later than March 30, 2008, the Inspector General of
18 the Department of Defense shall submit to Congress
19 a report assessing the feasibility and advisability of
20 carrying out a pilot program for the imposition of
21 fines on contractors for personnel who violate or fail
22 to comply with applicable requirements of the clause
23 required by this section as a mechanism for enhanc-
24 ing the compliance of such personnel with the clause.
25 The report shall include—



1 (A) an assessment of the feasibility and
2 advisability of carrying out the pilot program;
3 and

4 (B) if the Inspector General determines
5 that carrying out the pilot program is feasible
6 and advisable—

7 (i) recommendations on the range of
8 contracts and subcontracts to which the
9 pilot program should apply; and

10 (ii) a schedule of fines to be imposed
11 under the pilot program for various types
12 of personnel actions or failures.

13 (c) AREAS OF COMBAT OPERATIONS.—

14 (1) DESIGNATION.—The Secretary of Defense
15 shall designate the areas constituting an area of
16 combat operations for purposes of this section by not
17 later than 120 days after the date of the enactment
18 of this Act.

19 (2) PARTICULAR AREAS.—Iraq and Afghanistan
20 shall be included in the areas designated as an area
21 of combat operations under paragraph (1).

22 (3) ADDITIONAL AREAS.—The Secretary may
23 designate any additional area as an area constituting
24 an area of combat operations for purposes of this
25 section if the Secretary determines that the presence



1 or potential of combat operations in such area war-
2 rants designation of such area as an area of combat
3 operations for purposes of this section.

4 (4) MODIFICATION OR ELIMINATION OF DES-
5 IGNATION.—The Secretary may modify or cease the
6 designation of an area under this subsection as an
7 area of combat operations if the Secretary deter-
8 mines that combat operations are no longer ongoing
9 in such area.

10 (d) EXCEPTION.—The requirements of this section
11 shall not apply to contracts entered into by elements of
12 the intelligence community in support of intelligence ac-
13 tivities.

14 **SEC. 863. COMPTROLLER GENERAL REVIEWS AND RE-**
15 **PORTS ON CONTRACTING IN IRAQ AND AF-**
16 **GHANISTAN.**

17 (a) REVIEWS AND REPORTS REQUIRED.—

18 (1) IN GENERAL.—Every 12 months, the
19 Comptroller General shall review contracts in Iraq or
20 Afghanistan and submit to the relevant committees
21 of Congress a report on such review.

22 (2) MATTERS COVERED.—A report under this
23 subsection shall cover the following with respect to
24 the contracts in Iraq or Afghanistan reviewed for the
25 report:



1 (A) Total number of contracts and task or-
2 ders awarded during the period covered by the
3 report.

4 (B) Total number of active contracts and
5 task orders.

6 (C) Total value of all contracts and task
7 orders awarded during the reporting period.

8 (D) Total value of active contracts and
9 task orders.

10 (E) The extent to which such contracts
11 have used competitive procedures.

12 (F) Total number of contractor personnel
13 working on contracts during the reporting pe-
14 riod.

15 (G) Total number of contractor personnel,
16 on average, who are performing security func-
17 tions during the reporting period.

18 (H) The number of contractor personnel
19 killed or wounded during the reporting period.

20 (I) Information on any specific contract or
21 class of contracts that the Comptroller General
22 determines raises issues of significant concern.

23 (3) SUBMISSION OF REPORTS.—The Comp-
24 troller General shall submit an initial report under
25 this subsection not later than October 1, 2008, and



1 shall submit an updated report every year thereafter
2 until October 1, 2010.

3 (b) ACCESS TO DATABASES ON CONTRACTS.—The
4 Secretary of Defense and the Secretary of State shall pro-
5 vide full access to the databases described in section
6 861(b)(4) to the Comptroller General for purposes of the
7 reviews carried out under this section.

8 **SEC. 864. DEFINITIONS AND OTHER GENERAL PROVISIONS.**

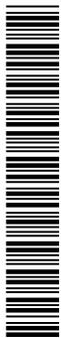
9 (a) DEFINITIONS.—In this subtitle:

10 (1) MATTERS RELATING TO CONTRACTING.—

11 The term “matters relating to contracting”, with re-
12 spect to contracts in Iraq and Afghanistan, means
13 all matters relating to awarding, funding, managing,
14 tracking, monitoring, and providing oversight to con-
15 tracts and contractor personnel.

16 (2) CONTRACT IN IRAQ OR AFGHANISTAN.—The

17 term “contract in Iraq or Afghanistan” means a
18 contract with the Department of Defense, the De-
19 partment of State, or the United States Agency for
20 International Development, a subcontract at any tier
21 issued under such a contract, or a task order or de-
22 livery order at any tier issued under such a contract
23 (including a contract, subcontract, or task order or
24 delivery order issued by another Government agency
25 for the Department of Defense, the Department of



1 State, or the United States Agency for International
2 Development), if the contract, subcontract, or task
3 order or delivery order involves work performed in
4 Iraq or Afghanistan for a period longer than 14
5 days.

6 (3) COVERED CONTRACT.—The term “covered
7 contract” means—

8 (A) a contract of a Federal agency for the
9 performance of services in an area of combat
10 operations, as designated by the Secretary of
11 Defense under subsection (c) of section 862;

12 (B) a subcontract at any tier under such
13 a contract; or

14 (C) a task order or delivery order issued
15 under such a contract or subcontract.

16 (4) CONTRACTOR.—The term “contractor”,
17 with respect to a covered contract, means the con-
18 tractor or subcontractor carrying out the covered
19 contract.

20 (5) PRIVATE SECURITY FUNCTIONS.—The term
21 “private security functions” means activities en-
22 gaged in by a contractor under a covered contract as
23 follows:



1 (A) Guarding of personnel, facilities, or
2 property of a Federal agency, the contractor or
3 subcontractor, or a third party.

4 (B) Any other activity for which personnel
5 are required to carry weapons in the perform-
6 ance of their duties.

7 (6) RELEVANT COMMITTEES OF CONGRESS.—
8 The term “relevant committees of Congress” means
9 each of the following committees:

10 (A) The Committees on Armed Services of
11 the Senate and the House of Representatives.

12 (B) The Committee on Homeland Security
13 and Governmental Affairs of the Senate and the
14 Committee on Oversight and Government Re-
15 form of the House of Representatives.

16 (C) The Committee on Foreign Relations
17 of the Senate and the Committee on Foreign
18 Affairs of the House of Representatives.

19 (D) For purposes of contracts relating to
20 the National Foreign Intelligence Program, the
21 Select Committee on Intelligence of the Senate
22 and the Permanent Select Committee on Intel-
23 ligence of the House of Representatives.

24 (b) CLASSIFIED INFORMATION.—Nothing in this sub-
25 title shall be interpreted to require the handling of classi-



1 fied information or information relating to intelligence
2 sources and methods in a manner inconsistent with any
3 law, regulation, executive order, or rule of the House of
4 Representatives or of the Senate relating to the handling
5 or protection of such information.

6 **Subtitle G—Defense Materiel**
7 **Readiness Board**

8 **SEC. 871. ESTABLISHMENT OF DEFENSE MATERIEL READI-**
9 **NESS BOARD.**

10 (a) **ESTABLISHMENT.**—Not later than 6 months after
11 the date of the enactment of this Act, the Secretary of
12 Defense shall establish a Defense Materiel Readiness
13 Board (in this subtitle referred to as the “Board”) within
14 the Office of the Secretary of Defense.

15 (b) **MEMBERSHIP.**—The Secretary shall appoint the
16 chairman and the members of the Board from among offi-
17 cers of the Armed Forces with expertise in matters rel-
18 evant to the function of the Board to assess materiel readi-
19 ness and evaluate plans and policies relating to materiel
20 readiness. At a minimum, the Board shall include rep-
21 resentatives of the Joint Chiefs of Staff, each of the
22 Armed Forces, and each of the reserve components of the
23 Armed Forces.

24 (c) **STAFF.**—The Secretary of Defense shall assign
25 staff, and request the Secretaries of the military depart-



1 ments to assign staff, as necessary to assist the Board
2 in carrying out its duties.

3 (d) FUNCTIONS.—The Board shall provide inde-
4 pendent assessments of materiel readiness, materiel readi-
5 ness shortfalls, and materiel readiness plans to the Sec-
6 retary of Defense and the Congress. To carry out such
7 functions, the Board shall—

8 (1) monitor and assess the materiel readiness of
9 the Armed Forces;

10 (2) assist the Secretary of Defense in the iden-
11 tification of deficiencies in the materiel readiness of
12 the Armed Forces caused by shortfalls in weapons
13 systems, equipment, and supplies;

14 (3) identify shortfalls in materiel readiness, in-
15 cluding critical materiel readiness shortfalls, for pur-
16 poses of the Secretary's designations under section
17 872 and the funding needed to address such short-
18 falls;

19 (4) assess the adequacy of current Department
20 of Defense plans, policies, and programs to address
21 shortfalls in materiel readiness, including critical
22 materiel readiness shortfalls (as designated by the
23 Secretary under section 872), and to sustain and im-
24 prove materiel readiness;



1 (5) assist the Secretary of Defense in deter-
2 mining whether the industrial capacity of the De-
3 partment of Defense and of the defense industrial
4 base is being best utilized to support the materiel
5 readiness needs of the Armed Forces;

6 (6) review and assess Department of Defense
7 systems for measuring the status of current materiel
8 readiness of the Armed Forces; and

9 (7) make recommendations with respect to ma-
10 teriel readiness funding, measurement techniques,
11 plans, policies, and programs.

12 (e) REPORTS.—The Board shall submit to the Sec-
13 retary of Defense a report summarizing its findings and
14 recommendations not less than once every six months.
15 Within 30 days after receiving a report from the Board,
16 the Secretary shall forward the report in its entirety, to-
17 gether with his comments, to the congressional defense
18 committees. The report shall be submitted in unclassified
19 form. To the extent necessary, the report may be accom-
20 panied by a classified annex.

21 **SEC. 872. CRITICAL MATERIEL READINESS SHORTFALLS.**

22 (a) DESIGNATION OF CRITICAL MATERIEL READI-
23 NESS SHORTFALLS.—

24 (1) DESIGNATION.—The Secretary of Defense
25 may designate any requirement of the Armed Forces



1 for equipment or supplies as a critical materiel read-
2 iness shortfall if there is a shortfall in the required
3 equipment or supplies that materially reduces readi-
4 ness of the Armed Forces and that—

5 (A) cannot be adequately addressed by
6 identifying acceptable substitute capabilities or
7 cross leveling of equipment that does not unac-
8 ceptably reduce the readiness of other Armed
9 Forces; and

10 (B) that is likely to persist for more than
11 two years based on currently projected budgets
12 and schedules for deliveries of equipment and
13 supplies.

14 (2) CONSIDERATION OF BOARD FINDINGS AND
15 RECOMMENDATIONS.—In making any such designa-
16 tion, the Secretary shall take into consideration the
17 findings and recommendations of the Defense Mate-
18 rial Readiness Board.

19 (b) MEASURES TO ADDRESS CRITICAL MATERIEL
20 READINESS SHORTFALLS.—The Secretary of Defense
21 shall ensure that critical materiel readiness shortfalls des-
22 ignated pursuant to subsection (a)(1) are transmitted to
23 the relevant officials of the Department of Defense respon-
24 sible for requirements, budgets, and acquisition, and that



1 such officials prioritize and address such shortfalls in the
2 shortest time frame practicable.

3 (c) TRANSFER AUTHORITY.—

4 (1) IN GENERAL.—The amounts of authoriza-
5 tions that the Secretary may transfer under the au-
6 thority of section 1001 of this Act is hereby in-
7 creased by \$2,000,000,000.

8 (2) LIMITATIONS.—The additional transfer au-
9 thority provided by this section—

10 (A) may be made only from authorizations
11 to the Department of Defense for fiscal year
12 2008;

13 (B) may be exercised solely for the purpose
14 of addressing critical materiel readiness short-
15 falls as designated by the Secretary of Defense
16 under subsection (a); and

17 (C) is subject to the same terms, condi-
18 tions, and procedures as other transfer author-
19 ity under section 1001 of this Act.

20 (d) STRATEGIC READINESS FUND.—

21 (1) ESTABLISHMENT.—There is established on
22 the books of the Treasury a fund to be known as the
23 Department of Defense Strategic Readiness Fund
24 (in this subsection referred to as the “Fund”), which



1 shall be administered by the Secretary of the Treas-
2 ury.

3 (2) PURPOSES.—The Fund shall be used to ad-
4 dress critical materiel readiness shortfalls as des-
5 ignated by the Secretary of Defense under sub-
6 section (a).

7 (3) ASSETS OF FUND.—There shall be depos-
8 ited into the Fund any amount appropriated to the
9 Fund, which shall constitute the assets of the Fund.

10 (4) LIMITATION.—The procurement unit cost
11 (as defined in section 2432(a) of title 10, United
12 States Code) of any item purchased using assets of
13 the Fund, whether such assets are in the Fund or
14 after such assets have been transferred from the
15 Fund using the authority provided in subsection (c),
16 shall not exceed \$30,000,000.

17 (e) MULTIYEAR CONTRACT NOTIFICATION.—

18 (1) NOTIFICATION.—If the Secretary of a mili-
19 tary department makes the determination described
20 in paragraph (2) with respect to the use of a
21 multiyear contract, the Secretary shall notify the
22 congressional defense committees within 30 days of
23 the determination and provide a detailed description
24 of the proposed multiyear contract.



1 (2) DETERMINATION.—The determination re-
2 ferred to in paragraph (1) is a determination by the
3 Secretary of a military department that the use of
4 a multiyear contract to procure an item to address
5 a critical materiel readiness shortfall—

6 (A) will significantly accelerate efforts to
7 address a critical materiel readiness shortfall;

8 (B) will provide savings compared to the
9 total anticipated costs of carrying out the con-
10 tract through annual contracts; and

11 (C) will serve the interest of national secu-
12 rity.

13 (f) DEFINITION.—In this section, the term “critical
14 materiel readiness shortfall” means a critical materiel
15 readiness shortfall designated by the Secretary of Defense
16 under this section.

17 **Subtitle H—Other Matters**

18 **SEC. 881. CLEARINGHOUSE FOR RAPID IDENTIFICATION** 19 **AND DISSEMINATION OF COMMERCIAL IN-** 20 **FORMATION TECHNOLOGIES.**

21 (a) REQUIREMENT TO ESTABLISH CLEARING-
22 HOUSE.—Not later than 180 days after the date of the
23 enactment of this Act, the Secretary of Defense, acting
24 through the Assistant Secretary of Defense for Networks
25 and Information Integration, shall establish a clearing-



1 house for identifying, assessing, and disseminating knowl-
2 edge about readily available information technologies (with
3 an emphasis on commercial off-the-shelf information tech-
4 nologies) that could support the warfighting mission of the
5 Department of Defense.

6 (b) RESPONSIBILITIES.—The clearinghouse estab-
7 lished pursuant to subsection (a) shall be responsible for
8 the following:

9 (1) Developing a process to rapidly assess and
10 set priorities and needs for significant information
11 technology needs of the Department of Defense that
12 could be met by commercial technologies, including
13 a process for—

14 (A) aligning priorities and needs with the
15 requirements of the commanders of the combat-
16 ant command; and

17 (B) proposing recommendations to the
18 commanders of the combatant command of fea-
19 sible technical solutions for further evaluation.

20 (2) Identifying and assessing emerging commer-
21 cial technologies (including commercial off-the-shelf
22 technologies) that could support the warfighting mis-
23 sion of the Department of Defense, including the
24 priorities and needs identified pursuant to para-
25 graph (1).



1 (3) Disseminating information about commer-
2 cial technologies identified pursuant to paragraph
3 (2) to commanders of combatant commands and
4 other potential users of such technologies.

5 (4) Identifying gaps in commercial technologies
6 and working to stimulate investment in research and
7 development in the public and private sectors to ad-
8 dress those gaps.

9 (5) Enhancing internal data and communica-
10 tions systems of the Department of Defense for
11 sharing and retaining information regarding com-
12 mercial technology priorities and needs, technologies
13 available to meet such priorities and needs, and on-
14 going research and development directed toward
15 gaps in such technologies.

16 (6) Developing mechanisms, including web-
17 based mechanisms, to facilitate communications with
18 industry regarding the priorities and needs of the
19 Department of Defense identified pursuant to para-
20 graph (1) and commercial technologies available to
21 address such priorities and needs.

22 (7) Assisting in the development of guides to
23 help small information technology companies with
24 promising technologies to understand and navigate



1 the funding and acquisition processes of the Depart-
2 ment of Defense.

3 (8) Developing methods to measure how well
4 processes developed by the clearinghouse are being
5 utilized and to collect data on an ongoing basis to
6 assess the benefits of commercial technologies that
7 are procured on the recommendation of the clearing-
8 house.

9 (c) PERSONNEL.—The Secretary of Defense, acting
10 through the Assistant Secretary of Defense for Networks
11 and Information Integration, shall provide for the hiring
12 and support of employees (including detailees from other
13 components of the Department of Defense and from other
14 Federal departments or agencies) to assist in identifying,
15 assessing, and disseminating information regarding com-
16 mercial technologies under this section.

17 (d) REPORT TO CONGRESS.—Not later than one year
18 after the date of the enactment of this Act, the Secretary
19 of Defense shall submit to the congressional defense com-
20 mittees a report on the implementation of this section.



1 **SEC. 882. AUTHORITY TO LICENSE CERTAIN MILITARY DES-**
2 **IGNATIONS AND LIKENESSES OF WEAPONS**
3 **SYSTEMS TO TOY AND HOBBY MANUFACTUR-**
4 **ERS.**

5 (a) **AUTHORITY TO LICENSE CERTAIN ITEMS.**—Sec-
6 tion 2260 of title 10, United States Code, is amended—

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

9 (2) by inserting after subsection (b) the fol-
10 lowing new subsection:

11 “(c) **LICENSES FOR QUALIFYING COMPANIES.**—(1)
12 The Secretary concerned may license trademarks, service
13 marks, certification marks, and collective marks owned or
14 controlled by the Secretary relating to military designa-
15 tions and likenesses of military weapons systems to any
16 qualifying company upon receipt of a request from the
17 company.

18 “(2) For purposes of paragraph (1), a qualifying
19 company is any United States company that—

20 “(A) is a toy or hobby manufacturer; and

21 “(B) is determined by the Secretary concerned
22 to be qualified in accordance with such criteria as
23 determined appropriate by the Secretary of Defense.

24 “(3) The fee for a license under this subsection shall
25 not exceed by more than a nominal amount the amount
26 needed to recover all costs of the Department of Defense



1 in processing the request for the license and supplying the
2 license.

3 “(4) A license to a qualifying company under this
4 subsection shall provide that the license may not be trans-
5 ferred, sold, or relicensed by the qualifying company.

6 “(5) A license under this subsection shall not be an
7 exclusive license.”.

8 (b) EFFECTIVE DATE.—The Secretary of Defense
9 shall prescribe regulations to implement the amendment
10 made by this section not later than 180 days after the
11 date of the enactment of this Act.

12 **SEC. 883. MODIFICATIONS TO LIMITATION ON CONTRACTS**
13 **TO ACQUIRE MILITARY FLIGHT SIMULATOR.**

14 (a) EFFECT ON EXISTING CONTRACTS.—Section 832
15 of the John Warner National Defense Authorization Act
16 for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
17 2331) is amended by adding at the end the following new
18 subsection:

19 “(e) EFFECT ON EXISTING CONTRACTS.—The limi-
20 tation in subsection (a) does not apply to any service con-
21 tract of a military department to acquire a military flight
22 simulator, or to any renewal or extension of, or follow-
23 on contract to, such a contract, if—

24 “(1) the contract was in effect as of October
25 17, 2006;



1 “(2) the number of flight simulators to be ac-
2 quired under the contract (or renewal, extension, or
3 follow-on) will not result in the total number of
4 flight simulators acquired by the military depart-
5 ment concerned through service contracts to exceed
6 the total number of flight simulators to be acquired
7 under all service contracts of such department for
8 such simulators in effect as of October 17, 2006;
9 and

10 “(3) in the case of a renewal or extension of,
11 or follow-on contract to, the contract, the Secretary
12 of the military department concerned provides to the
13 congressional defense committees a written notice of
14 the decision to exercise an option to renew or extend
15 the contract, or to issue a solicitation for bids or
16 proposals using competitive procedures for a follow-
17 on contract, and an economic analysis as described
18 in subsection (c) supporting the decision, at least 30
19 days before carrying out such decision.”.

20 (b) CHANGE IN GROUNDS FOR WAIVER.—Section
21 832(c)(1) of such Act, as redesignated by subsection (a),
22 is amend by striking “necessary for national security pur-
23 poses” and inserting “in the national interest”.



1 **SEC. 884. REQUIREMENTS RELATING TO WAIVERS OF CER-**
2 **TAIN DOMESTIC SOURCE LIMITATIONS RE-**
3 **LATING TO SPECIALTY METALS.**

4 (a) NOTICE REQUIREMENT.—At least 30 days prior
5 to making a domestic nonavailability determination pursu-
6 ant to section 2533b(b) of title 10, United States Code,
7 that would apply to more than one contract of the Depart-
8 ment of Defense, the Secretary of Defense shall, to the
9 maximum extent practicable and in a manner consistent
10 with the protection of national security information and
11 confidential business information—

12 (1) publish a notice on the website maintained
13 by the General Services Administration known as
14 FedBizOpps.gov (or any successor site) of the Sec-
15 retary's intent to make the domestic nonavailability
16 determination; and

17 (2) solicit information relevant to such notice
18 from interested parties, including producers of spe-
19 cialty metal mill products.

20 (b) DETERMINATION.—(1) The Secretary shall take
21 into consideration all information submitted pursuant to
22 subsection (a) in making a domestic nonavailability deter-
23 mination pursuant to section 2533b(b) of title 10, United
24 States Code, that would apply to more than one contract
25 of the Department of Defense, and may also consider
26 other relevant information that cannot be made part of



1 the public record consistent with the protection of national
2 security information and confidential business informa-
3 tion.

4 (2) The Secretary shall ensure that any such deter-
5 mination and the rationale for such determination is made
6 publicly available to the maximum extent consistent with
7 the protection of national security information and con-
8 fidential business information.

9 **SEC. 885. TELEPHONE SERVICES FOR MILITARY PER-**
10 **SONNEL SERVING IN COMBAT ZONES.**

11 (a) **COMPETITIVE PROCEDURES REQUIRED.—**

12 (1) **REQUIREMENT.—**When the Secretary of
13 Defense considers it necessary to provide morale,
14 welfare, and recreation telephone services for mili-
15 tary personnel serving in combat zones, the Sec-
16 retary shall use competitive procedures when enter-
17 ing into a contract to provide those services.

18 (2) **REVIEW AND DETERMINATION.—**Before so-
19 liciting bids or proposals for new contracts, or con-
20 sidering extensions to existing contracts, to provide
21 morale, welfare, and recreation telephone services for
22 military personnel serving in combat zones, the Sec-
23 retary shall review and determine whether it is in
24 the best interest of the Department to require bids
25 or proposals, or adjustments for the purpose of ex-



1 tending a contract, to include options that minimize
2 the cost of the telephone services to individual users
3 while providing individual users the flexibility of
4 using phone cards from other than the prospective
5 contractor. The Secretary shall submit the results of
6 this review and determination to the Committees on
7 Armed Services of the Senate and the House of Rep-
8 resentatives.

9 (b) EFFECTIVE DATE.—

10 (1) REQUIREMENT.—Subsection (a)(1) shall
11 apply to any new contract to provide morale, wel-
12 fare, and recreation telephone services for military
13 personnel serving in combat zones that is entered
14 into after the date of the enactment of this Act.

15 (2) REVIEW AND DETERMINATION.—Subsection
16 (a)(2) shall apply to any new contract or extension
17 to an existing contract to provide morale, welfare,
18 and recreation telephone services for military per-
19 sonnel serving in combat zones that is entered into
20 or agreed upon after the date of the enactment of
21 this Act.



1 **SEC. 886. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS**
2 **AND SERVICES PRODUCED IN IRAQ AND AF-**
3 **GHANISTAN.**

4 (a) IN GENERAL.—In the case of a product or service
5 to be acquired in support of military operations or stability
6 operations in Iraq or Afghanistan (including security,
7 transition, reconstruction, and humanitarian relief activi-
8 ties) for which the Secretary of Defense makes a deter-
9 mination described in subsection (b), the Secretary may
10 conduct a procurement in which—

11 (1) competition is limited to products or serv-
12 ices that are from Iraq or Afghanistan;

13 (2) procedures other than competitive proce-
14 dures are used to award a contract to a particular
15 source or sources from Iraq or Afghanistan; or

16 (3) a preference is provided for products or
17 services that are from Iraq or Afghanistan.

18 (b) DETERMINATION.—A determination described in
19 this subsection is a determination by the Secretary that—

20 (1) the product or service concerned is to be
21 used only by the military forces, police, or other se-
22 curity personnel of Iraq or Afghanistan; or

23 (2) it is in the national security interest of the
24 United States to limit competition, use procedures
25 other than competitive procedures, or provide a pref-
26 erence as described in subsection (a) because—



1 (A) such limitation, procedure, or pref-
2 erence is necessary to provide a stable source of
3 jobs in Iraq or Afghanistan; and

4 (B) such limitation, procedure, or pref-
5 erence will not adversely affect—

6 (i) military operations or stability op-
7 erations in Iraq or Afghanistan; or

8 (ii) the United States industrial base.

9 (c) PRODUCTS, SERVICES, AND SOURCES FROM IRAQ
10 OR AFGHANISTAN.—For the purposes of this section:

11 (1) A product is from Iraq or Afghanistan if it
12 is mined, produced, or manufactured in Iraq or Af-
13 ghanistan.

14 (2) A service is from Iraq or Afghanistan if it
15 is performed in Iraq or Afghanistan by citizens or
16 permanent resident aliens of Iraq or Afghanistan.

17 (3) A source is from Iraq or Afghanistan if it—

18 (A) is located in Iraq or Afghanistan; and

19 (B) offers products or services that are
20 from Iraq or Afghanistan.



1 **SEC. 887. DEFENSE SCIENCE BOARD REVIEW OF DEPART-**
2 **MENT OF DEFENSE POLICIES AND PROCE-**
3 **DURES FOR THE ACQUISITION OF INFORMA-**
4 **TION TECHNOLOGY.**

5 (a) REVIEW REQUIRED.—Not later than 90 days
6 after the date of the enactment of this Act, the Secretary
7 of Defense shall direct the Defense Science Board to carry
8 out a review of Department of Defense policies and proce-
9 dures for the acquisition of information technology.

10 (b) MATTERS TO BE ADDRESSED.—The matters ad-
11 dressed by the review required by subsection (a) shall in-
12 clude the following:

13 (1) Department of Defense policies and proce-
14 dures for acquiring national security systems, busi-
15 ness information systems, and other information
16 technology.

17 (2) The roles and responsibilities in imple-
18 menting such policies and procedures of—

19 (A) the Under Secretary of Defense for
20 Acquisition, Technology, and Logistics;

21 (B) the Chief Information Officer of the
22 Department of Defense;

23 (C) the Director of the Business Trans-
24 formation Agency;

25 (D) the service acquisition executives;



1 (E) the chief information officers of the
2 military departments;

3 (F) Defense Agency acquisition officials;

4 (G) the information officers of the Defense
5 Agencies; and

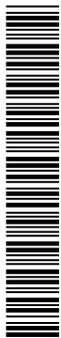
6 (H) the Director of Operational Test and
7 Evaluation and the heads of the operational
8 test organizations of the military departments
9 and the Defense Agencies.

10 (3) The application of such policies and proce-
11 dures to information technologies that are an inte-
12 gral part of weapons or weapon systems.

13 (4) The requirements of subtitle III of title 40,
14 United States Code, and chapter 35 of title 44,
15 United States Code, regarding performance-based
16 and results-based management, capital planning,
17 and investment control in the acquisition of informa-
18 tion technology.

19 (5) Department of Defense policies and proce-
20 dures for maximizing the usage of commercial infor-
21 mation technology while ensuring the security of the
22 microelectronics, software, and networks of the De-
23 partment.

24 (6) The suitability of Department of Defense
25 acquisition regulations, including Department of De-



1 fense Directive 5000.1 and the accompanying mile-
2 stones, to the acquisition of information technology
3 systems.

4 (7) The adequacy and transparency of metrics
5 used by the Department of Defense for the acquisi-
6 tion of information technology systems.

7 (8) The effectiveness of existing statutory and
8 regulatory reporting requirements for the acquisition
9 of information technology systems.

10 (9) The adequacy of operational and develop-
11 ment test resources (including infrastructure and
12 personnel), policies, and procedures to ensure appro-
13 priate testing of information technology systems
14 both during development and before operational use.

15 (10) The appropriate policies and procedures
16 for technology assessment, development, and oper-
17 ational testing for purposes of the adoption of com-
18 mercial technologies into information technology sys-
19 tems.

20 (c) REPORT REQUIRED.—Not later than one year
21 after the date of enactment of this Act, the Secretary shall
22 submit to the congressional defense committees a report
23 on the results of the review required by subsection (a).
24 The report shall include the findings and recommenda-
25 tions of the Defense Science Board pursuant to the review,



1 including such recommendations for legislative or adminis-
2 trative action as the Board considers appropriate, together
3 with any comments the Secretary considers appropriate.

4 **SEC. 888. GREEN PROCUREMENT POLICY.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the Department of Defense should establish a
7 system to document and track the use of environmentally
8 preferable products and services.

9 (b) REPORT.—Not later than 90 days after the date
10 of the enactment of this Act, the Secretary of Defense
11 shall submit to Congress a report on a plan to increase
12 the usage of environmentally friendly products that mini-
13 mize potential impacts to human health and the environ-
14 ment at all Department of Defense facilities inside and
15 outside the United States, including through the direct
16 purchase of products and the purchase of products by fa-
17 cility maintenance contractors. The report shall also cover
18 consideration of the budgetary impact of implementation
19 of the plan.

20 **SEC. 889. COMPTROLLER GENERAL REVIEW OF USE OF AU-**
21 **THORITY UNDER THE DEFENSE PRODUCTION**
22 **ACT OF 1950.**

23 (a) THOROUGH REVIEW REQUIRED.—The Comp-
24 troller General of the United States (in this section re-
25 ferred to as the “Comptroller”) shall conduct a thorough



1 review of the application of the Defense Production Act
2 of 1950, covering the period beginning on the date of the
3 enactment of the Defense Production Act Reauthorization
4 of 2003 (Public Law 108–195) and ending on the date
5 of the enactment of this Act.

6 (b) CONSIDERATIONS.—In conducting the review re-
7 quired by this section, the Comptroller shall examine—

8 (1) the relevance and utility of the authorities
9 provided under the Defense Production Act of 1950
10 to meet the security challenges of the 21st Century;

11 (2) the manner in which the authorities pro-
12 vided under such Act have been used by the Federal
13 Government—

14 (A) to meet security challenges;

15 (B) to meet current and future defense re-
16 quirements;

17 (C) to meet current and future energy re-
18 quirements;

19 (D) to meet current and future domestic
20 emergency and disaster response and recovery
21 requirements;

22 (E) to reduce the interruption of critical
23 infrastructure operations during a terrorist at-
24 tack, natural catastrophe, or other similar na-
25 tional emergency; and



1 (F) to safeguard critical components of the
2 United States industrial base, including Amer-
3 ican aerospace and shipbuilding industries;

4 (3) the economic impact of foreign offset con-
5 tracts;

6 (4) the relative merit of developing rapid and
7 standardized systems for use of the authorities pro-
8 vided under the Defense Production Act of 1950, by
9 any Federal agency; and

10 (5) such other issues as the Comptroller deter-
11 mines relevant.

12 (c) REPORT TO CONGRESS.—Not later than 150 days
13 after the date of the enactment of this Act, the Comp-
14 troller shall submit to the Committees on Armed Services
15 and on Banking, Housing, and Urban Affairs of the Sen-
16 ate and the Committees on Armed Services and on Finan-
17 cial Services of the House of Representatives a report on
18 the review conducted under this section.

19 (d) RULES OF CONSTRUCTION ON PROTECTION OF
20 INFORMATION.—Notwithstanding any other provision of
21 law—

22 (1) the provisions of section 705(d) of the De-
23 fense Production Act of 1950 (50 U.S.C. App.
24 2155(d)) shall not apply to information sought or



1 obtained by the Comptroller for purposes of the re-
2 view required by this section; and

3 (2) provisions of law pertaining to the protec-
4 tion of classified information or proprietary informa-
5 tion otherwise applicable to information sought or
6 obtained by the Comptroller in carrying out this sec-
7 tion shall not be affected by any provision of this
8 section.

9 **SEC. 890. PREVENTION OF EXPORT CONTROL VIOLATIONS.**

10 (a) PREVENTION OF EXPORT CONTROL VIOLA-
11 TIONS.—Not later than 180 days after the date of the en-
12 actment of this Act, the Secretary of Defense shall pre-
13 scribe regulations requiring any contractor under a con-
14 tract with the Department of Defense to provide goods
15 or technology that is subject to export controls under the
16 Arms Export Control Act or the Export Administration
17 of 1979 (as continued in effect under the International
18 Emergency Economic Powers Act) to comply with those
19 Acts and applicable regulations with respect to such goods
20 and technology, including the International Traffic in
21 Arms Regulations and the Export Administration Regula-
22 tions. Regulations prescribed under this subsection shall
23 include a contract clause enforcing such requirement.

24 (b) TRAINING ON EXPORT CONTROLS.—The Sec-
25 retary of Defense shall ensure that any contractor under



1 a contract with the Department of Defense to provide
2 goods or technology that is subject to export controls
3 under the Arms Export Control Act or the Export Admin-
4 istration of 1979 (as continued in effect under the Inter-
5 national Emergency Economic Powers Act) is made aware
6 of any relevant resources made available by the Depart-
7 ment of State and the Department of Commerce to assist
8 in compliance with the requirement established by sub-
9 section (a) and the need for a corporate compliance plan
10 and periodic internal audits of corporate performance
11 under such plan.

12 (c) REPORT.—Not later than 180 days after the date
13 of the enactment of this Act, the Secretary of Defense
14 shall submit to the Committee on Armed Services of the
15 Senate and the Committee on Armed Services of the
16 House of Representatives a report assessing the utility
17 of—

18 (1) requiring defense contractors (or sub-
19 contractors at any tier) to periodically report on
20 measures taken to ensure compliance with the Inter-
21 national Traffic in Arms Regulations and the Export
22 Administration Regulations;

23 (2) requiring periodic audits of defense contrac-
24 tors (or subcontractors at any tier) to ensure compli-
25 ance with all provisions of the International Traffic



1 in Arms Regulations and the Export Administration
2 Regulations;

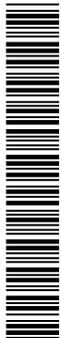
3 (3) requiring defense contractors to maintain a
4 corporate training plan to disseminate information
5 to appropriate contractor personnel regarding the
6 applicability of the Arms Export Control Act and the
7 Export Administration Act of 1979; and

8 (4) requiring a designated corporate liaison,
9 available for training provided by the United States
10 Government, whose primary responsibility would be
11 contractor compliance with the Arms Export Control
12 Act and the Export Administration Act of 1979.

13 (d) DEFINITIONS.—In this section:

14 (1) EXPORT ADMINISTRATION REGULATIONS.—
15 The term “Export Administration Regulations”
16 means those regulations contained in sections 730
17 through 774 of title 15, Code of Federal Regulations
18 (or successor regulations).

19 (2) INTERNATIONAL TRAFFIC IN ARMS REGULA-
20 TIONS.—The term “International Traffic in Arms
21 Regulations” means those regulations contained in
22 sections 120 through 130 of title 22, Code of Fed-
23 eral Regulations (or successor regulations).



1 **SEC. 891. PROCUREMENT GOAL FOR NATIVE HAWAIIAN-**
2 **SERVING INSTITUTIONS AND ALASKA NA-**
3 **TIVE-SERVING INSTITUTIONS.**

4 Section 2323 of title 10, United States Code, is
5 amended—

6 (1) in subsection (a)(1)—

7 (A) by striking “and” at the end of sub-
8 paragraph (C);

9 (B) by striking the period at the end of
10 subparagraph (D) and inserting “; and”; and

11 (C) by adding at the end the following new
12 subparagraph:

13 “(E) Native Hawaiian-serving institutions
14 and Alaska Native-serving institutions (as de-
15 fined in section 317 of the Higher Education
16 Act of 1965).”;

17 (2) in subsection (a)(2), by inserting after
18 “Hispanic-serving institutions,” the following: “Na-
19 tive Hawaiian-serving institutions and Alaska Na-
20 tive-serving institutions,”;

21 (3) in subsection (c)(1), by inserting after “His-
22 panic-serving institutions,” the following: “Native
23 Hawaiian-serving institutions and Alaska Native-
24 serving institutions,”; and

25 (4) in subsection (c)(3), by inserting after “His-
26 panic-serving institutions,” the following: “to Native



1 Hawaiian-serving institutions and Alaska Native-
2 serving institutions,”.

3 **SEC. 892. COMPETITION FOR PROCUREMENT OF SMALL**
4 **ARMS SUPPLIED TO IRAQ AND AFGHANISTAN.**

5 (a) **COMPETITION REQUIREMENT.**—For the procure-
6 ment of pistols and other weapons described in subsection
7 (b), the Secretary of Defense shall ensure, consistent with
8 the provisions of section 2304 of title 10, United States
9 Code, that—

10 (1) full and open competition is obtained to the
11 maximum extent practicable;

12 (2) no responsible United States manufacturer
13 is excluded from competing for such procurements;
14 and

15 (3) products manufactured in the United States
16 are not excluded from the competition.

17 (b) **PROCUREMENTS COVERED.**—This section applies
18 to the procurement of the following:

19 (1) Pistols and other weapons less than 0.50
20 caliber for assistance to the Army of Iraq, the Iraqi
21 Police Forces, and other Iraqi security organiza-
22 tions.

23 (2) Pistols and other weapons less than 0.50
24 caliber for assistance to the Army of Afghanistan,



1 the Afghani Police Forces, and other Afghani secu-
2 rity organizations.

3 **TITLE IX—DEPARTMENT OF DE-**
4 **FENSE ORGANIZATION AND**
5 **MANAGEMENT**

Subtitle A—Department of Defense Management

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

Subtitle B—Space Activities

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

Subtitle C—Chemical Demilitarization Program

- Sec. 921. Chemical demilitarization citizens advisory commissions.
- Sec. 922. Sense of Congress on completion of destruction of United States chemical weapons stockpile.
- Sec. 923. Repeal of certain qualifications requirement for director of chemical demilitarization management organization.
- Sec. 924. Modification of termination of assistance to State and local governments after completion of the destruction of the United States chemical weapons stockpile.

Subtitle D—Intelligence-Related Matters

- Sec. 931. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

Subtitle E—Roles and Missions Analysis



- Sec. 941. Requirement for quadrennial roles and missions review.
- Sec. 942. Joint Requirements Oversight Council additional duties relating to core mission areas.
- Sec. 943. Requirement for certification of major systems prior to technology development.
- Sec. 944. Presentation of future-years mission budget by core mission area.

Subtitle F—Other Matters

- Sec. 951. Department of Defense consideration of effect of climate change on Department facilities, capabilities, and missions.
- Sec. 952. Interagency policy coordination.
- Sec. 953. Expansion of employment creditable under service agreements under National Security Education Program.
- Sec. 954. Board of Regents for the Uniformed Services University of the Health Sciences.
- Sec. 955. Establishment of Department of Defense School of Nursing.
- Sec. 956. Inclusion of commanders of Western Hemisphere combatant commands in Board of Visitors of Western Hemisphere Institute for Security Cooperation.
- Sec. 957. Comptroller General assessment of reorganization of the Office of the Under Secretary of Defense for Policy.
- Sec. 958. Report on foreign language proficiency.

1 **Subtitle A—Department of Defense**
 2 **Management**

3 **SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT**
 4 **OF DEFENSE HEADQUARTERS ACTIVITIES**
 5 **PERSONNEL AND RELATED REPORT.**

6 (a) REPEAL OF LIMITATION.—

7 (1) REPEAL.—Section 130a of title 10, United
8 States Code, is repealed.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of chapter 3 of such title is
11 amended by striking the item relating to section
12 130a.

13 (b) REPORT REQUIRED.—The Secretary of Defense
14 shall include a report with the defense budget materials



1 for each fiscal year that includes the following informa-
2 tion:

3 (1) The average number of military personnel
4 and civilian employees of the Department of Defense
5 assigned to major Department of Defense head-
6 quarters activities for each component of the De-
7 partment of Defense during the preceding fiscal
8 year.

9 (2) The total increase in personnel assigned to
10 major headquarters activities, if any, during the pre-
11 ceding fiscal year—

12 (A) attributable to the replacement of con-
13 tract personnel with military personnel or civil-
14 ian employees of the Department of Defense,
15 including the number of positions associated
16 with the replacement of contract personnel per-
17 forming inherently governmental functions; and

18 (B) attributable to reasons other than the
19 replacement of contract personnel with military
20 personnel or civilian employees of the Depart-
21 ment, such as workload or operational demand
22 increases.

23 (3) An estimate of the cost savings, if any, as-
24 sociated with the elimination of contracts for the
25 performance of major headquarters activities.



1 (4) The number of military personnel and civil-
2 ian employees of the Department of Defense as-
3 signed to major headquarters activities for each
4 component of the Department of Defense as of Octo-
5 ber 1 of the preceding fiscal year.

6 (c) DEFINITIONS.—In this section:

7 (1) DEFENSE BUDGET MATERIALS.—The term
8 “defense budget materials”, with respect to a fiscal
9 year, means the materials submitted to Congress by
10 the Secretary of Defense in support of the budget
11 for that fiscal year that is submitted to Congress by
12 the President under section 1105 of title 31, United
13 States Code.

14 (2) CONTRACT PERSONNEL.—The term “con-
15 tract personnel” means persons hired under a con-
16 tract with the Department of Defense for the per-
17 formance of major Department of Defense head-
18 quarters activities.

19 **SEC. 902. FLEXIBILITY TO ADJUST THE NUMBER OF DEP-**
20 **UTY CHIEFS AND ASSISTANT CHIEFS.**

21 (a) ARMY.—Section 3035(b) of title 10, United
22 States Code, is amended to read as follows:

23 “(b) The Secretary of the Army shall prescribe the
24 number of Deputy Chiefs of Staff and Assistant Chiefs
25 of Staff, for a total of not more than eight positions.”.



1 (b) NAVY.—

2 (1) DEPUTY CHIEFS OF NAVAL OPERATIONS.—

3 Section 5036(a) of title 10, United States Code, is
4 amended—

5 (A) by striking “There are in the Office of
6 the Chief of Naval Operations not more than
7 five Deputy Chiefs of Naval Operations,” and
8 inserting “There are Deputy Chiefs of Naval
9 Operations in the Office of the Chief of Naval
10 Operations,”; and

11 (B) by adding at the end the following:
12 “The Secretary of the Navy shall prescribe the
13 number of Deputy Chiefs of Naval Operations
14 under this section and Assistant Chiefs of
15 Naval Operations under section 5037 of this
16 title, for a total of not more than eight posi-
17 tions.”.

18 (2) ASSISTANT CHIEFS OF NAVAL OPER-
19 ATIONS.—Section 5037(a) of such title is
20 amended—

21 (A) by striking “There are in the Office of
22 the Chief of Naval Operations not more than
23 three Assistant Chiefs of Naval Operations,”
24 and inserting “There are Assistant Chiefs of



1 Naval Operations in the Office of the Chief of
2 Naval Operations,”; and

3 (B) by adding at the end the following:
4 “The Secretary of the Navy shall prescribe the
5 number of Assistant Chiefs of Naval Operations
6 in accordance with section 5036(a) of this
7 title.”.

8 (c) AIR FORCE.—Section 8035(b) of title 10, United
9 States Code, is amended to read as follows:

10 “(b) The Secretary of the Air Force shall prescribe
11 the number of Deputy Chiefs of Staff and Assistant Chiefs
12 of Staff, for a total of not more than eight positions.”.

13 **SEC. 903. CHANGE IN ELIGIBILITY REQUIREMENTS FOR AP-**
14 **POINTMENT TO DEPARTMENT OF DEFENSE**
15 **LEADERSHIP POSITIONS.**

16 (a) SECRETARY OF DEFENSE.—Section 113(a) of
17 title 10, United States Code, is amended by striking “10”
18 and inserting “seven”.

19 (b) DEPUTY SECRETARY OF DEFENSE.—Section
20 132(a) of such title is amended by striking “ten” and in-
21 serting “seven”.

22 (c) UNDER SECRETARY OF DEFENSE FOR POLICY.—
23 Section 134(a) of such title is amended by striking “10”
24 and inserting “seven”.



1 **SEC. 904. MANAGEMENT OF THE DEPARTMENT OF DE-**
2 **FENSE.**

3 (a) ASSIGNMENT OF MANAGEMENT DUTIES AND
4 DESIGNATION OF A CHIEF MANAGEMENT OFFICER AND
5 DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPART-
6 MENT OF DEFENSE.—

7 (1) ESTABLISHMENT OF POSITION.—Section
8 132 of title 10, United States Code is amended—

9 (A) by redesignating subsection (c) as sub-
10 section (d); and

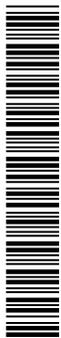
11 (B) by inserting after subsection (b) the
12 following new subsection (c):

13 “(c) The Deputy Secretary serves as the Chief Man-
14 agement Officer of the Department of Defense. The Dep-
15 uty Secretary shall be assisted in this capacity by a Dep-
16 uty Chief Management Officer, who shall be appointed
17 from civilian life by the President, by and with the advice
18 and consent of the Senate.”.

19 (2) ASSIGNMENT OF DUTIES.—

20 (A) The Secretary of Defense shall assign
21 duties and authorities relating to the manage-
22 ment of the business operations of the Depart-
23 ment of Defense.

24 (B) The Secretary shall assign such duties
25 and authorities to the Chief Management Offi-
26 cer as are necessary for that official to effec-



1 tively and efficiently organize the business oper-
2 ations of the Department of Defense.

3 (C) The Secretary shall assign such duties
4 and authorities to the Deputy Chief Manage-
5 ment Officer as are necessary for that official
6 to assist the Chief Management Officer to effec-
7 tively and efficiently organize the business oper-
8 ations of the Department of Defense.

9 (D) The Deputy Chief Management Officer
10 shall perform the duties and have the authori-
11 ties assigned by the Secretary under subpara-
12 graph (C) and perform such duties and have
13 such authorities as are delegated by the Chief
14 Management Officer.

15 (3) EXECUTIVE SCHEDULE LEVEL III.—Section
16 5314 of title 5, United States Code, is amended by
17 inserting after the item relating to the Under Sec-
18 retary of Defense for Intelligence the following new
19 item:

20 “Deputy Chief Management Officer of the De-
21 partment of Defense.”.

22 (4) PLACEMENT IN OSD.—Section 131(b)(2) of
23 title 10, United States Code, is amended—



1 (A) by redesignating paragraphs (3)
2 through (8) as paragraphs (4) through (9), re-
3 spectively; and

4 (B) by inserting after paragraph (2) the
5 following new paragraph (3):

6 “(3) The Deputy Chief Management Officer of
7 the Department of Defense.”.

8 (b) ASSIGNMENT OF MANAGEMENT DUTIES AND
9 DESIGNATION OF THE CHIEF MANAGEMENT OFFICERS
10 OF THE MILITARY DEPARTMENTS.—

11 (1) The Secretary of a military department
12 shall assign duties and authorities relating to the
13 management of the business operations of such mili-
14 tary department.

15 (2) The Secretary of a military department, in
16 assigning duties and authorities under paragraph
17 (1) shall designate the Under Secretary of such mili-
18 tary department to have the primary management
19 responsibility for business operations, to be known in
20 the performance of such duties as the Chief Manage-
21 ment Officer.

22 (3) The Secretary shall assign such duties and
23 authorities to the Chief Management Officer as are
24 necessary for that official to effectively and effi-



1 ciently organize the business operations of the mili-
2 tary department concerned.

3 (4) The Chief Management Officer of each mili-
4 tary department shall promptly provide such infor-
5 mation relating to the business operations of such
6 department to the Chief Management Officer and
7 Deputy Chief Management Officer of the Depart-
8 ment of Defense as is necessary to assist those offi-
9 cials in the performance of their duties.

10 (c) MANAGEMENT OF DEFENSE BUSINESS TRANS-
11 FORMATION AGENCY.—Section 192(e)(2) of title 10,
12 United States Code, is amended by striking “that the
13 Agency” and all that follows and inserting “that the Di-
14 rector of the Agency shall report directly to the Deputy
15 Chief Management Officer of the Department of De-
16 fense.”.

17 (d) STRATEGIC MANAGEMENT PLAN REQUIRED.—

18 (1) REQUIREMENT.—The Secretary of Defense,
19 acting through the Chief Management Officer of the
20 Department of Defense, shall develop a strategic
21 management plan for the Department of Defense.

22 (2) MATTERS COVERED.—Such plan shall in-
23 clude, at a minimum, detailed descriptions of—

24 (A) performance goals and measures for
25 improving and evaluating the overall efficiency



1 and effectiveness of the business operations of
2 the Department of Defense and achieving an in-
3 tegrated management system for business sup-
4 port areas within the Department of Defense;

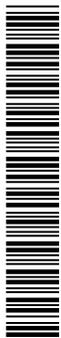
5 (B) key initiatives to be undertaken by the
6 Department of Defense to achieve the perform-
7 ance goals under subparagraph (A), together
8 with related resource needs;

9 (C) procedures to monitor the progress of
10 the Department of Defense in meeting perform-
11 ance goals and measures under subparagraph
12 (A);

13 (D) procedures to review and approve
14 plans and budgets for changes in business oper-
15 ations, including any proposed changes to poli-
16 cies, procedures, processes, and systems, to en-
17 sure the compatibility of such plans and budg-
18 ets with the strategic management plan of the
19 Department of Defense; and

20 (E) procedures to oversee the development
21 of, and review and approve, all budget requests
22 for defense business systems.

23 (3) UPDATES.—The Secretary of Defense, act-
24 ing through the Chief Management Officer, shall up-
25 date the strategic management plan no later than



1 July 1, 2009, and every two years thereafter and
2 provide a copy to the Committees on Armed Services
3 of the Senate and the House of Representatives.

4 (e) REPORT.—Not later than 180 days after the date
5 of the enactment of this Act, the Secretary of Defense
6 shall provide to the Committees on Armed Services of the
7 Senate and the House of Representatives a report on the
8 implementation of this section and a copy of the strategic
9 management plan required by subsection (d).

10 **SEC. 905. REVISION IN GUIDANCE RELATING TO COMBAT-**
11 **ANT COMMAND ACQUISITION AUTHORITY.**

12 Subparagraph (B) of section 905(b)(1) of the John
13 Warner National Defense Authorization Act for Fiscal
14 Year 2007 (Public Law 109–364; 120 Stat. 2353) is
15 amended by striking “and mutually supportive of”.

16 **SEC. 906. DEPARTMENT OF DEFENSE BOARD OF ACTU-**
17 **ARIES.**

18 (a) ESTABLISHMENT.—

19 (1) IN GENERAL.—Chapter 7 of title 10, United
20 States Code, is amended by inserting after section
21 182 the following new section:

22 **“§ 183. Department of Defense Board of Actuaries**

23 “(a) IN GENERAL.—There shall be in the Depart-
24 ment of Defense a Department of Defense Board of Actu-



1 aries (hereinafter in this section referred to as the
2 'Board').

3 “(b) MEMBERS.—(1) The Board shall consist of
4 three members who shall be appointed by the Secretary
5 of Defense from among qualified professional actuaries
6 who are members of the Society of Actuaries.

7 “(2) The members of the Board shall serve for a term
8 of 15 years, except that a member of the Board appointed
9 to fill a vacancy occurring before the end of the term for
10 which the member's predecessor was appointed shall only
11 serve until the end of such term. A member may serve
12 after the end of the member's term until the member's
13 successor takes office.

14 “(3) A member of the Board may be removed by the
15 Secretary of Defense only for misconduct or failure to per-
16 form functions vested in the Board.

17 “(4) A member of the Board who is not an employee
18 of the United States is entitled to receive pay at the daily
19 equivalent of the annual rate of basic pay of the highest
20 rate of basic pay then currently being paid under the Gen-
21 eral Schedule of subchapter III of chapter 53 of title 5
22 for each day the member is engaged in the performance
23 of the duties of the Board and is entitled to travel ex-
24 penses, including a per diem allowance, in accordance with
25 section 5703 of that title in connection with such duties.



1 “(c) DUTIES.—The Board shall have the following
2 duties:

3 “(1) To review valuations of the Department of
4 Defense Military Retirement Fund in accordance
5 with section 1465(c) of this title and submit to the
6 President and Congress, not less often than once
7 every four years, a report on the status of that
8 Fund, including such recommendations for modifica-
9 tions to the funding or amortization of that Fund as
10 the Board considers appropriate and necessary to
11 maintain that Fund on a sound actuarial basis.

12 “(2) To review valuations of the Department of
13 Defense Education Benefits Fund in accordance
14 with section 2006(e) of this title and make rec-
15 ommendations to the President and Congress on
16 such modifications to the funding or amortization of
17 that Fund as the Board considers appropriate to
18 maintain that Fund on a sound actuarial basis.

19 “(3) To review valuations of such other funds
20 as the Secretary of Defense shall specify for pur-
21 poses of this section and make recommendations to
22 the President and Congress on such modifications to
23 the funding or amortization of such funds as the
24 Board considers appropriate to maintain such funds
25 on a sound actuarial basis.



1 “(d) RECORDS.—The Secretary of Defense shall en-
2 sure that the Board has access to such records regarding
3 the funds referred to in subsection (c) as the Board shall
4 require to determine the actuarial status of such funds.

5 “(e) REPORTS.—(1) The Board shall submit to the
6 Secretary of Defense on an annual basis a report on the
7 actuarial status of each of the following:

8 “(A) The Department of Defense Military Re-
9 tirement Fund.

10 “(B) The Department of Defense Education
11 Benefits Fund.

12 “(C) Each other fund specified by Secretary
13 under subsection (c)(3).

14 “(2) The Board shall also furnish its advice and opin-
15 ion on matters referred to it by the Secretary.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of chapter 7 of such title is
18 amended by inserting after the item relating to sec-
19 tion 182 the following new item:

“183. Department of Defense Board of Actuaries”.

20 (3) INITIAL SERVICE AS BOARD MEMBERS.—
21 Each member of the Department of Defense Retire-
22 ment Board of Actuaries or the Department of De-
23 fense Education Benefits Board of Actuaries as of
24 the date of the enactment of this Act shall serve as
25 an initial member of the Department of Defense



1 Board of Actuaries under section 183 of title 10,
2 United States Code (as added by paragraph (1)),
3 from that date until the date otherwise provided for
4 the completion of such individual's term as a mem-
5 ber of the Department of Defense Retirement Board
6 of Actuaries or the Department of Defense Edu-
7 cation Benefits Board of Actuaries, as the case may
8 be, unless earlier removed by the Secretary of De-
9 fense.

10 (b) TERMINATION OF EXISTING BOARDS OF ACTU-
11 ARIES.—

12 (1) DEPARTMENT OF DEFENSE RETIREMENT
13 BOARD OF ACTUARIES.—(A) Section 1464 of title
14 10, United States Code, is repealed.

15 (B) The table of sections at the beginning of
16 chapter 74 of such title is amended by striking the
17 item relating to section 1464.

18 (2) DEPARTMENT OF DEFENSE EDUCATION
19 BENEFITS BOARD OF ACTUARIES.—Section 2006 of
20 such title is amended—

21 (A) in subsection (c)(1), by striking “sub-
22 section (g)” and inserting “subsection (f)”;

23 (B) by striking subsection (e);



1 (C) by redesignating subsections (f), (g),
2 and (h) as subsections (e), (f), and (g), respec-
3 tively;

4 (D) in subsection (e), as redesignated by
5 subparagraph (C), by striking “subsection (g)”
6 in paragraph (5) and inserting “subsection (f)”;
7 and

8 (E) in subsection (f), as so redesignated—

9 (i) in paragraph (2)(A), by striking
10 “subsection (f)(3)” and inserting “sub-
11 section (e)(3)”; and

12 (ii) in paragraph (2)(B), by striking
13 “subsection (f)(4)” and inserting “sub-
14 section (e)(4)”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) Section 1175(h)(4) of title 10, United
17 States Code, is amended by striking “Retirement”
18 the first place it appears.

19 (2) Section 1460(b) of such title is amended by
20 striking “Retirement”.

21 (3) Section 1466(c)(3) of such title is amended
22 by striking “Retirement”.

23 (4) Section 12521(6) of such title is amended
24 by striking “Department of Defense Education Ben-
25 efits Board of Actuaries referred to in section



1 2006(e)(1) of this title” and inserting “Department
2 of Defense Board of Actuaries under section 183 of
3 this title”.

4 **SEC. 907. MODIFICATION OF BACKGROUND REQUIREMENT**
5 **OF INDIVIDUALS APPOINTED AS UNDER SEC-**
6 **RETARY OF DEFENSE FOR ACQUISITION,**
7 **TECHNOLOGY, AND LOGISTICS.**

8 Section 133(a) of title 10, United States Code, is
9 amended by striking “in the private sector”.

10 **SEC. 908. ASSISTANT SECRETARIES OF THE MILITARY DE-**
11 **PARTMENTS FOR ACQUISITION MATTERS;**
12 **PRINCIPAL MILITARY DEPUTIES.**

13 (a) DEPARTMENT OF THE ARMY.—Section 3016(b)
14 of title 10, United States Code, is amended by adding at
15 the end the following new paragraph:

16 “(5)(A) One of the Assistant Secretaries shall be the
17 Assistant Secretary of the Army for Acquisition, Tech-
18 nology, and Logistics. The principal duty of the Assistant
19 Secretary shall be the overall supervision of acquisition,
20 technology, and logistics matters of the Department of the
21 Army.

22 “(B) The Assistant Secretary shall have a Principal
23 Military Deputy, who shall be a lieutenant general of the
24 Army on active duty. The Principal Military Deputy shall
25 be appointed from among officers who have significant ex-



1 perience in the areas of acquisition and program manage-
2 ment. The position of Principal Military Deputy shall be
3 designated as a critical acquisition position under section
4 1733 of this title.”.

5 (b) DEPARTMENT OF THE NAVY.—Section 5016(b)
6 of such title is amended by adding at the end the following
7 new paragraph:

8 “(4)(A) One of the Assistant Secretaries shall be the
9 Assistant Secretary of the Navy for Research, Develop-
10 ment, and Acquisition. The principal duty of the Assistant
11 Secretary shall be the overall supervision of research, de-
12 velopment, and acquisition matters of the Department of
13 the Navy.

14 “(B) The Assistant Secretary shall have a Principal
15 Military Deputy, who shall be a vice admiral of the Navy
16 or a lieutenant general of the Marine Corps on active duty.
17 The Principal Military Deputy shall be appointed from
18 among officers who have significant experience in the
19 areas of acquisition and program management. The posi-
20 tion of Principal Military Deputy shall be designated as
21 a critical acquisition position under section 1733 of this
22 title.”.

23 (c) DEPARTMENT OF THE AIR FORCE.—Section
24 8016(b) of such title is amended by adding at the end
25 the following new paragraph:



1 “(4)(A) One of the Assistant Secretaries shall be the
2 Assistant Secretary of the Air Force for Acquisition. The
3 principal duty of the Assistant Secretary shall be the over-
4 all supervision of acquisition matters of the Department
5 of the Air Force.

6 “(B) The Assistant Secretary shall have a Principal
7 Military Deputy, who shall be a lieutenant general of the
8 Air Force on active duty. The Principal Military Deputy
9 shall be appointed from among officers who have signifi-
10 cant experience in the areas of acquisition and program
11 management. The position of Principal Military Deputy
12 shall be designated as a critical acquisition position under
13 section 1733 of this title.”.

14 (d) DUTY OF PRINCIPAL MILITARY DEPUTIES TO IN-
15 FORM SERVICE CHIEFS ON MAJOR DEFENSE ACQUISI-
16 TION PROGRAMS.—Each Principal Military Deputy to a
17 service acquisition executive shall be responsible for keep-
18 ing the Chief of Staff of the Armed Forces concerned in-
19 formed of the progress of major defense acquisition pro-
20 grams.



1 **SEC. 909. SENSE OF CONGRESS ON TERM OF OFFICE OF**
2 **THE DIRECTOR OF OPERATIONAL TEST AND**
3 **EVALUATION.**

4 It is the sense of Congress that the term of office
5 of the Director of Operational Test and Evaluation of the
6 Department of Defense should be not less than five years.

7 **Subtitle B—Space Activities**

8 **SEC. 911. SPACE PROTECTION STRATEGY.**

9 (a) SENSE OF CONGRESS.—It is the Sense of Con-
10 gress that the United States should place greater priority
11 on the protection of national security space systems.

12 (b) STRATEGY.—The Secretary of Defense, in con-
13 junction with the Director of National Intelligence, shall
14 develop a strategy, to be known as the Space Protection
15 Strategy, for the development and fielding by the United
16 States of the capabilities that are necessary to ensure free-
17 dom of action in space for the United States.

18 (c) MATTERS INCLUDED.—The strategy required by
19 subsection (b) shall include each of the following:

20 (1) An identification of the threats to, and the
21 vulnerabilities of, the national security space systems
22 of the United States.

23 (2) A description of the capabilities currently
24 contained in the program of record of the Depart-
25 ment of Defense and the intelligence community that
26 ensure freedom of action in space.



1 (3) For each period covered by the strategy, a
2 description of the capabilities that are needed for the
3 period, including—

4 (A) the hardware, software, and other ma-
5 terials or services to be developed or procured;

6 (B) the management and organizational
7 changes to be achieved; and

8 (C) concepts of operations, tactics, tech-
9 niques, and procedures to be employed.

10 (4) For each period covered by the strategy, an
11 assessment of the gaps and shortfalls between the
12 capabilities that are needed for the period and the
13 capabilities currently contained in the program of
14 record.

15 (5) For each period covered by the strategy, a
16 comprehensive plan for investment in capabilities
17 that identifies specific program and technology in-
18 vestments to be made in that period.

19 (6) A description of the current processes by
20 which the systems protection requirements of the
21 Department of Defense and the intelligence commu-
22 nity are addressed in space acquisition programs
23 and during key milestone decisions, an assessment of
24 the adequacy of those processes, and an identifica-
25 tion of the actions of the Department and the intel-



1 intelligence community for addressing any inadequacies
2 in those processes.

3 (7) A description of the current processes by
4 which the Department of Defense and the intel-
5 ligence community program and budget for capabili-
6 ties (including capabilities that are incorporated into
7 single programs and capabilities that span multiple
8 programs), an assessment of the adequacy of those
9 processes, and an identification of the actions of the
10 Department and the intelligence community for ad-
11 dressing any inadequacies in those processes.

12 (8) A description of the organizational and
13 management structure of the Department of De-
14 fense and the intelligence community for addressing
15 policy, planning, acquisition, and operations with re-
16 spect to capabilities, a description of the roles and
17 responsibilities of each organization, and an identi-
18 fication of the actions of the Department and the in-
19 telligence community for addressing any inadequa-
20 cies in that structure.

21 (d) PERIODS COVERED.—The strategy required by
22 subsection (b) shall cover the following periods:

- 23 (1) Fiscal years 2008 through 2013.
24 (2) Fiscal years 2014 through 2019.
25 (3) Fiscal years 2020 through 2025.



1 (e) DEFINITIONS.—In this section—

2 (1) the term “capabilities” means space, air-
3 borne, and ground systems and capabilities for space
4 situational awareness and for space systems protec-
5 tion; and

6 (2) the term “intelligence community” has the
7 meaning given such term in section 3(4) of the Na-
8 tional Security Act of 1947 (50 U.S.C. 401a(4)).

9 (f) REPORT; BIENNIAL UPDATE.—

10 (1) REPORT.—Not later than six months after
11 the date of the enactment of this Act, the Secretary
12 of Defense, in conjunction with the Director of Na-
13 tional Intelligence, shall submit to Congress a report
14 on the strategy required by subsection (b), including
15 each of the matters required by subsection (c).

16 (2) BIENNIAL UPDATE.—Not later than March
17 15 of each even-numbered year after 2008, the Sec-
18 retary of Defense, in conjunction with the Director
19 of National Intelligence, shall submit to Congress an
20 update to the report required by paragraph (1).

21 (3) CLASSIFICATION.—The report required by
22 paragraph (1), and each update required by para-
23 graph (2), shall be in unclassified form, but may in-
24 clude a classified annex.



1 (g) CONFORMING REPEAL.—Section 911 of the Na-
2 tional Defense Authorization Act for Fiscal Year 2006
3 (Public Law 109–163; 119 Stat. 3405; 10 U.S.C. 2271
4 note) is repealed.

5 **SEC. 912. BIENNIAL REPORT ON MANAGEMENT OF SPACE**
6 **CADRE WITHIN THE DEPARTMENT OF DE-**
7 **FENSE.**

8 (a) IN GENERAL.—Chapter 23 of title 10, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

11 **“§ 490. Space cadre management: biennial report**

12 “(a) REQUIREMENT.—The Secretary of Defense and
13 each Secretary of a military department shall develop
14 metrics and use these metrics to identify, track, and man-
15 age space cadre personnel within the Department of De-
16 fense to ensure the Department has sufficient numbers of
17 personnel with the expertise, training, and experience to
18 meet current and future national security space needs.

19 “(b) BIENNIAL REPORT REQUIRED.—

20 “(1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this section, and
22 every even-numbered year thereafter, the Secretary
23 of Defense shall submit to the congressional defense
24 committees a report on the management of the space
25 cadre.



1 “(2) MATTERS INCLUDED.—The report re-
2 quired by paragraph (1) shall include—

3 “(A) the number of active duty, reserve
4 duty, and government civilian space-coded bil-
5 lets that—

6 “(i) are authorized or permitted to be
7 maintained for each military department
8 and defense agency;

9 “(ii) are needed or required for each
10 military department and defense agency
11 for the year in which the submission of the
12 report is required; and

13 “(iii) are needed or required for each
14 military department and defense agency
15 for each of the five years following the date
16 of the submission of the report;

17 “(B) the actual number of active duty, re-
18 serve duty, and government civilian personnel
19 that are coded or classified as space cadre per-
20 sonnel within the Department of Defense, in-
21 cluding the military departments and defense
22 agencies;

23 “(C) the number of personnel recruited or
24 hired as accessions to serve in billets coded or



1 classified as space cadre personnel for each
2 military department and defense agency;

3 “(D) the number of personnel serving in
4 billets coded or classified as space cadre per-
5 sonnel that discontinued serving each military
6 department and defense agency during the pre-
7 ceding calendar year;

8 “(E) for each of the reporting require-
9 ments in subparagraphs (A) through (D), fur-
10 ther classification of the number of personnel
11 by—

12 “(i) space operators, acquisition per-
13 sonnel, engineers, scientists, program man-
14 agers, and other space-related areas identi-
15 fied by the Department;

16 “(ii) expertise or technical specializa-
17 tion area—

18 “(I) such as communications,
19 missile warning, spacelift, and any
20 other space-related specialties identi-
21 fied by the Department or classifica-
22 tions used by the Department; and

23 “(II) consistent with section
24 1721 of this title for acquisition per-
25 sonnel;



1 “(iii) rank for active duty and reserve
2 duty personnel and grade for government
3 civilian personnel;

4 “(iv) qualification, expertise, or pro-
5 ficiency level consistent with service and
6 agency-defined qualification, expertise, or
7 proficiency levels; and

8 “(v) any other such space-related clas-
9 sification categories used by the Depart-
10 ment or military departments; and

11 “(F) any other metrics identified by the
12 Department to improve the identification,
13 tracking, training, and management of space
14 cadre personnel.

15 “(3) ASSESSMENTS.—The report required by
16 paragraph (1) shall also include the Secretary’s as-
17 sessment of the state of the Department’s space
18 cadre, the Secretary’s assessment of the space cad-
19 res of the military departments, and a description of
20 efforts to ensure the Department has a space cadre
21 sufficient to meet current and future national secu-
22 rity space needs.”.

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

“490. Space cadre management: biennial report.”.



1 **SEC. 913. ADDITIONAL REPORT ON OVERSIGHT OF ACQUI-**
2 **SITION FOR DEFENSE SPACE PROGRAMS.**

3 Section 911(b)(1) of the Bob Stump National De-
4 fense Authorization Act for Fiscal Year 2003 (Public Law
5 107–314; 116 Stat. 2621) is amended by inserting “, and
6 March 15, 2008,” after “March 15, 2003,”.

7 **Subtitle C—Chemical**
8 **Demilitarization Program**

9 **SEC. 921. CHEMICAL DEMILITARIZATION CITIZENS ADVI-**
10 **SORY COMMISSIONS.**

11 (a) **FUNCTIONS.**—Section 172 of the National De-
12 fense Authorization Act for Fiscal Year 1993 (50 U.S.C.
13 1521 note) is amended—

14 (1) in each of subsections (b) and (f), by strik-
15 ing “Assistant Secretary of the Army (Research, De-
16 velopment and Acquisition)” and inserting “Assist-
17 ant Secretary of the Army (Acquisition, Logistics,
18 and Technology)”; and

19 (2) in subsection (g), by striking “Assistant
20 Secretary of the Army (Research, Development, and
21 Acquisition)” and inserting “Assistant Secretary of
22 the Army (Acquisition, Logistics, and Technology)”.

23 (b) **TERMINATION.**—Such section is further amended
24 in subsection (h) by striking “after the stockpile located
25 in that commission’s State has been destroyed” and in-
26 serting “after the closure activities required pursuant to



1 regulations promulgated by the Administrator of the Envi-
2 ronmental Protection Agency pursuant to the Solid Waste
3 Disposal Act (42 U.S.C. 6901 et seq.) have been com-
4 pleted for the chemical agent destruction facility in the
5 commission's State, or upon the request of the Governor
6 of the commission's State, whichever occurs first”.

7 **SEC. 922. SENSE OF CONGRESS ON COMPLETION OF DE-**
8 **STRUCTION OF UNITED STATES CHEMICAL**
9 **WEAPONS STOCKPILE.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) The Convention on the Prohibition of the
13 Development, Production, Stockpiling and Use of
14 Chemical Weapons and on Their Destruction, done
15 at Paris on January 13, 1993 (commonly referred to
16 as the “Chemical Weapons Convention”), requires
17 that destruction of the entire United States chemical
18 weapons stockpile be completed by not later than
19 April 29, 2007.

20 (2) In 2006, under the terms of the Chemical
21 Weapons Convention, the United States requested
22 and received a one-time, 5-year extension of its
23 chemical weapons destruction deadline to April 29,
24 2012.



1 (3) On April 10, 2006, the Secretary of De-
2 fense notified Congress that the United States would
3 not meet even the extended deadline under the
4 Chemical Weapons Convention for destruction of the
5 United States chemical weapons stockpile, but would
6 “continue working diligently to minimize the time to
7 complete destruction without sacrificing safety and
8 security” and would also “continue requesting re-
9 sources needed to complete destruction as close to
10 April 2012 as practicable”.

11 (4) The United States chemical demilitarization
12 program has met its one percent, 20 percent, and
13 extended 45 percent destruction deadlines under the
14 Chemical Weapons Convention.

15 (5) Destroying the remaining stockpile of
16 United States chemical weapons is imperative for
17 public safety and homeland security, and doing so by
18 April 2012, in accordance with the current destruc-
19 tion deadline provided under the Chemical Weapons
20 Convention, is required by United States law.

21 (6) The elimination of chemical weapons any-
22 where they exist in the world, and the prevention of
23 their proliferation, is of utmost importance to the
24 national security of the United States.



1 (7) Section 921(b)(3) of the John Warner Na-
2 tional Defense Authorization Act for Fiscal Year
3 2007 (Public Law 109–364; 120 Stat. 2359) con-
4 tained a sense of Congress urging the Secretary of
5 Defense to ensure the elimination of the United
6 States chemical weapons stockpile in the shortest
7 time possible, consistent with the requirement to
8 protect public health, safety, and the environment.

9 (8) Section 921(b)(4) of that Act contained a
10 sense of Congress urging the Secretary of Defense
11 to propose a credible treatment and disposal process
12 with the support of affected communities. In this re-
13 gard, any such process should provide for sufficient
14 communication and consultation between representa-
15 tives of the Department of Defense and representa-
16 tives of affected States and communities.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that—

19 (1) the United States is, and must remain,
20 committed to making every effort to safely dispose
21 of its entire chemical weapons stockpile by April
22 2012, the current destruction deadline provided
23 under the Chemical Weapons Convention, or as soon
24 thereafter as possible, and must carry out all of its
25 other obligations under the Convention; and



1 (2) the Secretary of Defense should make every
2 effort to plan for, and to request in the annual
3 budget of the President submitted to Congress ade-
4 quate funding to complete, the elimination of the
5 United States chemical weapons stockpile in accord-
6 ance with United States obligations under the Chem-
7 ical Weapons Convention and in a manner that will
8 protect public health, safety, and the environment,
9 as required by law.

10 (c) REPORTS REQUIRED.—

11 (1) IN GENERAL.—Not later than March 15,
12 2008, and every 180 days thereafter until the year
13 in which the United States completes the destruction
14 of its entire stockpile of chemical weapons under the
15 terms of the Chemical Weapons Convention, the Sec-
16 retary of Defense shall submit to the members and
17 committees of Congress referred to in paragraph (3)
18 a report on the implementation by the United States
19 of its chemical weapons destruction obligations
20 under the Chemical Weapons Convention.

21 (2) ELEMENTS.—Each report under paragraph
22 (1) shall include the following:

23 (A) The anticipated schedule at the time of
24 such report for the completion of destruction of
25 chemical agents, munitions, and materiel at



1 each chemical weapons demilitarization facility
2 in the United States.

3 (B) A description of the options and alter-
4 natives for accelerating the completion of chem-
5 ical weapons destruction at each such facility,
6 particularly in time to meet the destruction
7 deadline of April 29, 2012, currently provided
8 by the Chemical Weapons Convention, and by
9 December 31, 2017.

10 (C) A description of the funding required
11 to achieve each of the options for destruction
12 described under subparagraph (B), and a de-
13 tailed life-cycle cost estimate for each of the af-
14 fected facilities included in each such funding
15 profile.

16 (D) A description of all actions being
17 taken by the United States to accelerate the de-
18 struction of its entire stockpile of chemical
19 weapons, agents, and materiel in order to meet
20 the current destruction deadline under the
21 Chemical Weapons Convention of April 29,
22 2012, or as soon thereafter as possible.

23 (3) MEMBERS AND COMMITTEES OF CON-
24 GRESS.—The members and committees of Congress
25 referred to in this paragraph are—



1 (A) the majority leader of the Senate, the
2 minority leader of the Senate, and the Commit-
3 tees on Armed Services and Appropriations of
4 the Senate; and

5 (B) the Speaker of the House of Rep-
6 resentatives, the majority leader of the House
7 of Representatives, the minority leader of the
8 House of Representatives, and the Committees
9 on Armed Services and Appropriations of the
10 House of Representatives.

11 **SEC. 923. REPEAL OF CERTAIN QUALIFICATIONS REQUIRE-**
12 **MENT FOR DIRECTOR OF CHEMICAL DEMILI-**
13 **TARIZATION MANAGEMENT ORGANIZATION.**

14 Section 1412(e)(3) of the Department of Defense Au-
15 thorization Act, 1986 (50 U.S.C. 1521(e)(3)) is
16 amended—

17 (1) in subparagraph (A), by adding “and” at
18 the end;

19 (2) by striking subparagraph (B); and

20 (3) by redesignating subparagraph (C) as sub-
21 paragraph (B).



1 **SEC. 924. MODIFICATION OF TERMINATION OF ASSISTANCE**
2 **TO STATE AND LOCAL GOVERNMENTS AFTER**
3 **COMPLETION OF THE DESTRUCTION OF THE**
4 **UNITED STATES CHEMICAL WEAPONS STOCK-**
5 **PILE.**

6 Subparagraph (B) of section 1412(c)(5) of the De-
7 partment of Defense Authorization Act, 1986 (50 U.S.C.
8 1521(c)(5)) is amended to read as follows:

9 “(B) Assistance may be provided under this para-
10 graph for capabilities to respond to emergencies involving
11 an installation or facility as described in subparagraph (A)
12 until the earlier of the following:

13 “(i) The date of the completion of all grants
14 and cooperative agreements with respect to the in-
15 stallation or facility for purposes of this paragraph
16 between the Federal Emergency Management Agen-
17 cy and the State and local governments concerned.

18 “(ii) The date that is 180 days after the date
19 of the completion of the destruction of lethal chem-
20 ical agents and munitions at the installation or facil-
21 ity.”.



1 **Subtitle D—Intelligence-Related**
2 **Matters**

3 **SEC. 931. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**
4 **STATES CODE, ARISING FROM ENACTMENT**
5 **OF THE INTELLIGENCE REFORM AND TER-**
6 **RORISM PREVENTION ACT OF 2004.**

7 (a) REFERENCES TO HEAD OF INTELLIGENCE COM-
8 MUNITY.—Title 10, United States Code, is amended by
9 striking “Director of Central Intelligence” each place it
10 appears in the following provisions and inserting “Director
11 of National Intelligence”:

- 12 (1) Section 192(c)(2).
13 (2) Section 193(d)(2).
14 (3) Section 193(e).
15 (4) Section 201(a).
16 (5) Section 201(c)(1).
17 (6) Section 425(a).
18 (7) Section 426(a)(3).
19 (8) Section 426(b)(2).
20 (9) Section 441(c).
21 (10) Section 441(d).
22 (11) Section 443(d).
23 (12) Section 2273(b)(1).
24 (13) Section 2723(a).



1 (b) REFERENCES TO HEAD OF CENTRAL INTEL-
2 LIGENCE AGENCY.—Such title is further amended by
3 striking “Director of Central Intelligence” each place it
4 appears in the following provisions and inserting “Director
5 of the Central Intelligence Agency”:

6 (1) Section 431(b)(1).

7 (2) Section 444.

8 (3) Section 1089(g).

9 (c) OTHER AMENDMENTS.—

10 (1) SUBSECTION HEADINGS.—

11 (A) SECTION 441(c).—The heading of sub-
12 section (c) of section 441 of such title is amend-
13 ed by striking “DIRECTOR OF CENTRAL INTEL-
14 LIGENCE” and inserting “DIRECTOR OF NA-
15 TIONAL INTELLIGENCE”.

16 (B) SECTION 443(d).—The heading of
17 subsection (d) of section 443 of such title is
18 amended by striking “DIRECTOR OF CENTRAL
19 INTELLIGENCE” and inserting “DIRECTOR OF
20 NATIONAL INTELLIGENCE”.

21 (2) SECTION 201.—Section 201 of such title is
22 further amended—

23 (A) in subsection (b)(1), to read as follows:

24 “(1) In the event of a vacancy in a position re-
25 ferred to in paragraph (2), before appointing an in-



1 dividual to fill the vacancy or recommending to the
2 President an individual to be nominated to fill the
3 vacancy, the Secretary of Defense shall obtain the
4 concurrence of the Director of National Intelligence
5 as provided in section 106(b) of the National Security
6 Act of 1947 (50 U.S.C. 403–6(b)).”; and

7 (B) in subsection (c)(1), by striking “National
8 Foreign Intelligence Program” and inserting
9 “National Intelligence Program”.

10 **Subtitle E—Roles and Missions** 11 **Analysis**

12 **SEC. 941. REQUIREMENT FOR QUADRENNIAL ROLES AND** 13 **MISSIONS REVIEW.**

14 (a) REQUIREMENT FOR REVIEW.—

15 (1) IN GENERAL.—Chapter 2 of title 10, United
16 States Code, is amended by inserting after section
17 118a the following new section:

18 **“§ 118b. Quadrennial roles and missions review**

19 “(a) REVIEW REQUIRED.—The Secretary of Defense
20 shall every four years conduct a comprehensive assessment
21 (to be known as the ‘quadrennial roles and missions re-
22 view’) of the roles and missions of the armed forces and
23 the core competencies and capabilities of the Department
24 of Defense to perform and support such roles and mis-
25 sions.



1 “(b) INDEPENDENT MILITARY ASSESSMENT OF
2 ROLES AND MISSIONS.—(1) In each year in which the
3 Secretary of Defense is required to conduct a comprehen-
4 sive assessment pursuant to subsection (a), the Chairman
5 of the Joint Chiefs of Staff shall prepare and submit to
6 the Secretary the Chairman’s assessment of the roles and
7 missions of the armed forces and the assignment of func-
8 tions to the armed forces, together with any recommenda-
9 tions for changes in assignment that the Chairman con-
10 siders necessary to achieve maximum efficiency and effec-
11 tiveness of the armed forces.

12 “(2) The Chairman’s assessment shall be conducted
13 so as to—

14 “(A) organize the significant missions of the
15 armed forces into core mission areas that cover
16 broad areas of military activity;

17 “(B) ensure that core mission areas are defined
18 and functions are assigned so as to avoid unneces-
19 sary duplication of effort among the armed forces;
20 and

21 “(C) provide the Chairman’s recommendations
22 with regard to issues to be addressed by the Sec-
23 retary of Defense under subsection (c).

24 “(c) IDENTIFICATION OF CORE MISSION AREAS AND
25 CORE COMPETENCIES AND CAPABILITIES.—Upon receipt



1 of the Chairman's assessment, and after giving appro-
2 priate consideration to the Chairman's recommendations,
3 the Secretary of Defense shall identify—

4 “(1) the core mission areas of the armed forces;

5 “(2) the core competencies and capabilities that
6 are associated with the performance or support of a
7 core mission area identified pursuant to paragraph
8 (1);

9 “(3) the elements of the Department of Defense
10 (including any other office, agency, activity, or com-
11 mand described in section 111(b) of this title) that
12 are responsible for providing the core competencies
13 and capabilities required to effectively perform the
14 core missions identified pursuant to paragraph (1);

15 “(4) any gaps in the ability of the elements (or
16 other office, agency activity, or command) of the De-
17 partment of Defense to provide core competencies
18 and capabilities required to effectively perform the
19 core missions identified pursuant to paragraph (1);

20 “(5) any unnecessary duplication of core com-
21 petencies and capabilities between defense compo-
22 nents; and

23 “(6) a plan for addressing any gaps or unneces-
24 sary duplication identified pursuant to paragraph
25 (4) or paragraph (5).



1 “(d) REPORT.—The Secretary shall submit a report
2 on the quadrennial roles and missions review to the Com-
3 mittees on Armed Services of the Senate and the House
4 of Representatives. The report shall be submitted in the
5 year following the year in which the review is conducted,
6 but not later than the date on which the President submits
7 the budget for the next fiscal year to Congress under sec-
8 tion 1105(a) of title 31.”.

9 (b) REPEAL OF SUPERSEDED PROVISION.—Section
10 118(e) of title 10, United States Code, is amended—

11 (1) by striking paragraph (2); and

12 (2) by redesignating paragraph (3) as para-
13 graph (2).

14 (c) TIMING OF QUADRENNIAL ROLES AND MISSIONS
15 REVIEW.—

16 (1) FIRST REVIEW.—The first quadrennial roles
17 and missions review under section 118b of title 10,
18 United States Code, as added by subsection (a),
19 shall be conducted during 2008.

20 (2) SUBSEQUENT REVIEWS.—Subsequent re-
21 views shall be conducted every four years, beginning
22 in 2011.



1 **SEC. 942. JOINT REQUIREMENTS OVERSIGHT COUNCIL AD-**
2 **DITIONAL DUTIES RELATING TO CORE MIS-**
3 **SION AREAS.**

4 (a) REVISIONS IN MISSION.—Subsection (b) of sec-
5 tion 181 of title 10, United States Code, is amended to
6 read as follows:

7 “(b) MISSION.—In addition to other matters assigned
8 to it by the President or Secretary of Defense, the Joint
9 Requirements Oversight Council shall—

10 “(1) assist the Chairman of the Joint Chiefs of
11 Staff—

12 “(A) in identifying, assessing, and approv-
13 ing joint military requirements (including exist-
14 ing systems and equipment) to meet the na-
15 tional military strategy; and

16 “(B) in identifying the core mission area
17 associated with each such requirement;

18 “(2) assist the Chairman in establishing and
19 assigning priority levels for joint military require-
20 ments;

21 “(3) assist the Chairman in reviewing the esti-
22 mated level of resources required in the fulfillment
23 of each joint military requirement and in ensuring
24 that such resource level is consistent with the level
25 of priority assigned to such requirement; and



1 “(4) assist acquisition officials in identifying al-
2 ternatives to any acquisition program that meet
3 joint military requirements for the purposes of sec-
4 tion 2366a(a)(4), section 2366b(b), and section
5 2433(e)(2) of this title.”.

6 (b) ADVISORS.—Section 181 of such title is
7 amended—

8 (1) by redesignating subsection (d) as sub-
9 section (f); and

10 (2) by inserting after subsection (c) the fol-
11 lowing new subsection (d):

12 “(d) ADVISORS.—The Under Secretary of Defense
13 for Acquisition, Technology, and Logistics, the Under Sec-
14 retary of Defense (Comptroller), and the Director of the
15 Office of Program Analysis and Evaluation shall serve as
16 advisors to the Council on matters within their authority
17 and expertise.”.

18 (c) ORGANIZATION.—Section 181 of such title is fur-
19 ther amended by inserting after subsection (d) (as inserted
20 by subsection (b)) the following new subsection (e):

21 “(e) ORGANIZATION.—The Joint Requirements Over-
22 sight Council shall conduct periodic reviews of joint mili-
23 tary requirements within a core mission area of the De-
24 partment of Defense. In any such review of a core mission



1 area, the officer or official assigned to lead the review shall
2 have a deputy from a different military department.”.

3 (d) DEFINITIONS.—Section 181 of such title is fur-
4 ther amended by adding at the end the following new sub-
5 section:

6 “(g) DEFINITIONS.—In this section:

7 “(1) The term ‘joint military requirement’
8 means a capability necessary to fulfill a gap in a
9 core mission area of the Department of Defense.

10 “(2) The term ‘core mission area’ means a core
11 mission area of the Department of Defense identi-
12 fied under the most recent quadrennial roles and
13 missions review pursuant to section 118b of this
14 title.”.

15 (e) CONSULTATION.—Section 2433(e)(2) of such title
16 is amended by inserting “, after consultation with the
17 Joint Requirements Oversight Council regarding program
18 requirements,” after “Secretary of Defense” in the matter
19 preceding subparagraph (A).

20 (f) DEADLINES.—Effective June 1, 2009, all joint
21 military requirements documents of the Joint Require-
22 ments Oversight Council produced to carry out its mission
23 under section 181(b)(1) of title 10, United States Code,
24 shall reference the core mission areas organized and de-
25 fined under section 118b of such title. Not later than Oc-



1 tober 1, 2009, all such documents produced before June
2 1, 2009, shall reference such structure.

3 **SEC. 943. REQUIREMENT FOR CERTIFICATION OF MAJOR**
4 **SYSTEMS PRIOR TO TECHNOLOGY DEVELOP-**
5 **MENT.**

6 (a) REQUIREMENT FOR CERTIFICATION.—

7 (1) IN GENERAL.—Chapter 139 of title 10,
8 United States Code, is amended by inserting after
9 section 2366a the following new section:

10 **“§ 2366b. Major defense acquisition programs: certifi-**
11 **cation required before Milestone A or**
12 **Key Decision Point A approval**

13 “(a) CERTIFICATION.—A major defense acquisition
14 program may not receive Milestone A approval, or Key
15 Decision Point A approval in the case of a space program,
16 until the Milestone Decision Authority certifies, after con-
17 sultation with the Joint Requirements Oversight Council
18 on matters related to program requirements and military
19 needs—

20 “(1) that the system fulfills an approved initial
21 capabilities document;

22 “(2) that the system is being executed by an
23 entity with a relevant core competency as identified
24 by the Secretary of Defense under section 118b of
25 this title;



1 “(3) if the system duplicates a capability al-
2 ready provided by an existing system, the duplica-
3 tion provided by such system is necessary and ap-
4 propriate; and

5 “(4) that a cost estimate for the system has
6 been submitted and that the level of resources re-
7 quired to develop and procure the system is con-
8 sistent with the priority level assigned by the Joint
9 Requirements Oversight Council.

10 “(b) NOTIFICATION.—With respect to a major sys-
11 tem certified by the Milestone Decision Authority under
12 subsection (a), if the projected cost of the system, at any
13 time prior to Milestone B approval, exceeds the cost esti-
14 mate for the system submitted at the time of the certifi-
15 cation by at least 25 percent, the program manager for
16 the system concerned shall notify the Milestone Decision
17 Authority. The Milestone Decision Authority, in consulta-
18 tion with the Joint Requirements Oversight Council on
19 matters related to program requirements and military
20 needs, shall determine whether the level of resources re-
21 quired to develop and procure the system remains con-
22 sistent with the priority level assigned by the Joint Re-
23 quirements Oversight Council. The Milestone Decision Au-
24 thority may withdraw the certification concerned or re-
25 scind Milestone A approval (or Key Decision Point A ap-



1 proval in the case of a space program) if the Milestone
2 Decision Authority determines that such action is in the
3 interest of national defense.

4 “(e)DEFINITIONS.—In this section:

5 “(1) The term ‘major system’ has the meaning
6 provided in section 2302(5) of this title.

7 “(2) The term ‘initial capabilities document’
8 means any capabilities requirement document ap-
9 proved by the Joint Requirements Oversight Council
10 that establishes the need for a materiel approach to
11 resolve a capability gap.

12 “(3) The term ‘technology development pro-
13 gram’ means a coordinated effort to assess tech-
14 nologies and refine user performance parameters to
15 fulfill a capability gap identified in an initial capa-
16 bilities document.

17 “(4) The term ‘entity’ means an entity listed in
18 section 125a(a) of this title.

19 “(5) The term ‘Milestone B approval’ has the
20 meaning provided that term in section 2366(e)(7) of
21 this title.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of such chapter is amended
24 by adding at the end the following new item:

“2366b. Major defense acquisition programs: certification required before Mile-
stone A or Key Decision Point A approval.”.



1 (b) REVIEW OF DEPARTMENT OF DEFENSE ACQUI-
2 TION DIRECTIVES.—Not later than 180 days after the
3 date of the enactment of this Act, the Secretary of Defense
4 shall review Department of Defense Directive 5000.1 and
5 associated guidance, and the manner in which such direc-
6 tive and guidance have been implemented, and take appro-
7 priate steps to ensure that the Department does not com-
8 mence a technology development program for a major
9 weapon system without Milestone A approval (or Key De-
10 cision Point A approval in the case of a space program).

11 (c) EFFECTIVE DATE.—Section 2366b of title 10,
12 United States Code, as added by subsection (a), shall
13 apply to major systems on and after March 1, 2008.

14 **SEC. 944. PRESENTATION OF FUTURE-YEARS MISSION**
15 **BUDGET BY CORE MISSION AREA.**

16 (a) TIME OF SUBMISSION OF FUTURE-YEARS MIS-
17 SION BUDGET.—The second sentence of section 222(a) of
18 title 10, United States Code, is amended to read as fol-
19 lows: “That budget shall be submitted for any fiscal year
20 with the future-years defense program submitted under
21 section 221 of this title.”.

22 (b) ORGANIZATION OF FUTURE-YEARS MISSION
23 BUDGET.—The second sentence of section 222(b) of such
24 title is amended by striking “on the basis” and all that
25 follows through the end of the sentence and inserting the



1 following: “on the basis of both major force programs and
2 the core mission areas identified under the most recent
3 quadrennial roles and missions review pursuant to section
4 118b of this title.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply with respect to the future-years
7 mission budget for fiscal year 2010 and each fiscal year
8 thereafter.

9 **Subtitle F—Other Matters**

10 **SEC. 951. DEPARTMENT OF DEFENSE CONSIDERATION OF** 11 **EFFECT OF CLIMATE CHANGE ON DEPART-** 12 **MENT FACILITIES, CAPABILITIES, AND MIS-** 13 **SIONS.**

14 (a) CONSIDERATION OF CLIMATE CHANGE EF-
15 FECT.—Section 118 of title 10, United States Code, is
16 amended by adding at the end the following new sub-
17 section:

18 “(g) CONSIDERATION OF EFFECT OF CLIMATE
19 CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES,
20 AND MISSIONS.—(1) The first national security strategy
21 and national defense strategy prepared after the date of
22 the enactment of the National Defense Authorization Act
23 for Fiscal Year 2008 shall include guidance for military
24 planners—



1 “(A) to assess the risks of projected climate
2 change to current and future missions of the armed
3 forces;

4 “(B) to update defense plans based on these as-
5 sessments, including working with allies and part-
6 ners to incorporate climate mitigation strategies, ca-
7 pacity building, and relevant research and develop-
8 ment; and

9 “(C) to develop the capabilities needed to re-
10 duce future impacts.

11 “(2) The first quadrennial defense review prepared
12 after the date of the enactment of the National Defense
13 Authorization Act for Fiscal Year 2008 shall also examine
14 the capabilities of the armed forces to respond to the con-
15 sequences of climate change, in particular, preparedness
16 for natural disasters from extreme weather events and
17 other missions the armed forces may be asked to support
18 inside the United States and overseas.

19 “(3) For planning purposes to comply with the re-
20 quirements of this subsection, the Secretary of Defense
21 shall use—

22 “(A) the mid-range projections of the fourth as-
23 sessment report of the Intergovernmental Panel on
24 Climate Change;



1 “(B) subsequent mid-range consensus climate
2 projections if more recent information is available
3 when the next national security strategy, national
4 defense strategy, or quadrennial defense review, as
5 the case may be, is conducted; and

6 “(C) findings of appropriate and available esti-
7 mations or studies of the anticipated strategic, so-
8 cial, political, and economic effects of global climate
9 change and the implications of such effects on the
10 national security of the United States.

11 “(4) In this subsection, the term ‘national security
12 strategy’ means the annual national security strategy re-
13 port of the President under section 108 of the National
14 Security Act of 1947 (50 U.S.C. 404a).”.

15 (b) IMPLEMENTATION.—The Secretary of Defense
16 shall ensure that subsection (g) of section 118 of title 10,
17 United States Code, as added by subsection (a), is imple-
18 mented in a manner that does not have a negative impact
19 on the national security of the United States.

20 **SEC. 952. INTERAGENCY POLICY COORDINATION.**

21 (a) PLAN REQUIRED.—Not later than 180 days after
22 the date of the enactment of this Act, the Secretary of
23 Defense shall develop and submit to Congress a plan to
24 improve and reform the Department of Defense’s partici-



1 pation in and contribution to the interagency coordination
2 process on national security issues.

3 (b) ELEMENTS.—The elements of the plan shall in-
4 clude the following:

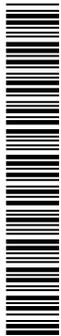
5 (1) Assigning either the Under Secretary of De-
6 fense for Policy or another official to be the lead pol-
7 icy official for improving and reforming the inter-
8 agency coordination process on national security
9 issues for the Department of Defense, with an expla-
10 nation of any decision to name an official other than
11 the Under Secretary and the relative advantages and
12 disadvantages of such decision.

13 (2) Giving the official assigned under para-
14 graph (1) the following responsibilities:

15 (A) To be the lead person at the Depart-
16 ment of Defense for the development of policy
17 affecting the national security interagency proc-
18 ess.

19 (B) To serve, or designate a person to
20 serve, as the representative of the Department
21 of Defense in Federal Government forums es-
22 tablished to address interagency policy, plan-
23 ning, or reforms.

24 (C) To advocate, on behalf of the Sec-
25 retary, for greater interagency coordination and



1 contributions in the execution of the National
2 Security Strategy and particularly specific oper-
3 ational objectives undertaken pursuant to that
4 strategy.

5 (D) To make recommendations to the Sec-
6 retary of Defense on changes to existing De-
7 partment of Defense regulations or laws to im-
8 prove the interagency process.

9 (E) To serve as the coordinator for all
10 planning and training assistance that is—

11 (i) designed to improve the inter-
12 agency process or the capabilities of other
13 agencies to work with the Department of
14 Defense; and

15 (ii) provided by the Department of
16 Defense at the request of other agencies.

17 (F) To serve as the lead official in Depart-
18 ment of Defense for the development of
19 deployable joint interagency task forces.

20 (c) FACTORS TO BE CONSIDERED.—In drafting the
21 plan, the Secretary of Defense shall also consider the fol-
22 lowing factors:

23 (1) How the official assigned under subsection
24 (b)(1) shall provide input to the Secretary of De-
25 fense on an ongoing basis on how to incorporate the



1 need to coordinate with other agencies into the es-
2 tablishment and reform of combatant commands.

3 (2) How such official shall develop and make
4 recommendations to the Secretary of Defense on a
5 regular or an ongoing basis on changes to military
6 and civilian personnel to improve interagency coordi-
7 nation.

8 (3) How such official shall work with the com-
9 batant command that has the mission for joint
10 warfighting experimentation and other interested
11 agencies to develop exercises to test and validate
12 interagency planning and capabilities.

13 (4) How such official shall lead, coordinate, or
14 participate in after-action reviews of operations,
15 tests, and exercises to capture lessons learned re-
16 garding the functioning of the interagency process
17 and how those lessons learned will be disseminated.

18 (5) The role of such official in ensuring that fu-
19 ture defense planning guidance takes into account
20 the capabilities and needs of other agencies.

21 (d) RECOMMENDATION ON CHANGES IN LAW.—The
22 Secretary of Defense may submit with the plan or with
23 any future budget submissions recommendations for any
24 changes to law that are required to enhance the ability
25 of the official assigned under subsection (b)(1) in the De-



1 partment of Defense to coordinate defense interagency ef-
2 forts or to improve the ability of the Department of De-
3 fense to work with other agencies.

4 (e) ANNUAL REPORT.—If an official is named by the
5 Secretary of Defense under subsection (b)(1), the official
6 shall annually submit to Congress a report, beginning in
7 the fiscal year following the naming of the official, on
8 those actions taken by the Department of Defense to en-
9 hance national security interagency coordination, the
10 views of the Department of Defense on efforts and chal-
11 lenges in improving the ability of agencies to work to-
12 gether, and suggestions on changes needed to laws or reg-
13 ulations that would enhance the coordination of efforts of
14 agencies.

15 (f) DEFINITION.—In this section, the term “inter-
16 agency coordination”, within the context of Department
17 of Defense involvement, means the coordination that oc-
18 curs between elements of the Department of Defense and
19 engaged Federal Government agencies for the purpose of
20 achieving an objective.

21 (g) CONSTRUCTION.—Nothing in this provision shall
22 be construed as preventing the Secretary of Defense from
23 naming an official with the responsibilities listed in sub-
24 section (b) before the submission of the report required
25 under this section.



1 **SEC. 953. EXPANSION OF EMPLOYMENT CREDITABLE**
2 **UNDER SERVICE AGREEMENTS UNDER NA-**
3 **TIONAL SECURITY EDUCATION PROGRAM.**

4 Paragraph (2) of subsection (b) of section 802 of the
5 David L. Boren National Security Education Act of 1991
6 (50 U.S.C. 1902), as most recently amended by section
7 945 of the John Warner National Defense Authorization
8 Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
9 2367), is amended—

10 (1) in subparagraph (A)—

11 (A) in clause (i) by striking “or” at the
12 end; and

13 (B) by adding at the end the following:

14 “(iii) for not less than one academic
15 year in a position in the field of education
16 in a discipline related to the study sup-
17 ported by the program if the recipient
18 demonstrates to the Secretary of Defense
19 that no position is available in the depart-
20 ments, agencies, and offices covered by
21 clauses (i) and (ii); or”; and

22 (2) in subparagraph (B)—

23 (A) in clause (i) by striking “or” at the
24 end;

25 (B) in clause (ii) by striking “and” at the
26 end and inserting “or”; and



1 (C) by adding at the end the following:

2 “(iii) for not less than one academic
3 year in a position in the field of education
4 in a discipline related to the study sup-
5 ported by the program if the recipient
6 demonstrates to the Secretary of Defense
7 that no position is available in the depart-
8 ments, agencies, and offices covered by
9 clauses (i) and (ii); and”.

10 **SEC. 954. BOARD OF REGENTS FOR THE UNIFORMED SERV-**
11 **ICES UNIVERSITY OF THE HEALTH SCIENCES.**

12 (a) REORGANIZATION AND AMENDMENT OF BOARD
13 OF REGENTS PROVISIONS.—

14 (1) IN GENERAL.—Chapter 104 of title 10,
15 United States Code, is amended by inserting after
16 section 2113 the following new section:

17 **“§ 2113a. Board of Regents**

18 “(a) IN GENERAL.—To assist the Secretary of De-
19 fense in an advisory capacity, there is a Board of Regents
20 of the University.

21 “(b) MEMBERSHIP.—The Board shall consist of—

22 “(1) nine persons outstanding in the fields of
23 health and health education who shall be appointed
24 from civilian life by the Secretary of Defense;



1 “(2) the Secretary of Defense, or his designee,
2 who shall be an ex officio member;

3 “(3) the surgeons general of the uniformed
4 services, who shall be ex officio members; and

5 “(4) the President of the University, who shall
6 be a nonvoting ex officio member.

7 “(c) TERM OF OFFICE.—The term of office of each
8 member of the Board (other than ex officio members) shall
9 be six years except that—

10 “(1) any member appointed to fill a vacancy oc-
11 curring before the expiration of the term for which
12 his predecessor was appointed shall be appointed for
13 the remainder of such term; and

14 “(2) any member whose term of office has ex-
15 pired shall continue to serve until his successor is
16 appointed.

17 “(d) CHAIRMAN.—One of the members of the Board
18 (other than an ex officio member) shall be designated by
19 the Secretary as Chairman. He shall be the presiding offi-
20 cer of the Board.

21 “(e) COMPENSATION.—Members of the Board (other
22 than ex officio members) while attending conferences or
23 meetings or while otherwise performing their duties as
24 members shall be entitled to receive compensation at a
25 rate to be fixed by the Secretary and shall also be entitled



1 to receive an allowance for necessary travel expenses while
2 so serving away from their place of residence.

3 “(f) MEETINGS.—The Board shall meet at least once
4 a quarter.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of such chapter is amended
7 by adding at the end the following new item:
“2113a. Board of Regents.”.

8 (3) CONFORMING AMENDMENTS.—

9 (A) Section 2113 of title 10, United States
10 Code, is amended—

11 (i) in subsection (a), by striking “To
12 assist” and all that follows through the
13 end of paragraph (4);

14 (ii) by striking subsections (b), (c),
15 and (e);

16 (iii) by redesignating subsections (d),
17 (f), (g), (h), (i), and (j) as subsections (b),
18 (c), (d), (e), (f), and (g), respectively; and

19 (iv) in subsection (b), as so redesign-
20 nated, by striking “who shall also serve as
21 a nonvoting ex officio member of the
22 Board”.

23 (B) Section 2114(h) of such title is amend-
24 ed by striking “2113(h)” and inserting
25 “2113(e)”.



1 (b) STATUTORY REDESIGNATION OF DEAN AS PRESI-
2 DENT.—

3 (1) Subsection 2113 of such title is further
4 amended by striking “Dean” each place it appears
5 in subsections (b) and (c)(1), as redesignated by
6 subsection (a)(3), and inserting “President”.

7 (2) Section 2114(e) of such title is amended by
8 striking “Dean” each place it appears in paragraphs
9 (3) and (5).

10 **SEC. 955. ESTABLISHMENT OF DEPARTMENT OF DEFENSE**
11 **SCHOOL OF NURSING.**

12 (a) ESTABLISHMENT PLAN REQUIRED.—Not later
13 than February 1, 2008, the Secretary of Defense shall
14 submit to the congressional defense committees a plan to
15 establish a School of Nursing within the Uniformed Serv-
16 ices University of the Health Sciences. The Secretary shall
17 develop the plan in consultation with the Board of Regents
18 of the Uniformed Services University of the Health
19 Sciences and submit the plan to the Board of Regents for
20 review and to solicit the Board’s recommendations.

21 (b) PROGRAMS OF INSTRUCTION.—In consultation
22 with the Secretaries of the military departments, the Sec-
23 retary of Defense shall include in the plan required by sub-
24 section (a) programs of instruction for the School of Nurs-
25 ing that would lead to the award of a bachelor of science



1 in nursing and such other baccalaureate or graduate de-
2 grees in nursing as the Secretary considers appropriate.
3 The plan shall also address the enrollment as students of
4 enlisted members and officers of the Armed Forces and
5 civilians for the purpose of commissioning them as mili-
6 tary nursing officers upon graduation. The graduates of
7 such a program of instruction shall be fully eligible to meet
8 credentialing and licensing requirements of the military
9 departments and at least one State in their program of
10 study.

11 (c) CONSIDERATION OF CERTAIN PROGRAMS.—In
12 developing the plan under subsection (a), the Secretary
13 shall consider the inclusion of the following types of pro-
14 grams:

15 (1) A program to enroll students who already
16 possess an associate degree in nursing so that they
17 can earn a bachelor of science in nursing.

18 (2) A program to enroll students who already
19 possess other associate degrees so that they can earn
20 a bachelor of science in nursing.

21 (3) A program to enroll students who already
22 possess an associate degree in nursing so that they
23 can earn a master of science in nursing.



1 (4) A program to enroll students who already
2 possess a bachelor of science in nursing so that they
3 can earn a master of science in nursing.

4 (d) OTHER CONSIDERATIONS.—The plan required by
5 subsection (a) shall also include the following:

6 (1) The results of a study of the nursing short-
7 age in the Department of Defense and the reasons
8 for such shortages.

9 (2) Details of the curriculum and degree re-
10 quirements for each category of students at the
11 School of Nursing, if established.

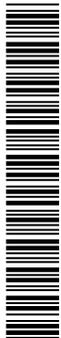
12 (3) An analysis of the contributions to overall
13 medical readiness that will be made by the School of
14 Nursing.

15 (4) Proposals for the development of the School
16 of Nursing to be phased in over a period of time.

17 (5) Faculty requirements based on degree re-
18 quirements and numbers of projected students, to
19 include the source and number of faculty required.

20 (6) Projected number of graduates per year for
21 each of the first 15 years of operation.

22 (7) Predicted accession sources, military career
23 paths, and service commitments and retention rates
24 of School of Nursing graduates, to include the reten-
25 tion of enlisted personnel accessed into the school.



1 (8) Administrative and instructional facilities
2 required, and the likely initial and final location of
3 clinical training institutions.

4 (9) Plan for accreditation by a nationally recog-
5 nized nursing school accrediting body.

6 (10) Projected faculty, administration, instruc-
7 tion, and facilities costs for the School of Nursing
8 beginning in fiscal year 2009 and continuing
9 through fiscal year 2024, including the cost analysis
10 of developing the School of Nursing and the cost of
11 additional administrative support for the Uniformed
12 Services University of the Health Sciences on ac-
13 count of the establishment of the school.

14 (e) EFFECT ON CURRENT PROGRAMS.—Notwith-
15 standing the development of the plan under subsection (a),
16 the Secretary shall ensure that graduate degree programs
17 in nursing, including advanced practice nursing, continue.

18 (f) EFFECT ON OTHER RECRUITMENT EFFORTS.—
19 Nothing in this section shall be construed as limiting or
20 terminating any current or future program related to the
21 recruitment, accession, training, or retention of military
22 nurses.

23 (g) ESTABLISHMENT AUTHORITY.—



1 (1) ESTABLISHMENT.—Chapter 104 of title 10,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **“§ 2117. School of Nursing**

5 “(a) ESTABLISHMENT AUTHORIZED.—The Secretary
6 of Defense may establish a School of Nursing within the
7 University. The School of Nursing may include a program
8 that awards a bachelor of science in nursing.

9 “(b) PHASED DEVELOPMENT.—The School of Nurs-
10 ing may be developed in phases as determined appropriate
11 by the Secretary.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of such chapter is amended
14 by adding at the end the following new item:

“2117. School of Nursing.”.

15 **SEC. 956. INCLUSION OF COMMANDERS OF WESTERN HEMI-**
16 **SPHERE COMBATANT COMMANDS IN BOARD**
17 **OF VISITORS OF WESTERN HEMISPHERE IN-**
18 **STITUTE FOR SECURITY COOPERATION.**

19 Subparagraph (F) of section 2166(e)(1) of title 10,
20 United States Code, is amended to read as follows:

21 “(F) The commanders of the combatant com-
22 mands having geographic responsibility for the
23 Western Hemisphere, or the designees of those offi-
24 cers.”.



1 **SEC. 957. COMPTROLLER GENERAL ASSESSMENT OF REOR-**
2 **GANIZATION OF THE OFFICE OF THE UNDER**
3 **SECRETARY OF DEFENSE FOR POLICY.**

4 (a) ASSESSMENT REQUIRED.—Not later than June
5 1, 2008, the Comptroller General of the United States
6 shall submit to the congressional defense committees a re-
7 port containing an assessment of the most recent reorga-
8 nization of the office of the Under Secretary of Defense
9 for Policy, including an assessment with respect to the
10 matters set forth in subsection (b).

11 (b) MATTERS TO BE ASSESSED.—The matters to be
12 included in the assessment required by subsection (a) are
13 as follows:

14 (1) The manner in which the reorganization of
15 the office furthers, or will further, its stated pur-
16 poses in the short-term and long-term, including the
17 manner in which the reorganization enhances, or will
18 enhance, the ability of the Department of Defense—

19 (A) to address current security priorities,
20 including on-going military operations in Iraq,
21 Afghanistan, and elsewhere;

22 (B) to manage geopolitical defense rela-
23 tionships; and

24 (C) to anticipate future strategic shifts in
25 those relationships.



1 (2) The manner in which and the extent to
2 which the reorganization adheres to generally accept-
3 ed principles of effective organization, such as estab-
4 lishing clear goals, identifying clear lines of author-
5 ity and accountability, and developing an effective
6 human capital strategy.

7 (3) The extent to which the Department has de-
8 veloped detailed implementation plans for the reor-
9 ganization, and the current status of the implemen-
10 tation of all aspects of the reorganization.

11 (4) The extent to which the Department has
12 worked to mitigate congressional concerns and ad-
13 dress other challenges that have arisen since the re-
14 organization was announced.

15 (5) The manner in which the Department plans
16 to evaluate progress in achieving the stated goals of
17 the reorganization and what measurements, if any,
18 the Department has established to assess the results
19 of the reorganization.

20 (6) The impact of the large increase in respon-
21 sibilities for the Assistant Secretary of Defense for
22 Special Operations and Low Intensity Conflict and
23 Interdependent Capabilities under the reorganization
24 on the ability of the Assistant Secretary to carry out



1 the principal duties of the Assistant Secretary under
2 law.

3 (7) The possible decrease in attention given to
4 special operations issues resulting from the increase
5 in responsibilities for the Assistant Secretary of De-
6 fense for Special Operations and Low Intensity Con-
7 flict and Interdependent Capabilities, including re-
8 sponsibility under the reorganization for each of the
9 following:

10 (A) Strategic capabilities.

11 (B) Forces transformation.

12 (C) Major budget programs.

13 (8) The possible diffusion of attention from
14 counternarcotics, counterproliferation, and global
15 threat issues resulting from the merging of those re-
16 sponsibilities under a single Deputy Assistant Sec-
17 retary of Defense for Counternarcotics,
18 Counterproliferation, and Global Threats.

19 (9) The impact of the reorganization on coun-
20 ternarcotics program execution.

21 (10) The unique placement under the reorga-
22 nization of both functional and regional issue re-
23 sponsibilities under the Assistant Secretary of De-
24 fense for Homeland Defense and Americas' Security
25 Affairs.



1 (11) The differentiation between the respon-
2 sibilities of the Deputy Assistant Secretary of De-
3 fense for Partnership Strategy and the Deputy As-
4 sistant Secretary of Defense for Coalition Affairs
5 and the relationship between such officials.

6 **SEC. 958. REPORT ON FOREIGN LANGUAGE PROFICIENCY.**

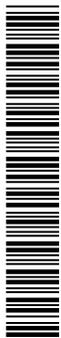
7 (a) IN GENERAL.—Not later than 240 days after the
8 date of the enactment of this Act, and annually thereafter
9 until the date referred to in subsection (d), the Secretary
10 of Defense, in conjunction with the Secretary of each mili-
11 tary department, shall submit to the congressional defense
12 committees a report on the foreign language proficiency
13 of the personnel of the Department of Defense.

14 (b) CONTENTS.—Each report submitted under sub-
15 section (a) shall include—

16 (1) the number of positions, identified by each
17 foreign language and dialect, for each military de-
18 partment and Defense Agency concerned that—

19 (A) require proficiency in that foreign lan-
20 guage or dialect for the year in which the sub-
21 mission of the report is required;

22 (B) are anticipated to require proficiency
23 in that foreign language or dialect for each of
24 the five years following the date of the submis-
25 sion of the report; and



1 (C) are authorized in the future-years de-
2 fense plan to be maintained for proficiency in a
3 foreign language or dialect;

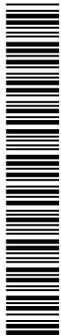
4 (2) the number of personnel for each military
5 department and Defense Agency, identified by each
6 foreign language and dialect, that are serving in a
7 position that requires proficiency in the foreign lan-
8 guage or dialect—

9 (A) to perform the primary duty of the po-
10 sition; and

11 (B) that meet the required level of pro-
12 ficiency of the Interagency Language Round-
13 table;

14 (3) the number of personnel for each military
15 department and Defense Agency, identified by each
16 foreign language and dialect, that are recruited or
17 hired as accessions to serve in a position that re-
18 quires proficiency in the foreign language or dialect;

19 (4) the number of personnel for each military
20 department and Defense Agency, identified by each
21 foreign language and dialect, that served in a posi-
22 tion that requires proficiency in the foreign language
23 or dialect and discontinued service during the pre-
24 ceding calendar year;



1 (5) the number of positions that require pro-
2 ficiency in a foreign language or dialect that are ful-
3 filled by contractors;

4 (6) the percentage of work requiring linguistic
5 skills that is fulfilled by personnel of the intelligence
6 community (as defined in section 3(4) of the Na-
7 tional Security Act of 1947 (50 U.S.C. 401a(4)));
8 and

9 (7) an assessment of the foreign language ca-
10 pacity and capabilities of each military department
11 and Defense Agency and of the Department of De-
12 fense as a whole.

13 (c) NON-MILITARY PERSONNEL.—Except as pro-
14 vided in paragraphs (6) and (7) of subsection (b), a report
15 submitted under subsection (a) shall cover only members
16 of the Armed Forces on active duty and reserve duty as-
17 signed to the military departments concerned or to the De-
18 partment of Defense.

19 (d) TERMINATION OF REQUIREMENT.—The duty to
20 submit a report under subsection (a) shall terminate on
21 December 31, 2013.

22 **TITLE X—GENERAL PROVISIONS**

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. United States contribution to NATO common-funded budgets in fis-
cal year 2008.

Sec. 1003. Authorization of additional emergency supplemental appropriations
for fiscal year 2007.



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- Sec. 1004. Modification of fiscal year 2007 general transfer authority.
- Sec. 1005. Financial management transformation initiative for the Defense Agencies.
- Sec. 1006. Repeal of requirement for two-year budget cycle for the Department of Defense.

Subtitle B—Policy Relating to Vessels and Shipyards

- Sec. 1011. Limitation on leasing of vessels.
- Sec. 1012. Policy relating to major combatant vessels of the strike forces of the United States Navy.

Subtitle C—Counter-Drug Activities

- Sec. 1021. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
- Sec. 1022. Expansion of authority to provide additional support for counter-drug activities in certain foreign countries.
- Sec. 1023. Report on counternarcotics assistance for the Government of Haiti.

Subtitle D—Miscellaneous Authorities and Limitations

- Sec. 1031. Provision of Air Force support and services to foreign military and state aircraft.
- Sec. 1032. Department of Defense participation in Strategic Airlift Capability Partnership.
- Sec. 1033. Improved authority to provide rewards for assistance in combating terrorism.
- Sec. 1034. Support for non-Federal development and testing of material for chemical agent defense.
- Sec. 1035. Prohibition on sale of F-14 fighter aircraft and related parts.

Subtitle E—Reports

- Sec. 1041. Extension and modification of report relating to hardened and deeply buried targets.
- Sec. 1042. Report on joint modeling and simulation activities.
- Sec. 1043. Renewal of submittal of plans for prompt global strike capability.
- Sec. 1044. Report on workforce required to support the nuclear missions of the Navy and the Department of Energy.
- Sec. 1045. Comptroller General report on Defense Finance and Accounting Service response to *Butterbaugh v. Department of Justice*.
- Sec. 1046. Study on size and mix of airlift force.
- Sec. 1047. Report on feasibility of establishing a domestic military aviation national training center.
- Sec. 1048. Limited field user evaluations for combat helmet pad suspension systems.
- Sec. 1049. Study on national security interagency system.
- Sec. 1050. Report on solid rocket motor industrial base.
- Sec. 1051. Reports on establishment of a memorial for members of the Armed Forces who died in the air crash in Bakers Creek, Australia, and establishment of other memorials in Arlington National Cemetery.

Subtitle F—Other Matters



- Sec. 1061. Reimbursement for National Guard support provided to Federal agencies.
- Sec. 1062. Congressional Commission on the Strategic Posture of the United States.
- Sec. 1063. Technical and clerical amendments.
- Sec. 1064. Repeal of certification requirement.
- Sec. 1065. Maintenance of capability for space-based nuclear detection.
- Sec. 1066. Sense of Congress regarding detainees at Naval Station, Guantanamo Bay, Cuba.
- Sec. 1067. A report on transferring individuals detained at Naval Station, Guantanamo Bay, Cuba.
- Sec. 1068. Repeal of provisions in section 1076 of Public Law 109–364 relating to use of Armed Forces in major public emergencies.
- Sec. 1069. Standards required for entry to military installations in United States.
- Sec. 1070. Revised nuclear posture review.
- Sec. 1071. Termination of Commission on the Implementation of the New Strategic Posture of the United States.
- Sec. 1072. Security clearances; limitations.
- Sec. 1073. Improvements in the process for the issuance of security clearances.
- Sec. 1074. Protection of certain individuals.
- Sec. 1075. Modification of authorities on Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack.
- Sec. 1076. Sense of Congress on Small Business Innovation Research Program.
- Sec. 1077. Revision of proficiency flying definition.
- Sec. 1078. Qualifications for public aircraft status of aircraft under contract with the Armed Forces.
- Sec. 1079. Communications with the Committees on Armed Services of the Senate and the House of Representatives.
- Sec. 1080. Retention of reimbursement for provision of reciprocal fire protection services.
- Sec. 1081. Pilot program on commercial fee-for-service air refueling support for the Air Force.
- Sec. 1082. Advisory panel on Department of Defense capabilities for support of civil authorities after certain incidents.
- Sec. 1083. Terrorism exception to immunity.

1 **Subtitle A—Financial Matters**

2 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

3 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

4 (1) **AUTHORITY.**—Upon determination by the
 5 Secretary of Defense that such action is necessary in
 6 the national interest, the Secretary may transfer
 7 amounts of authorizations made available to the De-
 8 partment of Defense in this division for fiscal year



1 2008 between any such authorizations for that fiscal
2 year (or any subdivisions thereof). Amounts of au-
3 thorizations so transferred shall be merged with and
4 be available for the same purposes as the authoriza-
5 tion to which transferred.

6 (2) LIMITATION.—Except as provided in para-
7 graph (3), the total amount of authorizations that
8 the Secretary may transfer under the authority of
9 this section may not exceed \$5,000,000,000.

10 (3) EXCEPTION FOR TRANSFERS BETWEEN
11 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
12 fer of funds between military personnel authoriza-
13 tions under title IV shall not be counted toward the
14 dollar limitation in paragraph (2).

15 (b) LIMITATIONS.—The authority provided by this
16 section to transfer authorizations—

17 (1) may only be used to provide authority for
18 items that have a higher priority than the items
19 from which authority is transferred; and

20 (2) may not be used to provide authority for an
21 item that has been denied authorization by Con-
22 gress.

23 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
24 transfer made from one account to another under the au-
25 thority of this section shall be deemed to increase the



1 amount authorized for the account to which the amount
2 is transferred by an amount equal to the amount trans-
3 ferred.

4 (d) NOTICE TO CONGRESS.—The Secretary shall
5 promptly notify Congress of each transfer made under
6 subsection (a).

7 **SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COM-**
8 **MON-FUNDED BUDGETS IN FISCAL YEAR 2008.**

9 (a) FISCAL YEAR 2008 LIMITATION.—The total
10 amount contributed by the Secretary of Defense in fiscal
11 year 2008 for the common-funded budgets of NATO may
12 be any amount up to, but not in excess of, the amount
13 specified in subsection (b) (rather than the maximum
14 amount that would otherwise be applicable to those con-
15 tributions under the fiscal year 1998 baseline limitation).

16 (b) TOTAL AMOUNT.—The amount of the limitation
17 applicable under subsection (a) is the sum of the following:

18 (1) The amounts of unexpended balances, as of
19 the end of fiscal year 2007, of funds appropriated
20 for fiscal years before fiscal year 2008 for payments
21 for those budgets.

22 (2) The amount specified in subsection (c)(1).

23 (3) The amount specified in subsection (c)(2).

24 (4) The total amount of the contributions au-
25 thorized to be made under section 2501.



1 (c) AUTHORIZED AMOUNTS.—Amounts authorized to
2 be appropriated by titles II and III of this Act are avail-
3 able for contributions for the common-funded budgets of
4 NATO as follows:

5 (1) Of the amount provided in section 201(1),
6 \$1,031,000 for the Civil Budget.

7 (2) Of the amount provided in section 301(1),
8 \$362,159,000 for the Military Budget.

9 (d) DEFINITIONS.—For purposes of this section:

10 (1) COMMON-FUNDED BUDGETS OF NATO.—
11 The term “common-funded budgets of NATO”
12 means the Military Budget, the Security Investment
13 Program, and the Civil Budget of the North Atlantic
14 Treaty Organization (and any successor or addi-
15 tional account or program of NATO).

16 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—
17 The term “fiscal year 1998 baseline limitation”
18 means the maximum annual amount of Department
19 of Defense contributions for common-funded budgets
20 of NATO that is set forth as the annual limitation
21 in section 3(2)(C)(ii) of the resolution of the Senate
22 giving the advice and consent of the Senate to the
23 ratification of the Protocols to the North Atlantic
24 Treaty of 1949 on the Accession of Poland, Hun-
25 gary, and the Czech Republic (as defined in section



1 4(7) of that resolution), approved by the Senate on
2 April 30, 1998.

3 **SEC. 1003. AUTHORIZATION OF ADDITIONAL EMERGENCY**
4 **SUPPLEMENTAL APPROPRIATIONS FOR FIS-**
5 **CAL YEAR 2007.**

6 Amounts authorized to be appropriated to the De-
7 partment of Defense for fiscal year 2007 in the John War-
8 ner National Defense Authorization Act for Fiscal Year
9 2007 (Public Law 109–364) are hereby adjusted, with re-
10 spect to any such authorized amount, by the amount by
11 which appropriations pursuant to such authorization are
12 increased by a supplemental appropriation or by a transfer
13 of funds, or decreased by a rescission, or any thereof, pur-
14 suant to the U.S. Troop Readiness, Veterans’ Care,
15 Katrina Recovery, and Iraq Accountability Appropriations
16 Act, 2007 (Public Law 110–28).

17 **SEC. 1004. MODIFICATION OF FISCAL YEAR 2007 GENERAL**
18 **TRANSFER AUTHORITY.**

19 Section 1001(a) of the John Warner National De-
20 fense Authorization Act for Fiscal Year 2007 (Public Law
21 109–364; 120 Stat. 2371) is amended by adding at the
22 end the following new paragraph:

23 “(3) **EXCEPTION FOR CERTAIN TRANSFERS.**—
24 The following transfers of funds shall be not be
25 counted toward the limitation in paragraph (2) on



1 the amount that may be transferred under this sec-
2 tion:

3 “(A) The transfer of funds to the Iraq Se-
4 curity Forces Fund under reprogramming
5 FY07–07–R PA.

6 “(B) The transfer of funds to the Joint
7 Improvised Explosive Device Defeat Fund
8 under reprogramming FY07–11 PA.

9 “(C) The transfer of funds back from the
10 accounts referred to in subparagraphs (A) and
11 (B) to restore the sources used in the
12 reprogrammings referred to in such subpara-
13 graphs.”.

14 **SEC. 1005. FINANCIAL MANAGEMENT TRANSFORMATION**
15 **INITIATIVE FOR THE DEFENSE AGENCIES.**

16 (a) FINANCIAL MANAGEMENT TRANSFORMATION
17 INITIATIVE.—

18 (1) IN GENERAL.—The Director of the Busi-
19 ness Transformation Agency of the Department of
20 Defense shall carry out an initiative for financial
21 management transformation in the Defense Agen-
22 cies. The initiative shall be known as the “Defense
23 Agencies Initiative” (in this section referred to as
24 the “Initiative”).



1 (2) SCOPE OF AUTHORITY.—In carrying out the
2 Initiative, the Director of the Business Trans-
3 formation Agency may require the heads of the De-
4 fense Agencies to carry out actions that are within
5 the purpose and scope of the Initiative.

6 (b) PURPOSES.—The purposes of Initiative shall be
7 as follows:

8 (1) To eliminate or replace financial manage-
9 ment systems of the Defense Agencies that are du-
10 plicative, redundant, or fail to comply with the
11 standards set forth in subsection (d).

12 (2) To transform the budget, finance, and ac-
13 counting operations of the Defense Agencies to en-
14 able the Defense Agencies to achieve accurate and
15 reliable financial information needed to support fi-
16 nancial accountability and effective and efficient
17 management decisions.

18 (c) REQUIRED ELEMENTS.—The Initiative shall in-
19 clude, to the maximum extent practicable—

20 (1) the utilization of commercial, off-the-shelf
21 technologies and web-based solutions;

22 (2) a standardized technical environment and
23 an open and accessible architecture; and



1 (3) the implementation of common business
2 processes, shared services, and common data struc-
3 tures.

4 (d) STANDARDS.—In carrying out the Initiative, the
5 Director of the Business Transformation Agency shall en-
6 sure that the Initiative is consistent with—

7 (1) the requirements of the Business Enterprise
8 Architecture and Transition Plan developed pursu-
9 ant to section 2222 of title 10, United States Code;

10 (2) the Standard Financial Information Struc-
11 ture of the Department of Defense;

12 (3) the Federal Financial Management Im-
13 provement Act of 1996 (and the amendments made
14 by that Act); and

15 (4) other applicable requirements of law and
16 regulation.

17 (e) SCOPE.—The Initiative shall be designed to pro-
18 vide, at a minimum, capabilities in the major process areas
19 for both general fund and working capital fund operations
20 of the Defense Agencies as follows:

21 (1) Budget formulation.

22 (2) Budget to report, including general ledger
23 and trial balance.

24 (3) Procure to pay, including commitments, ob-
25 ligations, and accounts payable.



1 (4) Order to fulfill, including billing and ac-
2 counts receivable.

3 (5) Cost accounting.

4 (6) Acquire to retire (account management).

5 (7) Time and attendance and employee entitle-
6 ment.

7 (8) Grants financial management.

8 (f) CONSULTATION.—In carrying out subsections (d)
9 and (e), the Director of the Business Transformation
10 Agency shall consult with the Comptroller of the Depart-
11 ment of Defense to ensure that any financial management
12 systems developed for the Defense Agencies, and any
13 changes to the budget, finance, and accounting operations
14 of the Defense Agencies, are consistent with the financial
15 standards and requirements of the Department of De-
16 fense.

17 (g) PROGRAM CONTROL.—In carrying out the Initia-
18 tive, the Director of the Business Transformation Agency
19 shall establish—

20 (1) a board (to be known as the “Configuration
21 Control Board”) to manage scope and cost changes
22 to the Initiative; and

23 (2) a program management office (to be known
24 as the “Program Management Office”) to control
25 and enforce assumptions made in the acquisition



1 plan, the cost estimate, and the system integration
2 contract for the Initiative, as directed by the Con-
3 figuration Control Board.

4 (h) PLAN ON DEVELOPMENT AND IMPLEMENTATION
5 OF INITIATIVE.—Not later than six months after the date
6 of the enactment of this Act, the Director of the Business
7 Transformation Agency shall submit to the congressional
8 defense committees a plan for the development and imple-
9 mentation of the Initiative. The plan shall provide for the
10 implementation of an initial capability under the Initiative
11 as follows:

12 (1) In at least one Defense Agency by not later
13 than eight months after the date of the enactment
14 of this Act.

15 (2) In not less than five Defense Agencies by
16 not later than 18 months after the date of the enact-
17 ment of this Act.

18 **SEC. 1006. REPEAL OF REQUIREMENT FOR TWO-YEAR**
19 **BUDGET CYCLE FOR THE DEPARTMENT OF**
20 **DEFENSE.**

21 Section 1405 of the Department of Defense Author-
22 ization Act, 1986 (Public Law 99–145; 99 Stat. 744; 31
23 U.S.C. 1105 note) is repealed.



1 **Subtitle B—Policy Relating to**
2 **Vessels and Shipyards**

3 **SEC. 1011. LIMITATION ON LEASING OF VESSELS.**

4 Section 2401 of title 10, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(h) The Secretary of a military department may
8 make a contract for the lease of a vessel or for the provi-
9 sion of a service through use by a contractor of a vessel,
10 the term of which is for a period of greater than two years,
11 but less than five years, only if—

12 “(1) the Secretary has notified the Committee
13 on Armed Services and the Committee on Appro-
14 priations of the Senate and the Committee on
15 Armed Services and the Committee on Appropria-
16 tions of the House of Representatives of the pro-
17 posed contract and included in such notification—

18 “(A) a detailed description of the terms of
19 the proposed contract and a justification for en-
20 tering into the proposed contract rather than
21 obtaining the capability provided for by the
22 lease, charter, or services involved through pur-
23 chase of the vessel;

24 “(B) a determination that entering into
25 the proposed contract as a means of obtaining



1 the vessel is the most cost-effective means of
2 obtaining such vessel; and

3 “(C) a plan for meeting the requirement
4 provided by the proposed contract upon comple-
5 tion of the term of the lease contract; and

6 “(2) a period of 30 days of continuous session
7 of Congress has expired following the date on which
8 notice was received by such committees.”.

9 **SEC. 1012. POLICY RELATING TO MAJOR COMBATANT VES-**
10 **SELS OF THE STRIKE FORCES OF THE**
11 **UNITED STATES NAVY.**

12 (a) INTEGRATED NUCLEAR POWER SYSTEMS.—It is
13 the policy of the United States to construct the major
14 combatant vessels of the strike forces of the United States
15 Navy, including all new classes of such vessels, with inte-
16 grated nuclear power systems.

17 (b) REQUIREMENT TO REQUEST NUCLEAR VES-
18 SELS.—If a request is submitted to Congress in the budget
19 for a fiscal year for construction of a new class of major
20 combatant vessel for the strike forces of the United States,
21 the request shall be for such a vessel with an integrated
22 nuclear power system, unless the Secretary of Defense
23 submits with the request a notification to Congress that
24 the inclusion of an integrated nuclear power system in
25 such vessel is not in the national interest.



1 (c) DEFINITIONS.—In this section:

2 (1) MAJOR COMBATANT VESSELS OF THE
3 STRIKE FORCES OF THE UNITED STATES NAVY.—

4 The term “major combatant vessels of the strike
5 forces of the United States Navy” means the fol-
6 lowing:

7 (A) Submarines.

8 (B) Aircraft carriers.

9 (C) Cruisers, battleships, or other large
10 surface combatants whose primary mission in-
11 cludes protection of carrier strike groups, expe-
12 ditionary strike groups, and vessels comprising
13 a sea base.

14 (2) INTEGRATED NUCLEAR POWER SYSTEM.—

15 The term “integrated nuclear power system” means
16 a ship engineering system that uses a naval nuclear
17 reactor as its energy source and generates sufficient
18 electric energy to provide power to the ship’s elec-
19 trical loads, including its combat systems and pro-
20 pulsion motors.

21 (3) BUDGET.—The term “budget” means the
22 budget that is submitted to Congress by the Presi-
23 dent under section 1105(a) of title 31, United States
24 Code.



1 **Subtitle C—Counter-Drug**
2 **Activities**

3 **SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK**
4 **FORCES TO PROVIDE SUPPORT TO LAW EN-**
5 **FORCEMENT AGENCIES CONDUCTING**
6 **COUNTER-TERRORISM ACTIVITIES.**

7 Section 1022(b) of the National Defense Authoriza-
8 tion Act for Fiscal Year 2004 (Public Law 108–136; 10
9 U.S.C. 371 note) is amended by striking “and 2007” and
10 inserting “through 2008”.

11 **SEC. 1022. EXPANSION OF AUTHORITY TO PROVIDE ADDI-**
12 **TIONAL SUPPORT FOR COUNTER-DRUG AC-**
13 **TIVITIES IN CERTAIN FOREIGN COUNTRIES.**

14 Subsection (b) of section 1033 of the National De-
15 fense Authorization Act for Fiscal Year 1998 (Public Law
16 105–85; 111 Stat. 1881), as amended by section 1021(b)
17 of the National Defense Authorization Act for Fiscal Year
18 2004 (Public Law 108–136, 117 Stat. 1593) and section
19 1022(b) of the John Warner National Defense Authoriza-
20 tion Act for Fiscal Year 2007 (Public Law 109–364; 120
21 Stat. 2382), is further amended by adding at the end the
22 following new paragraphs:

23 “(17) The Government of Mexico.

24 “(18) The Government of the Dominican Re-
25 public.”.



1 **SEC. 1023. REPORT ON COUNTERNARCOTICS ASSISTANCE**
2 **FOR THE GOVERNMENT OF HAITI.**

3 (a) REPORT REQUIRED.—Not later than 120 days
4 after the date of the enactment of this Act, the President
5 shall submit to Congress a report on counternarcotics as-
6 sistance for the Government of Haiti.

7 (b) MATTERS TO BE INCLUDED.—The report re-
8 quired by subsection (a) shall include the following:

9 (1) A description and assessment of the coun-
10 ternarcotics assistance provided to the Government
11 of Haiti by the Department of Defense, the Depart-
12 ment of State, the Department of Homeland Secu-
13 rity, and the Department of Justice.

14 (2) A description and assessment of any im-
15 pediments to increasing counternarcotics assistance
16 to the Government of Haiti.

17 (3) An assessment of the potential for the pro-
18 vision of counternarcotics assistance for the Govern-
19 ment of Haiti through the United Nations Stabiliza-
20 tion Mission in Haiti.

21 (c) FORM.—The report required by subsection (a)
22 shall be submitted in unclassified form, but may include
23 a classified annex.



1 **Subtitle D—Miscellaneous**
 2 **Authorities and Limitations**

3 **SEC. 1031. PROVISION OF AIR FORCE SUPPORT AND SERV-**
 4 **ICES TO FOREIGN MILITARY AND STATE AIR-**
 5 **CRAFT.**

6 (a) PROVISION OF SUPPORT AND SERVICES.—

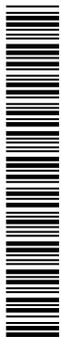
7 (1) IN GENERAL.—Section 9626 of title 10,
 8 United States Code, is amended to read as follows:

9 **“§ 9626. Aircraft supplies and services: foreign mili-**
 10 **tary or other state aircraft**

11 “(a) PROVISION OF SUPPLIES AND SERVICES ON RE-
 12 IMBURSABLE BASIS.—(1) The Secretary of the Air Force
 13 may, under such regulations as the Secretary may pre-
 14 scribe and when in the best interests of the United States,
 15 provide any of the supplies or services described in para-
 16 graph (2) to military and other state aircraft of a foreign
 17 country, on a reimbursable basis without an advance of
 18 funds, if similar supplies and services are furnished on a
 19 like basis to military aircraft and other state aircraft of
 20 the United States by the foreign country concerned.

21 “(2) The supplies and services described in this para-
 22 graph are supplies and services as follows:

23 “(A) Routine airport services, including landing
 24 and takeoff assistance, servicing aircraft with fuel,



1 use of runways, parking and servicing, and loading
2 and unloading of baggage and cargo.

3 “(B) Miscellaneous supplies, including Air
4 Force-owned fuel, provisions, spare parts, and gen-
5 eral stores, but not including ammunition.

6 “(b) PROVISION OF ROUTINE AIRPORT SERVICES ON
7 NON-REIMBURSABLE BASIS.—(1) Routine airport serv-
8 ices may be provided under this section at no cost to a
9 foreign country—

10 “(A) if such services are provided by Air Force
11 personnel and equipment without direct cost to the
12 Air Force; or

13 “(B) if such services are provided under an
14 agreement with the foreign country that provides for
15 the reciprocal furnishing by the foreign country of
16 routine airport services, as defined in that agree-
17 ment, to military and other state aircraft of the
18 United States without reimbursement.

19 “(2) If routine airport services are provided under
20 this section by a working-capital fund activity of the Air
21 Force under section 2208 of this title and such activity
22 is not reimbursed directly for the costs incurred by the
23 activity in providing such services by reason of paragraph
24 (1)(B), the working-capital fund activity shall be reim-



1 bursed for such costs out of funds currently available to
2 the Air Force for operation and maintenance.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 939 of such title
5 is amended by striking the item relating to section
6 9626 and inserting the following new item:

“9626. Aircraft supplies and services: foreign military or other state aircraft.”.

7 (b) CONFORMING AMENDMENT.—Section 9629(3) of
8 such title is amended by striking “for aircraft of a foreign
9 military or air attaché”.

10 **SEC. 1032. DEPARTMENT OF DEFENSE PARTICIPATION IN**
11 **STRATEGIC AIRLIFT CAPABILITY PARTNER-**
12 **SHIP.**

13 (a) AUTHORITY TO PARTICIPATE IN PARTNER-
14 SHIP.—

15 (1) MEMORANDUM OF UNDERSTANDING.—The
16 Secretary of Defense may enter into a multilateral
17 memorandum of understanding authorizing the Stra-
18 tegic Airlift Capability Partnership to conduct activi-
19 ties necessary to accomplish its purpose, including—

20 (A) the acquisition, equipping, ownership,
21 and operation of strategic airlift aircraft; and

22 (B) the acquisition or transfer of airlift
23 and airlift-related services and supplies among
24 members of the Strategic Airlift Capability
25 Partnership, or between the Partnership and



1 non-member countries or international organi-
2 zations, on a reimbursable basis or by replace-
3 ment-in-kind or exchange of airlift or airlift-re-
4 lated services of an equal value.

5 (2) PAYMENTS.—From funds available to the
6 Department of Defense for such purpose, the Sec-
7 retary of Defense may pay the United States equi-
8 table share of the recurring and non-recurring costs
9 of the activities and operations of the Strategic Air-
10 lift Capability Partnership, including costs associ-
11 ated with procurement of aircraft components and
12 spare parts, maintenance, facilities, and training,
13 and the costs of claims.

14 (b) AUTHORITIES UNDER PARTNERSHIP.—In car-
15 rying out the memorandum of understanding entered into
16 under subsection (a), the Secretary of Defense may do the
17 following:

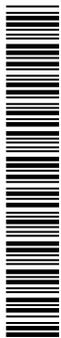
18 (1) Waive reimbursement of the United States
19 for the cost of the following functions performed by
20 Department of Defense personnel with respect to the
21 Strategic Airlift Capability Partnership:

22 (A) Auditing.

23 (B) Quality assurance.

24 (C) Inspection.

25 (D) Contract administration.



1 (E) Acceptance testing.

2 (F) Certification services.

3 (G) Planning, programming, and manage-
4 ment services.

5 (2) Waive the imposition of any surcharge for
6 administrative services provided by the United
7 States that would otherwise be chargeable against
8 the Strategic Airlift Capability Partnership.

9 (3) Pay the salaries, travel, lodging, and sub-
10 sistence expenses of Department of Defense per-
11 sonnel assigned for duty to the Strategic Airlift Ca-
12 pability Partnership without seeking reimbursement
13 or cost-sharing for such expenses.

14 (c) CREDITING OF RECEIPTS.—Any amount received
15 by the United States in carrying out the memorandum of
16 understanding entered into under subsection (a) shall be
17 credited, as elected by the Secretary of Defense, to the
18 following:

19 (1) The appropriation, fund, or account used in
20 incurring the obligation for which such amount is re-
21 ceived.

22 (2) An appropriation, fund, or account cur-
23 rently providing funds for the purposes for which
24 such obligation was made.

25 (d) AUTHORITY TO TRANSFER AIRCRAFT.—



1 (1) in subsection (b), by striking “\$200,000”
2 and inserting “\$5,000,000”;

3 (2) in subsection (c)(1)(B), by striking
4 “\$50,000” and inserting “\$1,000,000”; and

5 (3) in subsection (d)(2), by striking
6 “\$100,000” and inserting “\$2,000,000”.

7 (b) INVOLVEMENT OF ALLIED FORCES.—Such sec-
8 tion is further amended—

9 (1) in subsection (a)—

10 (A) in the matter preceding paragraph (1),
11 by inserting after “United States Government
12 personnel” the following: “, or government per-
13 sonnel of allied forces participating in a com-
14 bined operation with the armed forces,”;

15 (B) in paragraph (1), by inserting after
16 “armed forces” the following: “, or of allied
17 forces participating in a combined operation
18 with the armed forces,”; and

19 (C) in paragraph (2), by inserting after
20 “armed forces” the following: “, or of allied
21 forces participating in a combined operation
22 with the armed forces”; and

23 (2) in subsection (c), by adding at the end the
24 following:



1 “(3)(A) Subject to subparagraphs (B) and (C), an
2 official who has authority delegated under paragraph (1)
3 or (2) may use that authority, acting through government
4 personnel of allied forces, to offer and make rewards.

5 “(B) The Secretary of Defense shall prescribe policies
6 and procedures for making rewards in the manner de-
7 scribed in subparagraph (A), which shall include guidance
8 for the accountability of funds used for making rewards
9 in that manner. The policies and procedures shall not take
10 effect until 30 days after the date on which the Secretary
11 submits the policies and procedures to the congressional
12 defense committees. Rewards may not be made in the
13 manner described in subparagraph (A) except under poli-
14 cies and procedures that have taken effect.

15 “(C) Rewards may not be made in the manner de-
16 scribed in subparagraph (A) after September 30, 2009.

17 “(D) Not later than April 1, 2008, the Secretary of
18 Defense shall submit to the congressional defense commit-
19 tees a report on the implementation of this paragraph.
20 The report shall identify each reward made in the manner
21 described in subparagraph (A) and, for each such
22 reward—

23 “(i) identify the type, amount, and recipient of
24 the reward;



1 “(ii) explain the reason for making the reward;
2 and

3 “(iii) assess the success of the reward in ad-
4 vancing the effort to combat terrorism.”.

5 (c) ANNUAL REPORT TO INCLUDE SPECIFIC INFOR-
6 MATION ON ADDITIONAL AUTHORITY.—Section 127b of
7 title 10, United States Code, is further amended in sub-
8 section (f)(2) by adding at the end the following new sub-
9 paragraph:

10 “(D) Information on the implementation of
11 paragraph (3) of subsection (c).”.

12 **SEC. 1034. SUPPORT FOR NON-FEDERAL DEVELOPMENT**
13 **AND TESTING OF MATERIAL FOR CHEMICAL**
14 **AGENT DEFENSE.**

15 (a) AUTHORITY TO PROVIDE TOXIC CHEMICALS OR
16 PRECURSORS.—

17 (1) IN GENERAL.—The Secretary of Defense, in
18 coordination with the heads of other elements of the
19 Federal Government, may make available, to a
20 State, a unit of local government, or a private entity
21 incorporated in the United States, small quantities
22 of a toxic chemical or precursor for the development
23 or testing, in the United States, of material that is
24 designed to be used for protective purposes.



1 (2) TERMS AND CONDITIONS.—Any use of the
2 authority under paragraph (1) shall be subject to
3 such terms and conditions as the Secretary considers
4 appropriate.

5 (b) PAYMENT OF COSTS AND DISPOSITION OF
6 FUNDS.—

7 (1) IN GENERAL.—The Secretary shall ensure,
8 through the advance payment required by paragraph
9 (2) and through any other payments that may be re-
10 quired, that a recipient of toxic chemicals or precur-
11 sors under subsection (a) pays for all actual costs,
12 including direct and indirect costs, associated with
13 providing the toxic chemicals or precursors.

14 (2) ADVANCE PAYMENT.—In carrying out para-
15 graph (1), the Secretary shall require each recipient
16 to make an advance payment in an amount that the
17 Secretary determines will equal all such actual costs.

18 (3) CREDITS.—A payment received under this
19 subsection shall be credited to the account that was
20 used to cover the costs for which the payment was
21 provided. Amounts so credited shall be merged with
22 amounts in that account, and shall be available for
23 the same purposes, and subject to the same condi-
24 tions and limitations, as other amounts in that ac-
25 count.



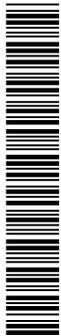
1 (c) CHEMICAL WEAPONS CONVENTION.—The Sec-
2 retary shall ensure that toxic chemicals and precursors are
3 made available under this section for uses and in quan-
4 tities that comply with the Convention on the Prohibition
5 of the Development, Production, Stockpiling and Use of
6 Chemical Weapons and on Their Destruction, signed at
7 Paris on January 13, 1993, and entered into force with
8 respect to the United States on April 29, 1997.

9 (d) REPORT.—

10 (1) Not later than March 15, 2008, and each
11 year thereafter, the Secretary shall submit to Con-
12 gress a report on the use of the authority under sub-
13 section (a) during the previous calendar year. The
14 report shall include a description of each use of the
15 authority and specify what material was made avail-
16 able and to whom it was made available.

17 (2) Each report under paragraph (1) shall be
18 submitted in unclassified form, but may include a
19 classified annex.

20 (e) DEFINITIONS.—In this section, the terms “pre-
21 cursor”, “protective purposes”, and “toxic chemical” have
22 the meanings given those terms in the convention referred
23 to in subsection (c), in paragraph 2, paragraph 9(b), and
24 paragraph 1, respectively, of article II of that convention.



1 **SEC. 1035. PROHIBITION ON SALE OF F-14 FIGHTER AIR-**
2 **CRAFT AND RELATED PARTS.**

3 (a) PROHIBITION ON SALE BY DEPARTMENT OF DE-
4 FENSE.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), the Department of Defense may not sell
7 (whether directly or indirectly) any F-14 fighter air-
8 craft, any parts unique to the F-14 fighter aircraft,
9 or any tooling or dies used in the manufacture of
10 such aircraft or parts, whether such sales occur
11 through the Defense Reutilization and Marketing
12 Service or through another agency or element of the
13 Department.

14 (2) EXCEPTION.—Paragraph (1) shall not
15 apply with respect to the sale of F-14 fighter air-
16 craft or parts for F-14 fighter aircraft to a museum
17 or similar organization located in the United States
18 that is involved in the preservation of F-14 fighter
19 aircraft for historical purposes.

20 (b) PROHIBITION ON EXPORT LICENSE.—No license
21 for the export of any F-14 fighter aircraft, any parts
22 unique to the F-14 fighter aircraft, or any tooling or dies
23 used in the manufacture of such aircraft or parts may be
24 issued by the United States Government to a non-United
25 States person or entity.



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Subtitle E—Reports

SEC. 1041. EXTENSION AND MODIFICATION OF REPORT RELATING TO HARDENED AND DEEPLY BURIED TARGETS.

Section 1032 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2643; 10 U.S.C. 2358 note) is amended—

(1) in the heading, by striking “**ANNUAL REPORT ON WEAPONS**” and inserting “**REPORT ON WEAPONS AND CAPABILITIES**”;

(2) in subsection (a)—

(A) in the heading, by striking “ANNUAL”;

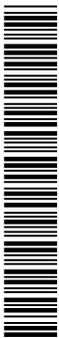
(B) by striking “April 1 of each year” and inserting “March 1, 2009, and every two years thereafter,”;

(C) by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(D) by striking “the preceding fiscal year” and inserting “the preceding two fiscal years and planned for the current fiscal year and the next fiscal year”; and

(E) by striking “to develop weapons” and inserting “to develop weapons and capabilities”;

(3) in subsection (b)—



1 (A) in the matter preceding paragraph (1),
2 by striking “The report for a fiscal year” and
3 inserting “A report submitted”;

4 (B) in paragraph (1), by striking “were
5 undertaken during that fiscal year” and insert-
6 ing “were or will be undertaken during the
7 four-fiscal-year period covered by the report”;
8 and

9 (C) in paragraph (2) in the matter pre-
10 ceeding subparagraph (A), by striking “were un-
11 dertaken during such fiscal year” and inserting
12 “were or will be undertaken during the four-fis-
13 cal-year period covered by the report”; and

14 (4) in subsection (d), by striking “April 1,
15 2007” and inserting “March 1, 2013”.

16 **SEC. 1042. REPORT ON JOINT MODELING AND SIMULATION**
17 **ACTIVITIES.**

18 (a) **REPORT REQUIRED.**—Not later than December
19 31, 2008, the Secretary of Defense shall submit to the
20 congressional defense committees a report that describes
21 current and planned joint modeling and simulation activi-
22 ties within the Department of Defense.

23 (b) **MATTERS TO BE INCLUDED.**—The report under
24 subsection (a) shall include the following:



1 (1) An identification and description of how
2 joint modeling and simulation activities support the
3 development of capabilities to meet joint and service-
4 unique military requirements and needs, in areas in-
5 cluding but not limited to joint training, experimen-
6 tation, systems acquisition, test and evaluation, as-
7 sessment, and planning.

8 (2) A description of how joint modeling and
9 simulation activities are supportive of Department-
10 level strategies and goals.

11 (3) For each appropriate element of the De-
12 partment of Defense and each appropriate combat-
13 ant command—

14 (A) An identification of modeling and sim-
15 ulation capabilities; and

16 (B) A description of plans and programs to
17 continuously introduce new modeling and sim-
18 ulation technologies so as to enhance defense
19 capabilities.

20 (4) A description of incentives and plans to re-
21 duce or divest duplicative or outdated capabilities as
22 necessary.

23 (5) Plans or activities to allow non-defense
24 users to access defense joint modeling and simula-
25 tion activities, as appropriate.



1 **SEC. 1044. REPORT ON WORKFORCE REQUIRED TO SUP-**
2 **PORT THE NUCLEAR MISSIONS OF THE NAVY**
3 **AND THE DEPARTMENT OF ENERGY.**

4 (a) IN GENERAL.—Not later than one year after the
5 date of the enactment of this Act, the Secretary of Defense
6 and the Secretary of Energy shall each submit to Congress
7 a report on the requirements for a workforce to support
8 the nuclear missions of the Navy and the Department of
9 Energy during the 10-year period beginning on the date
10 of the report.

11 (b) ELEMENTS.—Each report shall include—

12 (1) a description of the projected nuclear mis-
13 sions of the Navy and the Department of Energy
14 during the 10-year period beginning on the date of
15 the report;

16 (2) an assessment of existing knowledge reten-
17 tion programs within the Department of Defense,
18 the Department of Energy, the national laboratories,
19 and federally funded research facilities that support
20 the nuclear missions of the Navy and the Depart-
21 ment of Energy, and any planned changes in those
22 programs; and

23 (3) a plan to address anticipated workforce at-
24 trition, retirement, and recruiting trends during that
25 period and ensure an adequate workforce in support



1 of the nuclear missions of the Navy and the Depart-
2 ment of Energy.

3 **SEC. 1045. COMPTROLLER GENERAL REPORT ON DEFENSE**
4 **FINANCE AND ACCOUNTING SERVICE RE-**
5 **SPONSE TO BUTTERBAUGH V. DEPARTMENT**
6 **OF JUSTICE.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Comptroller General
9 of the United States shall submit to the congressional de-
10 fense committees a report setting forth an assessment by
11 the Comptroller General of the response of the Defense
12 Finance and Accounting Service to the decision in
13 *Butterbaugh v. Department of Justice* (336 F.3d 1332
14 (2003)).

15 (b) ELEMENTS.—The report required by subsection
16 (a) shall include the following:

17 (1) An estimate of the number of members of
18 the reserve components of the Armed Forces, both
19 past and present, who are entitled to compensation
20 under the decision in *Butterbaugh v. Department of*
21 *Justice*.

22 (2) An assessment of the current policies, pro-
23 cedures, and timeliness of the Defense Finance and
24 Accounting Service in implementing and resolving

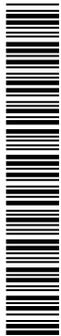


1 claims under the decision in *Butterbaugh v. Depart-*
2 *ment of Justice.*

3 (3) An assessment whether or not the decisions
4 made by the Defense Finance and Accounting Serv-
5 ice in implementing the decision in *Butterbaugh v.*
6 *Department of Justice* follow a consistent pattern of
7 resolution.

8 (4) An assessment of whether or not the deci-
9 sions made by the Defense Finance and Accounting
10 Service in implementing the decision in *Butterbaugh*
11 *v. Department of Justice* are resolving claims by
12 providing more compensation than an individual has
13 been able to prove, under the rule of construction
14 that laws providing benefits to veterans are liberally
15 construed in favor of the veteran.

16 (5) An estimate of the total amount of com-
17 pensation payable to members of the reserve compo-
18 nents of the Armed Forces, both past and present,
19 as a result of the recent decision in *Hernandez v.*
20 *Department of the Air Force* (No. 2006-3375, slip
21 op.) that leave can be reimbursed for Reserve service
22 before 1994, when Congress enacted chapter 43 of
23 title 38, United States Code (commonly referred to
24 as the “Uniformed Services Employment and Reem-
25 ployment Rights Act”).



1 (6) A comparative assessment of the handling
2 of claims by the Defense Finance and Accounting
3 Service under the decision in *Butterbaugh v. De-*
4 *partment of Justice* with the handling of claims by
5 other Federal agencies (selected by the Comptroller
6 General for purposes of the comparative assessment)
7 under that decision.

8 (7) A statement of the number of claims by
9 members of the reserve components of the Armed
10 Forces under the decision in *Butterbaugh v. Depart-*
11 *ment of Justice* that have been adjudicated by the
12 Defense Finance and Accounting Service.

13 (8) A statement of the number of claims by
14 members of the reserve components of the Armed
15 Forces under the decision in *Butterbaugh v. Depart-*
16 *ment of Justice* that have been denied by the De-
17 fense Finance and Accounting Service.

18 (9) A comparative assessment of the average
19 amount of time required for the Defense Finance
20 and Accounting Service to resolve a claim under the
21 decision in *Butterbaugh v. Department of Justice*
22 with the average amount of time required by other
23 Federal agencies (as so selected) to resolve a claim
24 under that decision.

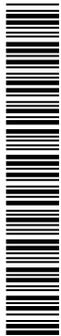


1 (10) A comparative statement of the backlog of
2 claims with the Defense Finance and Accounting
3 Service under the decision in *Butterbaugh v. De-*
4 partment of Justice with the backlog of claims of
5 other Federal agencies (as so selected) under that
6 decision.

7 (11) An estimate of the amount of time re-
8 quired for the Defense Finance and Accounting
9 Service to resolve all outstanding claims under the
10 decision in *Butterbaugh v. Department of Justice*.

11 (12) An assessment of the reasonableness of the
12 requirement of the Defense Finance and Accounting
13 Service for the submittal by members of the reserve
14 components of the Armed Forces of supporting doc-
15 umentation for claims under the decision in
16 *Butterbaugh v. Department of Justice*.

17 (13) A comparative assessment of the require-
18 ment of the Defense Finance and Accounting Serv-
19 ice for the submittal by members of the reserve com-
20 ponents of the Armed Forces of supporting docu-
21 mentation for claims under the decision in
22 *Butterbaugh v. Department of Justice* with the re-
23 quirement of other Federal agencies (as so selected)
24 for the submittal by such members of supporting
25 documentation for such claims.



1 (14) Such recommendations for legislative ac-
2 tion as the Comptroller General considers appro-
3 priate in light of the decision in *Butterbaugh v. De-*
4 partment of Justice and the decision in *Hernandez*
5 *v. Department of the Air Force*.

6 **SEC. 1046. STUDY ON SIZE AND MIX OF AIRLIFT FORCE.**

7 (a) **STUDY REQUIRED.**—The Secretary of Defense
8 shall conduct a requirements-based study on alternatives
9 for the proper size and mix of fixed-wing intratheater and
10 intertheater airlift assets to meet the National Military
11 Strategy for each of the following timeframes: fiscal year
12 2012, 2018, and 2024. The study shall—

13 (1) focus on organic and commercially pro-
14 grammed airlift capabilities;

15 (2) analyze the full-spectrum lifecycle costs of
16 the various alternatives for organic models of each
17 of the following aircraft: C-5A/B/C/M, C-17A, KC-
18 X, KC-10, KC-135R, C-130E/H/J, Joint Cargo
19 Aircraft; and

20 (3) incorporate the augmentation capability, vi-
21 ability, and feasibility of the Civil Reserve Air Fleet
22 during activation stages I, II, and III.

23 (b) **USE OF FFRDC.**—The Secretary shall select, to
24 carry out the study required by subsection (a), a federally



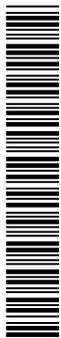
1 funded research and development center that has experi-
2 ence and expertise in conducting similar studies.

3 (c) STUDY PLAN.—The study required by subsection
4 (a) shall be carried out under a study plan. The study
5 plan shall be developed as follows:

6 (1) The center selected under subsection (b)
7 shall develop the study plan and shall, not later than
8 60 days after the date of enactment of this Act, sub-
9 mit the study plan to the congressional defense com-
10 mittees, the Secretary, and the Comptroller General
11 of the United States.

12 (2) The Comptroller General shall review the
13 study plan to determine whether it is complete and
14 objective, and whether it has any flaws or weak-
15 nesses in scope or methodology, and shall, not later
16 than 30 days after receiving the study plan, submit
17 to the Secretary and the center a report that con-
18 tains the results of that review and provides any rec-
19 ommendations that the Comptroller General con-
20 siders appropriate for improvements to the study
21 plan.

22 (3) The center shall modify the study plan to
23 incorporate the recommendations under paragraph
24 (2) and shall, not later than 45 days after receiving
25 that report, submit to the Secretary and the con-



1 gressional defense committees a report on those
2 modifications. The report shall describe each modi-
3 fication and, if the modifications do not incorporate
4 one or more of the recommendations, shall explain
5 the reasons for not doing so.

6 (d) ELEMENTS OF STUDY PLAN.—The study plan re-
7 quired by subsection (c) shall address, at minimum, the
8 following:

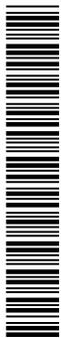
9 (1) A description of lift requirements and oper-
10 ating profiles for airlift aircraft required to meet the
11 National Military Strategy, including assumptions
12 regarding the following:

13 (A) Current and future military combat
14 and support missions.

15 (B) The planned force structure growth of
16 the military services.

17 (C) Potential changes in lift requirements,
18 including the deployment of the Future Combat
19 Systems by the Army.

20 (D) New capability in airlift to be provided
21 by the KC(X) aircraft and the expected utiliza-
22 tion of such capability, including its use in
23 intratheater lift.



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1 (E) The utilization of intertheater lift air-
2 craft in intratheater combat mission support
3 roles.

4 (F) The availability and application of
5 Civil Reserve Air Fleet assets in future military
6 scenarios.

7 (G) Air mobility requirements associated
8 with the Global Rebasing Initiative of the De-
9 partment of Defense.

10 (H) Air mobility requirements in support
11 of worldwide peacekeeping and humanitarian
12 missions.

13 (I) Air mobility requirements in support of
14 homeland defense and national emergencies.

15 (J) The viability and capability of the Civil
16 Reserve Air Fleet to augment organic forces in
17 both friendly and hostile environments.

18 (K) An assessment of the Civil Reserve Air
19 Fleet to adequately augment the organic fleet
20 as it relates to commercial inventory manage-
21 ment restructuring in response to future com-
22 mercial markets, streamlining of operations, ef-
23 ficiency measures, or downsizing of the partici-
24 pant.



1 (2) An evaluation of the state of the current
2 airlift fleet of the Air Force, including assessments
3 of the following:

4 (A) The extent to which the increased use
5 of airlift aircraft in on-going operations is af-
6 fecting the programmed service life of the air-
7 craft of that fleet.

8 (B) The adequacy of the current airlift
9 force, including whether or not a minimum of
10 299 strategic airlift aircraft for the Air Force
11 is sufficient to support future expeditionary
12 combat and non-combat missions, as well as do-
13 mestic and training mission demands consistent
14 with the requirements of meeting the National
15 Military Strategy.

16 (C) The optimal mix of C-5 and C-17 air-
17 craft for the strategic airlift fleet of the Air
18 Force, to include the following:

19 (i) The cost-effectiveness of modern-
20 izing various iterations of the C-5A and
21 C-5B/C aircraft fleet versus procuring ad-
22 ditional C-17 aircraft.

23 (ii) The military capability, oper-
24 ational availability, usefulness, and service
25 life of the C-5A/B/C/M aircraft and the C-



1 17 aircraft. Such an assessment shall ex-
2 amine appropriate metrics, such as aircraft
3 availability rates, departure rates, and mis-
4 sion capable rates, in each of the following
5 cases:

6 (I) Completion of the Avionics
7 Modernization Program and the Reli-
8 ability Enhancement and Re-engining
9 Program.

10 (II) Partial completion of the
11 Avionics Modernization Program and
12 the Reliability Enhancement and Re-
13 engining Program, with partial com-
14 pletion of either such program being
15 considered the point at which the con-
16 tinued execution of each program is
17 no longer supported by the cost-effec-
18 tiveness analysis.

19 (iii) At what specific fleet inventory
20 for each organic aircraft, to include air re-
21 fueling aircraft used in the airlift role,
22 would it impede the ability of Civil Reserve
23 Air Fleet participants to remain a viable
24 augmentation option.



1 (D) An analysis and assessment of the les-
2 sons that may be learned from the experience of
3 the Air Force in restarting the production line
4 for the C-5 aircraft after having closed the line
5 for several years, and recommendations for the
6 actions that the Department of Defense should
7 take to ensure that the production line for the
8 C-17 aircraft could be restarted if necessary,
9 including—

10 (i) an analysis of the methods that
11 were used and costs that were incurred in
12 closing and re-opening the production line
13 for the C-5 aircraft;

14 (ii) an assessment of the methods and
15 actions that should be employed and the
16 expected costs and risks of closing and re-
17 opening the production line for the C-17
18 aircraft in view of that experience.

19 Such analysis and assessment should deal with
20 issues such as production work force, produc-
21 tion facilities, tooling, industrial base suppliers,
22 contractor logistics support versus organic
23 maintenance, and diminished manufacturing
24 sources.



1 (E) Assessing the military capability, oper-
2 ational availability, usefulness, service life and
3 optimal mix of intra-theater airlift aircraft, to
4 include—

5 (i) the cost-effectiveness of procuring
6 the Joint Cargo Aircraft versus procuring
7 additional C-130J or refurbishing C-
8 130E/H platforms to meet intra-theater
9 airlift requirements of the combatant com-
10 mander and component commands; and

11 (ii) the cost-effectiveness of procuring
12 additional C-17 aircraft versus procuring
13 additional C-130J platforms or refur-
14 bishing C-130E/H platforms to meet
15 intra-theater airlift requirements of the
16 combatant commander and component
17 commands.

18 (3) Each analysis required by paragraph (2)
19 shall include—

20 (A) a description of the assumptions and
21 sensitivity analysis utilized in the study regard-
22 ing aircraft performances and cargo loading
23 factors; and

24 (B) a comprehensive statement of the data
25 and assumptions utilized in making the pro-



1 gram life cycle cost estimates and a comparison
2 of cost and risk associated with the optimally
3 mixed fleet of airlift aircraft versus the program
4 of record airlift aircraft fleet.

5 (e) UTILIZATION OF OTHER STUDIES.—The study
6 required by subsection (a) shall build upon the results of
7 the 2005 Mobility Capabilities Studies, the on-going Intra-
8 theater Airlift Fleet Mix Analysis, the Intra-theater Lift
9 Capabilities Study, the Joint Future Theater Airlift Capa-
10 bilities Analysis, and other appropriate studies and anal-
11 yses, such as Fleet Viability Board Reports or special air-
12 craft assessments. The study shall also include any testing
13 data collected on modernization, recapitalization, and up-
14 grade efforts of current organic aircraft.

15 (f) COLLABORATION WITH UNITED STATES TRANS-
16 PORTATION COMMAND.—In conducting the study required
17 by subsection (a) and preparing the report required by
18 subsection (c)(3), the center shall collaborate with the
19 commander of the United States Transportation Com-
20 mand.

21 (g) COLLABORATION WITH COST ANALYSIS IM-
22 PROVEMENT GROUP.—In conducting the study required
23 by subsection (a) and constructing the analysis required
24 by subsection (a)(2), the center shall collaborate with the



1 Cost Analysis Improvement Group of the Department of
2 Defense.

3 (h) REPORT.—Not later than January 10, 2009, the
4 center selected under subsection (b) shall submit to the
5 Secretary and the congressional defense committees a re-
6 port on the study required by subsection (a). The report
7 shall be submitted in unclassified form, but shall include
8 a classified annex.

9 **SEC. 1047. REPORT ON FEASIBILITY OF ESTABLISHING A**
10 **DOMESTIC MILITARY AVIATION NATIONAL**
11 **TRAINING CENTER.**

12 (a) IN GENERAL.—Not later than June 1, 2008, the
13 Secretary of Defense shall submit to the congressional de-
14 fense committees a report to determine the feasibility of
15 establishing a Border State Aviation Training Center
16 (BSATC) to support the current and future requirements
17 of the existing RC-26 training site for counterdrug activi-
18 ties, located at the Fixed Wing Army National Guard
19 Aviation Training Site (FWAATS), including the domestic
20 reconnaissance and surveillance missions of the National
21 Guard in support of local, State, and Federal law enforce-
22 ment agencies, provided that the activities to be conducted
23 at the BSATC shall not duplicate or displace any activity
24 or program at the RC-26 training site or the FWAATS.



1 (b) CONTENT.—The report required under subsection

2 (a) shall—

3 (1) examine the current and past requirements
4 of RC-26 aircraft in support of local, State, and
5 Federal law enforcement and determine the number
6 of additional aircraft required to provide such sup-
7 port for each State that borders Canada, Mexico, or
8 the Gulf of Mexico;

9 (2) determine the number of military and civil-
10 ian personnel required to run a RC-26 domestic
11 training center meeting the requirements identified
12 under paragraph (1);

13 (3) determine the requirements and cost of lo-
14 cating such a training center at a military installa-
15 tion for the purpose of preempting and responding
16 to security threats and responding to crises; and

17 (4) include a comprehensive review of the num-
18 ber and type of intelligence, reconnaissance, and sur-
19 veillance platforms needed for the National Guard to
20 effectively provide domestic operations and civil sup-
21 port (including homeland defense and counterdrug)
22 to local, State, and Federal law enforcement and
23 first responder entities and how those platforms
24 would provide additional capabilities not currently



1 available from the assets of other local, State, and
2 Federal agencies.

3 (c) CONSULTATION.—In preparing the report re-
4 quired under subsection (a), the Secretary of Defense shall
5 consult with the Adjutant General of each State that bor-
6 ders Canada, Mexico, or the Gulf of Mexico, the Adjutant
7 General of the State of West Virginia, and the National
8 Guard Bureau.

9 **SEC. 1048. LIMITED FIELD USER EVALUATIONS FOR COM-**
10 **BAT HELMET PAD SUSPENSION SYSTEMS.**

11 (a) IN GENERAL.—The Secretary of Defense shall
12 carry out a limited field user evaluation and operational
13 assessment of qualified combat helmet pad suspension sys-
14 tems. The evaluation and assessment shall be carried out
15 using verified product representative samples from combat
16 helmet pad suspension systems that are qualified as of the
17 date of the enactment of this Act.

18 (b) REPORT.—Not later than September 30, 2008,
19 the Secretary shall submit to the congressional defense
20 committees a report on the results of the limited field user
21 evaluation and operational assessment.

22 (c) FUNDING.—The limited field user evaluation and
23 operational assessment required by subsection (a) shall be
24 conducted using funds appropriated pursuant to an au-
25 thorization of appropriations or otherwise made available



1 for fiscal year 2008 for operation and maintenance, Army,
2 for soldier protection and safety.

3 **SEC. 1049. STUDY ON NATIONAL SECURITY INTERAGENCY**
4 **SYSTEM.**

5 (a) **STUDY REQUIRED.**—Not later than 30 days after
6 the date of the enactment of this Act, the Secretary of
7 Defense shall enter into an agreement with an inde-
8 pendent, non-profit, non-partisan organization to conduct
9 a study on the national security interagency system.

10 (b) **REPORT.**—The agreement entered into under
11 subsection (a) shall require the organization to submit to
12 Congress and the President a report containing the results
13 of the study conducted pursuant to such agreement and
14 any recommendations for changes to the national security
15 interagency system (including legislative or regulatory
16 changes) identified by the organization as a result of the
17 study.

18 (c) **SUBMITTAL DATE.**—The agreement entered into
19 under subsection (a) shall require the organization to sub-
20 mit the report required under subsection (a) not later than
21 September 1, 2008.

22 (d) **NATIONAL SECURITY INTERAGENCY SYSTEM DE-**
23 **FINED.**—In this section, the term “national security inter-
24 agency system” means the structures, mechanisms, and
25 processes by which the departments, agencies, and ele-



1 ments of the Federal Government that have national secu-
2 rity missions coordinate and integrate their policies, capa-
3 bilities, expertise, and activities to accomplish such mis-
4 sions.

5 (e) FUNDING.—Of the amount authorized to be ap-
6 propriated by section 301(5) for operation and mainte-
7 nance for Defense-wide activities, not more than
8 \$3,000,000 may be available to carry out this section.

9 **SEC. 1050. REPORT ON SOLID ROCKET MOTOR INDUSTRIAL**
10 **BASE.**

11 (a) REPORT.—Not later than 190 days after the date
12 of the enactment of this Act, the Secretary of Defense
13 shall submit to the congressional defense committees a re-
14 port on the status, capability, viability, and capacity of
15 the solid rocket motor industrial base in the United States.

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

18 (1) An assessment of the ability to maintain the
19 Minuteman III intercontinental ballistic missile
20 through its planned operational life.

21 (2) An assessment of the ability to maintain the
22 Trident II D-5 submarine launched ballistic missile
23 through its planned operational life.

24 (3) An assessment of the ability to maintain all
25 other space launch, missile defense, and other vehi-



1 cles with solid rocket motors, through their planned
2 operational lifetimes.

3 (4) An assessment of the ability to support pro-
4 jected future requirements for vehicles with solid
5 rocket motors to support space launch, missile de-
6 fense, or any range of ballistic missiles determined
7 to be necessary to meet defense needs or other re-
8 quirements of the United States Government.

9 (5) An assessment of the required materials,
10 the supplier base, the production facilities, and the
11 production workforce needed to ensure that current
12 and future requirements could be met.

13 (6) An assessment of the adequacy of the cur-
14 rent and projected industrial base support programs
15 to support the full range of projected future require-
16 ments identified in paragraph (4).

17 **SEC. 1051. REPORTS ON ESTABLISHMENT OF A MEMORIAL**
18 **FOR MEMBERS OF THE ARMED FORCES WHO**
19 **DIED IN THE AIR CRASH IN BAKERS CREEK,**
20 **AUSTRALIA, AND ESTABLISHMENT OF OTHER**
21 **MEMORIALS IN ARLINGTON NATIONAL CEME-**
22 **TERY.**

23 (a) BAKERS CREEK MEMORIAL.—Not later than
24 April 1, 2008, the Secretary of the Army shall submit to
25 the Committee on Armed Services and the Committee on

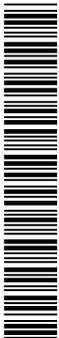


1 Veterans' Affairs of the House of Representatives and the
2 Committee on Armed Services and the Committee on Vet-
3 erans' Affairs of the Senate a report containing a discus-
4 sion of locations outside of Arlington National Cemetery
5 that would serve as a suitable location for the establish-
6 ment of a memorial to honor the memory of the 40 mem-
7 bers of the Armed Forces of the United States who lost
8 their lives in the air crash at Bakers Creek, Australia, on
9 June 14, 1943.

10 (b) MEMORIALS IN ARLINGTON NATIONAL CEME-
11 TERY.—Not later than April 1, 2008, the Secretary of the
12 Army shall submit to the congressional committees speci-
13 fied in subsection (a) a report containing—

14 (1) recommendations to implement the results
15 of the study regarding proposals for the construction
16 of new memorials in Arlington National Cemetery
17 that was conducted pursuant to section 2897 of the
18 Ronald W. Reagan National Defense Authorization
19 Act for Fiscal Year 2005 (Public Law 108–375; 118
20 Stat. 2157); and

21 (2) proposed legislation, if necessary, to imple-
22 ment the results of the study.



1 **Subtitle F—Other Matters**

2 **SEC. 1061. REIMBURSEMENT FOR NATIONAL GUARD SUP-**
3 **PORT PROVIDED TO FEDERAL AGENCIES.**

4 Section 377 of title 10, United States Code, is
5 amended—

6 (1) in subsection (a), by striking “To the ex-
7 tent” and inserting “Subject to subsection (c), to the
8 extent”; and

9 (2) by striking subsection (b) and inserting the
10 following new subsections:

11 “(b)(1) Subject to subsection (c), the Secretary of
12 Defense shall require a Federal agency to which law en-
13 forcement support or support to a national special security
14 event is provided by National Guard personnel performing
15 duty under section 502(f) of title 32 to reimburse the De-
16 partment of Defense for the costs of that support, notwith-
17 standing any other provision of law. No other provision
18 of this chapter shall apply to such support.

19 “(2) Any funds received by the Department of De-
20 fense under this subsection as reimbursement for support
21 provided by personnel of the National Guard shall be cred-
22 ited, at the election of the Secretary of Defense, to the
23 following:

24 “(A) The appropriation, fund, or account used
25 to fund the support.



1 “(B) The appropriation, fund, or account cur-
2 rently available for reimbursement purposes.

3 “(c) An agency to which support is provided under
4 this chapter or section 502(f) of title 32 is not required
5 to reimburse the Department of Defense for such support
6 if the Secretary of Defense waives reimbursement. The
7 Secretary may waive the reimbursement requirement
8 under this subsection if such support—

9 “(1) is provided in the normal course of mili-
10 tary training or operations; or

11 “(2) results in a benefit to the element of the
12 Department of Defense or personnel of the National
13 Guard providing the support that is substantially
14 equivalent to that which would otherwise be obtained
15 from military operations or training.”.

16 **SEC. 1062. CONGRESSIONAL COMMISSION ON THE STRA-**
17 **TEGIC POSTURE OF THE UNITED STATES.**

18 (a) **ESTABLISHMENT.**—There is hereby established a
19 commission to be known as the “Congressional Commis-
20 sion on the Strategic Posture of the United States”. The
21 purpose of the commission is to examine and make rec-
22 ommendations with respect to the long-term strategic pos-
23 ture of the United States.

24 (b) **COMPOSITION.**—



1 (1) MEMBERSHIP.—The commission shall be
2 composed of 12 members appointed as follows:

3 (A) Three by the chairman of the Com-
4 mittee on Armed Services of the House of Rep-
5 resentatives.

6 (B) Three by the ranking minority member
7 of the Committee on Armed Services of the
8 House of Representatives.

9 (C) Three by the chairman of the Com-
10 mittee on Armed Services of the Senate.

11 (D) Three by the ranking minority member
12 of the Committee on Armed Services of the
13 Senate.

14 (2) CHAIRMAN; VICE CHAIRMAN.—

15 (A) CHAIRMAN.—The chairman of the
16 Committee on Armed Services of the House of
17 Representatives and the chairman of the Com-
18 mittee on Armed Services of the Senate shall
19 jointly designate one member of the commission
20 to serve as chairman of the commission.

21 (B) VICE CHAIRMAN.—The ranking minor-
22 ity member of the Committee on Armed Serv-
23 ices of the House of Representatives and the
24 ranking minority member of the Committee on
25 Armed Services of the Senate shall jointly des-



1 designate one member of the commission to serve
2 as vice chairman of the commission.

3 (3) PERIOD OF APPOINTMENT; VACANCIES.—

4 Members shall be appointed for the life of the com-
5 mission. Any vacancy in the commission shall be
6 filled in the same manner as the original appoint-
7 ment.

8 (c) DUTIES.—

9 (1) REVIEW.—The commission shall conduct a
10 review of the strategic posture of the United States,
11 including a strategic threat assessment and a de-
12 tailed review of nuclear weapons policy, strategy,
13 and force structure.

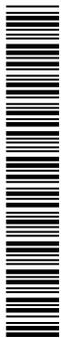
14 (2) ASSESSMENT AND RECOMMENDATIONS.—

15 (A) ASSESSMENT.—The commission shall
16 assess the benefits and risks associated with the
17 current strategic posture and nuclear weapons
18 policies of the United States.

19 (B) RECOMMENDATIONS.—The commis-
20 sion shall make recommendations as to the
21 most appropriate strategic posture and most ef-
22 fective nuclear weapons strategy.

23 (d) COOPERATION FROM GOVERNMENT.—

24 (1) COOPERATION.—In carrying out its duties,
25 the commission shall receive the full and timely co-



1 operation of the Secretary of Defense, the Secretary
2 of Energy, the Secretary of State, the Director of
3 National Intelligence, and any other United States
4 Government official in providing the commission
5 with analyses, briefings, and other information nec-
6 essary for the fulfillment of its responsibilities.

7 (2) LIAISON.—The Secretary of Defense, the
8 Secretary of Energy, the Secretary of State, and the
9 Director of National Intelligence shall each des-
10 ignate at least one officer or employee of the De-
11 partment of Defense, the Department of Energy, the
12 Department of State, and the intelligence commu-
13 nity, respectively, to serve as a liaison officer be-
14 tween the department (or the intelligence commu-
15 nity, as the case may be) and the commission.

16 (e) REPORT.—Not later than December 1, 2008, the
17 commission shall submit to the President, the Secretary
18 of Defense, the Secretary of Energy, the Secretary of
19 State, the Committee on Armed Services of the Senate,
20 and the Committee on Armed Services of the House of
21 Representatives a report on the commission's findings,
22 conclusions, and recommendations. The report shall iden-
23 tify the strategic posture and nuclear weapons strategy
24 recommended under subsection (c)(2)(B) and shall
25 include—



1 (1) the military capabilities and force structure
2 necessary to support the strategy, including both nu-
3 clear and non-nuclear capabilities that might sup-
4 port the strategy;

5 (2) the number of nuclear weapons required to
6 support the strategy, including the number of re-
7 placement warheads required, if any;

8 (3) the appropriate qualitative analysis, includ-
9 ing force-on-force exchange modeling, to calculate
10 the effectiveness of the strategy under various sce-
11 narios;

12 (4) the nuclear infrastructure (that is, the size
13 of the nuclear complex) required to support the
14 strategy;

15 (5) an assessment of the role of missile defenses
16 in the strategy;

17 (6) an assessment of the role of nonprolifera-
18 tion programs in the strategy;

19 (7) the political and military implications of the
20 strategy for the United States and its allies; and

21 (8) any other information or recommendations
22 relating to the strategy (or to the strategic posture)
23 that the commission considers appropriate.

24 (f) FUNDING.—Of the amounts appropriated or oth-
25 erwise made available pursuant to this Act to the Depart-



1 ment of Defense, \$5,000,000 is available to fund the ac-
2 tivities of the commission.

3 (g) TERMINATION.—The commission shall terminate
4 on June 1, 2009.

5 **SEC. 1063. TECHNICAL AND CLERICAL AMENDMENTS.**

6 (a) TITLE 10, UNITED STATES CODE.—Title 10,
7 United States Code, is amended as follows:

8 (1) Chapter 3 is amended—

9 (A) by redesignating the section 127c
10 added by section 1201(a) of the John Warner
11 National Defense Authorization Act for Fiscal
12 Year 2007 (Public Law 109–364; 120 Stat.
13 2410) as section 127d and transferring that
14 section so as to appear immediately after the
15 section 127c added by section 1231(a) of the
16 National Defense Authorization Act for Fiscal
17 Year 2006 (Public Law 109–163; 119 Stat.
18 3467); and

19 (B) by revising the table of sections at the
20 beginning of such chapter to reflect the redesi-
21 gnation and transfer made by paragraph (1).

22 (2) Section 629(d)(1) is amended by inserting
23 a comma after “(a)”.

24 (3) Section 662(b) is amended by striking
25 “paragraphs (1), (2), and (3) of subsection (a)” and



1 inserting “paragraphs (1) and (2) of subsection
2 (a)”.

3 (4) Subsections (c) and (d) of section 948r are
4 each amended by striking “Defense Treatment Act
5 of 2005” each place it appears and inserting “De-
6 tainee Treatment Act of 2005”.

7 (5) The table of sections at the beginning of
8 subchapter VI of chapter 47A is amended by strik-
9 ing the item relating to section 950j and inserting
10 the following:
“950j. Finality of proceedings, findings, and sentences.”.

11 (6) Section 950f(b) is amended by striking “No
12 person may be serve” and inserting “No person may
13 serve”.

14 (7) The heading for section 950j is amended by
15 striking “**Finality or**” and inserting “**Finality**
16 **of**”.

17 (8) Section 1034(b)(2) is amended by inserting
18 “unfavorable” before “action” the second place it
19 appears.

20 (9) Section 1588(d)(1)(B) is amended by strik-
21 ing “the Act of March 9, 1920, commonly known as
22 the ‘Suits in Admiralty Act’ (41 Stat. 525; 46
23 U.S.C. App. 741 et seq.) and the Act of March 3,
24 1925, commonly known as the ‘Public Vessels Act’



1 (43 Stat. 1112; 46 U.S.C. App. 781 et seq.)” and
2 inserting “chapters 309 and 311 of title 46”.

3 (10) The table of sections at the beginning of
4 chapter 137 is amended by striking the item relating
5 to section 2333 and inserting the following new
6 item:

“2333. Joint policies on requirements definition, contingency program management, and contingency contracting.”.

7 (11) The table of sections at the beginning of
8 chapter 141 is amended by inserting a period at the
9 end of the item relating to section 2410p.

10 (12) The table of sections at the beginning of
11 chapter 152 is amended by inserting a period at the
12 end of the item relating to section 2567.

13 (13) Section 2583(e) is amended by striking
14 “DOGS” and inserting “ANIMALS”.

15 (14) Section 2668(e) is amended by striking
16 “and (d)” and inserting “and (e)”.

17 (15) Section 12304(a) is amended by striking
18 the second period at the end.

19 (16) Section 14310(d)(1) is amended by insert-
20 ing a comma after “(a)”.

21 (b) TITLE 37, UNITED STATES CODE.—Section
22 302c(d)(1) of title 37, United States Code, is amended
23 by striking “Services Corps” and inserting “Service
24 Corps”.



1 (c) JOHN WARNER NATIONAL DEFENSE AUTHOR-
2 IZATION ACT FOR FISCAL YEAR 2007.—Effective as of
3 October 17, 2006, and as if included therein as enacted,
4 the John Warner National Defense Authorization Act for
5 Fiscal Year 2007 (Public Law 109–364) is amended as
6 follows:

7 (1) Section 333(a) (120 Stat. 2151) is
8 amended—

9 (A) by striking “Section 332(c)” and in-
10 sserting “Section 332”; and

11 (B) in paragraph (1), by inserting “in sub-
12 section (c),” after “(1)”.

13 (2) Section 348(2) (120 Stat. 2159) is amended
14 by striking “60 days of” and inserting “60 days
15 after”.

16 (3) Section 511(a)(2)(D)(i) (120 Stat. 2182) is
17 amended by inserting a comma after “title”.

18 (4) Section 591(b)(1) (120 Stat. 2233) is
19 amended by inserting a period after “this title”.

20 (5) Section 606(b)(1)(A) (120 Stat. 2246) is
21 amended by striking “in” and inserting “In”.

22 (6) Section 670(b) (120 Stat. 2269) is amended
23 by striking “such title” and inserting “such chap-
24 ter”.

25 (7) Section 673 (120 Stat. 2271) is amended—



1 (A) in subsection (a)(1), by inserting “the
2 second place it appears” before “and inserting”;

3 (B) in subsection (b)(1)—

4 (i) by striking “Section” and inserting
5 “Subsection (a) of section”; and

6 (ii) by inserting “the second place it
7 appears” before “and inserting”; and

8 (C) in subsection (c)(1), by inserting “the
9 second place it appears” before “and inserting”.

10 (8) Section 842(a)(2) (120 Stat. 2337) is
11 amended by striking “adding at the end” and insert-
12 ing “inserting after the item relating to section
13 2533a”.

14 (9) Section 1017(b)(2) (120 Stat. 2379; 10
15 U.S.C. 2631 note) is amended by striking “section
16 27” and all that follows through the period at the
17 end and inserting “sections 12112 and 50501 and
18 chapter 551 of title 46, United States Code.”.

19 (10) Section 1071(f) (120 Stat. 2402) is
20 amended by striking “identical” both places it ap-
21 pears.

22 (11) Section 1231(d) (120 Stat. 2430; 22
23 U.S.C. 2776a(d)) is amended by striking “note”.



1 (12) Section 2404(b)(2)(A)(ii) (120 Stat. 2459)
2 is amended by striking “2906 of such Act” and in-
3 serting “2906A of such Act”.

4 (13) Section 2831 (120 Stat. 2480) is
5 amended—

6 (A) by striking “Section 2667(d)” and in-
7 serting “Section 2667(e)”; and

8 (B) by inserting “as redesignated by sec-
9 tion 662(b)(1) of this Act,” after “Code,”.

10 (d) PUBLIC LAW 109–366.—Effective as of October
11 17, 2006, and as if included therein as enacted, Public
12 Law 109–366 is amended as follows:

13 (1) Section 8(a)(3) (120 Stat. 2636) is amend-
14 ed by inserting a semicolon after “subsection”.

15 (2) Section 9(1) (120 Stat. 2636) is amended
16 by striking “No. 1.” and inserting “No. 1,”.

17 (e) NATIONAL DEFENSE AUTHORIZATION ACT FOR
18 FISCAL YEAR 2006.—Effective as of January 6, 2006,
19 and as if included therein as enacted, the National De-
20 fense Authorization Act for Fiscal Year 2006 (Public Law
21 109–163) is amended as follows:

22 (1) Section 571 (119 Stat. 3270) is amended
23 by striking “931 et seq.)” and inserting “921 et
24 seq.)”.



1 (2) Section 1052(j) (119 Stat. 3435) is amend-
2 ed by striking “Section 1049” and inserting “Sec-
3 tion 1409”.

4 (f) MILITARY COMMISSIONS ACT OF 2006.—Section
5 7 of the Military Commissions Act of 2006 (Public Law
6 109–366) is amended by striking “added by added by”
7 and inserting “added by”.

8 (g) NATIONAL DEFENSE AUTHORIZATION ACT FOR
9 FISCAL YEAR 2004.—The National Defense Authoriza-
10 tion Act for Fiscal Year 2004 (Public Law 108–136) is
11 amended as follows:

12 (1) Section 706(a) (117 Stat. 1529; 10 U.S.C.
13 1076b note) is amended by striking “those pro-
14 gram” and inserting “those programs”.

15 (2) Section 1413(a) (117 Stat. 1665; 41 U.S.C.
16 433 note) is amended by striking “(A))” and insert-
17 ing “(A))”.

18 (3) Section 1602(e)(3) (117 Stat. 1683; 10
19 U.S.C. 2302 note) is amended by inserting “Secu-
20 rity” after “Health”.

21 (h) NATIONAL DEFENSE AUTHORIZATION ACT FOR
22 FISCAL YEAR 1994.—Section 845(a) of the National De-
23 fense Authorization Act for Fiscal Year 1994 (10 U.S.C.
24 2371 note) is amended—



1 (1) in paragraph (2)(A), by inserting “Re-
2 search” after “Defense Advanced”; and

3 (2) in paragraph (3), by inserting “Research”
4 after “Defense Advanced”.

5 (i) NATIONAL DEFENSE AUTHORIZATION ACT FOR
6 FISCAL YEAR 1993.—Section 722(a)(1) of the National
7 Defense Authorization Act for Fiscal Year 1993 (Public
8 Law 102–484; 10 U.S.C. 1073 note) is amended by strik-
9 ing “155 Stat.” and inserting “115 Stat.”.

10 **SEC. 1064. REPEAL OF CERTIFICATION REQUIREMENT.**

11 Section 1063 of the National Defense Authorization
12 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
13 3445) is repealed.

14 **SEC. 1065. MAINTENANCE OF CAPABILITY FOR SPACE-
15 BASED NUCLEAR DETECTION.**

16 The Secretary of Defense shall maintain the capa-
17 bility for space-based nuclear detection at a level that
18 meets or exceeds the level of capability as of the date of
19 the enactment of this Act.

20 **SEC. 1066. SENSE OF CONGRESS REGARDING DETAINEES**

21 **AT NAVAL STATION, GUANTANAMO BAY,
22 CUBA.**

23 It is the sense of Congress that—

24 (1) the Nation extends its gratitude to the mili-
25 tary personnel who guard and interrogate some of



1 the world's most dangerous men every day at Naval
2 Station, Guantanamo Bay, Cuba;

3 (2) the United States Government should urge
4 the international community, in general, and in par-
5 ticular, the home countries of the detainees who re-
6 main in detention despite having been ordered re-
7 leased by a Department of Defense administrative
8 review board, to work with the Department of De-
9 fense to facilitate and expedite the repatriation of
10 such detainees;

11 (3) detainees at Guantanamo Bay, to the max-
12 imum extent possible, should be charged and expedi-
13 tiously prosecuted for crimes committed against the
14 United States; and

15 (4) operations at Guantanamo Bay should be
16 carried out in a way that upholds the national inter-
17 est and core values of the American people.

18 **SEC. 1067. A REPORT ON TRANSFERRING INDIVIDUALS DE-**
19 **TAINED AT NAVAL STATION, GUANTANAMO**
20 **BAY, CUBA.**

21 (a) REPORT REQUIRED.—Not later than 60 days
22 after the date of the enactment of this Act, the Secretary
23 of Defense shall submit to the congressional defense com-
24 mittees a report that contains the Secretary's plan for
25 each individual presently detained at Naval Station, Guan-



1 tanamo Bay, Cuba, under the control of the Joint Task
2 Force Guantanamo, who is or has ever been classified as
3 an “enemy combatant” (referred to in this section as a
4 “detainee”).

5 (b) CONTENTS OF REPORT.—The report required
6 under subsection (a) shall include each of the following:

7 (1) An identification of the number of detainees
8 who, as of December 31, 2007, the Department
9 estimates—

10 (A) will have been or will be charged with
11 one or more crimes and may, therefore, be tried
12 before a military commission;

13 (B) will be subject of an order calling for
14 the release or transfer of the detainee from the
15 Guantanamo Bay facility; or

16 (C) will not have been charged with any
17 crimes and will not be subject to an order call-
18 ing for the release or transfer of the detainee
19 from the Guantanamo Bay facility, but whom
20 the Department wishes to continue to detain.

21 (2) A description of the actions required to be
22 undertaken, by the Secretary of Defense, possibly
23 the heads of other Federal agencies, and Congress,
24 to ensure that detainees who are subject to an order



1 calling for their release or transfer from the Guanta-
2 namo Bay facility have, in fact, been released.

3 (c) FORM.—The report required by subsection (a)
4 shall be submitted in unclassified form but may contain
5 a classified annex.

6 **SEC. 1068. REPEAL OF PROVISIONS IN SECTION 1076 OF**
7 **PUBLIC LAW 109-364 RELATING TO USE OF**
8 **ARMED FORCES IN MAJOR PUBLIC EMER-**
9 **GENCIES.**

10 (a) INTERFERENCE WITH STATE AND FEDERAL
11 LAWS.—

12 (1) IN GENERAL.—Section 333 of title 10,
13 United States Code, is amended to read as follows:

14 **“§ 333. Interference with State and Federal law**

15 “The President, by using the militia or the armed
16 forces, or both, or by any other means, shall take such
17 measures as he considers necessary to suppress, in a
18 State, any insurrection, domestic violence, unlawful com-
19 bination, or conspiracy, if it—

20 “(1) so hinders the execution of the laws of that
21 State, and of the United States within the State,
22 that any part or class of its people is deprived of a
23 right, privilege, immunity, or protection named in
24 the Constitution and secured by law, and the con-
25 stituted authorities of that State are unable, fail, or



1 refuse to protect that right, privilege, or immunity,
2 or to give that protection; or

3 “(2) opposes or obstructs the execution of the
4 laws of the United States or impedes the course of
5 justice under those laws.

6 In any situation covered by clause (1), the State shall be
7 considered to have denied the equal protection of the laws
8 secured by the Constitution.”.

9 (2) PROCLAMATION TO DISPERSE.—Section 334
10 of such title is amended by striking “or those ob-
11 structing the enforcement of the laws” after “insur-
12 gents”.

13 (3) HEADING AMENDMENT.—The heading of
14 chapter 15 of such title is amended to read as fol-
15 lows:

16 **“CHAPTER 15—INSURRECTION”.**

17 (4) CLERICAL AMENDMENTS.—

18 (A) The table of sections at the beginning
19 of chapter 15 of such title is amended by strik-
20 ing the item relating to section 333 and insert-
21 ing the following new item:

“333. Interference with State and Federal law.”.

22 (B) The tables of chapters at the begin-
23 ning of subtitle A of title 10, United States
24 Code, and at the beginning of part I of such
25 subtitle, are each amended by striking the item



1 relating to chapter 15 and inserting the fol-
2 lowing new item:

“15. Insurrection 331”.

3 (b) REPEAL OF SECTION RELATING TO PROVISION
4 OF SUPPLIES, SERVICES, AND EQUIPMENT.—

5 (1) IN GENERAL.—Section 2567 of title 10,
6 United States Code, is repealed.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 152 of such title
9 is amended by striking the item relating to section
10 2567.

11 (c) CONFORMING AMENDMENT.—Section 12304(c) of
12 such title is amended by striking “Except to perform” and
13 all that follows through “this section” and inserting “No
14 unit or member of a reserve component may be ordered
15 to active duty under this section to perform any of the
16 functions authorized by chapter 15 or section 12406 of
17 this title or, except as provided in subsection (b),”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on the date of the enactment
20 of this Act.

21 **SEC. 1069. STANDARDS REQUIRED FOR ENTRY TO MILI-**
22 **TARY INSTALLATIONS IN UNITED STATES.**

23 (a) DEVELOPMENT OF STANDARDS.—

24 (1) ACCESS STANDARDS FOR VISITORS.—The
25 Secretary of Defense shall develop access standards



1 applicable to all military installations in the United
2 States. The standards shall require screening stand-
3 ards appropriate to the type of installation involved,
4 the security level, category of individuals authorized
5 to visit the installation, and level of access to be
6 granted, including—

7 (A) protocols to determine the fitness of
8 the individual to enter an installation; and

9 (B) standards and methods for verifying
10 the identity of the individual.

11 (2) ADDITIONAL CRITERIA.—The standards re-
12 quired under paragraph (1) may—

13 (A) provide for expedited access to a mili-
14 tary installation for Department of Defense
15 personnel and employees and family members of
16 personnel who reside on the installation;

17 (B) provide for closer scrutiny of cat-
18 egories of individuals determined by the Sec-
19 retary of Defense to pose a higher potential se-
20 curity risk; and

21 (C) in the case of an installation that the
22 Secretary determines contains particularly sen-
23 sitive facilities, provide additional screening re-
24 quirements, as well as physical and other secu-
25 rity measures for the installation.



1 (b) USE OF TECHNOLOGY.—The Secretary of De-
2 fense is encouraged to procure and field existing identi-
3 fication screening technology and to develop additional
4 technology only to the extent necessary to assist com-
5 manders of military installations in implementing the
6 standards developed under this section at points of entry
7 for such installations.

8 (c) DEADLINES.—

9 (1) DEVELOPMENT AND IMPLEMENTATION.—

10 The Secretary of Defense shall develop the stand-
11 ards required under this section by not later than
12 July 1, 2008, and implement such standards by not
13 later than January 1, 2009.

14 (2) SUBMISSION TO CONGRESS.—Not later than
15 August 1, 2009, the Secretary shall submit to the
16 Committees on Armed Services of the Senate and
17 House of Representatives the standards implemented
18 pursuant to paragraph (1).

19 **SEC. 1070. REVISED NUCLEAR POSTURE REVIEW.**

20 (a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—

21 In order to clarify United States nuclear deterrence policy
22 and strategy for the near term, the Secretary of Defense
23 shall conduct a comprehensive review of the nuclear pos-
24 ture of the United States for the next 5 to 10 years. The



1 Secretary shall conduct the review in consultation with the
2 Secretary of Energy and the Secretary of State.

3 (b) ELEMENTS OF REVIEW.—The nuclear posture re-
4 view shall include the following elements:

5 (1) The role of nuclear forces in United States
6 military strategy, planning, and programming.

7 (2) The policy requirements and objectives for
8 the United States to maintain a safe, reliable, and
9 credible nuclear deterrence posture.

10 (3) The relationship among United States nu-
11 clear deterrence policy, targeting strategy, and arms
12 control objectives.

13 (4) The role that missile defense capabilities
14 and conventional strike forces play in determining
15 the role and size of nuclear forces.

16 (5) The levels and composition of the nuclear
17 delivery systems that will be required for imple-
18 menting the United States national and military
19 strategy, including any plans for replacing or modi-
20 fying existing systems.

21 (6) The nuclear weapons complex that will be
22 required for implementing the United States na-
23 tional and military strategy, including any plans to
24 modernize or modify the complex.



1 435b) is amended by adding at the end the following new
2 section:

3 **“SEC. 3002. SECURITY CLEARANCES; LIMITATIONS.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) CONTROLLED SUBSTANCE.—The term
6 ‘controlled substance’ has the meaning given that
7 term in section 102 of the Controlled Substances
8 Act (21 U.S.C. 802).

9 “(2) COVERED PERSON.—The term ‘covered
10 person’ means—

11 “(A) an officer or employee of a Federal
12 agency;

13 “(B) a member of the Army, Navy, Air
14 Force, or Marine Corps who is on active duty
15 or is in an active status; and

16 “(C) an officer or employee of a contractor
17 of a Federal agency.

18 “(3) RESTRICTED DATA.—The term ‘Restricted
19 Data’ has the meaning given that term in section 11
20 of the Atomic Energy Act of 1954 (42 U.S.C.
21 2014).

22 “(4) SPECIAL ACCESS PROGRAM.—The term
23 ‘special access program’ has the meaning given that
24 term in section 4.1 of Executive Order No. 12958
25 (60 Fed. Reg. 19825).



1 “(b) PROHIBITION.—After January 1, 2008, the
2 head of a Federal agency may not grant or renew a secu-
3 rity clearance for a covered person who is an unlawful user
4 of a controlled substance or an addict (as defined in sec-
5 tion 102(1) of the Controlled Substances Act (21 U.S.C.
6 802)).

7 “(c) DISQUALIFICATION.—

8 “(1) IN GENERAL.—After January 1, 2008, ab-
9 sent an express written waiver granted in accordance
10 with paragraph (2), the head of a Federal agency
11 may not grant or renew a security clearance de-
12 scribed in paragraph (3) for a covered person who—

13 “(A) has been convicted in any court of the
14 United States of a crime, was sentenced to im-
15 prisonment for a term exceeding 1 year, and
16 was incarcerated as a result of that sentence for
17 not less than 1 year;

18 “(B) has been discharged or dismissed
19 from the Armed Forces under dishonorable con-
20 ditions; or

21 “(C) is mentally incompetent, as deter-
22 mined by an adjudicating authority, based on
23 an evaluation by a duly qualified mental health
24 professional employed by, or acceptable to and
25 approved by, the United States Government



1 and in accordance with the adjudicative guide-
2 lines required by subsection (d).

3 “(2) WAIVER AUTHORITY.—In a meritorious
4 case, an exception to the disqualification in this sub-
5 section may be authorized if there are mitigating
6 factors. Any such waiver may be authorized only in
7 accordance with—

8 “(A) standards and procedures prescribed
9 by, or under the authority of, an Executive
10 order or other guidance issued by the President;
11 or

12 “(B) the adjudicative guidelines required
13 by subsection (d).

14 “(3) COVERED SECURITY CLEARANCES.—This
15 subsection applies to security clearances that provide
16 for access to—

17 “(A) special access programs;

18 “(B) Restricted Data; or

19 “(C) any other information commonly re-
20ferred to as ‘sensitive compartmented informa-
21tion’.

22 “(4) ANNUAL REPORT.—

23 “(A) REQUIREMENT FOR REPORT.—Not
24later than February 1 of each year, the head of
25a Federal agency shall submit a report to the



1 appropriate committees of Congress if such
2 agency employs or employed a person for whom
3 a waiver was granted in accordance with para-
4 graph (2) during the preceding year. Such an-
5 nual report shall not reveal the identity of such
6 person, but shall include for each waiver issued
7 the disqualifying factor under paragraph (1)
8 and the reasons for the waiver of the disquali-
9 fying factor.

10 “(B) DEFINITIONS.—In this paragraph:

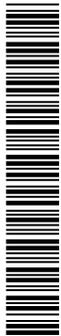
11 “(i) APPROPRIATE COMMITTEES OF
12 CONGRESS.—The term ‘appropriate com-
13 mittees of Congress’ means, with respect
14 to a report submitted under subparagraph
15 (A) by the head of a Federal agency—

16 “(I) the congressional defense
17 committees;

18 “(II) the congressional intel-
19 ligence committees;

20 “(III) the Committee on Home-
21 land Security and Governmental Af-
22 fairs of the Senate;

23 “(IV) the Committee on Over-
24 sight and Government Reform of the
25 House of Representatives; and



1 “(V) each Committee of the Sen-
2 ate or the House of Representatives
3 with oversight authority over such
4 Federal agency.

5 “(ii) CONGRESSIONAL DEFENSE COM-
6 MITTEES.—The term ‘congressional de-
7 fense committees’ has the meaning given
8 that term in section 101(a)(16) of title 10,
9 United States Code.

10 “(iii) CONGRESSIONAL INTELLIGENCE
11 COMMITTEES.—The term ‘congressional in-
12 telligence committees’ has the meaning
13 given that term in section 3 of the Na-
14 tional Security Act of 1947 (50 U.S.C.
15 401a).

16 “(d) ADJUDICATIVE GUIDELINES.—

17 “(1) REQUIREMENT TO ESTABLISH.—The
18 President shall establish adjudicative guidelines for
19 determining eligibility for access to classified infor-
20 mation.

21 “(2) REQUIREMENTS RELATED TO MENTAL
22 HEALTH.—The guidelines required by paragraph (1)
23 shall—

24 “(A) include procedures and standards
25 under which a covered person is determined to



1 be mentally incompetent and provide a means
2 to appeal such a determination; and

3 “(B) require that no negative inference
4 concerning the standards in the guidelines may
5 be raised solely on the basis of seeking mental
6 health counseling.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) REPEAL.—Section 986 of title 10, United
9 States Code, is repealed.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of chapter 49 of such title is
12 amended by striking the item relating to section
13 986.

14 (3) EFFECTIVE DATE.—The amendments made
15 by this subsection shall take effect on January 1,
16 2008.

17 **SEC. 1073. IMPROVEMENTS IN THE PROCESS FOR THE**
18 **ISSUANCE OF SECURITY CLEARANCES.**

19 (a) DEMONSTRATION PROJECT.—Not later than 6
20 months after the date of the enactment of this Act, the
21 Secretary of Defense and the Director of National Intel-
22 ligence shall implement a demonstration project that ap-
23 plies new and innovative approaches to improve the proc-
24 essing of requests for security clearances.



1 (b) EVALUATION.—Not later than 1 year after the
2 date of the enactment of this Act, the Secretary of Defense
3 and the Director of National Intelligence shall carry out
4 an evaluation of the process for issuing security clearances
5 and develop a specific plan and schedule for replacing such
6 process with an improved process.

7 (c) REPORT.—Not later than 30 days after the date
8 of the completion of the evaluation required by subsection
9 (b), the Secretary of Defense and the Director of National
10 Intelligence shall submit to Congress a report on—

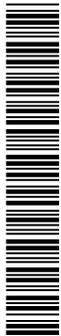
11 (1) the results of the demonstration project car-
12 ried out pursuant to subsection (a);

13 (2) the results of the evaluation carried out
14 under subsection (b); and

15 (3) the recommended specific plan and schedule
16 for replacing the existing process for issuing security
17 clearances with an improved process.

18 **SEC. 1074. PROTECTION OF CERTAIN INDIVIDUALS.**

19 (a) PROTECTION FOR DEPARTMENT LEADERSHIP.—
20 The Secretary of Defense, under regulations prescribed by
21 the Secretary and in accordance with guidelines approved
22 by the Secretary and the Attorney General, may authorize
23 qualified members of the Armed Forces and qualified civil-
24 ian employees of the Department of Defense to provide
25 physical protection and personal security within the



1 United States to the following persons who, by nature of
2 their positions, require continuous security and protection:

- 3 (1) Secretary of Defense.
- 4 (2) Deputy Secretary of Defense.
- 5 (3) Chairman of the Joint Chiefs of Staff.
- 6 (4) Vice Chairman of the Joint Chiefs of Staff.
- 7 (5) Secretaries of the military departments.
- 8 (6) Chiefs of the Services.
- 9 (7) Commanders of combatant commands.

10 (b) PROTECTION FOR ADDITIONAL PERSONNEL.—

11 (1) AUTHORITY TO PROVIDE.—The Secretary of
12 Defense, under regulations prescribed by the Sec-
13 retary and in accordance with guidelines approved
14 by the Secretary and the Attorney General, may au-
15 thorize qualified members of the Armed Forces and
16 qualified civilian employees of the Department of
17 Defense to provide physical protection and personal
18 security within the United States to individuals
19 other than individuals described in paragraphs (1)
20 through (7) of subsection (a) if the Secretary deter-
21 mines that such protection and security are nec-
22 essary because—

23 (A) there is an imminent and credible
24 threat to the safety of the individual for whom
25 protection is to be provided; or



1 (B) compelling operational considerations
2 make such protection essential to the conduct of
3 official Department of Defense business.

4 (2) PERSONNEL.—Individuals authorized to re-
5 ceive physical protection and personal security under
6 this subsection include the following:

7 (A) Any official, military member, or em-
8 ployee of the Department of Defense.

9 (B) A former or retired official who faces
10 serious and credible threats arising from duties
11 performed while employed by the Department
12 for a period of up to two years beginning on the
13 date on which the official separates from the
14 Department.

15 (C) A head of a foreign state, an official
16 representative of a foreign government, or any
17 other distinguished foreign visitor to the United
18 States who is primarily conducting official busi-
19 ness with the Department of Defense.

20 (D) Any member of the immediate family
21 of a person authorized to receive physical pro-
22 tection and personal security under this section.

23 (E) An individual who has been designated
24 by the President, and who has received the ad-
25 vice and consent of the Senate, to serve as Sec-



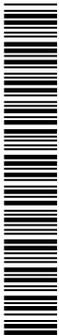
1 retary of Defense, but who has not yet been ap-
2 pointed as Secretary of Defense.

3 (3) LIMITATION ON DELEGATION.—The author-
4 ity of the Secretary of Defense to authorize the pro-
5 vision of physical protection and personal security
6 under this subsection may be delegated only to the
7 Deputy Secretary of Defense.

8 (4) REQUIREMENT FOR WRITTEN DETERMINA-
9 TION.—A determination of the Secretary of Defense
10 to provide physical protection and personal security
11 under this subsection shall be in writing, shall be
12 based on a threat assessment by an appropriate law
13 enforcement, security, or intelligence organization,
14 and shall include the name and title of the officer,
15 employee, or other individual affected, the reason for
16 such determination, the duration of the authorized
17 protection and security for such officer, employee, or
18 individual, and the nature of the arrangements for
19 the protection and security.

20 (5) DURATION OF PROTECTION.—

21 (A) INITIAL PERIOD OF PROTECTION.—
22 After making a written determination under
23 paragraph (4), the Secretary of Defense may
24 provide protection and security to an individual



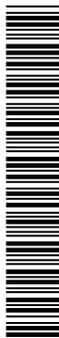
1 under this subsection for an initial period of not
2 more than 90 calendar days.

3 (B) SUBSEQUENT PERIOD.—If, at the end
4 of the period that protection and security is
5 provided to an individual under subsection (A),
6 the Secretary determines that a condition de-
7 scribed in subparagraph (A) or (B) of para-
8 graph (1) continues to exist with respect to the
9 individual, the Secretary may extend the period
10 that such protection and security is provided for
11 additional 60-day periods. The Secretary shall
12 review such a determination at the end of each
13 60-day period to determine whether to continue
14 to provide such protection and security.

15 (C) REQUIREMENT FOR COMPLIANCE WITH
16 REGULATIONS.—Protection and personal secu-
17 rity provided under subparagraph (B) shall be
18 provided in accordance with the regulations and
19 guidelines referred to in paragraph (1).

20 (6) SUBMISSION TO CONGRESS.—

21 (A) IN GENERAL.—The Secretary of De-
22 fense shall submit to the congressional defense
23 committees each determination made under
24 paragraph (4) to provide protection and secu-
25 rity to an individual and of each determination



1 under paragraph (5)(B) to extend such protec-
2 tion and security, together with the justification
3 for such determination, not later than 15 days
4 after the date on which the determination is
5 made.

6 (B) FORM OF REPORT.—A report sub-
7 mitted under subparagraph (A) may be made in
8 classified form.

9 (C) REGULATIONS AND GUIDELINES.—The
10 Secretary of Defense shall submit to the con-
11 gressional defense committees the regulations
12 and guidelines prescribed pursuant to para-
13 graph (1) not less than 20 days before the date
14 on which such regulations take effect.

15 (e) DEFINITIONS.—In this section:

16 (1) CONGRESSIONAL DEFENSE COMMITTEES.—
17 The term “congressional defense committees” means
18 the Committee on Appropriations and the Com-
19 mittee on Armed Services of the Senate and the
20 Committee on Appropriations and the Committee on
21 Armed Services of the House of Representatives.

22 (2) QUALIFIED MEMBERS OF THE ARMED
23 FORCES AND QUALIFIED CIVILIAN EMPLOYEES OF
24 THE DEPARTMENT OF DEFENSE.—The terms “quali-
25 fied members of the Armed Forces” and “qualified



1 civilian employees of the Department of Defense”
2 refer collectively to members or employees who are
3 assigned to investigative, law enforcement, or secu-
4 rity duties of any of the following:

5 (A) The Army Criminal Investigation Com-
6 mand.

7 (B) The Naval Criminal Investigative Serv-
8 ice.

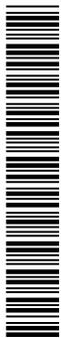
9 (C) The Air Force Office of Special Inves-
10 tigation.

11 (D) The Defense Criminal Investigative
12 Service.

13 (E) The Pentagon Force Protection Agen-
14 cy.

15 (d) CONSTRUCTION.—

16 (1) NO ADDITIONAL LAW ENFORCEMENT OR
17 ARREST AUTHORITY.—Other than the authority to
18 provide protection and security under this section,
19 nothing in this section may be construed to bestow
20 any additional law enforcement or arrest authority
21 upon the qualified members of the Armed Forces
22 and qualified civilian employees of the Department
23 of Defense.



1 (2) POSSE COMITATUS.—Nothing in this section
2 shall be construed to abridge section 1385 of title
3 18, United States Code.

4 (3) AUTHORITIES OF OTHER DEPARTMENTS.—
5 Nothing in this section may be construed to preclude
6 or limit, in any way, the express or implied powers
7 of the Secretary of Defense or other Department of
8 Defense officials, or the duties and authorities of the
9 Secretary of State, the Director of the United States
10 Secret Service, the Director of the United States
11 Marshals Service, or any other Federal law enforce-
12 ment agency.

13 **SEC. 1075. MODIFICATION OF AUTHORITIES ON COMMIS-**
14 **SION TO ASSESS THE THREAT TO THE**
15 **UNITED STATES FROM ELECTROMAGNETIC**
16 **PULSE ATTACK.**

17 (a) EXTENSION OF DATE OF SUBMITTAL OF FINAL
18 REPORT.—Section 1403(a) of the Floyd D. Spence Na-
19 tional Defense Authorization Act for Fiscal Year 2001 (as
20 enacted into law by Public Law 106–398; 50 U.S.C. 2301
21 note) is amended by striking “June 30, 2007” and insert-
22 ing “November 30, 2008”.

23 (b) COORDINATION OF WORK WITH DEPARTMENT
24 OF HOMELAND SECURITY.—Section 1404 of such Act is



1 amended by adding at the end the following new sub-
2 section:

3 “(c) COORDINATION WITH DEPARTMENT OF HOME-
4 LAND SECURITY.—The Commission and the Secretary of
5 Homeland Security shall jointly ensure that the work of
6 the Commission with respect to electromagnetic pulse at-
7 tack on electricity infrastructure, and protection against
8 such attack, is coordinated with Department of Homeland
9 Security efforts on such matters.”.

10 (c) LIMITATION ON DEPARTMENT OF DEFENSE
11 FUNDING.—The aggregate amount of funds provided by
12 the Department of Defense to the Commission to Assess
13 the Threat to the United States from Electromagnetic
14 Pulse Attack for purposes of the preparation and sub-
15 mittal of the final report required by section 1403(a) of
16 the Floyd D. Spence National Defense Authorization Act
17 for Fiscal Year 2001 (as amended by subsection (a)),
18 whether by transfer or otherwise and including funds pro-
19 vided the Commission before the date of the enactment
20 of this Act, shall not exceed \$5,600,000.

21 **SEC. 1076. SENSE OF CONGRESS ON SMALL BUSINESS INNO-**
22 **VATION RESEARCH PROGRAM.**

23 It is the sense of Congress that—

24 (1) the Department of Defense’s Small Busi-
25 ness Innovation Research program has been effective



1 in supporting the performance of the missions of the
2 Department of Defense, by stimulating technological
3 innovation through investments in small business re-
4 search activities;

5 (2) the Department of Defense's Small Busi-
6 ness Innovation Research program has transitioned
7 a number of technologies and systems into oper-
8 ational use by warfighters; and

9 (3) the Department of Defense's Small Busi-
10 ness Innovation Research program should be reau-
11 thorized so as to ensure that the program's activities
12 can continue seamlessly, efficiently, and effectively.

13 **SEC. 1077. REVISION OF PROFICIENCY FLYING DEFINITION.**

14 Subsection (c) of section 2245 of title 10, United
15 States Code, is amended to read as follows:

16 “(c) In this section, the term ‘proficiency flying’
17 means flying performed under competent orders by a rated
18 or designated member of the armed forces while serving
19 in a non-aviation assignment or in an assignment in which
20 skills would normally not be maintained in the perform-
21 ance of assigned duties.”.



1 **SEC. 1078. QUALIFICATIONS FOR PUBLIC AIRCRAFT STA-**
2 **TUS OF AIRCRAFT UNDER CONTRACT WITH**
3 **THE ARMED FORCES.**

4 (a) DEFINITION OF PUBLIC AIRCRAFT.—Section
5 40102(a)(41)(E) of title 49, United States Code, is
6 amended—

7 (1) by inserting “or other commercial air serv-
8 ice” after “transportation”; and

9 (2) by adding at the end the following: “In the
10 preceding sentence, the term ‘other commercial air
11 service’ means an aircraft operation that (i) is with-
12 in the United States territorial airspace; (ii) the Ad-
13 ministrator of the Federal Aviation Administration
14 determines is available for compensation or hire to
15 the public, and (iii) must comply with all applicable
16 civil aircraft rules under title 14, Code of Federal
17 Regulations.”.

18 (b) AIRCRAFT OPERATED BY THE ARMED FORCES.—
19 Section 40125(c)(1)(C) of such title is amended by insert-
20 ing “or other commercial air service” after “transpor-
21 tation”.

22 (c) CONFORMING AMENDMENTS.—

23 (1) Section 40125(b) of such title is amended
24 by striking “40102(a)(37)” and inserting
25 “40102(a)(41)”.



1 (2) Section 40125(c)(1) of such title is amend-
2 ed by striking “40102(a)(37)(E)” and inserting
3 “40102(a)(41)(E)”.

4 **SEC. 1079. COMMUNICATIONS WITH THE COMMITTEES ON**
5 **ARMED SERVICES OF THE SENATE AND THE**
6 **HOUSE OF REPRESENTATIVES.**

7 (a) REQUESTS OF COMMITTEES.—The Director of
8 the National Counterterrorism Center, the Director of a
9 national intelligence center, or the head of any element
10 of the intelligence community shall, not later than 45 days
11 after receiving a written request from the Chair or ranking
12 minority member of the Committee on Armed Services of
13 the Senate or the Committee on Armed Services of the
14 House of Representatives for any existing intelligence as-
15 sessment, report, estimate, or legal opinion relating to
16 matters within the jurisdiction of such Committee, make
17 available to such committee such assessment, report, esti-
18 mate, or legal opinion, as the case may be.

19 (b) ASSERTION OF PRIVILEGE.—

20 (1) IN GENERAL.—In response to a request cov-
21 ered by subsection (a), the Director of the National
22 Counterterrorism Center, the Director of a national
23 intelligence center, or the head of any element of the
24 intelligence community shall provide to the Com-
25 mittee making such request the document or infor-



1 mation covered by such request unless the President
2 determines that such document or information shall
3 not be provided because the President is asserting a
4 privilege pursuant to the Constitution of the United
5 States.

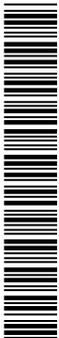
6 (2) SUBMISSION TO CONGRESS.—The White
7 House Counsel shall submit to Congress in writing
8 any assertion by the President under paragraph (1)
9 of a privilege pursuant to the Constitution.

10 (c) DEFINITIONS.—In this section:

11 (1) INTELLIGENCE COMMUNITY.—The term
12 “intelligence community” has the meaning given the
13 term in section 3(4) of the National Security Act of
14 1947 (50 U.S.C. 401a(4)).

15 (2) INTELLIGENCE ASSESSMENT.—The term
16 “intelligence assessment” means an intelligence-re-
17 lated analytical study of a subject of policy signifi-
18 cance and does not include building-block papers, re-
19 search projects, and reference aids.

20 (3) INTELLIGENCE ESTIMATE.—The term “in-
21 telligence estimate” means an appraisal of available
22 intelligence relating to a specific situation or condi-
23 tion with a view to determining the courses of action
24 open to an enemy or potential enemy and the prob-
25 able order of adoption of such courses of action.



1 **SEC. 1080. RETENTION OF REIMBURSEMENT FOR PROVI-**
2 **SION OF RECIPROCAL FIRE PROTECTION**
3 **SERVICES.**

4 Section 5 of the Act of May 27, 1955 (chapter 105;
5 69 Stat. 67; 42 U.S.C. 1856d) is amended—

6 (1) by striking “Funds” and inserting “(a)
7 Funds”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(b) Notwithstanding the provisions of subsection
11 (a), all sums received for any Department of Defense ac-
12 tivity for fire protection rendered pursuant to this Act
13 shall be credited to the appropriation fund or account from
14 which the expenses were paid. Amounts so credited shall
15 be merged with funds in such appropriation fund or ac-
16 count and shall be available for the same purposes and
17 subject to the same limitations as the funds with which
18 the funds are merged.”.

19 **SEC. 1081. PILOT PROGRAM ON COMMERCIAL FEE-FOR-**
20 **SERVICE AIR REFUELING SUPPORT FOR THE**
21 **AIR FORCE.**

22 (a) PILOT PROGRAM REQUIRED.—The Secretary of
23 the Air Force shall conduct, as soon as practicable after
24 the date of the enactment of this Act, a pilot program
25 to assess the feasibility and advisability of utilizing com-
26 mercial fee-for-service air refueling tanker aircraft for Air



1 Force operations. The duration of the pilot program shall
2 be at least five years after commencement of the program.

3 (b) PURPOSE.—

4 (1) IN GENERAL.—The pilot program required
5 by subsection (a) shall evaluate the feasibility of fee-
6 for-service air refueling to support, augment, or en-
7 hance the air refueling mission of the Air Force by
8 utilizing commercial air refueling providers on a fee-
9 for-service basis.

10 (2) ELEMENTS.—In order to achieve the pur-
11 pose of the pilot program, the Secretary of the Air
12 Force shall—

13 (A) demonstrate and validate a comprehen-
14 sive strategy for air refueling on a fee-for-serv-
15 ice basis by evaluating all mission areas, includ-
16 ing testing support, training support to receiv-
17 ing aircraft, homeland defense support, deploy-
18 ment support, air bridge support, aeromedical
19 evacuation, and emergency air refueling; and

20 (B) integrate fee-for-service air refueling
21 described in paragraph (1) into Air Mobility
22 Command operations during the evaluation and
23 execution phases of the pilot program.

24 (c) ANNUAL REPORT.—The Secretary of the Air
25 Force shall provide to the congressional defense commit-



1 tees an annual report on the fee-for-service air refueling
2 program, which includes—

3 (1) information with respect to—

4 (A) missions flown;

5 (B) mission areas supported;

6 (C) aircraft number, type, model series
7 supported;

8 (D) fuel dispensed;

9 (E) departure reliability rates; and

10 (F) the annual and cumulative cost to the
11 Government for the program, including a com-
12 parison of costs of the same service provided by
13 the Air Force;

14 (2) an assessment of the impact of outsourcing
15 air refueling on the Air Force's flying hour program
16 and aircrew training; and

17 (3) any other data that the Secretary deter-
18 mines is appropriate for evaluating the performance
19 of the commercial air refueling providers partici-
20 pating in the pilot program.

21 (d) COMPTROLLER GENERAL REVIEW.—The Comp-
22 troller General shall submit to the congressional defense
23 committees—

24 (1) an annual review of the conduct of the pilot
25 program under this section and any recommenda-



1 tions of the Comptroller General for improving the
2 program; and

3 (2) not later than 90 days after the completion
4 of the pilot program, a final assessment of the re-
5 sults of the pilot program and the recommendations
6 of the Comptroller General for whether the Sec-
7 retary of the Air Force should continue to utilize
8 fee-for-service air refueling.

9 **SEC. 1082. ADVISORY PANEL ON DEPARTMENT OF DEFENSE**
10 **CAPABILITIES FOR SUPPORT OF CIVIL AU-**
11 **THORITIES AFTER CERTAIN INCIDENTS.**

12 (a) IN GENERAL.—The Secretary of Defense shall es-
13 tablish an advisory panel to carry out an assessment of
14 the capabilities of the Department of Defense to provide
15 support to United States civil authorities in the event of
16 a chemical, biological, radiological, nuclear, or high-yield
17 explosive (CBRNE) incident.

18 (b) PANEL MATTERS.—

19 (1) IN GENERAL.—The advisory panel required
20 by subsection (a) shall consist of individuals ap-
21 pointed by the Secretary of Defense (in consultation
22 with the chairmen and ranking members of the
23 Committees on Armed Services of the Senate and
24 the House of Representatives) from among private
25 citizens of the United States with expertise in the



1 legal, operational, and organizational aspects of the
2 management of the consequences of a chemical, bio-
3 logical, radiological, nuclear, or high-yield explosive
4 incident.

5 (2) DEADLINE FOR APPOINTMENT.—All mem-
6 bers of the advisory panel shall be appointed under
7 this subsection not later than 30 days after the date
8 on which the Secretary enters into the contract re-
9 quired by subsection (c).

10 (3) INITIAL MEETING.—The advisory panel
11 shall conduct its first meeting not later than 30 days
12 after the date that all appointments to the panel
13 have been made under this subsection.

14 (4) PROCEDURES.—The advisory panel shall
15 carry out its duties under this section under proce-
16 dures established under subsection (c) by the feder-
17 ally funded research and development center with
18 which the Secretary contracts under that subsection.
19 Such procedures shall include procedures for the se-
20 lection of a chairman of the advisory panel from
21 among its members.

22 (c) SUPPORT OF FEDERALLY FUNDED RESEARCH
23 AND DEVELOPMENT CENTER.—

24 (1) IN GENERAL.—The Secretary of Defense
25 shall enter into a contract with a federally funded



1 research and development center for the provision of
2 support and assistance to the advisory panel re-
3 quired by subsection (a) in carrying out its duties
4 under this section. Such support and assistance shall
5 include the establishment of the procedures of the
6 advisory panel under subsection (b)(4).

7 (2) DEADLINE FOR CONTRACT.—The Secretary
8 shall enter into the contract required by this sub-
9 section not later than 60 days after the date of the
10 enactment of this Act.

11 (d) DUTIES OF PANEL.—The advisory panel required
12 by subsection (a) shall—

13 (1) evaluate the authorities and capabilities of
14 the Department of Defense to conduct operations in
15 support to United States civil authorities in the
16 event of a chemical, biological, radiological, nuclear,
17 or high-yield explosive incident, including the au-
18 thorities and capabilities of the military depart-
19 ments, the Defense Agencies, the combatant com-
20 mands, any supporting commands, and the reserve
21 components of the Armed Forces (including the Na-
22 tional Guard in a Federal and non-Federal status);

23 (2) assess the adequacy of existing plans and
24 programs of the Department of Defense for training
25 and equipping dedicated, special, and general pur-



1 poses forces for conducting operations described in
2 paragraph (1) across a broad spectrum of scenarios,
3 including current National Planning Scenarios as
4 applicable;

5 (3) assess policies, directives, and plans of the
6 Department of Defense in support of civilian au-
7 thorities in managing the consequences of a chem-
8 ical, biological, radiological, nuclear, or high-yield ex-
9 plosive incident;

10 (4) assess the adequacy of policies and struc-
11 tures of the Department of Defense for coordination
12 with other department and agencies of the Federal
13 Government, especially the Department of Homeland
14 Security, the Department of Energy, the Depart-
15 ment of Justice, and the Department of Health and
16 Human Services, in the provision of support de-
17 scribed in paragraph (1);

18 (5) assess the adequacy and currency of infor-
19 mation available to the Department of Defense,
20 whether directly or through other departments and
21 agencies of the Federal Government, from State and
22 local governments in circumstances where the De-
23 partment provides support described in paragraph
24 (1) because State and local response capabilities are
25 not fully adequate for a comprehensive response;



1 (6) assess the equipment capabilities and needs
2 of the Department of Defense to provide support de-
3 scribed in paragraph (1);

4 (7) develop recommendations for modifying the
5 capabilities, plans, policies, equipment, and struc-
6 tures evaluated or assessed under this subsection in
7 order to improve the provision by the Department of
8 Defense of the support described in paragraph (1);
9 and

10 (8) assess and make recommendations on—

11 (A) whether there should be any additional
12 Weapons of Mass Destruction Civil Support
13 Teams, beyond the 55 already authorized and,
14 if so, how many additional Civil Support
15 Teams, and where they should be located; and

16 (B) what criteria and considerations are
17 appropriate to determine whether additional
18 Civil Support Teams are needed and, if so,
19 where they should be located.

20 (e) COOPERATION OF OTHER AGENCIES.—

21 (1) IN GENERAL.—The advisory panel required
22 by subsection (a) may secure directly from the De-
23 partment of Defense, the Department of Homeland
24 Security, the Department of Energy, the Depart-
25 ment of Justice, the Department of Health and



1 Human Services, and any other department or agen-
2 cy of the Federal Government information that the
3 panel considers necessary for the panel to carry out
4 its duties.

5 (2) COOPERATION.—The Secretary of Defense,
6 the Secretary of Homeland Secretary, the Secretary
7 of Energy, the Attorney General, the Secretary of
8 Health and Human Services, and any other official
9 of the United States shall provide the advisory panel
10 with full and timely cooperation in carrying out its
11 duties under this section.

12 (f) REPORT.—Not later than 12 months after the
13 date of the initial meeting of the advisory panel required
14 by subsection (a), the advisory panel shall submit to the
15 Secretary of Defense, and to the Committees on Armed
16 Services of the Senate and the House of Representatives,
17 a report on activities under this section. The report shall
18 set forth—

19 (1) the findings, conclusions, and recommenda-
20 tions of the advisory panel for improving the capa-
21 bilities of the Department of Defense to provide sup-
22 port to United States civil authorities in the event
23 of a chemical, biological, radiological, nuclear, or
24 high-yield explosive incident; and



1 (2) such other findings, conclusions, and rec-
2 ommendations for improving the capabilities of the
3 Department for homeland defense as the advisory
4 panel considers appropriate.

5 **SEC. 1083. TERRORISM EXCEPTION TO IMMUNITY.**

6 (a) TERRORISM EXCEPTION TO IMMUNITY.—

7 (1) IN GENERAL.—Chapter 97 of title 28,
8 United States Code, is amended by inserting after
9 section 1605 the following:

10 **“§ 1605A. Terrorism exception to the jurisdictional**
11 **immunity of a foreign state**

12 “(a) IN GENERAL.—

13 “(1) NO IMMUNITY.—A foreign state shall not
14 be immune from the jurisdiction of courts of the
15 United States or of the States in any case not other-
16 wise covered by this chapter in which money dam-
17 ages are sought against a foreign state for personal
18 injury or death that was caused by an act of torture,
19 extrajudicial killing, aircraft sabotage, hostage tak-
20 ing, or the provision of material support or resources
21 for such an act if such act or provision of material
22 support or resources is engaged in by an official,
23 employee, or agent of such foreign state while acting
24 within the scope of his or her office, employment, or
25 agency.



1 “(2) CLAIM HEARD.—The court shall hear a
2 claim under this section if—

3 “(A)(i)(I) the foreign state was designated
4 as a state sponsor of terrorism at the time the
5 act described in paragraph (1) occurred, or was
6 so designated as a result of such act, and, sub-
7 ject to subclause (II), either remains so des-
8 igned when the claim is filed under this sec-
9 tion or was so designated within the 6-month
10 period before the claim is filed under this sec-
11 tion; or

12 “(II) in the case of an action that is refiled
13 under this section by reason of section
14 1083(c)(2)(A) of the National Defense Author-
15 ization Act for Fiscal Year 2008 or is filed
16 under this section by reason of section
17 1083(c)(3) of that Act, the foreign state was
18 designated as a state sponsor of terrorism when
19 the original action or the related action under
20 section 1605(a)(7) (as in effect before the en-
21 actment of this section) or section 589 of the
22 Foreign Operations, Export Financing, and Re-
23 lated Programs Appropriations Act, 1997 (as
24 contained in section 101(c) of division A of
25 Public Law 104–208) was filed;



1 “(ii) the claimant or the victim was, at the
2 time the act described in paragraph (1)
3 occurred—

4 “(I) a national of the United States;

5 “(II) a member of the armed forces;

6 or

7 “(III) otherwise an employee of the
8 Government of the United States, or of an
9 individual performing a contract awarded
10 by the United States Government, acting
11 within the scope of the employee’s employ-
12 ment; and

13 “(iii) in a case in which the act occurred
14 in the foreign state against which the claim has
15 been brought, the claimant has afforded the
16 foreign state a reasonable opportunity to arbi-
17 trate the claim in accordance with the accepted
18 international rules of arbitration; or

19 “(B) the act described in paragraph (1) is
20 related to Case Number 1:00CV03110 (EGS)
21 in the United States District Court for the Dis-
22 trict of Columbia.

23 “(b) LIMITATIONS.—An action may be brought or
24 maintained under this section if the action is commenced,
25 or a related action was commenced under section



1 1605(a)(7) (before the date of the enactment of this sec-
2 tion) or section 589 of the Foreign Operations, Export Fi-
3 nancing, and Related Programs Appropriations Act, 1997
4 (as contained in section 101(c) of division A of Public Law
5 104–208) not later than the latter of—

6 “(1) 10 years after April 24, 1996; or

7 “(2) 10 years after the date on which the cause
8 of action arose.

9 “(c) PRIVATE RIGHT OF ACTION.—A foreign state
10 that is or was a state sponsor of terrorism as described
11 in subsection (a)(2)(A)(i), and any official, employee, or
12 agent of that foreign state while acting within the scope
13 of his or her office, employment, or agency, shall be liable
14 to—

15 “(1) a national of the United States,

16 “(2) a member of the armed forces,

17 “(3) an employee of the Government of the
18 United States, or of an individual performing a con-
19 tract awarded by the United States Government,
20 acting within the scope of the employee’s employ-
21 ment, or

22 “(4) the legal representative of a person de-
23 scribed in paragraph (1), (2), or (3),

24 for personal injury or death caused by acts described in
25 subsection (a)(1) of that foreign state, or of an official,



1 employee, or agent of that foreign state, for which the
2 courts of the United States may maintain jurisdiction
3 under this section for money damages. In any such action,
4 damages may include economic damages, solatium, pain
5 and suffering, and punitive damages. In any such action,
6 a foreign state shall be vicariously liable for the acts of
7 its officials, employees, or agents.

8 “(d) ADDITIONAL DAMAGES.—After an action has
9 been brought under subsection (c), actions may also be
10 brought for reasonably foreseeable property loss, whether
11 insured or uninsured, third party liability, and loss claims
12 under life and property insurance policies, by reason of
13 the same acts on which the action under subsection (c)
14 is based.

15 “(e) SPECIAL MASTERS.—

16 “(1) IN GENERAL.—The courts of the United
17 States may appoint special masters to hear damage
18 claims brought under this section.

19 “(2) TRANSFER OF FUNDS.—The Attorney
20 General shall transfer, from funds available for the
21 program under section 1404C of the Victims of
22 Crime Act of 1984 (42 U.S.C. 10603e), to the Ad-
23 ministrator of the United States district court in
24 which any case is pending which has been brought
25 or maintained under this section such funds as may



1 be required to cover the costs of special masters ap-
2 pointed under paragraph (1). Any amount paid in
3 compensation to any such special master shall con-
4 stitute an item of court costs.

5 “(f) APPEAL.—In an action brought under this sec-
6 tion, appeals from orders not conclusively ending the liti-
7 gation may only be taken pursuant to section 1292(b) of
8 this title.

9 “(g) PROPERTY DISPOSITION.—

10 “(1) IN GENERAL.—In every action filed in a
11 United States district court in which jurisdiction is
12 alleged under this section, the filing of a notice of
13 pending action pursuant to this section, to which is
14 attached a copy of the complaint filed in the action,
15 shall have the effect of establishing a lien of lis
16 pendens upon any real property or tangible personal
17 property that is—

18 “(A) subject to attachment in aid of execu-
19 tion, or execution, under section 1610;

20 “(B) located within that judicial district;
21 and

22 “(C) titled in the name of any defendant,
23 or titled in the name of any entity controlled by
24 any defendant if such notice contains a state-
25 ment listing such controlled entity.



1 “(2) NOTICE.—A notice of pending action pur-
2 suant to this section shall be filed by the clerk of the
3 district court in the same manner as any pending
4 action and shall be indexed by listing as defendants
5 all named defendants and all entities listed as con-
6 trolled by any defendant.

7 “(3) ENFORCEABILITY.—Liens established by
8 reason of this subsection shall be enforceable as pro-
9 vided in chapter 111 of this title.

10 “(h) DEFINITIONS.—For purposes of this section—

11 “(1) the term ‘aircraft sabotage’ has the mean-
12 ing given that term in Article 1 of the Convention
13 for the Suppression of Unlawful Acts Against the
14 Safety of Civil Aviation;

15 “(2) the term ‘hostage taking’ has the meaning
16 given that term in Article 1 of the International
17 Convention Against the Taking of Hostages;

18 “(3) the term ‘material support or resources’
19 has the meaning given that term in section 2339A
20 of title 18;

21 “(4) the term ‘armed forces’ has the meaning
22 given that term in section 101 of title 10;

23 “(5) the term ‘national of the United States’
24 has the meaning given that term in section



1 101(a)(22) of the Immigration and Nationality Act
2 (8 U.S.C. 1101(a)(22));

3 “(6) the term ‘state sponsor of terrorism’
4 means a country the government of which the Sec-
5 retary of State has determined, for purposes of sec-
6 tion 6(j) of the Export Administration Act of 1979
7 (50 U.S.C. App. 2405(j)), section 620A of the For-
8 eign Assistance Act of 1961 (22 U.S.C. 2371), sec-
9 tion 40 of the Arms Export Control Act (22 U.S.C.
10 2780), or any other provision of law, is a govern-
11 ment that has repeatedly provided support for acts
12 of international terrorism; and

13 “(7) the terms ‘torture’ and ‘extrajudicial kill-
14 ing’ have the meaning given those terms in section
15 3 of the Torture Victim Protection Act of 1991 (28
16 U.S.C. 1350 note).”.

17 (2) AMENDMENT TO CHAPTER ANALYSIS.—The
18 table of sections at the beginning of chapter 97 of
19 title 28, United States Code, is amended by insert-
20 ing after the item relating to section 1605 the fol-
21 lowing:

“1605A. Terrorism exception to the jurisdictional immunity of a foreign state.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) GENERAL EXCEPTION.—Section 1605 of
24 title 28, United States Code, is amended—

25 (A) in subsection (a)—



1 (i) in paragraph (5)(B), by inserting
2 “or” after the semicolon;

3 (ii) in paragraph (6)(D), by striking
4 “; or” and inserting a period; and

5 (iii) by striking paragraph (7);

6 (B) by repealing subsections (e) and (f);

7 and

8 (C) in subsection (g)(1)(A), by striking
9 “but for subsection (a)(7)” and inserting “but
10 for section 1605A”.

11 (2) COUNTERCLAIMS.—Section 1607(a) of title
12 28, United States Code, is amended by inserting “or
13 1605A” after “1605”.

14 (3) PROPERTY.—Section 1610 of title 28,
15 United States Code, is amended—

16 (A) in subsection (a)(7), by striking
17 “1605(a)(7)” and inserting “1605A”;

18 (B) in subsection (b)(2), by striking “(5),
19 or (7), or 1605(b)” and inserting “or (5),
20 1605(b), or 1605A”;

21 (C) in subsection (f), in paragraphs (1)(A)
22 and (2)(A), by inserting “(as in effect before
23 the enactment of section 1605A) or section
24 1605A” after “1605(a)(7)”; and

25 (D) by adding at the end the following:



1 “(g) PROPERTY IN CERTAIN ACTIONS.—

2 “(1) IN GENERAL.—Subject to paragraph (3),
3 the property of a foreign state against which a judg-
4 ment is entered under section 1605A, and the prop-
5 erty of an agency or instrumentality of such a state,
6 including property that is a separate juridical entity
7 or is an interest held directly or indirectly in a sepa-
8 rate juridical entity, is subject to attachment in aid
9 of execution, and execution, upon that judgment as
10 provided in this section, regardless of—

11 “(A) the level of economic control over the
12 property by the government of the foreign state;

13 “(B) whether the profits of the property go
14 to that government;

15 “(C) the degree to which officials of that
16 government manage the property or otherwise
17 control its daily affairs;

18 “(D) whether that government is the sole
19 beneficiary in interest of the property; or

20 “(E) whether establishing the property as
21 a separate entity would entitle the foreign state
22 to benefits in United States courts while avoid-
23 ing its obligations.

24 “(2) UNITED STATES SOVEREIGN IMMUNITY IN-
25 APPLICABLE.—Any property of a foreign state, or



1 agency or instrumentality of a foreign state, to
2 which paragraph (1) applies shall not be immune
3 from attachment in aid of execution, or execution,
4 upon a judgment entered under section 1605A be-
5 cause the property is regulated by the United States
6 Government by reason of action taken against that
7 foreign state under the Trading With the Enemy
8 Act or the International Emergency Economic Pow-
9 ers Act.

10 “(3) THIRD-PARTY JOINT PROPERTY HOLD-
11 ERS.—Nothing in this subsection shall be construed
12 to supersede the authority of a court to prevent ap-
13 propriately the impairment of an interest held by a
14 person who is not liable in the action giving rise to
15 a judgment in property subject to attachment in aid
16 of execution, or execution, upon such judgment.”.

17 (4) VICTIMS OF CRIME ACT.—Section
18 1404C(a)(3) of the Victims of Crime Act of 1984
19 (42 U.S.C. 10603c(a)(3)) is amended by striking
20 “December 21, 1988 with respect to which an inves-
21 tigation or” and inserting “October 23, 1983, with
22 respect to which an investigation or civil or crimi-
23 nal”.

24 (c) APPLICATION TO PENDING CASES.—



1 (1) IN GENERAL.—The amendments made by
2 this section shall apply to any claim arising under
3 section 1605A of title 28, United States Code.

4 (2) PRIOR ACTIONS.—

5 (A) IN GENERAL.—With respect to any ac-
6 tion that—

7 (i) was brought under section
8 1605(a)(7) of title 28, United States Code,
9 or section 589 of the Foreign Operations,
10 Export Financing, and Related Programs
11 Appropriations Act, 1997 (as contained in
12 section 101(c) of division A of Public Law
13 104–208), before the date of the enact-
14 ment of this Act,

15 (ii) relied upon either such provision
16 as creating a cause of action,

17 (iii) has been adversely affected on the
18 grounds that either or both of these provi-
19 sions fail to create a cause of action
20 against the state, and

21 (iv) as of such date of enactment, is
22 before the courts in any form, including on
23 appeal or motion under rule 60(b) of the
24 Federal Rules of Civil Procedure,



1 that action, and any judgment in the action
2 shall, on motion made by plaintiffs to the
3 United States district court where the action
4 was initially brought, or judgment in the action
5 was initially entered, be given effect as if the
6 action had originally been filed under section
7 1605A(c) of title 28, United States Code.

8 (B) DEFENSES WAIVED.—The defenses of
9 res judicata, collateral estoppel, and limitation
10 period are waived—

11 (i) in any action with respect to which
12 a motion is made under subparagraph (A),
13 or

14 (ii) in any action that was originally
15 brought, before the date of the enactment
16 of this Act, under section 1605(a)(7) of
17 title 28, United States Code, or section
18 589 of the Foreign Operations, Export Fi-
19 nancing, and Related Programs Appropria-
20 tions Act, 1997 (as contained in section
21 101(c) of division A of Public Law 104-
22 208), and is refiled under section 1605A(c)
23 of title 28, United States Code,

24 to the extent such defenses are based on the
25 claim in the action.



1 (C) TIME LIMITATIONS.—A motion may be
2 made or an action may be refiled under sub-
3 paragraph (A) only—

4 (i) if the original action was com-
5 menced not later than the latter of—

6 (I) 10 years after April 24, 1996;

7 or

8 (II) 10 years after the cause of
9 action arose; and

10 (ii) within the 60-day period begin-
11 ning on the date of the enactment of this
12 Act.

13 (3) RELATED ACTIONS.—If an action arising
14 out of an act or incident has been timely commenced
15 under section 1605(a)(7) of title 28, United States
16 Code, or section 589 of the Foreign Operations, Ex-
17 port Financing, and Related Programs Appropria-
18 tions Act, 1997 (as contained in section 101(c) of
19 division A of Public Law 104–208), any other action
20 arising out of the same act or incident may be
21 brought under section 1605A of title 28, United
22 States Code, if the action is commenced not later
23 than the latter of 60 days after—

24 (A) the date of the entry of judgment in
25 the original action; or



1 (B) the date of the enactment of this Act.

2 (4) PRESERVING THE JURISDICTION OF THE
3 COURTS.—Nothing in section 1503 of the Emer-
4 gency Wartime Supplemental Appropriations Act,
5 2003 (Public Law 108–11, 117 Stat. 579) has ever
6 authorized, directly or indirectly, the making inappli-
7 cable of any provision of chapter 97 of title 28,
8 United States Code, or the removal of the jurisdic-
9 tion of any court of the United States.

10 (d) APPLICABILITY TO IRAQ.—

11 (1) APPLICABILITY.—The President may waive
12 any provision of this section with respect to Iraq, in-
13 sofar as that provision may, in the President’s deter-
14 mination, affect Iraq or any agency or instrumen-
15 tality thereof, if the President determines that—

16 (A) the waiver is in the national security
17 interest of the United States;

18 (B) the waiver will promote the reconstruc-
19 tion of, the consolidation of democracy in, and
20 the relations of the United States with, Iraq;
21 and

22 (C) Iraq continues to be a reliable ally of
23 the United States and partner in combating
24 acts of international terrorism.



1 (2) TEMPORAL SCOPE.—The authority under
2 paragraph (1) shall apply—

3 (A) with respect to any conduct or event
4 occurring before or on the date of the enact-
5 ment of this Act;

6 (B) with respect to any conduct or event
7 occurring before or on the date of the exercise
8 of that authority; and

9 (C) regardless of whether, or the extent to
10 which, the exercise of that authority affects any
11 action filed before, on, or after the date of the
12 exercise of that authority or of the enactment
13 of this Act.

14 (3) NOTIFICATION TO CONGRESS.—A waiver by
15 the President under paragraph (1) shall cease to be
16 effective 30 days after it is made unless the Presi-
17 dent has notified Congress in writing of the basis for
18 the waiver as determined by the President under
19 paragraph (1).

20 (4) SENSE OF CONGRESS.—It is the sense of
21 the Congress that the President, acting through the
22 Secretary of State, should work with the Govern-
23 ment of Iraq on a state-to-state basis to ensure com-
24 pensation for any meritorious claims based on ter-
25 rorist acts committed by the Saddam Hussein re-



1 gime against individuals who were United States na-
2 tionals or members of the United States Armed
3 Forces at the time of those terrorist acts and whose
4 claims cannot be addressed in courts in the United
5 States due to the exercise of the waiver authority
6 under paragraph (1).

7 (e) SEVERABILITY.—If any provision of this section
8 or the amendments made by this section, or the applica-
9 tion of such provision to any person or circumstance, is
10 held invalid, the remainder of this section and such
11 amendments, and the application of such provision to
12 other persons not similarly situated or to other cir-
13 cumstances, shall not be affected by such invalidation.

14 **TITLE XI—CIVILIAN PERSONNEL**
15 **MATTERS**

- Sec. 1101. Extension of authority to waive annual limitation on total compensa-
tion paid to Federal civilian employees working overseas under
areas of United States Central Command.
- Sec. 1102. Continuation of life insurance coverage for Federal employees called
to active duty.
- Sec. 1103. Transportation of dependents, household effects, and personal prop-
erty to former home following death of Federal employee where
death resulted from disease or injury incurred in the Central
Command area of responsibility.
- Sec. 1104. Special benefits for civilian employees assigned on deployment tem-
porary change of station.
- Sec. 1105. Death gratuity authorized for Federal employees.
- Sec. 1106. Modifications to the National Security Personnel System.
- Sec. 1107. Requirement for full implementation of personnel demonstration
project.
- Sec. 1108. Authority for inclusion of certain Office of Defense Research and
Engineering positions in experimental personnel program for
scientific and technical personnel.
- Sec. 1109. Pilot program for the temporary assignment of information tech-
nology personnel to private sector organizations.
- Sec. 1110. Compensation for Federal wage system employees for certain travel
hours.



- Sec. 1111. Travel compensation for wage grade personnel.
- Sec. 1112. Accumulation of annual leave by senior level employees.
- Sec. 1113. Uniform allowances for civilian employees.
- Sec. 1114. Flexibility in setting pay for employees who move from a Department of Defense or Coast Guard nonappropriated fund instrumentality position to a position in the General Schedule pay system.
- Sec. 1115. Retirement service credit for service as cadet or midshipman at a military service academy.
- Sec. 1116. Authorization for increased compensation for faculty and staff of the Uniformed Services University of the Health Sciences.
- Sec. 1117. Report on establishment of a scholarship program for civilian mental health professionals.

1 **SEC. 1101. EXTENSION OF AUTHORITY TO WAIVE ANNUAL**
2 **LIMITATION ON TOTAL COMPENSATION PAID**
3 **TO FEDERAL CIVILIAN EMPLOYEES WORKING**
4 **OVERSEAS UNDER AREAS OF UNITED STATES**
5 **CENTRAL COMMAND.**

6 (a) EXTENSION.—Section 1105 of the National De-
7 fense Authorization Act for Fiscal Year 2006 (Public Law
8 109–163; 119 Stat. 3450), as amended by section 1105
9 of the John Warner National Defense Authorization Act
10 for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
11 2409), is amended—

12 (1) in subsection (a)—

13 (A) by striking “and 2007” and inserting
14 “, 2007, and 2008”; and

15 (B) by striking “Code).” and inserting
16 “Code) or, during 2008, a military operation
17 (including a contingency operation, as so de-
18 fined) or an operation in response to an emer-
19 gency declared by the President.”; and



1 (2) in subsection (b), by striking “2007.” and
2 inserting “2007 or 2008.”.

3 (b) RETROACTIVE EFFECTIVE DATE.—The amend-
4 ments made by subsection (a) shall take effect as of De-
5 cember 31, 2007.

6 **SEC. 1102. CONTINUATION OF LIFE INSURANCE COVERAGE**
7 **FOR FEDERAL EMPLOYEES CALLED TO AC-**
8 **TIVE DUTY.**

9 Section 8706 of title 5, United States Code, is
10 amended—

11 (1) by redesignating subsections (d) through (g)
12 as subsections (e) through (h), respectively; and

13 (2) by inserting after subsection (c) the fol-
14 lowing:

15 “(d)(1) An employee who enters on approved leave
16 without pay in the circumstances described in paragraph
17 (2) may elect to have such employee’s life insurance con-
18 tinue (beyond the end of the 12 months of coverage pro-
19 vided for under subsection (a)) for an additional 12
20 months and arrange to pay currently into the Employees’
21 Life Insurance Fund, through such employee’s employing
22 agency, both employee and agency contributions, from the
23 beginning of that additional 12 months of coverage. The
24 employing agency shall forward the premium payments to
25 the Fund. If the employee does not so elect, such employ-



1 ee's insurance will continue during nonpay status and stop
2 as provided by subsection (a). An individual making an
3 election under this subsection may cancel that election at
4 any time, in which case such employee's insurance will
5 stop as provided by subsection (a) or upon receipt of notice
6 of cancellation, whichever is later.

7 “(2) This subsection applies in the case of any em-
8 ployee who—

9 “(A) is a member of a reserve component of the
10 armed forces called or ordered to active duty under
11 a call or order that does not specify a period of 30
12 days or less; and

13 “(B) enters on approved leave without pay to
14 perform active duty pursuant to such call or order.”.

15 **SEC. 1103. TRANSPORTATION OF DEPENDENTS, HOUSE-**
16 **HOLD EFFECTS, AND PERSONAL PROPERTY**
17 **TO FORMER HOME FOLLOWING DEATH OF**
18 **FEDERAL EMPLOYEE WHERE DEATH RE-**
19 **SULTED FROM DISEASE OR INJURY IN-**
20 **CURRED IN THE CENTRAL COMMAND AREA**
21 **OF RESPONSIBILITY.**

22 (a) IN GENERAL.—Paragraph (2) of section 5742(b)
23 of title 5, United States Code, is amended to read as fol-
24 lows:



1 “(2) the expense of transporting his depend-
2 ents, including expenses of packing, crating, draying,
3 and transporting household effects and other per-
4 sonal property to his former home or such other
5 place as is determined by the head of the agency
6 concerned, if—

7 “(A) the employee died while performing
8 official duties outside the continental United
9 States or in transit thereto or therefrom; or

10 “(B) in the case of an employee who was
11 a party to a mandatory mobility agreement that
12 was in effect when the employee died—

13 “(i) the employee died in the cir-
14 cumstances described in subparagraph (A);
15 or

16 “(ii)(I) the employee died as a result
17 of disease or injury incurred while per-
18 forming official duties—

19 “(aa) in an overseas location
20 that, at the time such employee was
21 performing such official duties, was
22 within the area of responsibility of the
23 Commander of the United States Cen-
24 tral Command; and



1 “(bb) in direct support of or di-
2 rectly related to a military operation,
3 including a contingency operation (as
4 defined in section 101(13) of title 10)
5 or an operation in response to an
6 emergency declared by the President;
7 and

8 “(II) the employee’s dependents were
9 residing either outside the continental
10 United States or within the continental
11 United States when the employee died;
12 and”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall apply with respect to deaths occurring
15 on or after the date of the enactment of this Act.

16 **SEC. 1104. SPECIAL BENEFITS FOR CIVILIAN EMPLOYEES**
17 **ASSIGNED ON DEPLOYMENT TEMPORARY**
18 **CHANGE OF STATION.**

19 (a) AUTHORITY.—Subchapter II of chapter 57 of title
20 5, United States Code, is amended by inserting after sec-
21 tion 5737 the following:

22 **“§ 5737a. Employees temporarily deployed in contin-**
23 **gency operations**

24 “(a) DEFINITIONS.—For purposes of this section—



1 “(1) the term ‘covered employee’ means an indi-
2 vidual who—

3 “(A) is an employee of an Executive agen-
4 cy or a military department, excluding a Gov-
5 ernment controlled corporation; and

6 “(B) is assigned on a temporary change of
7 station in support of a contingency operation;

8 “(2) the term ‘temporary change of station’, as
9 used with respect to an employee, means an
10 assignment—

11 “(A) from the employee’s official duty sta-
12 tion to a temporary duty station; and

13 “(B) for which such employee is eligible for
14 expenses under section 5737; and

15 “(3) the term ‘contingency operation’ has the
16 meaning given such term by section 1482a(c) of title
17 10.

18 “(b) QUARTERS AND RATIONS.—The head of an
19 agency may provide quarters and rations, without charge,
20 to any covered employee of such agency during the period
21 of such employee’s temporary assignment (as described in
22 subsection (a)(1)(B)).

23 “(c) STORAGE OF MOTOR VEHICLE.—The head of an
24 agency may provide for the storage, without charge, or
25 for the reimbursement of the cost of storage, of a motor



1 vehicle that is owned or leased by a covered employee of
2 such agency (or by a dependent of such an employee) and
3 that is for the personal use of the covered employee. This
4 subsection shall apply—

5 “(1) with respect to storage during the period
6 of the employee’s temporary assignment (as de-
7 scribed in subsection (a)(1)(B)); and

8 “(2) in the case of a covered employee, with re-
9 spect to not more than one motor vehicle as of any
10 given time.

11 “(d) RELATIONSHIP TO OTHER BENEFITS.—Any
12 benefits under this section shall be in addition to (and not
13 in lieu of) any other benefits for which the covered em-
14 ployee is otherwise eligible.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 57 of such title is amended by inserting after
17 the item relating to section 5737 the following:
“5737a. Employees temporarily deployed in contingency operations.”.

18 **SEC. 1105. DEATH GRATUITY AUTHORIZED FOR FEDERAL**
19 **EMPLOYEES.**

20 (a) DEATH GRATUITY AUTHORIZED.—Chapter 81 of
21 title 5, United States Code, is amended by inserting after
22 section 8102 the following:



1 **“§ 8102a. Death gratuity for injuries incurred in con-**
2 **nection with employee’s service with an**
3 **Armed Force**

4 “(a) DEATH GRATUITY AUTHORIZED.—The United
5 States shall pay a death gratuity of up to \$100,000 to
6 or for the survivor prescribed by subsection (d) imme-
7 diately upon receiving official notification of the death of
8 an employee who dies of injuries incurred in connection
9 with the employee’s service with an Armed Force in a con-
10 tingency operation.

11 “(b) RETROACTIVE PAYMENT IN CERTAIN CASES.—
12 At the discretion of the Secretary concerned, subsection
13 (a) may apply in the case of an employee who died, on
14 or after October 7, 2001, and before the date of enactment
15 of this section, as a result of injuries incurred in connec-
16 tion with the employee’s service with an Armed Force in
17 the theater of operations of Operation Enduring Freedom
18 or Operation Iraqi Freedom.

19 “(c) RELATIONSHIP TO OTHER BENEFITS.—The
20 death gratuity payable under this section shall be reduced
21 by the amount of any death gratuity provided under sec-
22 tion 413 of the Foreign Service Act of 1980, section 1603
23 of the Emergency Supplemental Appropriations Act for
24 Defense, the Global War on Terror, and Hurricane Recov-
25 ery, 2006, or any other law of the United States based
26 on the same death.



1 “(d) ELIGIBLE SURVIVORS.—

2 “(1) Subject to paragraph (5), a death gratuity
3 payable upon the death of a person covered by sub-
4 section (a) shall be paid to or for the living survivor
5 highest on the following list:

6 “(A) The employee’s surviving spouse.

7 “(B) The employee’s children, as pre-
8 scribed by paragraph (2), in equal shares.

9 “(C) If designated by the employee, any
10 one or more of the following persons:

11 “(i) The employee’s parents or per-
12 sons in loco parentis, as prescribed by
13 paragraph (3).

14 “(ii) The employee’s brothers.

15 “(iii) The employee’s sisters.

16 “(D) The employee’s parents or persons in
17 loco parentis, as prescribed by paragraph (3),
18 in equal shares.

19 “(E) The employee’s brothers and sisters
20 in equal shares.

21 Subparagraphs (C) and (E) of this paragraph in-
22 clude brothers and sisters of the half blood and
23 those through adoption.

24 “(2) Paragraph (1)(B) applies, without regard
25 to age or marital status, to—



1 “(A) legitimate children;

2 “(B) adopted children;

3 “(C) stepchildren who were a part of the
4 decedent’s household at the time of death;

5 “(D) illegitimate children of a female dece-
6 dent; and

7 “(E) illegitimate children of a male
8 decedent—

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 “(1) be flexible;

2 “(2) be contemporary;

3 “(3) not waive, modify, or otherwise affect—

4 “(A) the public employment principles of
5 merit and fitness set forth in section 2301, in-
6 cluding the principles of hiring based on merit,
7 fair treatment without regard to political affili-
8 ation or other nonmerit considerations, equal
9 pay for equal work, and protection of employees
10 against reprisal for whistleblowing;

11 “(B) any provision of section 2302, relat-
12 ing to prohibited personnel practices;

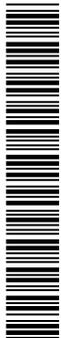
13 “(C)(i) any provision of law referred to in
14 section 2302(b)(1), (8), and (9); or

15 “(ii) any provision of law implementing
16 any provision of law referred to in section
17 2302(b)(1), (8), and (9) by—

18 “(I) providing for equal employment
19 opportunity through affirmative action; or

20 “(II) providing any right or remedy
21 available to any employee or applicant for
22 employment in the public service;

23 “(D) any other provision of this part (as
24 described in subsection (d)); or



1 “(E) any rule or regulation prescribed
2 under any provision of law referred to in this
3 paragraph;

4 “(4) not apply to any prevailing rate employees,
5 as defined in section 5342(a)(2);

6 “(5) ensure that employees may organize, bar-
7 gain collectively, and participate through labor orga-
8 nizations of their own choosing in decisions which
9 affect them, subject to any exclusion from coverage
10 or limitation on negotiability established pursuant to
11 law;

12 “(6) not be limited by any specific law or au-
13 thority under this title, or by any rule or regulation
14 prescribed under this title, that is waived in regula-
15 tions prescribed under this chapter, subject to para-
16 graph (3); and

17 “(7) include a performance management system
18 that incorporates the following elements:

19 “(A) Adherence to merit principles set
20 forth in section 2301.

21 “(B) A fair, credible, and transparent em-
22 ployee performance appraisal system.

23 “(C) A link between the performance man-
24 agement system and the agency’s strategic
25 plan.



1 “(D) A means for ensuring employee in-
2 volvement in the design and implementation of
3 the system.

4 “(E) Adequate training and retraining for
5 supervisors, managers, and employees in the
6 implementation and operation of the perform-
7 ance management system.

8 “(F) A process for ensuring ongoing per-
9 formance feedback and dialogue between super-
10 visors, managers, and employees throughout the
11 appraisal period, and setting timetables for re-
12 view.

13 “(G) Effective safeguards to ensure that
14 the management of the system is fair and equi-
15 table and based on employee performance.

16 “(H) A means for ensuring that adequate
17 agency resources are allocated for the design,
18 implementation, and administration of the per-
19 formance management system.

20 “(I) A pay-for-performance evaluation sys-
21 tem to better link individual pay to perform-
22 ance, and provide an equitable method for ap-
23 praising and compensating employees.

24 “(c) PERSONNEL MANAGEMENT AT DEFENSE LAB-
25 ORATORIES.—



1 “(1) The National Security Personnel System
2 shall not apply with respect to a laboratory under
3 paragraph (2) before October 1, 2011, and shall
4 apply on or after October 1, 2011, only to the extent
5 that the Secretary determines that the flexibilities
6 provided by the National Security Personnel System
7 are greater than the flexibilities provided to those
8 laboratories pursuant to section 342 of the National
9 Defense Authorization Act for Fiscal Year 1995
10 (Public Law 103–337; 108 Stat. 2721) and section
11 1101 of the Strom Thurmond National Defense Au-
12 thorization Act for Fiscal Year 1999 (5 U.S.C. 3104
13 note), respectively.

14 “(2) The laboratories to which this subsection
15 applies are—

16 “(A) the Aviation and Missile Research
17 Development and Engineering Center;

18 “(B) the Army Research Laboratory;

19 “(C) the Medical Research and Materiel
20 Command;

21 “(D) the Engineer Research and Develop-
22 ment Command;

23 “(E) the Communications-Electronics
24 Command;



1 “(F) the Soldier and Biological Chemical
2 Command;

3 “(G) the Naval Sea Systems Command
4 Centers;

5 “(H) the Naval Research Laboratory;

6 “(I) the Office of Naval Research; and

7 “(J) the Air Force Research Laboratory.

8 “(d) OTHER NONWAIVABLE PROVISIONS.—The other
9 provisions of this part referred to in subsection (b)(3)(D)
10 are—

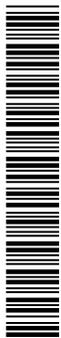
11 “(1) subparts A, B, E, G, and H of this part;
12 and

13 “(2) chapters 41, 45, 47, 55 (except subchapter
14 V thereof, apart from section 5545b), 57, 59, 71,
15 72, 73, 75, 77, and 79, and this chapter.

16 “(e) LIMITATIONS RELATING TO PAY.—

17 “(1) Nothing in this section shall constitute au-
18 thority to modify the pay of any employee who
19 serves in an Executive Schedule position under sub-
20 chapter II of chapter 53.

21 “(2) Except as provided for in paragraph (1),
22 the total amount in a calendar year of allowances,
23 differentials, bonuses, awards, or other similar cash
24 payments paid under this title to any employee who
25 is paid under section 5376 or 5383 or under title 10



1 or under other comparable pay authority established
2 for payment of Department of Defense senior execu-
3 tive or equivalent employees may not exceed the
4 total annual compensation payable to the Vice Presi-
5 dent under section 104 of title 3.

6 “(3) To the maximum extent practicable, the
7 rates of compensation for civilian employees at the
8 Department of Defense shall be adjusted at the
9 same rate, and in the same proportion, as are rates
10 of compensation for members of the uniformed serv-
11 ices.

12 “(4) To the maximum extent practicable, for
13 fiscal years 2004 through 2012, the overall amount
14 allocated for compensation of the civilian employees
15 of an organizational or functional unit of the De-
16 partment of Defense that is included in the National
17 Security Personnel System shall not be less than the
18 amount that would have been allocated for com-
19 pensation of such employees for such fiscal year if
20 they had not been converted to the National Security
21 Personnel System, based on, at a minimum—

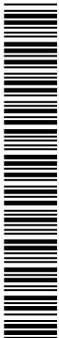
22 “(A) the number and mix of employees in
23 such organizational or functional unit prior to
24 the conversion of such employees to the Na-
25 tional Security Personnel System; and



1 “(B) adjusted for normal step increases
2 and rates of promotion that would have been
3 expected, had such employees remained in their
4 previous pay schedule.

5 “(5) To the maximum extent practicable, the
6 regulations implementing the National Security Per-
7 sonnel System shall provide a formula for calcu-
8 lating the overall amount to be allocated for fiscal
9 years after fiscal year 2012 for compensation of the
10 civilian employees of an organization or functional
11 unit of the Department of Defense that is included
12 in the National Security Personnel System. The for-
13 mula shall ensure that in the aggregate, employees
14 are not disadvantaged in terms of the overall
15 amount of pay available as a result of conversion to
16 the National Security Personnel System, while pro-
17 viding flexibility to accommodate changes in the
18 function of the organization, changes in the mix of
19 employees performing those functions, and other
20 changed circumstances that might impact pay levels.

21 “(6) Amounts allocated for compensation of ci-
22 vilian employees of the Department of Defense pur-
23 suant to paragraphs (4) and (5) shall be available
24 only for the purpose of providing such compensation.



1 “(7) At the time of any annual adjustment to
2 pay schedules pursuant to section 5303, the rate of
3 basic pay for each employee of an organizational or
4 functional unit of the Department of Defense that is
5 included in the National Security Personnel System
6 who receives a performance rating above unaccept-
7 able or who does not have a current rating of record
8 for the most recently completed appraisal period
9 shall be adjusted by no less than 60 percent of the
10 amount of such adjustment. The balance of the
11 amount that would have been available for an an-
12 nual adjustment under section 5303 shall be allo-
13 cated to pay pool funding, for the purpose of in-
14 creasing rates of pay on the basis of employee per-
15 formance.

16 “(8) Each employee of an organizational or
17 functional unit of the Department of Defense that is
18 included in the National Security Personnel System
19 who receives a performance rating above unaccept-
20 able or who does not have a current rating of record
21 for the most recently completed appraisal period
22 shall receive—

23 “(A) locality-based comparability payments
24 under section 5304 and section 5304a in the



1 same manner and to the same extent as em-
2 ployees under the General Schedule; or

3 “(B) the full measure of any other local
4 market supplement applicable to the employee if
5 locality-based comparability payments referred
6 to in subparagraph (A) are not generally appli-
7 cable to the employee.

8 Nothing in this paragraph shall be construed to
9 make locality-based comparability payments or other
10 local market supplements payable to any category of
11 employees or positions which were ineligible for such
12 payments or supplements (as the case may be) as of
13 the day before the date of the enactment of the Na-
14 tional Defense Authorization Act for Fiscal Year
15 2004.

16 “(9) Any rate of pay established or adjusted in
17 accordance with the requirements of this section
18 shall be non-negotiable, but shall be subject to pro-
19 cedures and appropriate arrangements of para-
20 graphs (2) and (3) of section 7106(b), except that
21 nothing in this paragraph shall be construed to
22 eliminate the bargaining rights of any category of
23 employees who were authorized to negotiate rates of
24 pay as of the day before the date of the enactment



1 of the National Defense Authorization Act for Fiscal
2 Year 2004.

3 “(f) PROVISIONS REGARDING NATIONAL LEVEL
4 BARGAINING.—

5 “(1) The Secretary may bargain with a labor
6 organization which has been accorded exclusive rec-
7 ognition under chapter 71 at an organizational level
8 above the level of exclusive recognition. The decision
9 to bargain above the level of exclusive recognition
10 shall not be subject to review. The Secretary shall
11 consult with the labor organization before deter-
12 mining the appropriate organizational level of bar-
13 gaining.

14 “(2) Any such bargaining shall—

15 “(A) address issues that are—

16 “(i) subject to bargaining under chap-
17 ter 71 and this chapter;

18 “(ii) applicable to multiple bargaining
19 units; and

20 “(iii) raised by either party to the
21 bargaining;

22 “(B) except as agreed by the parties or di-
23 rected through an independent dispute resolu-
24 tion process agreed upon by the parties, be
25 binding on all affected subordinate bargaining



1 units of the labor organization at the level of
2 recognition and their exclusive representatives,
3 and the Department of Defense and its sub-
4 components, without regard to levels of recogni-
5 tion;

6 “(C) to the extent agreed by the parties or
7 directed through an independent dispute resolu-
8 tion process agreed upon by the parties, super-
9 sede conflicting provisions of all other collective
10 bargaining agreements of the labor organiza-
11 tion, including collective bargaining agreements
12 negotiated with an exclusive representative at
13 the level of recognition; and

14 “(D) except as agreed by the parties or di-
15 rected through an independent dispute resolu-
16 tion process agreed upon by the parties, not be
17 subject to further negotiations for any purpose,
18 including bargaining at the level of recognition.

19 “(3) Any independent dispute resolution process
20 agreed to by the parties for the purposes of para-
21 graph (2) shall have the authority to address all
22 issues on which the parties are unable to reach
23 agreement.



1 “(4) The National Guard Bureau and the Army
2 and Air Force National Guard may be included in
3 coverage under this subsection.

4 “(5) Any bargaining completed pursuant to this
5 subsection with a labor organization not otherwise
6 having national consultation rights with the Depart-
7 ment of Defense or its subcomponents shall not cre-
8 ate any obligation on the Department of Defense or
9 its subcomponents to confer national consultation
10 rights on such a labor organization.

11 “(g) PROVISIONS RELATED TO SEPARATION AND RE-
12 TIREMENT INCENTIVES.—

13 “(1) The Secretary may establish a program
14 within the Department of Defense under which em-
15 ployees may be eligible for early retirement, offered
16 separation incentive pay to separate from service vol-
17 untarily, or both. This authority may be used to re-
18 duce the number of personnel employed by the De-
19 partment of Defense or to restructure the workforce
20 to meet mission objectives without reducing the over-
21 all number of personnel. This authority is in addi-
22 tion to, and notwithstanding, any other authorities
23 established by law or regulation for such programs.

24 “(2)(A) The Secretary may not authorize the
25 payment of voluntary separation incentive pay under



1 paragraph (1) to more than 25,000 employees in
2 any fiscal year, except that employees who receive
3 voluntary separation incentive pay as a result of a
4 closure or realignment of a military installation
5 under the Defense Base Closure and Realignment
6 Act of 1990 (title XXIX of Public Law 101–510; 10
7 U.S.C. 2687 note) shall not be included in that
8 number.

9 “(B) The Secretary shall prepare a report each
10 fiscal year setting forth the number of employees
11 who received such pay as a result of a closure or re-
12 alignment of a military base as described under sub-
13 paragraph (A).

14 “(C) The Secretary shall submit the report
15 under subparagraph (B) to the Committee on Armed
16 Services and the Committee on Governmental Af-
17 fairs of the Senate, and the Committee on Armed
18 Services and the Committee on Government Reform
19 of the House of Representatives.

20 “(3) For purposes of this section, the term ‘em-
21 ployee’ means an employee of the Department of De-
22 fense, serving under an appointment without time
23 limitation, except that such term does not include—

24 “(A) a reemployed annuitant under sub-
25 chapter III of chapter 83 or chapter 84, or an-

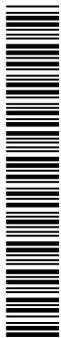


1 other retirement system for employees of the
2 Federal Government;

3 “(B) an employee having a disability on
4 the basis of which such employee is or would be
5 eligible for disability retirement under any of
6 the retirement systems referred to in subpara-
7 graph (A); or

8 “(C) for purposes of eligibility for separa-
9 tion incentives under this section, an employee
10 who is in receipt of a decision notice of involun-
11 tary separation for misconduct or unacceptable
12 performance.

13 “(4) An employee who is at least 50 years of
14 age and has completed 20 years of service, or has
15 at least 25 years of service, may, pursuant to regula-
16 tions promulgated under this section, apply and be
17 retired from the Department of Defense and receive
18 benefits in accordance with chapter 83 or 84 if the
19 employee has been employed continuously within the
20 Department of Defense for more than 30 days be-
21 fore the date on which the determination to conduct
22 a reduction or restructuring within 1 or more De-
23 partment of Defense components is approved.



1 “(5)(A) Separation pay shall be paid in a lump
2 sum or in installments and shall be equal to the less-
3 er of —

4 “(i) an amount equal to the amount the
5 employee would be entitled to receive under sec-
6 tion 5595(c), if the employee were entitled to
7 payment under such section; or

8 “(ii) \$25,000.

9 “(B) Separation pay shall not be a basis for
10 payment, and shall not be included in the computa-
11 tion, of any other type of Government benefit. Sepa-
12 ration pay shall not be taken into account for the
13 purpose of determining the amount of any severance
14 pay to which an individual may be entitled under
15 section 5595, based on any other separation.

16 “(C) Separation pay, if paid in installments,
17 shall cease to be paid upon the recipient’s accept-
18 ance of employment by the Federal Government, or
19 commencement of work under a personal services
20 contract as described in paragraph (6).

21 “(6)(A) An employee who receives separation
22 pay under such program may not be reemployed by
23 the Department of Defense for a 12-month period
24 beginning on the effective date of the employee’s



1 separation, unless this prohibition is waived by the
2 Secretary on a case-by-case basis.

3 “(B) An employee who receives separation pay
4 under this section on the basis of a separation occur-
5 ring on or after the date of the enactment of the
6 Federal Workforce Restructuring Act of 1994 (Pub-
7 lic Law 103–226; 108 Stat. 111) and accepts em-
8 ployment with the Government of the United States,
9 or who commences work through a personal services
10 contract with the United States within 5 years after
11 the date of the separation on which payment of the
12 separation pay is based, shall be required to repay
13 the entire amount of the separation pay to the De-
14 partment of Defense. If the employment is with an
15 Executive agency (as defined by section 105) other
16 than the Department of Defense, the Director may,
17 at the request of the head of that agency, waive the
18 repayment if the individual involved possesses
19 unique abilities and is the only qualified applicant
20 available for the position. If the employment is with-
21 in the Department of Defense, the Secretary may
22 waive the repayment if the individual involved is the
23 only qualified applicant available for the position. If
24 the employment is with an entity in the legislative
25 branch, the head of the entity or the appointing offi-



1 cial may waive the repayment if the individual in-
2 volved possesses unique abilities and is the only
3 qualified applicant available for the position. If the
4 employment is with the judicial branch, the Director
5 of the Administrative Office of the United States
6 Courts may waive the repayment if the individual in-
7 volved possesses unique abilities and is the only
8 qualified applicant available for the position.

9 “(7) Under this program, early retirement and
10 separation pay may be offered only pursuant to reg-
11 ulations established by the Secretary, subject to such
12 limitations or conditions as the Secretary may re-
13 quire.

14 “(h) PROVISIONS RELATING TO REEMPLOYMENT.—

15 “(1) Except as provided under paragraph (2),
16 if an annuitant receiving an annuity from the Civil
17 Service Retirement and Disability Fund becomes
18 employed in a position within the Department of De-
19 fense, his annuity shall continue. An annuitant so
20 reemployed shall not be considered an employee for
21 purposes of subchapter III of chapter 83 or chapter
22 84.

23 “(2)(A) An annuitant retired under section
24 8336(d)(1) or 8414(b)(1)(A) receiving an annuity
25 from the Civil Service Retirement and Disability



1 Fund, who becomes employed in a position within
2 the Department of Defense after the date of enact-
3 ment of the National Defense Authorization Act for
4 Fiscal Year 2004 (Public Law 108–136), may elect
5 to be subject to section 8344 or 8468 (as the case
6 may be).

7 “(B) An election for coverage under this para-
8 graph shall be filed not later than the later of 90
9 days after the date the Department of Defense—

10 “(i) prescribes regulations to carry out this
11 subsection; or

12 “(ii) takes reasonable actions to notify em-
13 ployees who may file an election.

14 “(C) If an employee files an election under this
15 paragraph, coverage shall be effective beginning on
16 the first day of the first applicable pay period begin-
17 ning on or after the date of the filing of the election.

18 “(D) Paragraph (1) shall apply to an individual
19 who is eligible to file an election under subparagraph
20 (A) and does not file a timely election under sub-
21 paragraph (B).

22 “(3) The Secretary shall prescribe regulations
23 to carry out this subsection.

24 “(i) ADDITIONAL PROVISIONS RELATING TO PER-
25 SONNEL MANAGEMENT.—



1 “(1) Subject to the requirements of chapter 71
2 and the limitations in subsection (b)(3), the Sec-
3 retary of Defense, in establishing and implementing
4 the National Security Personnel System under sub-
5 section (a), shall not be limited by any provision of
6 this title or any rule or regulation prescribed under
7 this title in establishing and implementing regula-
8 tions relating to—

9 “(A) the methods of establishing qualifica-
10 tion requirements for, recruitment for, and ap-
11 pointments to positions; and

12 “(B) the methods of assigning, reas-
13 signing, detailing, transferring, or promoting
14 employees.

15 “(2) In implementing this subsection, the Sec-
16 retary shall comply with the provisions of section
17 2302(b)(11), regarding veterans’ preference require-
18 ments, as provided for in subsection (b)(3).

19 “(j) PHASE-IN.—The Secretary may not, in any cal-
20 endar year, add any organizational or functional unit to
21 the National Security Personnel System which would
22 cause the total number of employees added to such System
23 in such year to exceed 100,000.”.

24 (b) IMPLEMENTATION.—



1 (1) The requirements of section 9902 of title 5,
2 United States Code, as amended by this section,
3 may be implemented through rules promulgated
4 jointly by the Secretary of Defense and the Director
5 of the Office of Personnel Management after notice
6 and opportunity for public comment or through De-
7 partment of Defense rules or internal agency imple-
8 menting issuances. Rules promulgated jointly by the
9 Secretary and the Director under this paragraph
10 shall be treated as major rules for the purposes of
11 section 801 of title 5, United States Code.

12 (2) Both rules and implementing issuances shall
13 be subject to collective bargaining consistent with
14 the requirements of chapter 71 of title 5, United
15 States Code. Rules promulgated jointly by the Sec-
16 retary of Defense and the Director of the Office of
17 Personnel Management after notice and opportunity
18 for public comment and in accordance with the re-
19 quirements of section 801 of such title 5 for a major
20 rule shall be treated in the same manner as govern-
21 ment-wide rules for the purpose of such collective
22 bargaining, if such rules are uniformly applicable to
23 all organizational or functional units included in the
24 National Security Personnel System.



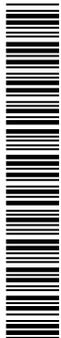
1 (3) Any rules and implementing issuances that
2 were adopted prior to the date of the enactment of
3 this Act—

4 (A) shall be invalid to the extent that they
5 are inconsistent with the requirements of sec-
6 tion 9902 of title 5, United States Code, as
7 amended by this section;

8 (B) shall not supersede a collective bar-
9 gaining agreement that was in place prior to
10 the date on which the rule or implementing
11 issuance was promulgated; and

12 (C) shall be subject to collective
13 bargaining—

14 (i) in the case of rules which are uni-
15 formly applicable to all organizational or
16 functional units included in the National
17 Security Personnel System and issued
18 jointly by the Secretary of Defense and the
19 Director of the Office of Personnel Man-
20 agement pursuant to subsection 9902(f)(1)
21 of title 5, United States Code (as in effect
22 prior to the enactment of this section),
23 only as to impact and implementation,
24 when applied to employees of the Depart-
25 ment of Defense from any bargaining unit;



1 (ii) in the case of any other rules or
2 implementing issuances, to the extent pro-
3 vided in chapter 71 of title 5, United
4 States Code.

5 (4) The availability of judicial review of any
6 rules or implementing issuances that were adopted
7 prior to the date of the enactment of this Act shall
8 not be affected by the enactment of this section.

9 (c) COMPTROLLER GENERAL REVIEWS.—

10 (1) The Comptroller General shall conduct an-
11 nual reviews in calendar years 2008, 2009 and 2010
12 of—

13 (A) employee satisfaction with the Na-
14 tional Security Personnel System established
15 pursuant to section 9902 of title 5, United
16 States Code, as amended by this section; and

17 (B) the extent to which the Department of
18 Defense has effectively implemented account-
19 ability mechanisms, including those established
20 in section 9902(b)(7) of title 5, United States
21 Code, and internal safeguards for the National
22 Security Personnel System.

23 (2) To the extent that the Department of De-
24 fense undertakes internal assessments or employee
25 surveys to assess employee satisfaction with the Na-



1 tional Security Personnel System in any such cal-
2 endar year, the Comptroller General shall—

3 (A) determine whether such assessments or
4 surveys are appropriately designed and statis-
5 tically valid; and

6 (B) provide an independent evaluation of
7 the results of such assessments or surveys.

8 (3) To the extent that the Department of De-
9 fense does not undertake appropriately designed and
10 statistically valid employee surveys, the Comptroller
11 General shall conduct such a survey and provide an
12 independent evaluation of the results.

13 (4) The Comptroller General shall report the
14 results of each annual review conducted under this
15 subsection to the Committees on Armed Services of
16 the Senate and the House of Representatives, the
17 Committee on Homeland Security and Governmental
18 Affairs of the Senate, and the Committee on Over-
19 sight and Government Reform of the House of Rep-
20 resentatives.

21 **SEC. 1107. REQUIREMENT FOR FULL IMPLEMENTATION OF**
22 **PERSONNEL DEMONSTRATION PROJECT.**

23 (a) REQUIREMENT.—The Secretary of Defense shall
24 take all necessary actions to fully implement and use the
25 authorities provided to the Secretary under section 342(b)



1 of the National Defense Authorization Act for Fiscal Year
2 1995 (Public Law 103–337; 108 Stat. 2721), as amended
3 by section 1114 of the Floyd D. Spence National Defense
4 Authorization Act for Fiscal Year 2001 (as enacted into
5 law by Public Law 106–398; 114 Stat. 1654A–315), to
6 carry out personnel management demonstration projects
7 at Department of Defense laboratories that are exempted
8 by section 9902(c) of title 5, United States Code, from
9 inclusion in the Department of Defense National Security
10 Personnel System.

11 (b) PROCESS FOR FULL IMPLEMENTATION.—The
12 Secretary of Defense shall also implement a process and
13 implementation plan to fully utilize the authorities de-
14 scribed in subsection (a) to enhance the performance of
15 the missions of the laboratories.

16 (c) OTHER LABORATORIES.—Any flexibility available
17 to any demonstration laboratory shall be available for use
18 at any other laboratory as enumerated in section
19 9902(c)(2) of title 5, United States Code.

20 (d) SUBMISSION OF LIST AND DESCRIPTION.—Not
21 later than March 1 of each year, beginning with March
22 1, 2008, the Secretary of Defense shall submit to Congress
23 a list and description of the demonstration project notices,
24 amendments, and changes requested by the laboratories
25 during the preceding calendar year. The list shall include



1 all approved and disapproved notices, amendments, and
2 changes, and the reasons for disapproval or delay in ap-
3 proval.

4 **SEC. 1108. AUTHORITY FOR INCLUSION OF CERTAIN OF-**
5 **FICE OF DEFENSE RESEARCH AND ENGI-**
6 **NEERING POSITIONS IN EXPERIMENTAL PER-**
7 **SONNEL PROGRAM FOR SCIENTIFIC AND**
8 **TECHNICAL PERSONNEL.**

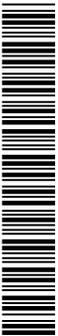
9 Section 1101(b)(1) of the Strom Thurmond National
10 Defense Authorization Act for Fiscal Year 1999 (5 U.S.C.
11 3104 note) is amended—

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

14 (2) in subparagraph (C), by adding “and” at
15 the end; and

16 (3) by adding after subparagraph (C) the fol-
17 lowing:

18 “(D) not more than a total of 10 scientific
19 and engineering positions in the Office of the
20 Director of Defense Research and Engineer-
21 ing;”.



1 **SEC. 1109. PILOT PROGRAM FOR THE TEMPORARY ASSIGN-**
 2 **MENT OF INFORMATION TECHNOLOGY PER-**
 3 **SONNEL TO PRIVATE SECTOR ORGANIZA-**
 4 **TIONS.**

5 (a) ASSIGNMENT AUTHORITY.—The Secretary of De-
 6 fense may, with the agreement of the private sector orga-
 7 nization and the Department of Defense employee con-
 8 cerned, arrange for the temporary assignment of such em-
 9 ployee to such private sector organization under this sec-
 10 tion. An employee shall be eligible for such an assignment
 11 only if—

12 (1) the employee—

13 (A) works in the field of information tech-
 14 nology management;

15 (B) is considered to be an exceptional em-
 16 ployee;

17 (C) is expected to assume increased infor-
 18 mation technology management responsibilities
 19 in the future;

20 (D) is compensated at not less than the
 21 GS–11 level (or the equivalent); and

22 (E) is serving under a career or career-
 23 conditional appointment or an appointment of
 24 equivalent tenure in the excepted service; and



1 (2) the proposed assignment meets applicable
2 requirements of section 209(b) of the E-Government
3 Act of 2002 (44 U.S.C. 3501 note).

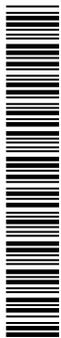
4 (b) AGREEMENTS.—The Secretary of Defense shall
5 provide for a written agreement between the Department
6 of Defense and the employee concerned regarding the
7 terms and conditions of the employee's assignment under
8 this section. The agreement—

9 (1) shall require that, upon completion of the
10 assignment, the employee will serve in the civil serv-
11 ice for a period equal to the length of the assign-
12 ment; and

13 (2) shall provide that if the employee fails to
14 carry out the agreement, such employee shall be lia-
15 ble to the United States for payment of all expenses
16 of the assignment, unless that failure was for good
17 and sufficient reason (as determined by the Sec-
18 retary of Defense).

19 An amount for which an employee is liable under para-
20 graph (2) shall be treated as a debt due the United States.

21 (c) TERMINATION.—An assignment under this sec-
22 tion may, at any time and for any reason, be terminated
23 by the Department of Defense or the private sector organi-
24 zation concerned.



1 (d) DURATION.—An assignment under this section
2 shall be for a period of not less than 3 months and not
3 more than 1 year, and may be extended in 3-month incre-
4 ments for a total of not more than 1 additional year; how-
5 ever, no assignment under this section may commence
6 after September 30, 2010.

7 (e) CONSIDERATIONS.—In carrying out this section,
8 the Secretary of Defense—

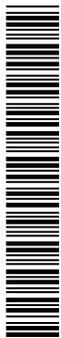
9 (1) shall ensure that, of the assignments made
10 under this section each year, at least 20 percent are
11 to small business concerns (as defined by section
12 3703(e)(2)(A) of title 5, United States Code); and

13 (2) shall take into consideration the question of
14 how assignments under this section might best be
15 used to help meet the needs of the Department of
16 Defense with respect to the training of employees in
17 information technology management.

18 (f) NUMERICAL LIMITATION.—In no event may more
19 than 10 employees be participating in assignments under
20 this section as of any given time.

21 (g) REPORTING REQUIREMENT.—

22 (1) IN GENERAL.—Not later than 6 months
23 after the date of the enactment of this Act, the Sec-
24 retary of Defense shall submit to the Committees on
25 Armed Services of the Senate and House of Rep-



1 representatives a report on the potential benefits of a
2 program under which employees specializing in in-
3 formation technology may be temporarily assigned
4 from private sector organizations to the Department
5 of Defense.

6 (2) CONTENTS.—The report shall include—

7 (A) a statement of findings and an expla-
8 nation of the bases for those findings;

9 (B) an assessment of the laws, rules, and
10 processes relating to the prevention of conflicts
11 of interest and abuse which would apply to pri-
12 vate sector employees during the period of their
13 assignment to the Department of Defense, and
14 whether they need to be strengthened or other-
15 wise changed;

16 (C) mechanisms proposed for the govern-
17 ance and oversight of the program; and

18 (D) recommendations for any legislation
19 which may be necessary.

20 **SEC. 1110. COMPENSATION FOR FEDERAL WAGE SYSTEM**
21 **EMPLOYEES FOR CERTAIN TRAVEL HOURS.**

22 Section 5544(a) of title 5, United States Code, is
23 amended in clause (iv) (in the third sentence following
24 paragraph (3)), by striking “administratively.” and insert-
25 ing “administratively (including travel by the employee to



1 such event and the return of the employee from such event
2 to the employee's official duty station).”.

3 **SEC. 1111. TRAVEL COMPENSATION FOR WAGE GRADE PER-**
4 **SONNEL.**

5 (a) ELIGIBILITY FOR COMPENSATORY TIME OFF FOR
6 TRAVEL.—Section 5550b(a) of title 5, United States
7 Code, is amended by striking “section 5542(b)(2),” and
8 inserting “any provision of section 5542(b)(2) or
9 5544(a),”.

10 (b) CONFORMING AMENDMENT.—Section
11 5541(2)(xi) of such title is amended by striking “section
12 5544” and inserting “section 5544 or 5550b”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on the earlier of—

15 (1) the effective date of any regulations pre-
16 scribed to carry out such amendments; or

17 (2) the 90th day after the date of the enact-
18 ment of this Act.

19 **SEC. 1112. ACCUMULATION OF ANNUAL LEAVE BY SENIOR**
20 **LEVEL EMPLOYEES.**

21 Section 6304(f)(1) of title 5, United States Code, is
22 amended—

23 (1) in the matter before subparagraph (A), by
24 striking “in a position in—” and inserting “in—”;



1 (2) in subparagraphs (A) through (E), by in-
2 sserting “a position in” before “the”;

3 (3) in subparagraph (D), by striking “or” at
4 the end;

5 (4) in subparagraph (E), by striking the period
6 and inserting a semicolon; and

7 (5) by adding after subparagraph (E) the fol-
8 lowing:

9 “(F) a position to which section 5376 applies;

10 or

11 “(G) a position designated under section
12 1607(a) of title 10 as an Intelligence Senior Level
13 position.”.

14 **SEC. 1113. UNIFORM ALLOWANCES FOR CIVILIAN EMPLOY-**
15 **EES.**

16 Section 1593(b) of title 10, United States Code, is
17 amended by striking “\$400 per year.” and inserting
18 “\$400 per year (or such higher maximum amount as the
19 Secretary of Defense may by regulation prescribe).”.



1 **SEC. 1114. FLEXIBILITY IN SETTING PAY FOR EMPLOYEES**
2 **WHO MOVE FROM A DEPARTMENT OF DE-**
3 **FENSE OR COAST GUARD NON-**
4 **APPROPRIATED FUND INSTRUMENTALITY**
5 **POSITION TO A POSITION IN THE GENERAL**
6 **SCHEDULE PAY SYSTEM.**

7 Section 5334(f) of title 5, United States Code, is
8 amended—

9 (1) by striking “(f)” and inserting “(f)(1)”;

10 (2) in the first sentence, by striking “does not
11 exceed” and all that follows through “2105(c).” and
12 inserting the following: “does not exceed—

13 “(A) if the highest previous rate of basic pay
14 received by that employee during the employee’s
15 service described in section 2105(c) is equal to a
16 rate of the appropriate grade, such rate of the ap-
17 propriate grade;

18 “(B) if the employee’s highest previous rate of
19 basic pay (as described in subparagraph (A)) is be-
20 tween two rates of the appropriate grade, the higher
21 of those two rates; or

22 “(C) if the employee’s highest previous rate of
23 basic pay (as described in subparagraph (A)) ex-
24 ceeds the maximum rate of the appropriate grade,
25 the maximum rate of the appropriate grade.”; and



1 (3) in the second sentence, by striking “In the
2 case of” and inserting the following:

3 “(2) In the case of”.

4 **SEC. 1115. RETIREMENT SERVICE CREDIT FOR SERVICE AS**
5 **CADET OR MIDSHIPMAN AT A MILITARY**
6 **SERVICE ACADEMY.**

7 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
8 8331(13) of title 5, United States Code, is amended by
9 striking “but” and inserting “and includes service as a
10 cadet at the United States Military Academy, the United
11 States Air Force Academy, or the United States Coast
12 Guard Academy, or as a midshipman at the United States
13 Naval Academy, but”.

14 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—
15 Section 8401(31) of such title is amended by striking
16 “but” and inserting “and includes service as a cadet at
17 the United States Military Academy, the United States
18 Air Force Academy, or the United States Coast Guard
19 Academy, or as a midshipman at the United States Naval
20 Academy, but”.

21 (c) APPLICABILITY.—The amendments made by this
22 section shall apply to—

23 (1) any annuity, eligibility for which is based
24 upon a separation occurring before, on, or after the
25 date of enactment of this Act; and



1 (2) any period of service as a cadet at the
2 United States Military Academy, the United States
3 Air Force Academy, or the United States Coast
4 Guard Academy, or as a midshipman at the United
5 States Naval Academy, occurring before, on, or after
6 the date of enactment of this Act.

7 **SEC. 1116. AUTHORIZATION FOR INCREASED COMPENSA-**
8 **TION FOR FACULTY AND STAFF OF THE UNI-**
9 **FORMED SERVICES UNIVERSITY OF THE**
10 **HEALTH SCIENCES.**

11 Section 2113(e) of title 10, United States Code, as
12 redesignated by section 954(a)(3) of this Act, is
13 amended—

14 (1) in paragraph (1)—

15 (A) by inserting “(after due consideration
16 by the Secretary)” before “so as”; and

17 (B) by striking “within the vicinity of the
18 District of Columbia” and inserting “identified
19 by the Secretary for purposes of this para-
20 graph”; and

21 (2) in paragraph (4)—

22 (A) by striking “section 5373” and insert-
23 ing “sections 5307 and 5373”; and

24 (B) by adding at the end the following new
25 sentence: “In no event may the total amount of



1 compensation paid to an employee under para-
2 graph (1) in any year (including salary, allow-
3 ances, differentials, bonuses, awards, and other
4 similar cash payments) exceed the total amount
5 of annual compensation (excluding expenses)
6 specified in section 102 of title 3.”.

7 **SEC. 1117. REPORT ON ESTABLISHMENT OF A SCHOLAR-**
8 **SHIP PROGRAM FOR CIVILIAN MENTAL**
9 **HEALTH PROFESSIONALS.**

10 (a) **REPORT REQUIRED.**—Not later than 180 days
11 after the date of the enactment of this Act, the Secretary
12 of Defense shall, in consultation with the Assistant Sec-
13 retary of Defense for Health Affairs and each of the Sur-
14 geons General of the Armed Forces, submit to Congress
15 a report on the feasibility and advisability of establishing
16 a scholarship program for civilian mental health profes-
17 sionals.

18 (b) **ELEMENTS.**—The report shall include the fol-
19 lowing:

20 (1) An assessment of a potential scholarship
21 program that provides certain educational funding to
22 students seeking a career in mental health services
23 in exchange for service in the Department of De-
24 fense.



1 (2) An assessment of current scholarship pro-
2 grams which may be expanded to include mental
3 health professionals.

4 (3) Recommendations regarding the establish-
5 ment or expansion of scholarship programs for men-
6 tal health professionals.

7 (4) A plan to implement, or reasons for not im-
8 plementing, recommendations that will increase men-
9 tal health staffing across the Department of De-
10 fense.

11 **TITLE XII—MATTERS RELATING**
12 **TO FOREIGN NATIONS**

 Subtitle A—Assistance and Training

- Sec. 1201. Military-to-military contacts and comparable activities.
Sec. 1202. Authority for support of military operations to combat terrorism.
Sec. 1203. Medical care and temporary duty travel expenses for liaison officers
 of certain foreign nations.
Sec. 1204. Extension and expansion of Department of Defense authority to
 participate in multinational military centers of excellence.
Sec. 1205. Reauthorization of Commanders' Emergency Response Program.
Sec. 1206. Authority to build the capacity of the Pakistan Frontier Corps.
Sec. 1207. Authority to equip and train foreign personnel to assist in account-
 ing for missing United States Government personnel.
Sec. 1208. Authority to provide automatic identification system data on mari-
 time shipping to foreign countries and international organiza-
 tions.
Sec. 1209. Report on foreign-assistance related programs carried out by the
 Department of Defense.
Sec. 1210. Extension and enhancement of authority for security and stabiliza-
 tion assistance.
Sec. 1211. Government Accountability Office report on Global Peace Oper-
 ations Initiative.
Sec. 1212. Repeal of limitations on military assistance under the American
 Servicemembers' Protection Act of 2002.

 Subtitle B—Matters Relating to Iraq and Afghanistan

- Sec. 1221. Modification of authorities relating to the Office of the Special In-
 spector General for Iraq Reconstruction.



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- Sec. 1222. Limitation on availability of funds for certain purposes relating to Iraq.
- Sec. 1223. Report on United States policy and military operations in Iraq.
- Sec. 1224. Report on a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.
- Sec. 1225. Report on support from Iran for attacks against coalition forces in Iraq.
- Sec. 1226. Sense of Congress on the consequences of a failed state in Iraq.
- Sec. 1227. Sense of Congress on federalism in Iraq.
- Sec. 1228. Tracking and monitoring of defense articles provided to the Government of Iraq and other individuals and groups in Iraq.
- Sec. 1229. Special Inspector General for Afghanistan Reconstruction.
- Sec. 1230. Report on progress toward security and stability in Afghanistan.
- Sec. 1231. United States plan for sustaining the Afghanistan National Security Forces.
- Sec. 1232. Report on enhancing security and stability in the region along the border of Afghanistan and Pakistan.
- Sec. 1233. Reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1234. Logistical support for coalition forces supporting operations in Iraq and Afghanistan.

Subtitle C—Iraq Refugee Crisis

- Sec. 1241. Short title.
- Sec. 1242. Processing mechanisms.
- Sec. 1243. United States refugee program processing priorities.
- Sec. 1244. Special immigrant status for certain Iraqis.
- Sec. 1245. Senior Coordinator for Iraqi Refugees and Internally Displaced Persons.
- Sec. 1246. Countries with significant populations of Iraqi refugees.
- Sec. 1247. Motion to reopen denial or termination of asylum.
- Sec. 1248. Reports.
- Sec. 1249. Authorization of appropriations.

Subtitle D—Other Authorities and Limitations

- Sec. 1251. Cooperative opportunities documents under cooperative research and development agreements with NATO organizations and other allied and friendly foreign countries.
- Sec. 1252. Extension and expansion of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
- Sec. 1253. Acceptance of funds from the Government of Palau for costs of United States military Civic Action Team in Palau.
- Sec. 1254. Repeal of requirement relating to North Korea.
- Sec. 1255. Justice for Osama bin Laden and other leaders of al Qaeda.
- Sec. 1256. Extension of Counterproliferation Program Review Committee.
- Sec. 1257. Sense of Congress on the Western Hemisphere Institute for Security Cooperation.
- Sec. 1258. Sense of Congress on Iran.

Subtitle E—Reports

- Sec. 1261. One-year extension of update on report on claims relating to the bombing of the Labelle Discotheque.



- Sec. 1262. Report on United States policy toward Darfur, Sudan.
- Sec. 1263. Inclusion of information on asymmetric capabilities in annual report on military power of the People's Republic of China.
- Sec. 1264. Report on application of the Uniform Code of Military Justice to civilians accompanying the Armed Forces during a time of declared war or contingency operation.
- Sec. 1265. Report on family reunions between United States citizens and their relatives in North Korea.
- Sec. 1266. Reports on prevention of mass atrocities.
- Sec. 1267. Report on threats to the United States from ungoverned areas.

1 **Subtitle A—Assistance and**
2 **Training**

3 **SEC. 1201. MILITARY-TO-MILITARY CONTACTS AND COM-**
4 **PARABLE ACTIVITIES.**

5 Section 168(e) of title 10, United States Code, is
6 amended by adding at the end the following new para-
7 graph:

8 “(9) The assignment of personnel described in
9 paragraph (3) or (4) on a non-reciprocal basis if the
10 Secretary of Defense determines that such an as-
11 signment, rather than an exchange of personnel, is
12 in the interests of the United States.”.

13 **SEC. 1202. AUTHORITY FOR SUPPORT OF MILITARY OPER-**
14 **ATIONS TO COMBAT TERRORISM.**

15 (a) MODIFICATION OF REPORTING REQUIREMENT.—
16 Subsection (f) of section 1208 of the Ronald W. Reagan
17 National Defense Authorization Act for Fiscal Year 2005
18 (Public Law 108–375; 118 Stat. 2086–2087) is amended
19 to read as follows:

20 “(f) ANNUAL REPORT.—



1 “(1) REPORT REQUIRED.—Not later than 120
2 days after the close of each fiscal year during which
3 subsection (a) is in effect, the Secretary of Defense
4 shall submit to the congressional defense committees
5 a report on support provided under that subsection
6 during that fiscal year.

7 “(2) MATTERS TO BE INCLUDED.—Each report
8 required by paragraph (1) shall describe the support
9 provided, including—

10 “(A) the country involved in the activity,
11 the individual or force receiving the support,
12 and, to the maximum extent practicable, the
13 specific region of each country involved in the
14 activity;

15 “(B) the respective dates and a summary
16 of congressional notifications for each activity;

17 “(C) the unified commander for each activ-
18 ity, as well as the related objectives, as estab-
19 lished by that commander;

20 “(D) the total amount obligated to provide
21 the support;

22 “(E) for each activity that amounts to
23 more than \$500,000, specific budget details
24 that explain the overall funding level for that
25 activity; and



1 “(F) a statement providing a brief assess-
2 ment of the outcome of the support, including
3 specific indications of how the support
4 furthered the mission objective of special oper-
5 ations forces and the types of follow-on support,
6 if any, that may be necessary.”.

7 (b) ANNUAL LIMITATION.—Subsection (g) of such
8 section is amended—

9 (1) in the heading, by striking “FISCAL YEAR
10 2005” and inserting “ANNUAL”; and

11 (2) by striking “fiscal year 2005” and inserting
12 “each fiscal year during which subsection (a) is in
13 effect”.

14 (c) EXTENSION OF PERIOD OF AUTHORITY.—Sub-
15 section (h) of such section is amended by striking “2007”
16 and inserting “2010”.

17 **SEC. 1203. MEDICAL CARE AND TEMPORARY DUTY TRAVEL**

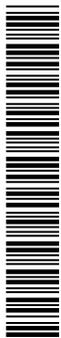
18 **EXPENSES FOR LIAISON OFFICERS OF CER-**

19 **TAIN FOREIGN NATIONS.**

20 (a) AUTHORITY.—Subsection (a) of section 1051a of
21 title 10, United States Code, is amended—

22 (1) by striking “involved in a coalition” and in-
23 serting “involved in a military operation”; and

24 (2) by striking “coalition operation” and insert-
25 ing “military operation”.



1 (b) MEDICAL CARE AND TEMPORARY DUTY TRAVEL
2 EXPENSES.—Subsection (b) of such section is amended—

3 (1) in the heading, by striking “AND SUBSIST-
4 ENCE” inserting “, SUBSISTENCE, AND MEDICAL
5 CARE”;

6 (2) in paragraph (2), by adding at the end the
7 following:

8 “(C) Expenses for medical care at a civilian
9 medical facility if—

10 “(i) adequate medical care is not available
11 to the liaison officer at a local military medical
12 treatment facility;

13 “(ii) the Secretary determines that pay-
14 ment of such medical expenses is necessary and
15 in the best interests of the United States; and

16 “(iii) medical care is not otherwise avail-
17 able to the liaison officer pursuant to any treaty
18 or other international agreement.”; and

19 (3) by adding at the end the following:

20 “(3) The Secretary may pay the mission-related
21 travel expenses of a liaison officer described in sub-
22 section (a) if such travel is in support of the na-
23 tional interests of the United States and the com-
24 mander of the headquarters to which the liaison offi-
25 cer is temporarily assigned directs round-trip travel



1 from the assigned headquarters to one or more loca-
2 tions.”.

3 (c) DEFINITION.—Subsection (d) of such section is
4 amended—

5 (1) by striking “(d) DEFINITIONS.—” and all
6 that follows through “(1) The term” and inserting
7 “(d) DEFINITION.—In this section, the term”; and
8 (2) by striking paragraph (2).

9 (d) EXPIRATION OF AUTHORITY.—Such section is
10 further amended by striking subsection (e).

11 (e) CONFORMING AND CLERICAL AMENDMENTS.—

12 (1) The heading for such section is amended to read as
13 follows:

14 **“§ 1051a. Liaison officers of certain foreign nations;**
15 **administrative services and support;**
16 **travel, subsistence, medical care, and**
17 **other personal expenses”.**

18 (2) The table of sections at the beginning of chapter
19 53 of title 10, United States Code, is amended by striking
20 the item relating to section 1051a and inserting the fol-
21 lowing:

“1051a. Liaison officers of certain foreign nations; administrative services and
support; travel, subsistence, medical care, and other personal
expenses.”.



1 **SEC. 1204. EXTENSION AND EXPANSION OF DEPARTMENT**
2 **OF DEFENSE AUTHORITY TO PARTICIPATE IN**
3 **MULTINATIONAL MILITARY CENTERS OF EX-**
4 **CELLENCE.**

5 (a) **EXTENSION OF AUTHORITY.**—Subsection (a) of
6 section 1205 of the John Warner National Defense Au-
7 thorization Act for Fiscal Year 2007 (Public Law 109–
8 364; 1202 Stat. 2416) is amended by striking “fiscal year
9 2007” and inserting “fiscal years 2007 and 2008”.

10 (b) **LIMITATION ON AMOUNTS AVAILABLE FOR PAR-**
11 **TICIPATION.**—Subsection (e) of such section is amended
12 by striking paragraph (2) and inserting the following new
13 paragraph:

14 “(2) **LIMITATION ON AMOUNT.**—The amount
15 available under paragraph (1)(A) for the expenses
16 referred to in that paragraph may not exceed—

17 “(A) in fiscal year 2007, \$3,000,000; and

18 “(B) in fiscal year 2008, \$5,000,000.”.

19 (c) **REPORTS.**—Subsection (g) of such section is
20 amended—

21 (1) in paragraph (1)—

22 (A) by inserting “and October 31, 2008,”
23 after “October 31, 2007,”; and

24 (B) by striking “fiscal year 2007” and in-
25 serting “fiscal years 2007 and 2008”; and



1 (2) in paragraph (2)(A), by striking “during
2 fiscal year 2007” and inserting “during the pre-
3 ceding fiscal year”.

4 **SEC. 1205. REAUTHORIZATION OF COMMANDERS’ EMER-**
5 **GENCY RESPONSE PROGRAM.**

6 (a) **AUTHORITY.**—Subsection (a) of section 1202 of
7 the National Defense Authorization Act for Fiscal Year
8 2006 (Public Law 109–163; 119 Stat. 3455–3456) is
9 amended—

10 (1) in the heading, by striking “FISCAL YEARS
11 2006 AND 2007” and inserting “FISCAL YEARS
12 2008 AND 2009”; and

13 (2) in the matter preceding paragraph (1)—

14 (A) by striking “fiscal years 2006 and
15 2007” and inserting “fiscal years 2008 and
16 2009”; and

17 (B) by striking “\$500,000,000” and in-
18 serting “\$977,441,000”.

19 (b) **QUARTERLY REPORTS.**—Subsection (b) of such
20 section is amended by striking “fiscal years 2006 and
21 2007” and inserting “fiscal years 2008 and 2009”.

22 **SEC. 1206. AUTHORITY TO BUILD THE CAPACITY OF THE**
23 **PAKISTAN FRONTIER CORPS.**

24 (a) **AUTHORITY.**—The Secretary of Defense, with the
25 concurrence of the Secretary of State, is authorized during



1 fiscal year 2008 to provide assistance to enhance the abil-
2 ity of the Pakistan Frontier Corps to conduct
3 counterterrorism operations along the border between
4 Pakistan and Afghanistan.

5 (b) TYPES OF ASSISTANCE.—

6 (1) AUTHORIZED ELEMENTS.—Assistance
7 under subsection (a) may include the provision of
8 equipment, supplies, and training.

9 (2) REQUIRED ELEMENTS.—Assistance under
10 subsection (a) shall be provided in a manner that
11 promotes—

12 (A) observance of and respect for human
13 rights and fundamental freedoms; and

14 (B) respect for legitimate civilian authority
15 within Pakistan.

16 (c) LIMITATIONS.—

17 (1) FUNDING LIMITATION.—The Secretary of
18 Defense may use up to \$75,000,000 of funds avail-
19 able to the Department of Defense for operation and
20 maintenance for fiscal year 2008 to provide the as-
21 sistance under subsection (a).

22 (2) ASSISTANCE OTHERWISE PROHIBITED BY
23 LAW.—The Secretary of Defense may not use the
24 authority in subsection (a) to provide any type of as-



1 assistance described in subsection (b) that is otherwise
2 prohibited by any provision of law.

3 (d) CONGRESSIONAL NOTIFICATION.—

4 (1) IN GENERAL.—Not less than 15 days before
5 providing assistance under subsection (a), the Sec-
6 retary of Defense shall submit to the congressional
7 committees specified in paragraph (2) a notice of the
8 following:

9 (A) The budget, types of assistance, and
10 completion date for providing the assistance
11 under subsection (a).

12 (B) The source and planned expenditure of
13 funds for the assistance under subsection (a).

14 (2) SPECIFIED CONGRESSIONAL COMMIT-
15 TEES.—The congressional committees specified in
16 this paragraph are the following:

17 (A) The Committee on Armed Services, the
18 Committee on Foreign Relations, and the Com-
19 mittee on Appropriations of the Senate.

20 (B) The Committee on Armed Services,
21 the Committee on Foreign Affairs, and the
22 Committee on Appropriations of the House of
23 Representatives.



1 **SEC. 1207. AUTHORITY TO EQUIP AND TRAIN FOREIGN PER-**
2 **SONNEL TO ASSIST IN ACCOUNTING FOR**
3 **MISSING UNITED STATES GOVERNMENT PER-**
4 **SONNEL.**

5 (a) IN GENERAL.—Chapter 20 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 408. Equipment and training of foreign personnel**
9 **to assist in Department of Defense ac-**
10 **counting for missing United States Gov-**
11 **ernment personnel**

12 “(a) IN GENERAL.—The Secretary of Defense may
13 provide assistance to any foreign nation to assist the De-
14 partment of Defense with recovery of and accounting for
15 missing United States Government personnel.

16 “(b) TYPES OF ASSISTANCE.—The assistance pro-
17 vided under subsection (a) may include the following:

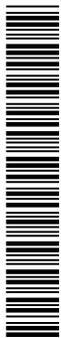
18 “(1) Equipment.

19 “(2) Supplies.

20 “(3) Services.

21 “(4) Training of personnel.

22 “(c) APPROVAL BY SECRETARY OF STATE.—Assist-
23 ance may not be provided under this section to any foreign
24 nation unless the Secretary of State specifically approves
25 the provision of such assistance.



1 “(d) LIMITATION.—The amount of assistance pro-
2 vided under this section in any fiscal year may not exceed
3 \$1,000,000.

4 “(e) CONSTRUCTION WITH OTHER ASSISTANCE.—
5 The authority to provide assistance under this section is
6 in addition to any other authority to provide assistance
7 to foreign nations under law.

8 “(f) ANNUAL REPORTS.—(1) Not later than Decem-
9 ber 31 each year, the Secretary of Defense shall submit
10 to the congressional defense committees a report on the
11 assistance provided under this section during the fiscal
12 year ending in such year.

13 “(2) Each report under paragraph (1) shall include,
14 for the fiscal year covered by such report, the following:

15 “(A) A listing of each foreign nation provided
16 assistance under this section.

17 “(B) For each nation so provided assistance, a
18 description of the type and amount of such assist-
19 ance.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 20 of such title is amended
22 by adding at the end the following new item:

“408. Equipment and training of foreign personnel to assist in Department of
Defense accounting for missing United States Government per-
sonnel.”.



1 **SEC. 1208. AUTHORITY TO PROVIDE AUTOMATIC IDENTI-**
2 **FICATION SYSTEM DATA ON MARITIME SHIP-**
3 **PING TO FOREIGN COUNTRIES AND INTER-**
4 **NATIONAL ORGANIZATIONS.**

5 (a) **AUTHORITY TO PROVIDE DATA.**—The Secretary
6 of Defense, with the concurrence of the Secretary of State,
7 may authorize the Secretary of a military department or
8 a commander of a combatant command to exchange or
9 furnish automatic identification system data broadcast by
10 merchant or private ships and collected by the United
11 States to a foreign country or international organization
12 pursuant to an agreement for the exchange or production
13 of such data. Such data may be transferred pursuant to
14 this section without cost to the recipient country or inter-
15 national organization.

16 (b) **DEFINITIONS.**—In this section:

17 (1) **AUTOMATIC IDENTIFICATION SYSTEM.**—The
18 term “automatic identification system” means a sys-
19 tem that is used to satisfy the requirements of the
20 Automatic Identification System under the Inter-
21 national Convention for the Safety of Life at Sea,
22 signed at London on November 1, 1974 (TIAS
23 9700).

24 (2) **GEOGRAPHIC COMBATANT COMMANDER.**—
25 The term “commander of a combatant command”
26 means a commander of a combatant command (as



1 such term is defined in section 161(c) of title 10,
2 United States Code) with a geographic area of re-
3 sponsibility.

4 **SEC. 1209. REPORT ON FOREIGN-ASSISTANCE RELATED**
5 **PROGRAMS CARRIED OUT BY THE DEPART-**
6 **MENT OF DEFENSE.**

7 (a) REPORT REQUIRED.—Not later than 180 days
8 after the date of the enactment of this Act, the Secretary
9 of Defense shall submit to the appropriate congressional
10 committees a report that specifies, on a country-by-coun-
11 try basis, each foreign-assistance related program carried
12 out by the Department of Defense during the prior fiscal
13 year under the authorities described in subsection (b).

14 (b) MATTERS TO BE INCLUDED.—The report re-
15 quired under subsection (a) shall include—

16 (1) a description of the dollar amount, type of
17 support, and purpose of each foreign-assistance re-
18 lated program carried out by the Department of De-
19 fense under—

20 (A) section 1206 of the National Defense
21 Authorization Act for Fiscal Year 2006 (Public
22 Law 109–163; 119 Stat. 3456), relating to au-
23 thority to build the capacity of foreign military
24 forces;



1 (B) section 1207 of the National Defense
2 Authorization Act for Fiscal Year 2006 (Public
3 Law 109-163; 119 Stat. 3458), relating to au-
4 thority to provide security and stabilization as-
5 sistance to foreign countries;

6 (C) section 1208 of the National Defense
7 Authorization Act for Fiscal Year 2006 (Public
8 Law 109-163; 119 Stat. 3459), relating to au-
9 thority to reimburse certain coalition nations
10 for support provided to United States military
11 operations;

12 (D) section 1033 of the National Defense
13 Authorization Act for Fiscal Year 1998 (Public
14 Law 105-85; 111 Stat. 1881), relating to au-
15 thority to provide additional support for
16 counter-drug activities of Peru and Colombia;

17 (E) section 1004 of the National Defense
18 Authorization Act for Fiscal Year 1991 (Public
19 Law 101-510; 10 U.S.C. 374 note), relating to
20 additional support for counter-drug activities;

21 (F) section 127d of title 10, United States
22 Code, relating to authority to provide logistic
23 support, supplies, and services to allied forces
24 participating in a combined operation with the
25 Armed Forces;



1 (G) section 2249c of title 10, United
2 States Code, relating to authority to use appro-
3 priated funds for costs associated with edu-
4 cation and training of foreign officials under
5 the Regional Defense Combating Terrorism
6 Fellowship Program; and

7 (H) section 2561 of title 10, United States
8 Code, relating to authority to provide humani-
9 tarian assistance; and

10 (2) a description of each foreign-assistance re-
11 lated program that the Department of Defense un-
12 dertakes or implements on behalf of any other de-
13 partment or agency of the United States Govern-
14 ment, including programs under the Foreign Assist-
15 ance Act of 1961 (22 U.S.C. 2151 et seq.) and the
16 Arms Export Control Act (22 U.S.C. 2751 et seq.).

17 (c) FORM.—The report required under subsection (a)
18 shall be submitted in unclassified form, but may contain
19 a classified annex.

20 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
21 DEFINED.—In this section, the term “appropriate con-
22 gressional committees” means—

23 (1) the Committee on Appropriations, the Com-
24 mittee on Armed Services, and the Committee on



1 Foreign Affairs of the House of Representatives;
2 and

3 (2) the Committee on Appropriations, the Com-
4 mittee on Armed Services, and the Committee on
5 Foreign Relations of the Senate.

6 **SEC. 1210. EXTENSION AND ENHANCEMENT OF AUTHORITY**
7 **FOR SECURITY AND STABILIZATION ASSIST-**
8 **ANCE.**

9 (a) PROGRAM FOR ASSISTANCE.—Section 1207 of
10 the National Defense Authorization Act for Fiscal Year
11 2006 (Public Law 109–163; 119 Stat. 3458) is
12 amended—

13 (1) by redesignating subsections (d), (e), and
14 (f) as subsections (e), (f), and (g), respectively; and

15 (2) by inserting after subsection (c) the fol-
16 lowing:

17 “(d) FORMULATION AND IMPLEMENTATION OF PRO-
18 GRAM FOR ASSISTANCE.—The Secretary of State shall co-
19 ordinate with the Secretary of Defense in the formulation
20 and implementation of a program of reconstruction, secu-
21 rity, or stabilization assistance to a foreign country that
22 involves the provision of services or transfer of defense ar-
23 ticles or funds under subsection (a).”.

24 (b) ONE-YEAR EXTENSION.—Subsection (g) of such
25 section, as redesignated by subsection (a) of this section,



1 is amended by striking “September 30, 2007” and insert-
2 ing “September 30, 2008”.

3 **SEC. 1211. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
4 **PORT ON GLOBAL PEACE OPERATIONS INI-**
5 **TIATIVE.**

6 (a) REPORT REQUIRED.—Not later than June 1,
7 2008, the Comptroller General of the United States shall
8 submit to the congressional defense committees, the Com-
9 mittee on Foreign Relations of the Senate, and the Com-
10 mittee on Foreign Affairs of the House of Representatives
11 a report assessing the Global Peace Operations Initiative.

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

14 (1) An assessment of whether, and to what ex-
15 tent, the Global Peace Operations Initiative has met
16 the goals set by the President at the inception of the
17 program in 2004.

18 (2) Which goals, if any, remain unfulfilled.

19 (3) A description of activities conducted by each
20 member state of the Group of Eight (G–8), includ-
21 ing the approximate cost of the activities, and the
22 approximate percentage of the total monetary value
23 of the activities conducted by each G–8 member, in-
24 cluding the United States, as well as efforts by the



1 President to seek contributions or participation by
2 other G-8 members.

3 (4) A description of any activities conducted by
4 non-G-8 members, or other organizations and insti-
5 tutions, as well as any efforts by the President to so-
6 licit contributions or participation.

7 (5) A description of the extent to which the
8 Global Peace Operations Initiative has had global
9 participation.

10 (6) A description of the administration of the
11 program by the Department of State and Depart-
12 ment of Defense, including—

13 (A) whether each Department should con-
14 centrate administration in one office or bureau,
15 and if so, which one;

16 (B) the extent to which the two Depart-
17 ments coordinate and the quality of their co-
18 ordination; and

19 (C) the extent to which contractors are
20 used and an assessment of the quality and
21 timeliness of the results achieved by the con-
22 tractors, and whether the United States Gov-
23 ernment might have achieved similar or better
24 results without contracting out functions.



1 (7) A description of the metrics, if any, that are
2 used by the President and the G-8 to measure
3 progress in implementation of the Global Peace Op-
4 erations Initiative, including—

5 (A) assessments of the quality and sustain-
6 ability of the training of individual soldiers and
7 units;

8 (B) the extent to which the G-8 and par-
9 ticipating countries maintain records or data-
10 bases of trained individuals and units and con-
11 duct inspections to measure and monitor the
12 continued readiness of such individuals and
13 units;

14 (C) the extent to which the individuals and
15 units are equipped and remain equipped to de-
16 ploy in peace operations; and

17 (D) the extent to which, the timeline by
18 which, and how individuals and units can be
19 mobilized for peace operations.

20 (8) The extent to which, the timeline by which,
21 and how individuals and units can be and are being
22 deployed to peace operations.

23 (9) An assessment of whether individuals and
24 units trained under the Global Peace Operations Ini-
25 tiative have been utilized in peace operations subse-



1 quent to receiving training under the Initiative,
2 whether they will be deployed to upcoming oper-
3 ations in Africa and elsewhere, and the extent to
4 which such individuals and units would be prepared
5 to deploy and participate in such peace operations.

6 (10) Recommendations as to whether participa-
7 tion in the Global Peace Operations Initiative should
8 require reciprocal participation by countries in peace
9 operations.

10 (11) Any additional measures that could be
11 taken to enhance the effectiveness of the Global
12 Peace Operations Initiative in terms of—

13 (A) achieving its stated goals; and

14 (B) ensuring that individuals and units
15 trained as part of the Initiative are regularly
16 participating in peace operations.

17 (c) FORM.—To the maximum extent practicable, the
18 report required under subsection (a) shall be submitted
19 in unclassified form, but may include a classified annex,
20 if necessary.



1 **SEC. 1212. REPEAL OF LIMITATIONS ON MILITARY ASSIST-**
2 **ANCE UNDER THE AMERICAN**
3 **SERVICEMEMBERS' PROTECTION ACT OF**
4 **2002.**

5 (a) REPEAL OF LIMITATIONS.—Section 2007 of the
6 American Servicemembers' Protection Act of 2002 (22
7 U.S.C. 7426) is repealed.

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

10 (1) in section 2003 (22 U.S.C. 7422)—

11 (A) in subsection (a)—

12 (i) in the heading, by striking “SEC-
13 TIONS 5 AND 7” and inserting “SECTION
14 2005”; and

15 (ii) by striking “sections 2005 and
16 2007” and inserting “section 2005”;

17 (B) in subsection (b)—

18 (i) in the heading, by striking “SEC-
19 TIONS 5 AND 7” and inserting “SECTION
20 2005”; and

21 (ii) by striking “sections 2005 and
22 2007” and inserting “section 2005”;

23 (C) in subsection (c)(2)(A), by striking
24 “sections 2005 and 2007” and inserting “sec-
25 tion 2005”;



1 (D) in subsection (d), by striking “sections
2 2005 and 2007” and inserting “section 2005”;
3 and

4 (E) in subsection (e), by striking “2006,
5 and 2007” and inserting “and 2006”; and

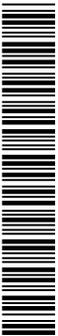
6 (2) in section 2013 (22 U.S.C. 7432), by strik-
7 ing paragraph (13).

8 **Subtitle B—Matters Relating to**
9 **Iraq and Afghanistan**

10 **SEC. 1221. MODIFICATION OF AUTHORITIES RELATING TO**
11 **THE OFFICE OF THE SPECIAL INSPECTOR**
12 **GENERAL FOR IRAQ RECONSTRUCTION.**

13 (a) PURPOSES.—Subsection (a)(1) of section 3001 of
14 the Emergency Supplemental Appropriations Act for De-
15 fense and for the Reconstruction of Iraq and Afghanistan,
16 2004 (Public Law 108–106; 117 Stat. 1234–1238; 5
17 U.S.C. App., note to section 8G of Public Law 95–452)
18 is amended by striking “to the Iraq Relief and Reconstruc-
19 tion Fund” and inserting “for the reconstruction of Iraq”.

20 (b) ASSISTANT INSPECTORS GENERAL.—Subsection
21 (d)(1) of such section is amended by striking “the Iraq
22 Relief and Reconstruction Fund” and inserting “amounts
23 appropriated or otherwise made available for the recon-
24 struction of Iraq”.



1 (c) SUPERVISION.—Subsection (e)(2) of such section
2 is amended by striking “the Iraq Relief and Reconstruc-
3 tion Fund” and inserting “amounts appropriated or other-
4 wise made available for the reconstruction of Iraq”.

5 (d) DUTIES.—Subsection (f)(1) of such section is
6 amended by striking “to the Iraq Relief and Reconstruc-
7 tion Fund” and inserting “for the reconstruction of Iraq”.

8 (e) PERSONNEL, FACILITIES, AND OTHER RE-
9 SOURCES.—Subsection (h) of such section is amended—

10 (1) in paragraph (1), by inserting after “pay
11 rates” the following: “, and may exercise the au-
12 thorities of subsections (b) through (i) of section
13 3161 of title 5, United States Code (without regard
14 to subsection (a) of such section)”; and

15 (2) in paragraph (3), by striking “my enter”
16 and inserting “may enter”.

17 (f) REPORTS.—Subsection (i) of such section is
18 amended by striking “to the Iraq Relief and Reconstruc-
19 tion Fund” each place it appears and inserting “for the
20 reconstruction of Iraq”.

21 (g) DEFINITIONS.—Subsection (m) of such section is
22 amended—

23 (1) in the heading, by striking “APPROPRIATE
24 COMMITTEES OF CONGRESS DEFINED” and insert-
25 ing “DEFINITIONS”;



1 (2) by striking “In this section, the term” and
2 inserting the following: “In this section—

3 “(1) the term”;

4 (3) by redesignating paragraphs (1) and (2) as
5 subparagraphs (A) and (B), respectively;

6 (4) in paragraph (1)(B) (as redesignated by
7 paragraph (3) of this subsection), by striking “and
8 International Relations” and inserting “Foreign Af-
9 fairs, and Oversight and Government Reform”;

10 (5) by striking the period at the end and insert-
11 ing “; and”; and

12 (6) by adding at the end the following:

13 “(2) the term ‘amounts appropriated or other-
14 wise made available for the reconstruction of Iraq’
15 means amounts appropriated or otherwise made
16 available for any fiscal year—

17 “(A) to the Iraq Relief and Reconstruction
18 Fund, the Iraq Security Forces Fund, and the
19 Commanders’ Emergency Response Program
20 authorized under section 1202 of the National
21 Defense Authorization for Fiscal Year 2006
22 (Public Law 109–163; 119 Stat. 3455–3456);
23 or

24 “(B) for assistance for the reconstruction
25 of Iraq under—



1 “(i) the Economic Support Fund au-
2 thorized under chapter 4 of part II of the
3 Foreign Assistance Act of 1961 (22 U.S.C.
4 2346 et seq.);

5 “(ii) the International Narcotics Con-
6 trol and Law Enforcement account author-
7 ized under section 481 of the Foreign As-
8 sistance Act of 1961 (22 U.S.C. 2291); or

9 “(iii) any other provision of law.”.

10 (h) TERMINATION DATE.—Subsection (o) of such
11 section is amended—

12 (1) in paragraph (1), to read as follows:

13 “(1) The Office of the Inspector General shall termi-
14 nate 180 days after the date on which amounts appro-
15 priated or otherwise made available for the reconstruction
16 of Iraq that are unexpended are less than \$250,000,000.”;
17 and

18 (2) in paragraph (2)—

19 (A) by striking “funds deemed to be”; and

20 (B) by striking “to the Iraq Relief and Re-
21 construction Fund” and inserting “for the re-
22 construction of Iraq”.



1 **SEC. 1222. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **CERTAIN PURPOSES RELATING TO IRAQ.**

3 No funds appropriated pursuant to an authorization
4 of appropriations in this Act may be obligated or expended
5 for a purpose as follows:

6 (1) To establish any military installation or
7 base for the purpose of providing for the permanent
8 stationing of United States Armed Forces in Iraq.

9 (2) To exercise United States control of the oil
10 resources of Iraq.

11 **SEC. 1223. REPORT ON UNITED STATES POLICY AND MILI-**
12 **TARY OPERATIONS IN IRAQ.**

13 (a) REPORT.—

14 (1) IN GENERAL.—Subsection (c) of section
15 1227 of the National Defense Authorization Act for
16 Fiscal Year 2006 (Public Law 109–163; 119 Stat.
17 3465; 50 U.S.C. 1541 note) is amended—

18 (A) in paragraph (2), by striking “Iraq.”
19 and inserting the following: “Iraq, including—
20 “(A) enacting a broadly-accepted hydro-
21 carbon law that equitably shares revenue among
22 all Iraqis;

23 “(B) adopting laws necessary for the con-
24 duct of provincial and local elections, taking
25 steps to implement such laws, and setting a



1 schedule to conduct provincial and local elec-
2 tions;

3 “(C) reforming current laws governing the
4 de-Baathification process in a manner that en-
5 courages national reconciliation;

6 “(D) amending the Constitution of Iraq in
7 a manner that encourages national reconcili-
8 ation;

9 “(E) allocating and beginning expenditure
10 of \$10 billion in Iraqi revenues for reconstruc-
11 tion projects, including delivery of essential
12 services, and implementing such reconstruction
13 projects on an equitable basis; and

14 “(F) making significant efforts to plan and
15 implement disarmament, demobilization, and re-
16 integration programs relating to Iraqi mili-
17 tias.”;

18 (B) by striking paragraph (3) and insert-
19 ing the following:

20 “(3) A detailed description of the Joint Cam-
21 paign Plan, or any subsequent revisions, updates, or
22 documents that replace or supersede the Joint Cam-
23 paign Plan, including goals, phases, or other mile-
24 stones contained in the Joint Campaign Plan. Spe-
25 cifically, the description shall include the following:



1 “(A) An explanation of conditions required
2 to move through phases of the Joint Campaign
3 Plan, in particular those conditions that must
4 be met in order to provide for the transition of
5 additional security responsibility to the Iraqi
6 Security Forces, and the measurements used to
7 determine progress.

8 “(B) An assessment of which conditions in
9 the Joint Campaign Plan have been achieved
10 and which conditions have not been achieved.
11 The assessment of those conditions that have
12 not been achieved shall include a discussion of
13 the factors that have precluded progress.

14 “(C) A description of any companion or
15 equivalent plan of the Government of Iraq used
16 to measure progress for Iraqi Security Forces
17 undertaking joint operations with Coalition
18 Forces.”; and

19 (C) by adding at the end the following:

20 “(7) An assessment of the levels of United
21 States Armed Forces required in Iraq for the six-
22 month period following the date of the report, the
23 missions to be undertaken by the Armed Forces in
24 Iraq for such period, and the incremental costs or



1 savings of any proposed changes to such levels or
2 missions.

3 “(8) A description of the range of conditions
4 that could prompt changes to the levels of United
5 States Armed Forces required in Iraq for the six-
6 month period following the date of the report or the
7 missions to be undertaken by the Armed Forces in
8 Iraq for such period, including the status of plan-
9 ning for such changes to the levels or missions of the
10 Armed Forces in Iraq.”

11 (2) EFFECTIVE DATE.—The amendments made
12 by paragraph (1) shall apply with respect to each re-
13 port required to be submitted to Congress under sec-
14 tion 1227(c) of the National Defense Authorization
15 Act for Fiscal Year 2006 on or after the date of the
16 enactment of this Act.

17 (b) CONGRESSIONAL BRIEFINGS REQUIRED.—Such
18 section is further amended by adding at the end the fol-
19 lowing:

20 “(d) CONGRESSIONAL BRIEFINGS REQUIRED.—Not
21 later than 30 days after the submission of the first report
22 under subsection (c) on or after the date of the enactment
23 of the National Defense Authorization Act for Fiscal Year
24 2008, the Secretary of Defense and the Chairman of the
25 Joint Chiefs of Staff shall meet with the congressional de-



1 fense committees to brief such committees on the matters
2 described in paragraphs (7) and (8) of subsection (c) con-
3 tained in the report. Not later than 30 days after the sub-
4 mission of each subsequent report under subsection (c),
5 appropriate senior officials of the Department of Defense
6 shall meet with the congressional defense committees to
7 brief such committees on the matters described in para-
8 graphs (7) and (8) of subsection (c) contained in the re-
9 port.”.

10 **SEC. 1224. REPORT ON A COMPREHENSIVE SET OF PER-**
11 **FORMANCE INDICATORS AND MEASURES FOR**
12 **PROGRESS TOWARD MILITARY AND POLIT-**
13 **ICAL STABILITY IN IRAQ.**

14 (a) REPORT.—Section 9010(c) of the Department of
15 Defense Appropriations Act, 2007 (division A of Public
16 Law 109–289; 120 Stat. 1307) is amended—

17 (1) in paragraph (1)(B)—

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

20 (B) by adding at the end before the period
21 the following: “, and progress made in the tran-
22 sition of responsibility for the security of Iraqi
23 provinces to the Iraqi Security Forces under the
24 Provincial Iraqi Control (PIC) process”; and

25 (2) in paragraph (2)—



1 (A) in subparagraph (C)(i), by adding at
2 the end before the semicolon the following: “,
3 without any support from Coalition Forces”;

4 (B) by redesignating subparagraphs (D)
5 through (J) as subparagraphs (F) through (L),
6 respectively;

7 (C) by inserting after subparagraph (C)
8 the following:

9 “(D) The amount and type of support pro-
10 vided by Coalition Forces to the Iraqi Security
11 Forces at each level of operational readiness.

12 “(E) The number of Iraqi battalions in the
13 Iraqi Army currently conducting operations and
14 the type of operations being conducted.”;

15 (D) by redesignating subparagraphs (H)
16 through (L) (as redesignated by subparagraph
17 (B) of this paragraph) as subparagraphs (I)
18 through (M), respectively;

19 (E) by inserting after subparagraph (G)
20 (as redesignated by subparagraph (B) of this
21 paragraph) the following:

22 “(H) The level and effectiveness of the
23 Iraqi Security Forces under the Ministry of De-
24 fense in provinces where the United States has
25 formally transferred responsibility for the secu-



1 rity of the province to the Iraqi Security Forces
2 under the Provincial Iraqi Control (PIC) proc-
3 ess.”; and

4 (F) in subparagraph (I) (as redesignated
5 by subparagraphs (B) and (D) of this para-
6 graph)—

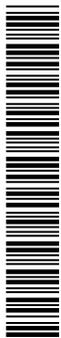
7 (i) in clause (iv), by striking “and” at
8 the end;

9 (ii) in clause (v), by striking the pe-
10 riod at the end and inserting “; and”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(vi) the level and effectiveness of the
14 Iraqi Police and other Ministry of Interior
15 Forces in provinces where the United
16 States has formally transferred responsi-
17 bility for the security of the province to the
18 Iraqi Security Forces under the Provincial
19 Iraqi Control (PIC) process.”.

20 (b) **EFFECTIVE DATE.**—The amendments made by
21 subsection (a) shall apply with respect to each report re-
22 quired to be submitted to Congress under section 9010
23 of the Department of Defense Appropriations Act, 2007
24 on or after the date of the enactment of this Act.



1 **SEC. 1225. REPORT ON SUPPORT FROM IRAN FOR ATTACKS**
2 **AGAINST COALITION FORCES IN IRAQ.**

3 (a) REPORT REQUIRED.—Not later than 60 days
4 after the date of the enactment of this Act, and every 180
5 days thereafter, the Secretary of Defense, in coordination
6 with the Director of National Intelligence, shall submit to
7 the congressional defense committees a report describing
8 and assessing in detail—

9 (1) any support or direction provided to anti-co-
10 alition forces in Iraq by the Government of Iran or
11 its agents;

12 (2) the strategy and ambitions in Iraq of the
13 Government of Iran; and

14 (3) any strategy or efforts by the United States
15 Government to counter the activities of agents of the
16 Government of Iran in Iraq.

17 (b) FORM.—Each report required under subsection
18 (a) shall be submitted in unclassified form, to the max-
19 imum extent practicable, but may contain a classified
20 annex, if necessary.

21 (c) TERMINATION.—The requirement to submit re-
22 ports under subsection (a) shall terminate on the date on
23 which the Secretary of Defense, in coordination with the
24 Director of National Intelligence, submits to the congres-
25 sional defense committees a certification in writing that
26 the Government of Iran has ceased to provide military



1 support to anti-coalition forces that conduct attacks
2 against coalition forces in Iraq.

3 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion shall be construed to authorize or otherwise speak to
5 the use of the Armed Forces against Iran.

6 **SEC. 1226. SENSE OF CONGRESS ON THE CONSEQUENCES**
7 **OF A FAILED STATE IN IRAQ.**

8 It is the sense of Congress that—

9 (1) a failed state in Iraq will have a negative
10 impact on the Middle East and United States inter-
11 ests in the region; and

12 (2) the United States should pursue strategies
13 to prevent a failed state in Iraq or to contain the
14 negative effects of a failed state in Iraq.

15 **SEC. 1227. SENSE OF CONGRESS ON FEDERALISM IN IRAQ.**

16 It is the sense of Congress that—

17 (1) policies supported by the United States in
18 the pursuit of a political settlement in Iraq should
19 be consistent with the wishes of the Iraqi people and
20 should not violate the sovereignty of the nation of
21 Iraq;

22 (2) if the Iraqi people support a political settle-
23 ment in Iraq based on the final provisions of the
24 Constitution of Iraq that create a federal system of
25 government and allow for the creation of federal re-



1 regions, consistent with the wishes of the Iraqi people
2 and their elected leaders, the United States should
3 actively support such a political settlement in Iraq;

4 (3) the active support referred to in paragraph
5 (2) should include—

6 (A) calling on the international community,
7 including countries with troops in Iraq, the per-
8 manent 5 members of the United Nations Secu-
9 rity Council, members of the Gulf Cooperation
10 Council, and Iraq's neighbors—

11 (i) to support an Iraqi political settle-
12 ment based on federalism;

13 (ii) to acknowledge the sovereignty
14 and territorial integrity of Iraq; and

15 (iii) to fulfill commitments for the ur-
16 gent delivery of significant assistance and
17 debt relief to Iraq, especially those made
18 by the member states of the Gulf Coopera-
19 tion Council; and

20 (B) convening a conference for Iraqis to
21 reach an agreement on a comprehensive polit-
22 ical settlement based on the federalism law ap-
23 proved by the Iraqi Parliament on October 11,
24 2006;

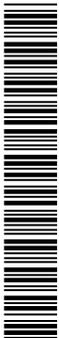


1 (4) the United States should urge the Govern-
2 ment of Iraq to quickly agree upon and implement
3 a law providing for the equitable distribution of oil
4 revenues, which is a critical component of a com-
5 prehensive political settlement in Iraq, including a
6 potential settlement based upon federalism;

7 (5) the steps described in paragraphs (2), (3),
8 and (4) could lead to an Iraq that is stable, not a
9 haven for terrorists, and not a threat to its neigh-
10 bors;

11 (6) in pursuit of a political settlement in Iraq,
12 whether based on federalism or not, the United
13 States should call on Iraq's neighbors to pledge not
14 to militarily intervene in or destabilize Iraq; and

15 (7) nothing in this Act should be construed in
16 any way to infringe on the sovereign rights of the
17 nation of Iraq or to imply that the United States
18 wishes to impose a political settlement in Iraq based
19 on federalism if such a political settlement is con-
20 trary to the wishes of the Iraqi people.



1 **SEC. 1228. TRACKING AND MONITORING OF DEFENSE ARTI-**
2 **CLES PROVIDED TO THE GOVERNMENT OF**
3 **IRAQ AND OTHER INDIVIDUALS AND GROUPS**
4 **IN IRAQ.**

5 (a) EXPORT AND TRANSFER CONTROL POLICY.—

6 The President shall implement a policy to control the ex-
7 port and transfer of defense articles into Iraq, including
8 implementation of the registration and monitoring system
9 under subsection (c).

10 (b) REQUIREMENT TO IMPLEMENT CONTROL SYS-

11 TEM.—No defense articles may be provided to the Govern-
12 ment of Iraq or any other group, organization, citizen, or
13 resident of Iraq until the President certifies to the speci-
14 fied congressional committees that a registration and mon-
15 itoring system meeting the requirements set forth in sub-
16 section (c) has been established.

17 (c) REGISTRATION AND MONITORING SYSTEM.—The

18 registration and monitoring system required under this
19 subsection shall include—

20 (1) the registration of the serial numbers of all
21 small arms to be provided to the Government of Iraq
22 or to other groups, organizations, citizens, or resi-
23 dents of Iraq;

24 (2) a program of end-use monitoring of all le-
25 thal defense articles provided to such entities or in-
26 dividuals; and

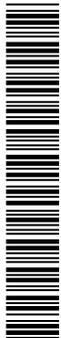


1 (3) a detailed record of the origin, shipping,
2 and distribution of all defense articles transferred
3 under the Iraq Security Forces Fund or any other
4 security assistance program to such entities or indi-
5 viduals.

6 (d) REVIEW; EXEMPTION.—

7 (1) REVIEW.—The President shall periodically
8 review the items subject to the registration and mon-
9 itoring requirements under subsection (c) to deter-
10 mine what items, if any, should no longer be subject
11 to such registration and monitoring requirements.
12 The President shall transmit to the specified con-
13 gressional committees the results of each review con-
14 ducted under this paragraph.

15 (2) EXEMPTION.—The President may exempt
16 an item from the registration and monitoring re-
17 quirements under subsection (c) beginning on the
18 date that is 30 days after the date on which the
19 President provides notice of the proposed exemption
20 to the specified congressional committees in accord-
21 ance with the procedures applicable to reprogram-
22 ming notifications under section 634A(a) of the For-
23 eign Assistance Act of 1961 (22 U.S.C. 2394–1(a)).
24 Such notice shall describe any controls to be im-
25 posed on such item under any other provision of law.



1 (e) DEFINITIONS.—In this section:

2 (1) DEFENSE ARTICLE.—The term “defense ar-
3 ticle” has the meaning given the term in section
4 644(d) of the Foreign Assistance Act of 1961 (22
5 U.S.C. 2403(d)).

6 (2) SMALL ARMS.—The term “small arms”
7 means—

8 (A) handguns;

9 (B) shoulder-fired weapons;

10 (C) light automatic weapons up to and in-
11 cluding .50 caliber machine guns;

12 (D) recoilless rifles up to and including
13 106mm;

14 (E) mortars up to and including 81mm;

15 (F) rocket launchers, man-portable;

16 (G) grenade launchers, rifle and shoulder
17 fired; and

18 (H) individually-operated weapons which
19 are portable or can be fired without special
20 mounts or firing devices and which have poten-
21 tial use in civil disturbances and are vulnerable
22 to theft.

23 (3) SPECIFIED CONGRESSIONAL COMMIT-
24 TEES.—The term “specified congressional commit-
25 tees” means—



1 (A) the Committee on Foreign Affairs and
2 the Committee on Armed Services of the House
3 of Representatives; and

4 (B) the Committee on Foreign Relations,
5 the Committee on Armed Services, and the
6 Committee on Banking, Housing, and Urban
7 Affairs of the Senate.

8 (f) EFFECTIVE DATE.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), this section shall take effect 180 days
11 after the date of the enactment of this Act.

12 (2) EXCEPTION.—The President may delay the
13 effective date of this section by an additional period
14 of up to 90 days if the President certifies in writing
15 to the specified congressional committees for such
16 additional period that it is in the vital interest of the
17 United States to do so and includes in the certifi-
18 cation a description of such vital interest.

19 **SEC. 1229. SPECIAL INSPECTOR GENERAL FOR AFGHANI-**
20 **STAN RECONSTRUCTION.**

21 (a) PURPOSES.—The purposes of this section are as
22 follows:

23 (1) To provide for the independent and objec-
24 tive conduct and supervision of audits and investiga-
25 tions relating to the programs and operations funded



1 with amounts appropriated or otherwise made avail-
2 able for the reconstruction of Afghanistan.

3 (2) To provide for the independent and objec-
4 tive leadership and coordination of, and rec-
5 ommendations on, policies designed to—

6 (A) promote economy efficiency, and effec-
7 tiveness in the administration of the programs
8 and operations described in paragraph (1); and

9 (B) prevent and detect waste, fraud, and
10 abuse in such programs and operations.

11 (3) To provide for an independent and objective
12 means of keeping the Secretary of State and the
13 Secretary of Defense fully and currently informed
14 about problems and deficiencies relating to the ad-
15 ministration of such programs and operations and
16 the necessity for and progress on corrective action.

17 (b) OFFICE OF INSPECTOR GENERAL.—There is
18 hereby established the Office of the Special Inspector Gen-
19 eral for Afghanistan Reconstruction to carry out the pur-
20 poses of subsection (a).

21 (c) APPOINTMENT OF INSPECTOR GENERAL; RE-
22 MOVAL.—

23 (1) APPOINTMENT.—The head of the Office of
24 the Special Inspector General for Afghanistan Re-
25 construction is the Special Inspector General for Af-



1 ghanistan Reconstruction (in this section referred to
2 as the “Inspector General”), who shall be appointed
3 by the President. The President may appoint the
4 Special Inspector General for Iraq Reconstruction to
5 serve as the Special Inspector General for Afghani-
6 stan Reconstruction, in which case the Special In-
7 spector General for Iraq Reconstruction shall have
8 all of the duties, responsibilities, and authorities set
9 forth under this section with respect to such ap-
10 pointed position for the purpose of carrying out this
11 section.

12 (2) QUALIFICATIONS.—The appointment of the
13 Inspector General shall be made solely on the basis
14 of integrity and demonstrated ability in accounting,
15 auditing, financial analysis, law, management anal-
16 ysis, public administration, or investigations.

17 (3) DEADLINE FOR APPOINTMENT.—The ap-
18 pointment of an individual as Inspector General
19 shall be made not later than 30 days after the date
20 of the enactment of this Act.

21 (4) COMPENSATION.—The annual rate of basic
22 pay of the Inspector General shall be the annual rate
23 of basic pay provided for positions at level IV of the
24 Executive Schedule under section 5315 of title 5,
25 United States Code.



1 (5) PROHIBITION ON POLITICAL ACTIVITIES.—

2 For purposes of section 7324 of title 5, United
3 States Code, the Inspector General shall not be con-
4 sidered an employee who determines policies to be
5 pursued by the United States in the nationwide ad-
6 ministration of Federal law.

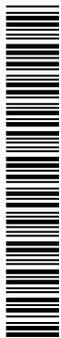
7 (6) REMOVAL.—The Inspector General shall be
8 removable from office in accordance with the provi-
9 sions of section 3(b) of the Inspector General Act of
10 1978 (5 U.S.C. App.).

11 (d) ASSISTANT INSPECTORS GENERAL.—The Inspec-
12 tor General shall, in accordance with applicable laws and
13 regulations governing the civil service—

14 (1) appoint an Assistant Inspector General for
15 Auditing who shall have the responsibility for super-
16 vising the performance of auditing activities relating
17 to programs and operations supported by amounts
18 appropriated or otherwise made available for the re-
19 construction of Afghanistan; and

20 (2) appoint an Assistant Inspector General for
21 Investigations who shall have the responsibility for
22 supervising the performance of investigative activi-
23 ties relating to such programs and operations.

24 (e) SUPERVISION.—



1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the Inspector General shall report directly
3 to, and be under the general supervision of, the Sec-
4 retary of State and the Secretary of Defense.

5 (2) INDEPENDENCE TO CONDUCT INVESTIGA-
6 TIONS AND AUDITS.—No officer of the Department
7 of Defense, the Department of State, or the United
8 States Agency for International Development shall
9 prevent or prohibit the Inspector General from initi-
10 ating, carrying out, or completing any audit or in-
11 vestigation related to amounts appropriated or oth-
12 erwise made available for the reconstruction of Af-
13 ghanistan or from issuing any subpoena during the
14 course of any such audit or investigation.

15 (f) DUTIES.—

16 (1) OVERSIGHT OF AFGHANISTAN RECON-
17 STRUCTION.—It shall be the duty of the Inspector
18 General to conduct, supervise, and coordinate audits
19 and investigations of the treatment, handling, and
20 expenditure of amounts appropriated or otherwise
21 made available for the reconstruction of Afghani-
22 stan, and of the programs, operations, and contracts
23 carried out utilizing such funds, including—

24 (A) the oversight and accounting of the ob-
25 ligation and expenditure of such funds;



1 (B) the monitoring and review of recon-
2 struction activities funded by such funds;

3 (C) the monitoring and review of contracts
4 funded by such funds;

5 (D) the monitoring and review of the
6 transfer of such funds and associated informa-
7 tion between and among departments, agencies,
8 and entities of the United States and private
9 and nongovernmental entities;

10 (E) the maintenance of records on the use
11 of such funds to facilitate future audits and in-
12 vestigations of the use of such fund;

13 (F) the monitoring and review of the effec-
14 tiveness of United States coordination with the
15 Government of Afghanistan and other donor
16 countries in the implementation of the Afghani-
17 stan Compact and the Afghanistan National
18 Development Strategy; and

19 (G) the investigation of overpayments such
20 as duplicate payments or duplicate billing and
21 any potential unethical or illegal actions of Fed-
22 eral employees, contractors, or affiliated entities
23 and the referral of such reports, as necessary,
24 to the Department of Justice to ensure further



1 investigations, prosecutions, recovery of further
2 funds, or other remedies.

3 (2) OTHER DUTIES RELATED TO OVERSIGHT.—

4 The Inspector General shall establish, maintain, and
5 oversee such systems, procedures, and controls as
6 the Inspector General considers appropriate to dis-
7 charge the duties under paragraph (1).

8 (3) DUTIES AND RESPONSIBILITIES UNDER IN-
9 SPECTOR GENERAL ACT OF 1978.—In addition to the
10 duties specified in paragraphs (1) and (2), the In-
11 spector General shall also have the duties and re-
12 sponsibilities of inspectors general under the Inspec-
13 tor General Act of 1978.

14 (4) COORDINATION OF EFFORTS.—In carrying
15 out the duties, responsibilities, and authorities of the
16 Inspector General under this section, the Inspector
17 General shall coordinate with, and receive the co-
18 operation of each of the following:

19 (A) The Inspector General of the Depart-
20 ment of Defense.

21 (B) The Inspector General of the Depart-
22 ment of State.

23 (C) The Inspector General of the United
24 States Agency for International Development.

25 (g) POWERS AND AUTHORITIES.—



1 (1) AUTHORITIES UNDER INSPECTOR GENERAL
2 ACT OF 1978.—In carrying out the duties specified in
3 subsection (f), the Inspector General shall have the
4 authorities provided in section 6 of the Inspector
5 General Act of 1978, including the authorities under
6 subsection (e) of such section.

7 (2) AUDIT STANDARDS.—The Inspector General
8 shall carry out the duties specified in subsection
9 (f)(1) in accordance with section 4(b)(1) of the In-
10 spector General Act of 1978.

11 (h) PERSONNEL, FACILITIES, AND OTHER RE-
12 SOURCES.—

13 (1) PERSONNEL.—The Inspector General may
14 select, appoint, and employ such officers and em-
15 ployees as may be necessary for carrying out the du-
16 ties of the Inspector General, subject to the provi-
17 sions of title 5, United States Code, governing ap-
18 pointments in the competitive service, and the provi-
19 sions of chapter 51 and subchapter III of chapter 53
20 of such title, relating to classification and General
21 Schedule pay rates.

22 (2) EMPLOYMENT OF EXPERTS AND CONSULT-
23 ANTS.—The Inspector General may obtain services
24 as authorized by section 3109 of title 5, United
25 States Code, at daily rates not to exceed the equiva-



1 lent rate prescribed for grade GS-15 of the General
2 Schedule by section 5332 of such title.

3 (3) CONTRACTING AUTHORITY.—To the extent
4 and in such amounts as may be provided in advance
5 by appropriations Acts, the Inspector General may
6 enter into contracts and other arrangements for au-
7 dits, studies, analyses, and other services with public
8 agencies and with private persons, and make such
9 payments as may be necessary to carry out the du-
10 ties of the Inspector General.

11 (4) RESOURCES.—The Secretary of State or the
12 Secretary of Defense, as appropriate, shall provide
13 the Inspector General with appropriate and adequate
14 office space at appropriate locations of the Depart-
15 ment of State or the Department of Defense, as the
16 case may be, in Afghanistan, together with such
17 equipment, office supplies, and communications fa-
18 cilities and services as may be necessary for the op-
19 eration of such offices, and shall provide necessary
20 maintenance services for such offices and the equip-
21 ment and facilities located therein.

22 (5) ASSISTANCE FROM FEDERAL AGENCIES.—

23 (A) IN GENERAL.—Upon request of the In-
24 spector General for information or assistance
25 from any department, agency, or other entity of

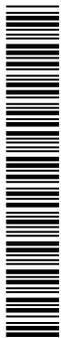


1 the Federal Government, the head of such enti-
2 ty shall, insofar as is practicable and not in
3 contravention of any existing law, furnish such
4 information or assistance to the Inspector Gen-
5 eral, or an authorized designee.

6 (B) REPORTING OF REFUSED ASSIST-
7 ANCE.—Whenever information or assistance re-
8 quested by the Inspector General is, in the
9 judgment of the Inspector General, unreason-
10 ably refused or not provided, the Inspector Gen-
11 eral shall report the circumstances to the Sec-
12 retary of State or the Secretary of Defense, as
13 appropriate, and to the appropriate congress-
14 sional committees without delay.

15 (6) USE OF PERSONNEL, FACILITIES, AND
16 OTHER RESOURCES OF THE OFFICE OF THE SPE-
17 CIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUC-
18 TION.—Upon the request of the Inspector General,
19 the Special Inspector General for Iraq
20 Reconstruction—

21 (A) may detail, on a reimbursable basis,
22 any of the personnel of the Office of the Special
23 Inspector General for Iraq Reconstruction to
24 the Office of the Inspector General for Afghani-



1 stan Reconstruction for the purpose of carrying
2 out this section; and

3 (B) may provide, on a reimbursable basis,
4 any of the facilities or other resources of the
5 Office of the Special Inspector General for Iraq
6 Reconstruction to the Office of the Inspector
7 General for Afghanistan Reconstruction for the
8 purpose of carrying out this section.

9 (i) REPORTS.—

10 (1) QUARTERLY REPORTS.—Not later than 30
11 days after the end of each fiscal-year quarter, the
12 Inspector General shall submit to the appropriate
13 congressional committees a report summarizing, for
14 the period of that quarter and, to the extent pos-
15 sible, the period from the end of such quarter to the
16 time of the submission of the report, the activities
17 during such period of the Inspector General and the
18 activities under programs and operations funded
19 with amounts appropriated or otherwise made avail-
20 able for the reconstruction of Afghanistan. Each re-
21 port shall include, for the period covered by such re-
22 port, a detailed statement of all obligations, expendi-
23 tures, and revenues associated with reconstruction
24 and rehabilitation activities in Afghanistan, includ-
25 ing the following:



1 (A) Obligations and expenditures of appro-
2 priated funds.

3 (B) A project-by-project and program-by-
4 program accounting of the costs incurred to
5 date for the reconstruction of Afghanistan, to-
6 gether with the estimate of the Department of
7 Defense, the Department of State, and the
8 United States Agency for International Devel-
9 opment, as applicable, of the costs to complete
10 each project and each program.

11 (C) Revenues attributable to or consisting
12 of funds provided by foreign nations or inter-
13 national organizations to programs and projects
14 funded by any department or agency of the
15 United States Government, and any obligations
16 or expenditures of such revenues.

17 (D) Revenues attributable to or consisting
18 of foreign assets seized or frozen that con-
19 tribute to programs and projects funded by any
20 department or agency of the United States Gov-
21 ernment, and any obligations or expenditures of
22 such revenues.

23 (E) Operating expenses of agencies or enti-
24 ties receiving amounts appropriated or other-



1 wise made available for the reconstruction of
2 Afghanistan.

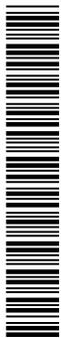
3 (F) In the case of any contract, grant,
4 agreement, or other funding mechanism de-
5 scribed in paragraph (2)—

6 (i) the amount of the contract, grant,
7 agreement, or other funding mechanism;

8 (ii) a brief discussion of the scope of
9 the contract, grant, agreement, or other
10 funding mechanism;

11 (iii) a discussion of how the depart-
12 ment or agency of the United States Gov-
13 ernment involved in the contract, grant,
14 agreement, or other funding mechanism
15 identified, and solicited offers from, poten-
16 tial individuals or entities to perform the
17 contract, grant, agreement, or other fund-
18 ing mechanism, together with a list of the
19 potential individuals or entities that were
20 issued solicitations for the offers; and

21 (iv) the justification and approval doc-
22 uments on which was based the determina-
23 tion to use procedures other than proce-
24 dures that provide for full and open com-
25 petition.



1 (2) COVERED CONTRACTS, GRANTS, AGREE-
2 MENTS, AND FUNDING MECHANISMS.—A contract,
3 grant, agreement, or other funding mechanism de-
4 scribed in this paragraph is any major contract,
5 grant, agreement, or other funding mechanism that
6 is entered into by any department or agency of the
7 United States Government that involves the use of
8 amounts appropriated or otherwise made available
9 for the reconstruction of Afghanistan with any pub-
10 lic or private sector entity for any of the following
11 purposes:

12 (A) To build or rebuild physical infrastruc-
13 ture of Afghanistan.

14 (B) To establish or reestablish a political
15 or societal institution of Afghanistan.

16 (C) To provide products or services to the
17 people of Afghanistan.

18 (3) PUBLIC AVAILABILITY.—The Inspector
19 General shall publish on a publically-available Inter-
20 net website each report under paragraph (1) of this
21 subsection in English and other languages that the
22 Inspector General determines are widely used and
23 understood in Afghanistan.

24 (4) FORM.—Each report required under this
25 subsection shall be submitted in unclassified form,



1 but may include a classified annex if the Inspector
2 General considers it necessary.

3 (5) RULE OF CONSTRUCTION.—Nothing in this
4 subsection shall be construed to authorize the public
5 disclosure of information that is—

6 (A) specifically prohibited from disclosure
7 by any other provision of law;

8 (B) specifically required by Executive order
9 to be protected from disclosure in the interest
10 of national defense or national security or in
11 the conduct of foreign affairs; or

12 (C) a part of an ongoing criminal inves-
13 tigation.

14 (j) REPORT COORDINATION.—

15 (1) SUBMISSION TO SECRETARIES OF STATE
16 AND DEFENSE.—The Inspector General shall also
17 submit each report required under subsection (i) to
18 the Secretary of State and the Secretary of Defense.

19 (2) SUBMISSION TO CONGRESS.—Not later than
20 30 days after receipt of a report under paragraph
21 (1), the Secretary of State or the Secretary of De-
22 fense may submit to the appropriate congressional
23 committees any comments on the matters covered by
24 the report as the Secretary of State or the Secretary
25 of Defense, as the case may be, considers appro-



1 appropriate. Any comments on the matters covered by the
2 report shall be submitted in unclassified form, but
3 may include a classified annex if the Secretary of
4 State or the Secretary of Defense, as the case may
5 be, considers it necessary.

6 (k) TRANSPARENCY.—

7 (1) REPORT.—Not later than 60 days after
8 submission to the appropriate congressional commit-
9 tees of a report under subsection (i), the Secretary
10 of State and the Secretary of Defense shall jointly
11 make copies of the report available to the public
12 upon request, and at a reasonable cost.

13 (2) COMMENTS ON MATTERS COVERED BY RE-
14 PORT.—Not later than 60 days after submission to
15 the appropriate congressional committees under sub-
16 section (j)(2) of comments on a report under sub-
17 section (i), the Secretary of State and the Secretary
18 of Defense shall jointly make copies of the comments
19 available to the public upon request, and at a rea-
20 sonable cost.

21 (l) WAIVER.—

22 (1) AUTHORITY.—The President may waive the
23 requirement under paragraph (1) or (2) of sub-
24 section (k) with respect to availability to the public
25 of any element in a report under subsection (i), or



1 any comment under subsection (j)(2), if the Presi-
2 dent determines that the waiver is justified for na-
3 tional security reasons.

4 (2) NOTICE OF WAIVER.—The President shall
5 publish a notice of each waiver made under this sub-
6 section in the Federal Register no later than the
7 date on which a report required under subsection (i),
8 or any comment under subsection (j)(2), is sub-
9 mitted to the appropriate congressional committees.
10 The report and comments shall specify whether
11 waivers under this subsection were made and with
12 respect to which elements in the report or which
13 comments, as appropriate.

14 (m) DEFINITIONS.—In this section:

15 (1) AMOUNTS APPROPRIATED OR OTHERWISE
16 MADE AVAILABLE FOR THE RECONSTRUCTION OF
17 AFGHANISTAN.—The term “amounts appropriated
18 or otherwise made available for the reconstruction of
19 Afghanistan” means—

20 (A) amounts appropriated or otherwise
21 made available for any fiscal year—

22 (i) to the Afghanistan Security Forces
23 Fund; or

24 (ii) to the program to assist the peo-
25 ple of Afghanistan established under sub-



1 section (a)(2) of section 1202 of the Na-
2 tional Defense Authorization for Fiscal
3 Year 2006 (Public Law 109–163; 119
4 Stat. 3455–3456); and

5 (B) amounts appropriated or otherwise
6 made available for any fiscal year for the recon-
7 struction of Afghanistan under—

8 (i) the Economic Support Fund;

9 (ii) the International Narcotics Con-
10 trol and Law Enforcement account; or

11 (iii) any other provision of law.

12 (2) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committees on Appropriations,
16 Armed Services, and Foreign Relations of the
17 Senate; and

18 (B) the Committees on Appropriations,
19 Armed Services, and Foreign Affairs of the
20 House of Representatives.

21 (n) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There is authorized to be
23 appropriated \$20,000,000 for fiscal year 2008 to
24 carry out this section.



1 (2) OFFSET.—The amount authorized to be ap-
2 propriated by section 1513 for the Afghanistan Se-
3 curity Forces Fund is hereby reduced by
4 \$20,000,000.

5 (o) TERMINATION.—

6 (1) IN GENERAL.—The Office of the Special In-
7 spector General for Afghanistan Reconstruction shall
8 terminate 180 days after the date on which amounts
9 appropriated or otherwise made available for the re-
10 construction of Afghanistan that are unexpended are
11 less than \$250,000,000.

12 (2) FINAL REPORT.—The Inspector General
13 shall, prior to the termination of the Office of the
14 Special Inspector General for Afghanistan Recon-
15 struction under paragraph (1), prepare and submit
16 to the appropriate congressional committees a final
17 forensic audit report on programs and operations
18 funded with amounts appropriated or otherwise
19 made available for the reconstruction of Afghani-
20 stan.

21 **SEC. 1230. REPORT ON PROGRESS TOWARD SECURITY AND**
22 **STABILITY IN AFGHANISTAN.**

23 (a) REPORT REQUIRED.—Not later than 90 days
24 after the date of the enactment of this Act, and every 180
25 days thereafter through the end of fiscal year 2010, the



1 President, acting through the Secretary of Defense, shall
2 submit to the appropriate congressional committees a re-
3 port on progress toward security and stability in Afghani-
4 stan.

5 (b) COORDINATION.—The report required under sub-
6 section (a) shall be prepared in coordination with the Sec-
7 retary of State, the Director of National Intelligence, the
8 Attorney General, the Administrator of the Drug Enforce-
9 ment Administration, the Administrator of the United
10 States Agency for International Development, the Sec-
11 retary of Agriculture, and the head of any other depart-
12 ment or agency of the Government of the United States
13 involved with activities relating to security and stability
14 in Afghanistan.

15 (c) MATTERS TO BE INCLUDED: STRATEGIC DIREC-
16 TION OF UNITED STATES ACTIVITIES RELATING TO SE-
17 CURITY AND STABILITY IN AFGHANISTAN.—The report
18 required under subsection (a) shall include a description
19 of a comprehensive strategy of the United States for secu-
20 rity and stability in Afghanistan. The description of such
21 strategy shall consist of a general overview and a separate
22 detailed section for each of the following:

23 (1) NORTH ATLANTIC TREATY ORGANIZATION
24 INTERNATIONAL SECURITY ASSISTANCE FORCE.—A
25 description of the following:



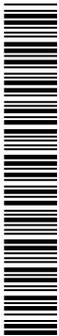
1 (A) Efforts of the United States to work
2 with countries participating in the North Atlan-
3 tic Treaty Organization (NATO) International
4 Security Assistance Force (ISAF) in Afghani-
5 stan (hereafter in this section referred to as
6 “NATO ISAF countries”).

7 (B) Any actions by the United States to
8 achieve the following goals relating to strength-
9 ening the NATO ISAF, and the results of such
10 actions:

11 (i) Encourage NATO ISAF countries
12 to fulfill commitments to the NATO ISAF
13 mission in Afghanistan, and ensure ade-
14 quate contributions to efforts to build the
15 capacity of the Afghanistan National Secu-
16 rity Forces (ANSF), counter-narcotics ef-
17 forts, and reconstruction and development
18 activities in Afghanistan.

19 (ii) Remove national caveats on the
20 use of forces deployed as part of the
21 NATO ISAF.

22 (iii) Reduce the number of civilian
23 casualties resulting from military oper-
24 ations of NATO ISAF countries and miti-



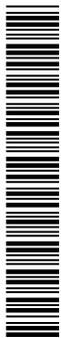
1 gate the impact of such casualties on the
2 Afghan people.

3 (2) AFGHANISTAN NATIONAL SECURITY
4 FORCES.—A description of the following:

5 (A) A comprehensive and effective long-
6 term strategy and budget, with defined objec-
7 tives, for activities relating to strengthening the
8 resources, capabilities, and effectiveness of the
9 Afghanistan National Army (ANA) and the Af-
10 ghanistan National Police (ANP) of the ANSF,
11 with the goal of ensuring that a strong and
12 fully-capable ANSF is able to independently
13 and effectively conduct operations and maintain
14 security and stability in Afghanistan.

15 (B) Any actions by the United States to
16 achieve the following goals relating to building
17 the capacity of the ANSF, and the results of
18 such actions:

19 (i) Improve coordination with all rel-
20 evant departments and agencies of the
21 Government of the United States, as well
22 as NATO ISAF countries and other inter-
23 national partners.



1 (ii) Improve ANSF recruitment and
2 retention, including through improved vet-
3 ting and salaries for the ANSF.

4 (iii) Increase and improve ANSF
5 training and mentoring.

6 (iv) Strengthen the partnership be-
7 tween the Government of the United
8 States and the Government of Afghani-
9 stan.

10 (3) PROVINCIAL RECONSTRUCTION TEAMS AND
11 OTHER RECONSTRUCTION AND DEVELOPMENT AC-
12 TIVITIES.—A description of the following:

13 (A) A comprehensive and effective long-
14 term strategy and budget, with defined objec-
15 tives, for reconstruction and development in Af-
16 ghanistan, including a long-term strategy with
17 a mission and objectives for each United States-
18 led Provincial Reconstruction Team (PRT) in
19 Afghanistan.

20 (B) Any actions by the United States to
21 achieve the following goals with respect to re-
22 construction and development in Afghanistan,
23 and the results of such actions:

24 (i) Improve coordination with all rel-
25 evant departments and agencies of the



1 Government of the United States, as well
2 as NATO ISAF countries and other inter-
3 national partners.

4 (ii) Clarify the chain of command, and
5 operations plans for United States-led
6 PRTs that are appropriate to meet the
7 needs of the relevant local communities.

8 (iii) Promote coordination among
9 PRTs.

10 (iv) Ensure that each PRT is ade-
11 quately staffed, particularly with civilian
12 specialists, and that such staff receive ap-
13 propriate training.

14 (v) Expand the ability of the Afghan
15 people to assume greater responsibility for
16 their own reconstruction and development
17 projects.

18 (vi) Strengthen the partnership be-
19 tween the Government of the United
20 States and the Government of Afghani-
21 stan.

22 (vii) Ensure proper reconstruction and
23 development oversight activities, including
24 implementation, where appropriate, of rec-
25 ommendations of any United States in-



1 spectors general, including the Special In-
2 spector General for Afghanistan Recon-
3 struction appointed pursuant to section
4 1229.

5 (4) COUNTER-NARCOTICS ACTIVITIES.—A de-
6 scription of the following:

7 (A) A comprehensive and effective long-
8 term strategy and budget, with defined objec-
9 tives, for the activities of the Department of
10 Defense relating to counter-narcotics efforts in
11 Afghanistan, including—

12 (i) roles and missions of the Depart-
13 ment of Defense within the overall counter-
14 narcotics strategy for Afghanistan of the
15 Government of the United States, includ-
16 ing a statement of priorities;

17 (ii) a detailed, comprehensive, and ef-
18 fective strategy with defined one-year,
19 three-year, and five-year objectives and a
20 description of the accompanying allocation
21 of resources of the Department of Defense
22 to accomplish such objectives;

23 (iii) in furtherance of the strategy de-
24 scribed in clause (i), actions that the De-



1 partment of Defense is taking and has
2 planned to take to—

3 (I) improve coordination within
4 the Department of Defense and with
5 all relevant departments and agencies
6 of the Government of the United
7 States;

8 (II) strengthen significantly the
9 Afghanistan National Counter-nar-
10 cotics Police;

11 (III) build the capacity of local
12 and provincial governments of Af-
13 ghanistan and the national Govern-
14 ment of Afghanistan to assume great-
15 er responsibility for counter-narcotics-
16 related activities, including interdic-
17 tion; and

18 (IV) improve counter-narcotics-
19 related intelligence capabilities and
20 tactical use of such capabilities by the
21 Department of Defense and other ap-
22 propriate departments and agencies of
23 the Government of the United States;
24 and



1 (iv) the impact, if any, including the
2 disadvantages and advantages, if any, on
3 the primary counter-terrorism mission of
4 the United States military of providing en-
5 hanced logistical support to departments
6 and agencies of the Government of the
7 United States and counter-narcotics part-
8 ners of the United States in their interdiction
9 efforts, including apprehending or
10 eliminating major drug traffickers in Af-
11 ghanistan.

12 (B) The counter-narcotics roles and mis-
13 sions assumed by the local and provincial gov-
14 ernments of Afghanistan and the national Gov-
15 ernment of Afghanistan, appropriate depart-
16 ments and agencies of the Government of the
17 United States (other than the Department of
18 Defense), the NATO ISAF, and the govern-
19 ments of other countries.

20 (C) The plan and efforts to coordinate the
21 counter-narcotics strategy and activities of the
22 Department of Defense with the counter-nar-
23 cotics strategy and activities of the Government
24 of Afghanistan, the NATO-led interdiction and
25 security forces, other appropriate countries, and



1 other counter-narcotics partners of the United
2 States, and the results of such efforts.

3 (D) The progress made by the govern-
4 ments, organizations, and entities specified in
5 subparagraph (B) in executing designated roles
6 and missions, and in coordinating and imple-
7 menting counternarcotics plans and activities,
8 and based on the results of this progress wheth-
9 er, and to what extent, roles and missions for
10 the Department of Defense should be altered in
11 the future, or should remain unaltered.

12 (5) PUBLIC CORRUPTION AND RULE OF LAW.—
13 A description of any actions, and the results of such
14 actions, to help the Government of Afghanistan fight
15 public corruption and strengthen governance and the
16 rule of law at the local, provincial, and national lev-
17 els.

18 (6) REGIONAL CONSIDERATIONS.—A descrip-
19 tion of any actions and the results of such actions
20 to increase cooperation with countries geographically
21 located around Afghanistan's border, with a par-
22 ticular focus on improving security and stability in
23 the Afghanistan-Pakistan border areas.

24 (d) MATTERS TO BE INCLUDED: PERFORMANCE IN-
25 DICATORS AND MEASURES OF PROGRESS TOWARD SUS-



1 TAINABLE LONG-TERM SECURITY AND STABILITY IN AF-
2 GHANISTAN.—

3 (1) IN GENERAL.—The report required under
4 subsection (a) shall set forth a comprehensive set of
5 performance indicators and measures of progress to-
6 ward sustainable long-term security and stability in
7 Afghanistan, as specified in paragraph (2), and shall
8 include performance standards and progress goals,
9 together with a notional timetable for achieving such
10 goals.

11 (2) PERFORMANCE INDICATORS AND MEASURES
12 OF PROGRESS SPECIFIED.—The performance indica-
13 tors and measures of progress specified in this para-
14 graph shall include, at a minimum, the following:

15 (A) With respect to the NATO ISAF, an
16 assessment of unfulfilled NATO ISAF mission
17 requirements and contributions from individual
18 NATO ISAF countries, including levels of
19 troops and equipment, the effect of contribu-
20 tions on operations, and unfulfilled commit-
21 ments.

22 (B) An assessment of military operations
23 of the NATO ISAF, including of NATO ISAF
24 countries, and an assessment of separate mili-



1 tary operations by United States forces. Such
2 assessments shall include—

3 (i) indicators of a stable security envi-
4 ronment in Afghanistan, such as number
5 of engagements per day, and trends relat-
6 ing to the numbers and types of hostile en-
7 counters; and

8 (ii) the effects of national caveats that
9 limit operations, geographic location of op-
10 erations, and estimated number of civilian
11 casualties.

12 (C) For the Afghanistan National Army
13 (ANA), and separately for the Afghanistan Na-
14 tional Police (ANP), of the Afghanistan Na-
15 tional Security Forces (ANSF) an assessment
16 of the following:

17 (i) Recruitment and retention num-
18 bers, rates of absenteeism, vetting proce-
19 dures, and salary scale.

20 (ii) Numbers trained, numbers receiv-
21 ing mentoring, the type of training and
22 mentoring, and number of trainers, men-
23 tors, and advisers needed to support the
24 ANA and ANP and associated ministries.

25 (iii) Type of equipment used.



1 (iv) Operational readiness status of
2 ANSF units, including the type, number,
3 size, and organizational structure of ANA
4 and ANP units that are—

5 (I) capable of conducting oper-
6 ations independently;

7 (II) capable of conducting oper-
8 ations with the support of the United
9 States, NATO ISAF forces, or other
10 coalition forces; or

11 (III) not ready to conduct oper-
12 ations.

13 (v) Effectiveness of ANA and ANP
14 officers and the ANA and ANP chain of
15 command.

16 (vi) Extent to which insurgents have
17 infiltrated the ANA and ANP.

18 (vii) Estimated number and capability
19 level of the ANA and ANP needed to per-
20 form duties now undertaken by NATO
21 ISAF countries, separate United States
22 forces and other coalition forces, including
23 defending the borders of Afghanistan and
24 providing adequate levels of law and order
25 throughout Afghanistan.



1 (D) An assessment of the estimated
2 strength of the insurgency in Afghanistan and
3 the extent to which it is composed of non-Af-
4 ghan fighters and utilizing weapons or weapons-
5 related materials from countries other than Af-
6 ghanistan.

7 (E) A description of all terrorist and insur-
8 gent groups operating in Afghanistan, including
9 the number, size, equipment strength, military
10 effectiveness, sources of support, legal status,
11 and any efforts to disarm or reintegrate each
12 such group.

13 (F) An assessment of security and sta-
14 bility, including terrorist and insurgent activity,
15 in Afghanistan-Pakistan border areas and in
16 Pakistan's Federally Administered Tribal
17 Areas.

18 (G) An assessment of United States mili-
19 tary requirements, including planned force rota-
20 tions, for the twelve-month period following the
21 date of the report required under subsection
22 (a).

23 (H) For reconstruction and development,
24 an assessment of the following:



1 (i) The location, funding (including
2 the sources of funding), staffing require-
3 ments, current staffing levels, and activi-
4 ties of each United States-led Provincial
5 Reconstruction Team.

6 (ii) Key indicators of economic activ-
7 ity that should be considered the most im-
8 portant for determining the prospects of
9 stability in Afghanistan, including—

10 (I) the indicators set forth in the
11 Afghanistan Compact, which consist
12 of roads, education, health, agri-
13 culture, and electricity; and

14 (II) unemployment and poverty
15 levels.

16 (I) For counter-narcotics efforts, an as-
17 sessment of the activities of the Department of
18 Defense in Afghanistan, as described in sub-
19 section (c)(4), and the effectiveness of such ac-
20 tivities.

21 (J) Key measures of political stability re-
22 lating to both central and local Afghan govern-
23 ance.

24 (K) For public corruption and rule of law,
25 an assessment of anti-corruption and law en-



1 forcement activities at the local, provincial, and
2 national levels and the effectiveness of such ac-
3 tivities.

4 (e) FORM.—The report required under subsection (a)
5 shall be submitted in unclassified form, but may include
6 a classified annex, if necessary.

7 (f) CONGRESSIONAL BRIEFINGS.—The Secretary of
8 Defense shall supplement the report required under sub-
9 section (a) with regular briefings to the appropriate con-
10 gressional committees on the subject matter of the report.

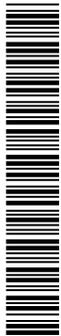
11 (g) APPROPRIATE CONGRESSIONAL COMMITTEES
12 DEFINED.—In this section, the term “appropriate con-
13 gressional committees” means—

14 (1) the Committee on Armed Services, the
15 Committee on Appropriations, and the Committee on
16 Foreign Affairs of the House of Representatives;
17 and

18 (2) the Committee on Armed Services, the
19 Committee on Appropriations, and the Committee on
20 Foreign Relations of the Senate.

21 **SEC. 1231. UNITED STATES PLAN FOR SUSTAINING THE AF-**
22 **GHANISTAN NATIONAL SECURITY FORCES.**

23 (a) PLAN REQUIRED.—Not later than 90 days after
24 the date of the enactment of this Act, and annually there-
25 after through the end of fiscal year 2010, the Secretary



1 of Defense shall submit to the appropriate congressional
2 committees a report on a long-term detailed plan for sus-
3 taining the Afghanistan National Army (ANA) and the
4 Afghanistan National Police (ANP) of the Afghanistan
5 National Security Forces (ANSF), with the objective of
6 ensuring that a strong and fully-capable ANSF will be
7 able to independently and effectively conduct operations
8 and maintain long-term security and stability in Afghani-
9 stan.

10 (b) COORDINATION.—The report required under sub-
11 section (a) shall be prepared in coordination with the Sec-
12 retary of State.

13 (c) MATTERS TO BE INCLUDED.—The report re-
14 quired under subsection (a) shall include a description of
15 the following matters relating to the plan for sustaining
16 the ANSF:

17 (1) A comprehensive and effective long-term
18 strategy and budget, with defined objectives.

19 (2) A mechanism for tracking funding, equip-
20 ment, training, and services provided for the ANSF
21 by the United States, countries participating in the
22 North Atlantic Treaty Organization (NATO) Inter-
23 national Security Assistance Force (ISAF) in Af-
24 ghanistan (hereafter in this section referred to as



1 “NATO ISAF countries”), and other coalition forces
2 that are not part of the NATO ISAF.

3 (3) Any actions to assist the Government of Af-
4 ghanistan achieve the following goals, and the re-
5 sults of such actions:

6 (A) Build and sustain effective Afghan se-
7 curity institutions with fully-capable leadership
8 and staff, including a reformed Ministry of In-
9 terior, a fully-established Ministry of Defense,
10 and logistics, intelligence, medical, and recruit-
11 ing units (hereafter in this section referred to
12 as “ANSF-sustaining institutions”).

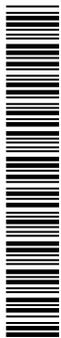
13 (B) Train and equip fully-capable ANSF
14 that are capable of conducting operations inde-
15 pendently and in sufficient numbers.

16 (C) Establish strong ANSF-readiness as-
17 sessment tools and metrics.

18 (D) Build and sustain strong, professional
19 ANSF officers at the junior-, mid-, and senior-
20 levels.

21 (E) Develop strong ANSF communication
22 and control between central command and re-
23 gions, provinces, and districts.

24 (F) Establish a robust mentoring and ad-
25 vising program, and a strong professional mili-



1 tary training and education program, for all
2 ANSF officials.

3 (G) Establish effective merit-based salary,
4 rank, promotion, and incentive structures for
5 the ANSF.

6 (H) Develop mechanisms for incorporating
7 lessons learned and best practices into ANSF
8 operations.

9 (I) Establish an ANSF personnel account-
10 ability system with effective internal discipline
11 procedures and mechanisms, and a system for
12 addressing ANSF personnel complaints.

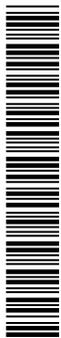
13 (J) Ensure effective ANSF oversight
14 mechanisms, including a strong record-keeping
15 system to track ANSF equipment and per-
16 sonnel.

17 (4) Coordination with all relevant departments
18 and agencies of the Government of the United
19 States, as well as NATO ISAF countries and other
20 international partners, including on—

21 (A) funding;

22 (B) reform and establishment of ANSF-
23 sustaining institutions; and

24 (C) efforts to ensure that progress on sus-
25 taining the ANSF is reinforced with progress in



1 other pillars of the Afghan security sector, par-
2 ticularly progress on building an effective judi-
3 ciary, curbing production and trafficking of il-
4 licit narcotics, and demobilizing, disarming, and
5 reintegrating militia fighters.

6 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
7 DEFINED.—In this section, the term “appropriate con-
8 gressional committees” means—

9 (1) the Committee on Armed Services, the
10 Committee on Appropriations, and the Committee on
11 Foreign Affairs of the House of Representatives;
12 and

13 (2) the Committee on Armed Services, the
14 Committee on Appropriations, and the Committee on
15 Foreign Relations of the Senate.

16 **SEC. 1232. REPORT ON ENHANCING SECURITY AND STA-**
17 **BILITY IN THE REGION ALONG THE BORDER**
18 **OF AFGHANISTAN AND PAKISTAN.**

19 (a) REPORT REQUIRED.—

20 (1) IN GENERAL.—Not later than March 31,
21 2008, the Secretary of Defense, in consultation with
22 the Secretary of State, shall submit to the appro-
23 priate congressional committees a report on enhanc-
24 ing security and stability in the region along the bor-
25 der of Afghanistan and Pakistan.



1 (2) MATTERS TO BE INCLUDED.—The report
2 required under paragraph (1) shall include the fol-
3 lowing:

4 (A) A detailed description of the efforts by
5 the Government of Pakistan to achieve the fol-
6 lowing objectives:

7 (i) Eliminate safe havens for Taliban,
8 Al Qaeda, and other violent extremist
9 forces on the national territory of Paki-
10 stan.

11 (ii) Prevent the movement of such
12 forces across the border of Pakistan into
13 Afghanistan to engage in insurgent or ter-
14 rorist activities.

15 (B) An assessment of the Secretary of De-
16 fense as to whether Pakistan is making sub-
17 stantial and sustained efforts to achieve the ob-
18 jectives specified in subparagraph (A).

19 (3) FORM.—The report required under para-
20 graph (1) shall be submitted in unclassified form,
21 but may include a classified annex.

22 (4) LIMITATION.—

23 (A) IN GENERAL.—If the Secretary of De-
24 fense does not submit the report required under
25 paragraph (1) by March 31, 2008, then after



1 such date the Government of Pakistan may not
2 be reimbursed under the authority of any provi-
3 sion of law described in subparagraph (B) for
4 logistical, military, or other support provided by
5 Pakistan to the United States until the Sec-
6 retary submits to the appropriate congressional
7 committees the report required by such para-
8 graph.

9 (B) PROVISIONS OF LAW.—The provisions
10 of law referred to in subparagraph (A) are the
11 following:

12 (i) Section 1233.

13 (ii) Any other provision of law under
14 which payments are authorized to reim-
15 burse key cooperating nations for
16 logistical, military, or other support pro-
17 vided by that nation to or in connection
18 with United States military operations.

19 (5) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES DEFINED.—In this subsection, the term “ap-
21 propriate congressional committees” means—

22 (A) the Committee on Armed Services, the
23 Committee on Appropriations, and the Com-
24 mittee on Foreign Affairs of the House of Rep-
25 resentatives; and



1 (B) the Committee on Armed Services, the
2 Committee on Appropriations, and the Com-
3 mittee on Foreign Relations of the Senate.

4 (b) NOTIFICATION RELATING TO DEPARTMENT OF
5 DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—

6 (1) NOTIFICATION.—

7 (A) IN GENERAL.—Not less than 15 days
8 before making any reimbursement to the Gov-
9 ernment of Pakistan under the authority of any
10 provision of law described in subparagraph (B)
11 for logistical, military, or other support pro-
12 vided by Pakistan to the United States, the
13 Secretary of Defense shall submit to the con-
14 gressional defense committees a written notifi-
15 cation that contains a detailed description of
16 such logistical, military, or other support.

17 (B) PROVISIONS OF LAW.—The provisions
18 of law referred to in subparagraph (A) are the
19 following:

20 (i) Section 1233.

21 (ii) Any other provision of law under
22 which payments are authorized to reim-
23 burse key cooperating nations for
24 logistical, military, or other support pro-



1 vided by that nation to or in connection
2 with United States military operations.

3 (2) MATTERS TO BE INCLUDED.—Each notifi-
4 cation required under paragraph (1) shall include an
5 itemized description of the following support pro-
6 vided by Pakistan to the United States for which the
7 United States will provide reimbursement:

8 (A) Logistic support, supplies, and serv-
9 ices, as such term is defined in section 2350(1)
10 of title 10, United States Code.

11 (B) Military support.

12 (C) Any other support or services.

13 (3) FORM.—Each notification required under
14 paragraph (1) shall be submitted in unclassified
15 form, but may include a classified annex.

16 (4) RELATIONSHIP TO OTHER NOTIFICATION
17 REQUIREMENTS.—Each notification required under
18 paragraph (1) shall be in addition to any notification
19 requirements under any provision of law described in
20 subparagraph (B) of such paragraph.

21 (5) EFFECTIVE DATE.—The requirement to
22 submit notifications under paragraph (1) shall apply
23 with respect to reimbursements to the Government
24 of Pakistan for logistical, military, or other support
25 provided by Pakistan to the United States during



1 the period beginning on February 1, 2008, and end-
2 ing on September 30, 2009.

3 **SEC. 1233. REIMBURSEMENT OF CERTAIN COALITION NA-**
4 **TIONS FOR SUPPORT PROVIDED TO UNITED**
5 **STATES MILITARY OPERATIONS.**

6 (a) **AUTHORITY.**—From funds made available for the
7 Department of Defense by section 1508 for operation and
8 maintenance, Defense-wide activities, the Secretary of De-
9 fense may reimburse any key cooperating nation for
10 logistical and military support provided by that nation to
11 or in connection with United States military operations
12 in Operation Iraqi Freedom or Operation Enduring Free-
13 dom.

14 (b) **AMOUNTS OF REIMBURSEMENT.**—

15 (1) **IN GENERAL.**—Reimbursement authorized
16 by subsection (a) may be made in such amounts as
17 the Secretary of Defense, with the concurrence of
18 the Secretary of State and in consultation with the
19 Director of the Office of Management and Budget,
20 may determine, based on documentation determined
21 by the Secretary of Defense to adequately account
22 for the support provided.

23 (2) **STANDARDS.**—Not later than 30 days after
24 the date of the enactment of this Act, the Secretary
25 of Defense shall prescribe standards for determining



1 the kinds of logistical and military support to the
2 United States that shall be considered reimbursable
3 under the authority in subsection (a). Such stand-
4 ards may not take effect until 15 days after the date
5 on which the Secretary submits to the congressional
6 defense committees a report setting forth such
7 standards.

8 (c) LIMITATIONS.—

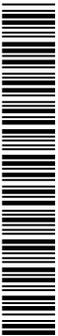
9 (1) LIMITATION ON AMOUNT.—The total
10 amount of reimbursements made under the authority
11 in subsection (a) during fiscal year 2008 may not
12 exceed \$1,200,000,000.

13 (2) PROHIBITION ON CONTRACTUAL OBLIGA-
14 TIONS TO MAKE PAYMENTS.—The Secretary of De-
15 fense may not enter into any contractual obligation
16 to make a reimbursement under the authority in
17 subsection (a).

18 (d) NOTICE TO CONGRESS.—The Secretary of De-
19 fense shall—

20 (1) notify the congressional defense committees
21 not less than 15 days before making any reimburse-
22 ment under the authority in subsection (a); and

23 (2) submit to the congressional defense commit-
24 tees on a quarterly basis a report on any reimburse-



1 ments made under the authority in subsection (a)
2 during such quarter.

3 **SEC. 1234. LOGISTICAL SUPPORT FOR COALITION FORCES**
4 **SUPPORTING OPERATIONS IN IRAQ AND AF-**
5 **GHANISTAN.**

6 (a) AVAILABILITY OF FUNDS FOR LOGISTICAL SUP-
7 PORT.—Subject to the provisions of this section, amounts
8 available to the Department of Defense for fiscal year
9 2008 for operation and maintenance may be used to pro-
10 vide supplies, services, transportation (including airlift
11 and sealift), and other logistical support to coalition forces
12 supporting United States military and stabilization oper-
13 ations in Iraq and Afghanistan.

14 (b) REQUIRED DETERMINATION.—The Secretary
15 may provide logistical support under the authority in sub-
16 section (a) only if the Secretary determines that the coali-
17 tion forces to be provided the logistical support—

18 (1) are essential to the success of a United
19 States military or stabilization operation; and

20 (2) would not be able to participate in such op-
21 eration without the provision of the logistical sup-
22 port.

23 (c) COORDINATION WITH EXPORT CONTROL
24 LAWS.—Logistical support may be provided under the au-
25 thority in subsection (a) only in accordance with applicable



1 provisions of the Arms Export Control Act and other ex-
2 port control laws of the United States.

3 (d) LIMITATION ON VALUE.—The total amount of
4 logistical support provided under the authority in sub-
5 section (a) in fiscal year 2008 may not exceed
6 \$400,000,000.

7 (e) QUARTERLY REPORTS.—

8 (1) REPORTS REQUIRED.—Not later than 15
9 days after the end of each fiscal-year quarter of fis-
10 cal year 2008, the Secretary shall submit to the con-
11 gressional defense committees a report on the provi-
12 sion of logistical support under the authority in sub-
13 section (a) during such fiscal-year quarter.

14 (2) ELEMENTS.—Each report under paragraph
15 (1) shall include, for the fiscal-year quarter covered
16 by such report, the following:

17 (A) Each nation provided logistical support
18 under the authority in subsection (a).

19 (B) For each such nation, a description of
20 the type and value of logistical support so pro-
21 vided.

22 **Subtitle C—Iraq Refugee Crisis**

23 **SEC. 1241. SHORT TITLE.**

24 This subtitle may be cited as the “Refugee Crisis in
25 Iraq Act of 2007”.



1 **SEC. 1242. PROCESSING MECHANISMS.**

2 (a) IN GENERAL.—The Secretary of State, in con-
3 sultation with the Secretary of Homeland Security, shall
4 establish or use existing refugee processing mechanisms
5 in Iraq and in countries, where appropriate, in the region
6 in which—

7 (1) aliens described in section 1243 may apply
8 and interview for admission to the United States as
9 refugees; and

10 (2) aliens described in section 1244(b) may
11 apply and interview for admission to United States
12 as special immigrants.

13 (b) SUSPENSION.—If such is determined necessary,
14 the Secretary of State, in consultation with the Secretary
15 of Homeland Security, may suspend in-country processing
16 under subsection (a) for a period not to exceed 90 days.
17 Such suspension may be extended by the Secretary of
18 State upon notification to the Committee on the Judiciary
19 of the House of Representatives, the Committee on For-
20 eign Affairs of the House of Representatives, the Com-
21 mittee on the Judiciary of the Senate, and the Committee
22 on Foreign Relations of the Senate. The Secretary of
23 State shall submit to such committees a report outlining
24 the basis of any such suspension and any extensions there-
25 of.



1 (c) REPORT.—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary of State, in
3 consultation with the Secretary of Homeland Security,
4 shall submit to the committees specified in subsection (b)
5 a report that—

6 (1) describes the Secretary of State's plans to
7 establish the processing mechanisms required under
8 subsection (a);

9 (2) contains an assessment of in-country proc-
10 essing that makes use of videoconferencing; and

11 (3) describes the Secretary of State's diplomatic
12 efforts to improve issuance of exit permits to Iraqis
13 who have been provided special immigrant status
14 under section 1244 and Iraqi refugees under section
15 1243.

16 **SEC. 1243. UNITED STATES REFUGEE PROGRAM PROC-**
17 **ESSING PRIORITIES.**

18 (a) IN GENERAL.—Refugees of special humanitarian
19 concern eligible for Priority 2 processing under the refugee
20 resettlement priority system who may apply directly to the
21 United States Admission Program shall include—

22 (1) Iraqis who were or are employed by the
23 United States Government, in Iraq;



1 (2) Iraqis who establish to the satisfaction of
2 the Secretary of State that they are or were em-
3 ployed in Iraq by—

4 (A) a media or nongovernmental organiza-
5 tion headquartered in the United States; or

6 (B) an organization or entity closely asso-
7 ciated with the United States mission in Iraq
8 that has received United States Government
9 funding through an official and documented
10 contract, award, grant, or cooperative agree-
11 ment; and

12 (3) spouses, children, and parents whether or
13 not accompanying or following to join, and sons,
14 daughters, and siblings of aliens described in para-
15 graph (1), paragraph (2), or section 1244(b)(1); and

16 (4) Iraqis who are members of a religious or
17 minority community, have been identified by the
18 Secretary of State, or the designee of the Secretary,
19 as a persecuted group, and have close family mem-
20 bers (as described in section 201(b)(2)(A)(i) or
21 203(a) of the Immigration and Nationality Act (8
22 U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United
23 States.

24 (b) IDENTIFICATION OF OTHER PERSECUTED
25 GROUPS.—The Secretary of State, or the designee of the



1 Secretary, is authorized to identify other Priority 2 groups
2 of Iraqis, including vulnerable populations.

3 (c) INELIGIBLE ORGANIZATIONS AND ENTITIES.—
4 Organizations and entities described in subsection (a)(2)
5 shall not include any that appear on the Department of
6 the Treasury's list of Specially Designated Nationals or
7 any entity specifically excluded by the Secretary of Home-
8 land Security, after consultation with the Secretary of
9 State and the heads of relevant elements of the intelligence
10 community (as defined in section 3(4) of the National Se-
11 curity Act of 1947 (50 U.S.C. 401a(4)).

12 (d) APPLICABILITY OF OTHER REQUIREMENTS.—
13 Aliens under this section who qualify for Priority 2 proc-
14 essing under the refugee resettlement priority system shall
15 satisfy the requirements of section 207 of the Immigration
16 and Nationality Act (8 U.S.C. 1157) for admission to the
17 United States.

18 (e) NUMERICAL LIMITATIONS.—In determining the
19 number of Iraqi refugees who should be resettled in the
20 United States under paragraphs (2), (3), and (4) of sub-
21 section (a) and subsection (b) of section 207 of the Immi-
22 gration and Nationality Act (8 U.S.C. 1157), the Presi-
23 dent shall consult with the heads of nongovernmental or-
24 ganizations that have a presence in Iraq or experience in
25 assessing the problems faced by Iraqi refugees.



1 (f) ELIGIBILITY FOR ADMISSION AS REFUGEE.—No
2 alien shall be denied the opportunity to apply for admis-
3 sion under this section solely because such alien qualifies
4 as an immediate relative or is eligible for any other immi-
5 grant classification.

6 **SEC. 1244. SPECIAL IMMIGRANT STATUS FOR CERTAIN**
7 **IRAQIS.**

8 (a) IN GENERAL.—Subject to subsection (c), the Sec-
9 retary of Homeland Security, or, notwithstanding any
10 other provision of law, the Secretary of State in consulta-
11 tion with the Secretary of Homeland Security, may pro-
12 vide an alien described in subsection (b) with the status
13 of a special immigrant under section 101(a)(27) of the Im-
14 migration and Nationality Act (8 U.S.C. 1101(a)(27)), if
15 the alien—

16 (1) or an agent acting on behalf of the alien,
17 submits a petition for classification under section
18 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

19 (2) is otherwise eligible to receive an immigrant
20 visa;

21 (3) is otherwise admissible to the United States
22 for permanent residence (excluding the grounds for
23 inadmissibility specified in section 212(a)(4) of such
24 Act (8 U.S.C. 1182(a)(4)); and



1 (4) cleared a background check and appropriate
2 screening, as determined by the Secretary of Home-
3 land Security.

4 (b) ALIENS DESCRIBED.—

5 (1) PRINCIPAL ALIENS.—An alien is described
6 in this subsection if the alien—

7 (A) is a citizen or national of Iraq;

8 (B) was or is employed by or on behalf of
9 the United States Government in Iraq, on or
10 after March 20, 2003, for not less than one
11 year;

12 (C) provided faithful and valuable service
13 to the United States Government, which is doc-
14 umented in a positive recommendation or eval-
15 uation, subject to paragraph (4), from the em-
16 ployee’s senior supervisor or the person cur-
17 rently occupying that position, or a more senior
18 person, if the employee’s senior supervisor has
19 left the employer or has left Iraq; and

20 (D) has experienced or is experiencing an
21 ongoing serious threat as a consequence of the
22 alien’s employment by the United States Gov-
23 ernment.

24 (2) SPOUSES AND CHILDREN.—An alien is de-
25 scribed in this subsection if the alien—



1 (A) is the spouse or child of a principal
2 alien described in paragraph (1); and

3 (B) is accompanying or following to join
4 the principal alien in the United States.

5 (3) TREATMENT OF SURVIVING SPOUSE OR
6 CHILD.—An alien is described in subsection (b) if
7 the alien—

8 (A) was the spouse or child of a principal
9 alien described in paragraph (1) who had a pe-
10 tition for classification approved pursuant to
11 this section or section 1059 of the National De-
12 fense Authorization Act for Fiscal Year 2006
13 (Public Law 109–163; 8 U.S.C. 1101 note),
14 which included the alien as an accompanying
15 spouse or child; and

16 (B) due to the death of the principal
17 alien—

18 (i) such petition was revoked or termi-
19 nated (or otherwise rendered null); and

20 (ii) such petition would have been ap-
21 proved if the principal alien had survived.

22 (4) APPROVAL BY CHIEF OF MISSION RE-
23 QUIRED.—A recommendation or evaluation required
24 under paragraph (1)(C) shall be accompanied by ap-
25 proval from the Chief of Mission, or the designee of



1 the Chief of Mission, who shall conduct a risk as-
2 sessment of the alien and an independent review of
3 records maintained by the United States Govern-
4 ment or hiring organization or entity to confirm em-
5 ployment and faithful and valuable service to the
6 United States Government prior to approval of a pe-
7 tition under this section.

8 (c) NUMERICAL LIMITATIONS.—

9 (1) IN GENERAL.—The total number of prin-
10 cipal aliens who may be provided special immigrant
11 status under this section may not exceed 5,000 per
12 year for each of the five fiscal years beginning after
13 the date of the enactment of this Act.

14 (2) EXCLUSION FROM NUMERICAL LIMITA-
15 TIONS.—Aliens provided special immigrant status
16 under this section shall not be counted against any
17 numerical limitation under sections 201(d), 202(a),
18 or 203(b)(4) of the Immigration and Nationality Act
19 (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

20 (3) CARRY FORWARD.—

21 (A) FISCAL YEARS ONE THROUGH FOUR.—

22 If the numerical limitation specified in para-
23 graph (1) is not reached during a given fiscal
24 year referred to in such paragraph (with re-
25 spect to fiscal years one through four), the nu-



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1 numerical limitation specified in such paragraph
2 for the following fiscal year shall be increased
3 by a number equal to the difference between—

4 (i) the numerical limitation specified
5 in paragraph (1) for the given fiscal year;
6 and

7 (ii) the number of principal aliens pro-
8 vided special immigrant status under this
9 section during the given fiscal year.

10 (B) FISCAL YEARS FIVE AND SIX.—If the
11 numerical limitation specified in paragraph (1)
12 is not reached in the fifth fiscal year beginning
13 after the date of the enactment of this Act, the
14 total number of principal aliens who may be
15 provided special immigrant status under this
16 section for the sixth fiscal year beginning after
17 such date shall be equal to the difference
18 between—

19 (i) the numerical limitation specified
20 in paragraph (1) for the fifth fiscal year;
21 and

22 (ii) the number of principal aliens pro-
23 vided such status under this section during
24 the fifth fiscal year.



1 (d) VISA AND PASSPORT ISSUANCE AND FEES.—Nei-
2 ther the Secretary of State nor the Secretary of Homeland
3 Security may charge an alien described in subsection (b)
4 any fee in connection with an application for, or issuance
5 of, a special immigrant visa. The Secretary of State shall
6 make a reasonable effort to ensure that aliens described
7 in this section who are issued special immigrant visas are
8 provided with the appropriate series Iraqi passport nec-
9 essary to enter the United States.

10 (e) PROTECTION OF ALIENS.—The Secretary of
11 State, in consultation with the heads of other relevant
12 Federal agencies, shall make a reasonable effort to provide
13 an alien described in this section who is applying for a
14 special immigrant visa with protection or the immediate
15 removal from Iraq, if possible, of such alien if the Sec-
16 retary determines after consultation that such alien is in
17 imminent danger.

18 (f) ELIGIBILITY FOR ADMISSION UNDER OTHER
19 CLASSIFICATION.—No alien shall be denied the oppor-
20 tunity to apply for admission under this section solely be-
21 cause such alien qualifies as an immediate relative or is
22 eligible for any other immigrant classification.

23 (g) RESETTLEMENT SUPPORT.—Iraqi aliens granted
24 special immigrant status described in section 101(a)(27)
25 of the Immigration and Nationality Act (8 U.S.C.



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1 1101(a)(27)) shall be eligible for resettlement assistance,
2 entitlement programs, and other benefits available to refu-
3 gees admitted under section 207 of such Act (8 U.S.C.
4 1157) for a period not to exceed eight months.

5 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion may be construed to affect the authority of the Sec-
7 retary of Homeland Security under section 1059 of the
8 National Defense Authorization Act for Fiscal Year 2006.

9 **SEC. 1245. SENIOR COORDINATOR FOR IRAQI REFUGEES**
10 **AND INTERNALLY DISPLACED PERSONS.**

11 (a) DESIGNATION IN IRAQ.—The Secretary of State
12 shall designate in the embassy of the United States in
13 Baghdad, Iraq, a Senior Coordinator for Iraqi Refugees
14 and Internally Displaced Persons (referred to in this sec-
15 tion as the “Senior Coordinator”).

16 (b) RESPONSIBILITIES.—The Senior Coordinator
17 shall be responsible for the oversight of processing for the
18 resettlement in the United States of refugees of special
19 humanitarian concern, special immigrant visa programs in
20 Iraq, and the development and implementation of other
21 appropriate policies and programs concerning Iraqi refu-
22 gees and internally displaced persons. The Senior Coordi-
23 nator shall have the authority to refer persons to the
24 United States refugee resettlement program.



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1 (c) DESIGNATION OF ADDITIONAL SENIOR COORDI-
2 NATORS.—The Secretary of State shall designate in the
3 embassies of the United States in Cairo, Egypt, Amman,
4 Jordan, Damascus, Syria, and Beirut, Lebanon, a Senior
5 Coordinator to oversee resettlement in the United States
6 of refugees of special humanitarian concern in those coun-
7 tries to ensure their applications to the United States ref-
8 ugee resettlement program are processed in an orderly
9 manner and without delay.

10 **SEC. 1246. COUNTRIES WITH SIGNIFICANT POPULATIONS**
11 **OF IRAQI REFUGEES.**

12 With respect to each country with a significant popu-
13 lation of Iraqi refugees, including Iraq, Jordan, Egypt,
14 Syria, Turkey, and Lebanon, the Secretary of State
15 shall—

16 (1) as appropriate, consult with the appropriate
17 government officials of such countries and other
18 countries and the United Nations High Commis-
19 sioner for Refugees regarding resettlement of the
20 most vulnerable members of such refugee popu-
21 lations; and

22 (2) as appropriate, except where otherwise pro-
23 hibited by the laws of the United States, develop
24 mechanisms in and provide assistance to countries
25 with a significant population of Iraqi refugees to en-



1 sure the well-being and safety of such populations in
2 their host environments.

3 **SEC. 1247. MOTION TO REOPEN DENIAL OR TERMINATION**
4 **OF ASYLUM.**

5 An alien who applied for asylum or withholding of
6 removal and whose claim was denied on or after March
7 1, 2003, by an asylum officer or an immigration judge
8 solely, or in part, on the basis of changed country condi-
9 tions may, notwithstanding any other provision of law, file
10 a motion to reopen such claim in accordance with subpara-
11 graphs (A) and (B) of section 240(c)(7) of the Immigra-
12 tion and Nationality Act (8 U.S.C. 1229a(c)(7)) not later
13 than six months after the date of the enactment of the
14 Refugee Crisis in Iraq Act if the alien—

15 (1) is a citizen or national of Iraq; and

16 (2) has remained in the United States since the
17 date of such denial.

18 **SEC. 1248. REPORTS.**

19 (a) SECRETARY OF HOMELAND SECURITY.—Not
20 later than 120 days after the date of the enactment of
21 this Act, the Secretary of Homeland Security shall submit
22 to the Committee on the Judiciary of the House of Rep-
23 resentatives, the Committee on Foreign Affairs of the
24 House of Representatives, the Committee on the Judiciary
25 of the Senate, and the Committee on Foreign Relations



1 of the Senate a report containing plans to expedite the
2 processing of Iraqi refugees for resettlement, including in-
3 formation relating to—

4 (1) expediting the processing of Iraqi refugees
5 for resettlement, including through temporary ex-
6 pansion of the Refugee Corps of United States Citi-
7 zenship and Immigration Services;

8 (2) increasing the number of personnel of the
9 Department of Homeland Security devoted to ref-
10 ugee processing in Iraq, Jordan, Egypt, Syria, Tur-
11 key, and Lebanon;

12 (3) enhancing existing systems for conducting
13 background and security checks of persons applying
14 for special immigrant status and of persons consid-
15 ered Priority 2 refugees of special humanitarian con-
16 cern under the refugee resettlement priority system,
17 which enhancements shall support immigration secu-
18 rity and provide for the orderly processing of such
19 applications without delay; and

20 (4) the projections of the Secretary, per country
21 and per month, for the number of refugee interviews
22 that will be conducted in fiscal year 2008 and fiscal
23 year 2009.

24 (b) PRESIDENT.—Not later than 120 days after the
25 date of the enactment of this Act, and annually thereafter



1 through 2013, the President shall submit to Congress an
2 unclassified report, with a classified annex if necessary,
3 which includes—

4 (1) an assessment of the financial, security, and
5 personnel considerations and resources necessary to
6 carry out the provisions of this subtitle;

7 (2) the number of aliens described in section
8 1243(a)(1);

9 (3) the number of such aliens who have applied
10 for special immigrant visas;

11 (4) the date of such applications; and

12 (5) in the case of applications pending for
13 longer than six months, the reasons that such visas
14 have not been expeditiously processed.

15 (c) REPORT ON IRAQI CITIZENS AND NATIONALS EM-
16 PLOYED BY THE UNITED STATES GOVERNMENT OR FED-
17 ERAL CONTRACTORS IN IRAQ.—

18 (1) IN GENERAL.—Not later than 120 days
19 after the date of the enactment of this Act, the Sec-
20 retary of Defense, the Secretary of State, the Ad-
21 ministrator of the United States Agency for Inter-
22 national Development, the Secretary of the Treas-
23 ury, and the Secretary of Homeland Security shall—

24 (A) review internal records and databases
25 of their respective agencies for information that



1 can be used to verify employment of Iraqi na-
2 tionals by the United States Government; and

3 (B) request from each prime contractor or
4 grantee that has performed work in Iraq since
5 March 20, 2003, under a contract, grant, or co-
6 operative agreement with their respective agen-
7 cies that is valued in excess of \$25,000 infor-
8 mation that can be used to verify the employ-
9 ment of Iraqi nationals by such contractor or
10 grantee.

11 (2) INFORMATION REQUIRED.—To the extent
12 data is available, the information referred to in
13 paragraph (1) shall include the name and dates of
14 employment of, biometric data for, and other data
15 that can be used to verify the employment of each
16 Iraqi citizen or national who has performed work in
17 Iraq since March 20, 2003, under a contract, grant,
18 or cooperative agreement with an executive agency.

19 (3) EXECUTIVE AGENCY DEFINED.—In this
20 subsection, the term “executive agency” has the
21 meaning given the term in section 4(1) of the Office
22 of Federal Procurement Policy Act (41 U.S.C.
23 403(1)).

24 (d) REPORT ON ESTABLISHMENT OF DATABASE.—
25 Not later than 120 days after the date of the enactment



1 of this Act, the Secretary of Defense, in consultation with
2 the Secretary of State, the Administrator of the United
3 States Agency for International Development, the Sec-
4 retary of the Treasury, and the Secretary of Homeland
5 Security, shall submit to Congress a report examining the
6 options for establishing a unified, classified database of
7 information related to contracts, grants, or cooperative
8 agreements entered into by executive agencies for the per-
9 formance of work in Iraq since March 20, 2003, including
10 the information described and collected under subsection
11 (c), to be used by relevant Federal departments and agen-
12 cies to adjudicate refugee, asylum, special immigrant visa,
13 and other immigration claims and applications.

14 (e) NONCOMPLIANCE REPORT.—Not later than 180
15 days after the date of the enactment of this Act, the Presi-
16 dent shall submit a report to Congress that describes—

17 (1) the inability or unwillingness of any con-
18 tractor or grantee to provide the information re-
19 quested under subsection (c)(1)(B); and

20 (2) the reasons for failing to provide such infor-
21 mation.

22 **SEC. 1249. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums
24 as may be necessary to carry out this subtitle.



1 **Subtitle D—Other Authorities and**
2 **Limitations**

3 **SEC. 1251. COOPERATIVE OPPORTUNITIES DOCUMENTS**
4 **UNDER COOPERATIVE RESEARCH AND DE-**
5 **VELOPMENT AGREEMENTS WITH NATO OR-**
6 **GANIZATIONS AND OTHER ALLIED AND**
7 **FRIENDLY FOREIGN COUNTRIES.**

8 Section 2350a(e) of title 10, United States Code, is
9 amended—

10 (1) in paragraph (1)—

11 (A) by striking “(A)”;

12 (B) by striking “an arms cooperation op-
13 portunities document” and inserting “a cooper-
14 ative opportunities document before the first
15 milestone or decision point”; and

16 (C) by striking subparagraph (B); and

17 (2) in paragraph (2), by striking “An arms co-
18 operation opportunities document” and inserting “A
19 cooperative opportunities document”.



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1 **SEC. 1252. EXTENSION AND EXPANSION OF TEMPORARY**
2 **AUTHORITY TO USE ACQUISITION AND**
3 **CROSS-SERVICING AGREEMENTS TO LEND**
4 **MILITARY EQUIPMENT FOR PERSONNEL PRO-**
5 **TECTION AND SURVIVABILITY.**

6 (a) EXPANSION TO NATIONS ENGAGED IN CERTAIN
7 PEACEKEEPING OPERATIONS.—Subsection (a) of section
8 1202 of the John Warner National Defense Authorization
9 Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
10 2412) is amended—

11 (1) in paragraph (1), by inserting “or partici-
12 pating in combined operations with the United
13 States as part of a peacekeeping operation under the
14 Charter of the United Nations or another inter-
15 national agreement” after “Iraq or Afghanistan”;
16 and

17 (2) in paragraph (3) by inserting “, or in a
18 peacekeeping operation described in paragraph (1),
19 as applicable,” after “Iraq or Afghanistan”.

20 (b) ONE-YEAR EXTENSION.—Subsection (e) of such
21 section is amended by striking “September 30, 2008” and
22 inserting “September 30, 2009”.

23 (c) CONFORMING AMENDMENT.—The heading of
24 such section is amended by striking “**FOREIGN FORCES**
25 **IN IRAQ AND AFGHANISTAN**” and inserting “**CERTAIN**
26 **FOREIGN FORCES**”.



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1 **SEC. 1253. ACCEPTANCE OF FUNDS FROM THE GOVERN-**
2 **MENT OF PALAU FOR COSTS OF UNITED**
3 **STATES MILITARY CIVIC ACTION TEAM IN**
4 **PALAU.**

5 Section 104(a) of Public Law 99-658 (48 U.S.C.
6 1933(a)) is amended—

7 (1) by striking “In recognition” and inserting
8 “(1) In recognition”; and

9 (2) by adding at the end the following:

10 “(2) For expenditures that the Department of De-
11 fense makes pursuant to paragraph (1), the Secretary of
12 Defense may accept up to the amount of \$250,000 in an-
13 nual funds from the Government of Palau as specified in
14 paragraph (1). Funds accepted by the Secretary from the
15 Government of Palau under this paragraph shall be cred-
16 ited to and merged with appropriations available to the
17 Department of Defense and shall be used to defray ex-
18 penditures attendant to the operation of the United States
19 military Civic Action Team in Palau. Funds so credited
20 and merged shall be available for the same time period
21 as the appropriations to which the funds are credited and
22 merged.”.

23 **SEC. 1254. REPEAL OF REQUIREMENT RELATING TO NORTH**
24 **KOREA.**

25 Section 1211 of the John Warner National Defense
26 Authorization Act for Fiscal Year 2007 (Public Law 109-



1 364; 120 Stat. 2420) is amended by striking subsection
2 (a).

3 **SEC. 1255. JUSTICE FOR OSAMA BIN LADEN AND OTHER**
4 **LEADERS OF AL QAEDA.**

5 (a) ENHANCED REWARD FOR CAPTURE OF OSAMA
6 BIN LADEN.—Section 36(e)(1) of the State Department
7 Basic Authorities Act of 1956 (22 U.S.C. 2708(e)(1)) is
8 amended by adding at the end the following new sentence:
9 “The Secretary shall authorize a reward of \$50,000,000
10 for the capture or death or information leading to the cap-
11 ture or death of Osama bin Laden.”.

12 (b) STATUS OF EFFORTS TO BRING OSAMA BIN
13 LADEN AND OTHER LEADERS OF AL QAEDA TO JUS-
14 TICE.—

15 (1) REPORT REQUIRED.—Not later than 90
16 days after the date of the enactment of this Act, the
17 Secretary of State and the Secretary of Defense
18 shall, in coordination with the Director of National
19 Intelligence, jointly submit to Congress a report on
20 the progress made in bringing Osama bin Laden and
21 other leaders of al Qaeda to justice.

22 (2) ELEMENTS.—The report required under
23 paragraph (1) shall include the following:

24 (A) An assessment of the likely current lo-
25 cation of terrorist leaders, including Osama bin



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1 Laden, Ayman al-Zawahiri, and other key lead-
2 ers of al Qaeda.

3 (B) A description of ongoing efforts to
4 bring to justice such terrorist leaders, particu-
5 larly those who have been directly implicated in
6 attacks in the United States and its embassies.

7 (C) An assessment of whether the govern-
8 ment of each country assessed as a likely loca-
9 tion of top leaders of al Qaeda has fully cooper-
10 ated in efforts to bring those leaders to justice.

11 (D) A description of diplomatic efforts cur-
12 rently being made to improve the cooperation of
13 the governments described in subparagraph (C).

14 (E) A description of the current status of
15 the top leadership of al Qaeda and the strategy
16 for locating them and bringing them to justice.

17 (F) An assessment of whether al Qaeda re-
18 mains the terrorist organization that poses the
19 greatest threat to United States interests, in-
20 cluding the greatest threat to the territorial
21 United States.

22 (3) UPDATE OF REPORT.—Not later than one
23 year after the submission of the report required
24 under paragraph (1), the Secretary of State and the
25 Secretary of Defense shall, in coordination with the



1 Director of National Intelligence, jointly submit to
2 Congress an update of the report required under
3 paragraph (1).

4 (4) FORM.—The report required under para-
5 graph (1) and the update of the report required
6 under paragraph (3) shall be submitted in unclassi-
7 fied form, but may contain a classified annex, if nec-
8 essary.

9 **SEC. 1256. EXTENSION OF COUNTERPROLIFERATION PRO-**
10 **GRAM REVIEW COMMITTEE.**

11 (a) MEMBERS.—Section 1605 of the National De-
12 fense Authorization Act for Fiscal Year 1994 (22 U.S.C.
13 2751 note) is amended in subsection (a)(1)—

14 (1) in subparagraph (C) by striking “Director
15 of Central Intelligence” and inserting “Director of
16 National Intelligence”; and

17 (2) by adding at the end the following:

18 “(E) The Secretary of State.

19 “(F) The Secretary of Homeland Secu-
20 rity.”.

21 (b) ACCESS TO INFORMATION.—Subsection (d) of
22 such section is amended by inserting after “Department
23 of Energy,” the following: “the Department of State, the
24 Department of Homeland Security,”.



1015

1 (c) TERMINATION.—Subsection (f) of such section is
2 amended by striking “2008” and inserting “2013”.

3 (d) SUBMISSION OF REPORT.—Section 1503 of the
4 National Defense Authorization Act for Fiscal Year 1995
5 (22 U.S.C. 2751 note) is amended—

6 (1) in subsection (a)—

7 (A) by striking “ANNUAL” and inserting
8 “BIENNIAL”; and

9 (B) by striking “each year” and inserting
10 “each odd-numbered year”; and

11 (2) in subsection (b)(5)—

12 (A) by striking “fiscal year preceding” and
13 inserting “two fiscal years preceding”; and

14 (B) by striking “preceding fiscal year” and
15 inserting “preceding fiscal years”.

16 **SEC. 1257. SENSE OF CONGRESS ON THE WESTERN HEMI-**
17 **SPHERE INSTITUTE FOR SECURITY CO-**
18 **OPERATION.**

19 It is the sense of Congress that—

20 (1) the education and training facility of the
21 Department of Defense known as the Western
22 Hemisphere Institute for Security Cooperation has
23 the mission of providing professional education and
24 training to eligible military personnel, law enforce-
25 ment officials, and civilians of nations of the West-



1 ern Hemisphere that support the democratic prin-
2 ciples set forth in the Inter-American Democratic
3 Charter of the Organization of American States,
4 while fostering mutual knowledge, transparency,
5 confidence, and cooperation among the participating
6 nations and promoting democratic values and re-
7 spect for human rights; and

8 (2) therefore, the Institute is an invaluable edu-
9 cation and training facility which the Department of
10 Defense should continue to utilize in order to help
11 foster a spirit of partnership and interoperability
12 among the United States military and the militaries
13 of participating nations.

14 **SEC. 1258. SENSE OF CONGRESS ON IRAN.**

15 It is the sense of Congress that—

16 (1) the manner in which the United States
17 transitions and structures its military presence in
18 Iraq will have critical long-term consequences for the
19 future of the Persian Gulf and the Middle East, in
20 particular with regard to the ability of the Govern-
21 ment of Iran to pose a threat to the security of the
22 region, the prospects for democracy for the people of
23 the region, and the health of the global economy;

24 (2) it is in the national interest of the United
25 States that the Government of Iran should not use



1 extremists in Iraq to subvert or co-opt the institu-
2 tions of the legitimate Government of Iraq;

3 (3) the United States should designate Iran's
4 Islamic Revolutionary Guards Corps as a foreign
5 terrorist organization under section 219 of the Im-
6 migration and Nationality Act (8 U.S.C. 1189) and
7 place the Islamic Revolutionary Guards Corps on the
8 list of Specially Designated Global Terrorists, as es-
9 tablished under the International Emergency Eco-
10 nomic Powers Act (50 U.S.C. 1701 et seq.) and ini-
11 tiated under Executive Order 13224 (September 23,
12 2001); and

13 (4) the United States should act with all pos-
14 sible expediency to complete the listing of those enti-
15 ties targeted under United Nations Security Council
16 Resolutions 1737 and 1747, adopted unanimously on
17 December 23, 2006, and March 24, 2007, respec-
18 tively.

19 **Subtitle E—Reports**

20 **SEC. 1261. ONE-YEAR EXTENSION OF UPDATE ON REPORT** 21 **ON CLAIMS RELATING TO THE BOMBING OF** 22 **THE LABELLE DISCOTHEQUE.**

23 Section 1225 of the National Defense Authorization
24 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
25 3465) is amended—



1 (1) in subsection (b)(2)—

2 (A) in the heading, by striking “UPDATE”
3 and inserting “UPDATES”; and

4 (B) by inserting “and not later than two
5 years after enactment of this Act,” after “Not
6 later than one year after enactment of this
7 Act,”; and

8 (2) in subsection (c), by striking “Committee on
9 International Relations” and inserting “Committee
10 on Foreign Affairs”.

11 **SEC. 1262. REPORT ON UNITED STATES POLICY TOWARD**
12 **DARFUR, SUDAN.**

13 (a) REQUIREMENT FOR REPORT.—

14 (1) IN GENERAL.—Not later than 120 days
15 after the date of the enactment of this Act, the Sec-
16 retary of Defense and the Secretary of State shall
17 jointly submit to the appropriate congressional com-
18 mittees a report on the policy of the United States
19 to address the crisis in the Darfur region of Sudan,
20 eastern Chad, and north-eastern Central African Re-
21 public, and on the contributions of the Department
22 of Defense and the Department of State to the
23 North Atlantic Treaty Organization (NATO), the
24 United Nations, and the African Union in support of



1 the current African Union Mission in Sudan (AMIS)
2 or any covered United Nations mission.

3 (2) UPDATE OF REPORT.—Not later than 180
4 days after the submission of the report required
5 under paragraph (1), the Secretary of Defense and
6 the Secretary of State shall jointly submit to the ap-
7 propriate congressional committees an update of the
8 report.

9 (b) ELEMENTS.—The report required under sub-
10 section (a) shall include the following:

11 (1) An assessment of the extent to which the
12 Government of Sudan is in compliance with its obli-
13 gations under international law and as a member of
14 the United Nations, including under United Nations
15 Security Council Resolutions 1591 (2005), 1706
16 (2006), 1769 (2007), and 1784 (2007) and a de-
17 scription of any violations of such obligations, in-
18 cluding violations relating to the denial of or delay
19 in facilitating access by AMIS and United Nations
20 peacekeeping forces to conflict areas, failure to im-
21 plement responsibilities to demobilize and disarm the
22 Janjaweed militias, obstruction of the voluntary safe
23 return of internally displaced persons and refugees,
24 and degradation of security of and access to humani-
25 tarian supply routes.



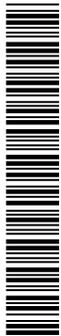
1 (2) An assessment of the role played by rebel
2 forces in contributing to violence being carried out
3 against civilians and humanitarian organizations and
4 of the impact of such activities on international ef-
5 forts to create conditions of peace and security on
6 the ground.

7 (3) A comprehensive explanation of the policy
8 of the United States to address the crisis in the
9 Darfur region, including the activities undertaken by
10 the Department of Defense and the Department of
11 State in support of that policy.

12 (4) A comprehensive assessment of the poten-
13 tial impact of a no-fly zone for the Darfur region,
14 including an assessment of the impact of such a no-
15 fly zone on humanitarian efforts in Darfur and the
16 region and a plan to minimize any negative impact
17 on such humanitarian efforts during the implemen-
18 tation of such a no-fly zone.

19 (5) A description of contributions made by the
20 Department of Defense and the Department of State
21 in support of NATO assistance to AMIS and any
22 covered United Nations mission.

23 (6) An assessment of the extent to which addi-
24 tional United States Government resources are nec-



1 essary to meet its obligations to AMIS and any cov-
2 ered United Nations mission.

3 (7) An assessment of the force size and com-
4 position of an international effort estimated to be
5 necessary to provide protection to civilian popu-
6 lations currently displaced in the Darfur region, as
7 well as the force size and composition of an inter-
8 national effort estimated to be necessary to provide
9 broader stability within that region.

10 (8) An examination of the current capacity of
11 the existing airfield in Abeche, Chad, including the
12 scope of its current use by the international commu-
13 nity in response to the crisis in the Darfur region.

14 (9) An analysis of the upgrades, and their asso-
15 ciated costs, necessary to enable the airfield in
16 Abeche, Chad, to be improved to be fully capable of
17 accommodating a humanitarian, peacekeeping, or
18 other force deployment of the size foreseen by
19 United Nations Security Council Resolution 1769
20 calling for a United Nations deployment to Chad
21 and a hybrid force of the United Nations and Afri-
22 can Union operating under Chapter VII of the
23 United Nations Charter for Sudan.

24 (c) FORM AND AVAILABILITY OF REPORTS.—



1 (1) FORM.—The report and update of the re-
2 report required under subsection (a) shall be sub-
3 mitted in an unclassified form, but may include a
4 classified annex.

5 (2) AVAILABILITY.—The unclassified portion of
6 the report and update of the report required under
7 subsection (a) shall be made available to the public.

8 (d) REPEAL OF SUPERSEDED REPORT REQUIRE-
9 MENT.—Section 1227 of the John Warner National De-
10 fense Authorization Act for Fiscal Year 2007 (Public Law
11 109–364; 120 Stat. 2426) is repealed.

12 (e) DEFINITIONS.—In this section:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on Armed Services and
17 the Committee on Foreign Relations of the Sen-
18 ate; and

19 (B) the Committee on Armed Services and
20 the Committee on Foreign Affairs of the House
21 of Representatives.

22 (2) COVERED UNITED NATIONS MISSION.—The
23 term “covered United Nations mission” means any
24 United Nations-African Union hybrid peacekeeping
25 operation in the Darfur region of Sudan, and any



1 United Nations peacekeeping operation in the
2 Darfur region, eastern Chad, or northern Central
3 African Republic, that is deployed on or after the
4 date of the enactment of this Act.

5 **SEC. 1263. INCLUSION OF INFORMATION ON ASYMMETRIC**
6 **CAPABILITIES IN ANNUAL REPORT ON MILI-**
7 **TARY POWER OF THE PEOPLE'S REPUBLIC OF**
8 **CHINA.**

9 Section 1202(b) of the National Defense Authoriza-
10 tion Act for Fiscal Year 2000 (Public Law 106-65; 10
11 U.S.C. 113 note) is amended by adding at the end the
12 following new paragraph:

13 “(9) Developments in China’s asymmetric capa-
14 bilities, including efforts to acquire, develop, and de-
15 ploy cyberwarfare capabilities.”.

16 **SEC. 1264. REPORT ON APPLICATION OF THE UNIFORM**
17 **CODE OF MILITARY JUSTICE TO CIVILIANS**
18 **ACCOMPANYING THE ARMED FORCES DUR-**
19 **ING A TIME OF DECLARED WAR OR CONTIN-**
20 **GENCY OPERATION.**

21 (a) REPORT REQUIRED.—Not later than 60 days
22 after the date of the enactment of this Act, the Secretary
23 of Defense shall submit to the Committees on Armed Serv-
24 ices of the Senate and the House of Representatives a re-
25 port on the status of implementing paragraph (10) of sec-



1 tion 802(a) of title 10, United States Code (article 2(a)
2 of the Uniform Code of Military Justice), as amended by
3 section 552 of the John Warner National Defense Author-
4 ization Act for Fiscal Year 2007 (Public Law 109–364),
5 related to the application of chapter 47 of such title (the
6 Uniform Code of Military Justice) to persons serving with
7 or accompanying an armed force in the field during a time
8 of declared war or contingency operation.

9 (b) CONTENTS OF REPORT.—The report required by
10 subsection (a) shall include each of the following:

11 (1) A discussion of how the Secretary has re-
12 solved issues related to establishing jurisdiction
13 under such chapter over persons referred to in para-
14 graph (10) of section 802(a) of title 10, United
15 States Code (article 2(a) of the Uniform Code of
16 Military Justice), specifically with respect to persons
17 under contract with the Department of Defense or
18 with other Federal agencies.

19 (2) An identification of any outstanding issues
20 that remain to be resolved with respect to imple-
21 menting such paragraph and a timetable for resolv-
22 ing such issues.

23 (3) A description of key implementing steps
24 that have been taken or remain to be taken to assert



1 jurisdiction under chapter 47 of such title over such
2 persons.

3 (4) An explanation of the Secretary's approach
4 to identifying factors that commanders should con-
5 sider in determining whether to seek prosecution of
6 such a person under such chapter or under chapter
7 212 of title 18, United States Code.

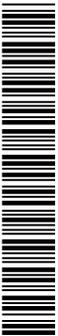
8 **SEC. 1265. REPORT ON FAMILY REUNIONS BETWEEN**
9 **UNITED STATES CITIZENS AND THEIR REL-**
10 **ATIVES IN NORTH KOREA.**

11 (a) REPORT REQUIRED.—Not later than 180 days
12 after the date of the enactment of this Act, the President
13 shall transmit to Congress a report on family reunions be-
14 tween United States citizens and their relatives in the
15 Democratic People's Republic of Korea.

16 (b) ELEMENTS.—The report under subsection (a)
17 shall include the following:

18 (1) A description of the efforts, if any, of the
19 United States Government to facilitate family re-
20 unions between United States citizens and their rel-
21 atives in North Korea, including the following:

22 (A) Discussing with North Korea family
23 reunions between United States citizens and
24 their relatives in North Korea.



1 (B) Planning, in the event of a normaliza-
2 tion of relations between the United States and
3 North Korea, for the appropriate role of the
4 United States embassy in Pyongyang, North
5 Korea, in facilitating family reunions between
6 United States citizens and their relatives in
7 North Korea.

8 (2) A description of additional efforts, if any, of
9 the United States Government to facilitate family re-
10 unions between United States citizens and their rel-
11 atives in North Korea that the President considers
12 to be desirable and feasible.

13 **SEC. 1266. REPORTS ON PREVENTION OF MASS ATROC-**
14 **ITIES.**

15 (a) DEPARTMENT OF STATE REPORT.—

16 (1) REPORT REQUIRED.—Not later than 180
17 days after the date of the enactment of this Act, the
18 Secretary of State shall submit to the congressional
19 defense committees, the Committee on Foreign Rela-
20 tions of the Senate, and the Committee on Foreign
21 Affairs of the House of Representatives a report as-
22 sessing the capability of the Department of State to
23 provide training and guidance to the command of an
24 international intervention force that seeks to prevent
25 mass atrocities.



1 (2) CONTENT.—The report required under
2 paragraph (1) shall include the following:

3 (A) An evaluation of any doctrine currently
4 used by the Secretary of State to prepare for
5 the training and guidance of the command of
6 an international intervention force.

7 (B) An assessment of the role played by
8 the United States in developing the “responsi-
9 bility to protect” doctrine described in para-
10 graphs 138 through 140 of the outcome docu-
11 ment of the High-level Plenary Meeting of the
12 General Assembly adopted by the United Na-
13 tions in September 2005, and an update on ac-
14 tions taken by the United States Mission to the
15 United Nations to discuss, promote, and imple-
16 ment such doctrine.

17 (C) An assessment of the potential capa-
18 bility of the Department of State and other
19 Federal departments and agencies to support
20 the development of new doctrines for the train-
21 ing and guidance of an international interven-
22 tion force in keeping with the “responsibility to
23 protect” doctrine.

24 (D) Recommendations as to the steps nec-
25 essary to allow the Secretary of State to provide



1 more effective training and guidance to an
2 international intervention force.

3 (b) DEPARTMENT OF DEFENSE REPORT.—

4 (1) REPORT REQUIRED.—Not later than 180
5 days after the date of the enactment of this Act, the
6 Secretary of Defense shall submit to the congres-
7 sional defense committees, the Committee on For-
8 eign Relations of the Senate, and the Committee on
9 Foreign Affairs of the House of Representatives a
10 report assessing the capability of the Department of
11 Defense to provide training and guidance to the
12 command of an international intervention force that
13 seeks to prevent mass atrocities.

14 (2) CONTENT.—The report required under
15 paragraph (1) shall include the following:

16 (A) An evaluation of any doctrine currently
17 used by the Secretary of Defense to prepare for
18 the training and guidance of the command of
19 an international intervention force.

20 (B) An assessment of the potential capa-
21 bility of the Department of Defense and other
22 Federal departments and agencies to support
23 the development of new doctrines for the train-
24 ing and guidance of an international interven-



1 with the Director of National Intelligence, shall jointly
2 submit to the specified congressional committees a report
3 on the threats posed to the United States from ungoverned
4 areas, including the threats to the United States from ter-
5 rorist groups and individuals located in such areas who
6 direct their activities against the national security inter-
7 ests of the United States and its allies.

8 (b) ELEMENTS.—The report required under sub-
9 section (a) shall include the following:

10 (1) A description of those areas the United
11 States Government considers ungoverned,
12 including—

13 (A) a description of the geo-political and
14 cultural influences exerted within such areas
15 and by whom;

16 (B) a description of the economic condi-
17 tions and prospects and the major social dy-
18 namics of such areas; and

19 (C) a description of the United States Gov-
20 ernment's relationships with entities located in
21 such areas, including with relevant national or
22 other governments and relevant tribal or other
23 groups.

24 (2) A description of the capabilities required by
25 the United States Government to support United



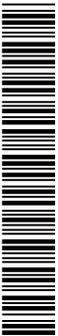
1 States policy aimed at managing the threats de-
2 scribed in subsection (a), including, specifically, the
3 technical, linguistic, and analytical capabilities re-
4 quired by the Department of Defense and the De-
5 partment of State.

6 (3) An assessment of the extent to which the
7 Department of Defense and the Department of State
8 possess the capabilities described in paragraph (2)
9 as well as the necessary resources and organization
10 to support United States policy aimed at managing
11 the threats described in subsection (a).

12 (4) A description of the extent to which the im-
13 plementation of Department of Defense Directive
14 3000.05, entitled “Military Support for Stability,
15 Security, Transition, and Reconstruction Oper-
16 ations”, will support United States policy for man-
17 aging such threats.

18 (5) A description of the actions, if any, to be
19 taken to improve the capabilities of the Department
20 of Defense and the Department of State described in
21 paragraph (2), and the schedule for implementing
22 any actions so described.

23 (c) FORM.—The report required under subsection (a)
24 shall be submitted in unclassified form, to the maximum



1 extent practicable, but may contain a classified annex, if
2 necessary.

3 (d) DEFINITION.—In this section, the term “specified
4 congressional committees” means—

5 (1) the Committee on Armed Services, the
6 Committee on Foreign Relations, and the Committee
7 on Appropriations of the Senate; and

8 (2) the Committee on Armed Services, the
9 Committee on Foreign Affairs, and the Committee
10 on Appropriations of the House of Representatives.

11 **TITLE XIII—COOPERATIVE**
12 **THREAT REDUCTION WITH**
13 **STATES OF THE FORMER SO-**
14 **VIET UNION**

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Specification of Cooperative Threat Reduction programs in states
outside the former Soviet Union.

Sec. 1304. Repeal of restrictions on assistance to states of the former Soviet
Union for Cooperative Threat Reduction.

Sec. 1305. Modification of authority to use Cooperative Threat Reduction funds
outside the former Soviet Union.

Sec. 1306. New initiatives for the Cooperative Threat Reduction Program.

Sec. 1307. Report relating to chemical weapons destruction at Shehuch'ye, Rus-
sia.

Sec. 1308. National Academy of Sciences study of prevention of proliferation of
biological weapons.

15 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
16 **DUCTION PROGRAMS AND FUNDS.**

17 (a) SPECIFICATION OF COOPERATIVE THREAT RE-
18 Duction PROGRAMS.—For purposes of section 301 and
19 other provisions of this Act, Cooperative Threat Reduction



1 programs are the programs specified in section 1501(b)
2 of the National Defense Authorization Act for Fiscal Year
3 1997 (50 U.S.C. 2362 note), as amended by section 1303
4 of this Act.

5 (b) FISCAL YEAR 2008 COOPERATIVE THREAT RE-
6 Duction FUNDS DEFINED.—As used in this title, the
7 term “fiscal year 2008 Cooperative Threat Reduction
8 funds” means the funds appropriated pursuant to the au-
9 thorization of appropriations in section 301 for Coopera-
10 tive Threat Reduction programs.

11 (c) AVAILABILITY OF FUNDS.—Funds appropriated
12 pursuant to the authorization of appropriations in section
13 301 for Cooperative Threat Reduction programs shall be
14 available for obligation for three fiscal years.

15 **SEC. 1302. FUNDING ALLOCATIONS.**

16 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
17 \$428,048,000 authorized to be appropriated to the De-
18 partment of Defense for fiscal year 2008 in section
19 301(19) for Cooperative Threat Reduction programs, the
20 following amounts may be obligated for the purposes spec-
21 ified:

22 (1) For strategic offensive arms elimination in
23 Russia, \$92,885,000.

24 (2) For nuclear weapons storage security in
25 Russia, \$47,640,000.



1 (3) For nuclear weapons transportation security
2 in Russia, \$37,700,000.

3 (4) For weapons of mass destruction prolifera-
4 tion prevention in the states of the former Soviet
5 Union, \$47,986,000.

6 (5) For biological weapons proliferation preven-
7 tion in the former Soviet Union, \$158,489,000.

8 (6) For chemical weapons destruction,
9 \$6,000,000.

10 (7) For defense and military contacts,
11 \$8,000,000.

12 (8) For new Cooperative Threat Reduction ini-
13 tiatives that are outside the former Soviet Union,
14 \$10,000,000.

15 (9) For activities designated as Other Assess-
16 ments/Administrative Support, \$19,348,000.

17 (b) REPORT ON OBLIGATION OR EXPENDITURE OF
18 FUNDS FOR OTHER PURPOSES.—No fiscal year 2008 Co-
19 operative Threat Reduction funds may be obligated or ex-
20 pended for a purpose other than a purpose listed in para-
21 graphs (1) through (9) of subsection (a) until 30 days
22 after the date that the Secretary of Defense submits to
23 Congress a report on the purpose for which the funds will
24 be obligated or expended and the amount of funds to be
25 obligated or expended. Nothing in the preceding sentence



1 shall be construed as authorizing the obligation or expend-
2 iture of fiscal year 2008 Cooperative Threat Reduction
3 funds for a purpose for which the obligation or expendi-
4 ture of such funds is specifically prohibited under this title
5 or any other provision of law.

6 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
7 AMOUNTS.—

8 (1) IN GENERAL.—Subject to paragraph (2), in
9 any case in which the Secretary of Defense deter-
10 mines that it is necessary to do so in the national
11 interest, the Secretary may obligate amounts appro-
12 priated for fiscal year 2008 for a purpose listed in
13 paragraphs (1) through (9) of subsection (a) in ex-
14 cess of the specific amount authorized for that pur-
15 pose.

16 (2) NOTICE-AND-WAIT REQUIRED.—An obliga-
17 tion of funds for a purpose stated in paragraphs (1)
18 through (9) of subsection (a) in excess of the specific
19 amount authorized for such purpose may be made
20 using the authority provided in paragraph (1) only
21 after—

22 (A) the Secretary submits to Congress no-
23 tification of the intent to do so together with a
24 complete discussion of the justification for
25 doing so; and



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1 (B) 15 days have elapsed following the
2 date of the notification.

3 **SEC. 1303. SPECIFICATION OF COOPERATIVE THREAT RE-**
4 **DUCTION PROGRAMS IN STATES OUTSIDE**
5 **THE FORMER SOVIET UNION.**

6 Section 1501 of the National Defense Authorization
7 Act for Fiscal Year 1997 (50 U.S.C. 2362 note) is
8 amended—

9 (1) in subsection (a), by striking “subsection
10 (b)” and inserting “subsections (b) and (c)”; and

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

13 “(c) SPECIFIED PROGRAMS WITH RESPECT TO
14 STATES OUTSIDE THE FORMER SOVIET UNION.—The
15 programs referred to in subsection (a) are the following
16 programs with respect to states that are not states of the
17 former Soviet Union:

18 “(1) Programs to facilitate the elimination, and
19 the safe and secure transportation and storage, of
20 chemical or biological weapons, weapons components,
21 weapons-related materials, and their delivery vehi-
22 cles.

23 “(2) Programs to facilitate safe and secure
24 transportation and storage of nuclear weapons,
25 weapons components, and their delivery vehicles.



1 “(3) Programs to prevent the proliferation of
2 nuclear and chemical weapons, weapons components,
3 and weapons-related military technology and exper-
4 tise.

5 “(4) Programs to prevent the proliferation of
6 biological weapons, weapons components, and weap-
7 ons-related military technology and expertise, which
8 may include activities that facilitate detection and
9 reporting of highly pathogenic diseases or other dis-
10 eases that are associated with or that could be uti-
11 lized as an early warning mechanism for disease out-
12 breaks that could impact the Armed Forces of the
13 United States or allies of the United States.

14 “(5) Programs to expand military-to-military
15 and defense contacts.”.

16 **SEC. 1304. REPEAL OF RESTRICTIONS ON ASSISTANCE TO**
17 **STATES OF THE FORMER SOVIET UNION FOR**
18 **COOPERATIVE THREAT REDUCTION.**

19 (a) IN GENERAL.—

20 (1) SOVIET NUCLEAR THREAT REDUCTION ACT
21 OF 1991.—The Soviet Nuclear Threat Reduction Act
22 of 1991 (title II of Public Law 102–228; 22 U.S.C.
23 2551 note) is amended—

24 (A) by striking section 211; and



1 (B) in section 212, by striking “, con-
2 sistent with the findings stated in section
3 211,”.

4 (2) COOPERATIVE THREAT REDUCTION ACT OF
5 1993.—Section 1203 of the Cooperative Threat Re-
6 duction Act of 1993 (22 U.S.C. 5952) is amended
7 by striking subsection (d).

8 (3) RUSSIAN CHEMICAL WEAPONS DESTRUC-
9 TION FACILITIES.—Section 1305 of the National De-
10 fense Authorization Act for Fiscal Year 2000 (Pub-
11 lic Law 106–65; 22 U.S.C. 5952 note) is repealed.

12 (4) CONFORMING REPEAL.—Section 1303 of
13 the Ronald W. Reagan National Defense Authoriza-
14 tion Act for Fiscal Year 2005 (Public Law 108–375;
15 22 U.S.C. 5952 note) is repealed.

16 (b) INAPPLICABILITY OF OTHER RESTRICTIONS.—
17 Section 502 of the Freedom for Russia and Emerging
18 Eurasian Democracies and Open Markets Support Act of
19 1992 (22 U.S.C. 5852) shall not apply to any Cooperative
20 Threat Reduction program.

21 **SEC. 1305. MODIFICATION OF AUTHORITY TO USE COOPER-**
22 **ATIVE THREAT REDUCTION FUNDS OUTSIDE**
23 **THE FORMER SOVIET UNION.**

24 Section 1308 of the National Defense Authorization
25 Act for Fiscal Year 2004 (22 U.S.C. 5963) is amended—



1 (1) in subsection (a), by striking “Subject to”
2 and all that follows through “the following:” and in-
3 serting “Subject to the provisions of this section, the
4 Secretary of Defense may obligate and expend Coop-
5 erative Threat Reduction funds for a fiscal year, and
6 any Cooperative Threat Reduction funds for a fiscal
7 year before such fiscal year that remain available for
8 obligation, for a proliferation threat reduction
9 project or activity outside the states of the former
10 Soviet Union if the Secretary of Defense, with the
11 concurrence of the Secretary of State, determines
12 each of the following:”;

13 (2) by striking subsection (c) and redesignating
14 subsections (d) and (e) as (c) and (d), respectively;
15 and

16 (3) by amending subsection (c) (as so redesign-
17 ated) to read as follows:

18 “(c) LIMITATION ON AVAILABILITY OF FUNDS.—

19 “(1) The Secretary of Defense may not obligate
20 funds for a project or activity under the authority in
21 subsection (a) of this section until the Secretary of
22 Defense, with the concurrence of the Secretary of
23 State, makes each determination specified in that
24 subsection with respect to such project or activity.



1 “(2) Not later than 10 days after obligating
2 funds under the authority in subsection (a) of this
3 section for a project or activity, the Secretary of De-
4 fense and the Secretary of State shall notify Con-
5 gress in writing of the determinations made under
6 paragraph (1) with respect to such project or activ-
7 ity, together with—

8 “(A) a justification for such determina-
9 tions; and

10 “(B) a description of the scope and dura-
11 tion of such project or activity.”.

12 **SEC. 1306. NEW INITIATIVES FOR THE COOPERATIVE**
13 **THREAT REDUCTION PROGRAM.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that—

16 (1) the Department of Defense Cooperative
17 Threat Reduction (CTR) Program should be
18 strengthened and expanded, in part by developing
19 new CTR initiatives;

20 (2) such new initiatives should—

21 (A) be well-coordinated with the Depart-
22 ment of Energy, the Department of State, and
23 any other relevant United States Government
24 agency or department;



1 (B) include appropriate transparency and
2 accountability mechanisms, and legal frame-
3 works and agreements between the United
4 States and CTR partner countries;

5 (C) reflect engagement with non-govern-
6 mental experts on possible new options for the
7 CTR Program;

8 (D) include work with the Russian Federa-
9 tion and other countries to establish strong
10 CTR partnerships that, among other things—

11 (i) increase the role of scientists and
12 government officials of CTR partner coun-
13 tries in designing CTR programs and
14 projects; and

15 (ii) increase financial contributions
16 and additional commitments to CTR pro-
17 grams and projects from Russia and other
18 partner countries, as appropriate, as evi-
19 dence that the programs and projects re-
20 flect national priorities and will be sustain-
21 able;

22 (E) include broader international coopera-
23 tion and partnerships, and increased inter-
24 national contributions;



1 (F) incorporate a strong focus on national
2 programs and sustainability, which includes ac-
3 tions to address concerns raised and rec-
4 ommendations made by the Government Ac-
5 countability Office, in its report of February
6 2007 titled “Progress Made in Improving Secu-
7 rity at Russian Nuclear Sites, but the Long-
8 Term Sustainability of U.S. Funded Security
9 Upgrades is Uncertain”, which pertain to the
10 Department of Defense;

11 (G) continue to focus on the development
12 of CTR programs and projects that secure nu-
13 clear weapons; secure and eliminate chemical
14 and biological weapons and weapons-related
15 materials; and eliminate nuclear, chemical, and
16 biological weapons-related delivery vehicles and
17 infrastructure at the source; and

18 (H) include efforts to develop new CTR
19 programs and projects in Russia and the former
20 Soviet Union, and in countries and regions out-
21 side the former Soviet Union, as appropriate
22 and in the interest of United States national se-
23 curity; and

24 (3) such new initiatives could include—



1 (A) programs and projects in Asia and the
2 Middle East; and

3 (B) activities relating to the
4 denuclearization of the Democratic People's Re-
5 public of Korea.

6 (b) NATIONAL ACADEMY OF SCIENCES STUDY.—

7 (1) STUDY.—Not later than 60 days after the
8 date of the enactment of this Act, the Secretary of
9 Defense shall enter into an arrangement with the
10 National Academy of Sciences under which the
11 Academy shall carry out a study to analyze options
12 for strengthening and expanding the CTR Program.

13 (2) MATTERS TO BE INCLUDED IN STUDY.—
14 The Secretary shall provide for the study under
15 paragraph (1) to include—

16 (A) an assessment of new CTR initiatives
17 described in subsection (a); and

18 (B) an identification of options and rec-
19 ommendations for strengthening and expanding
20 the CTR Program.

21 (3) SUBMISSION OF NATIONAL ACADEMY OF
22 SCIENCES REPORT.—The National Academy of
23 Sciences shall submit to Congress a report on the
24 study under this subsection at the same time that



1 such report is submitted to the Secretary of Defense
2 pursuant to subsection (c).

3 (c) SECRETARY OF DEFENSE REPORT.—

4 (1) IN GENERAL.—Not later than 90 days after
5 receipt of the report under subsection (b), the Sec-
6 retary of Defense shall submit to Congress a report
7 on new CTR initiatives. The report shall include—

8 (A) a summary of the results of the study
9 carried out under subsection (b);

10 (B) an assessment by the Secretary of the
11 study; and

12 (C) a statement of the actions, if any, to
13 be undertaken by the Secretary to implement
14 any recommendations in the study.

15 (2) FORM.—The report shall be in unclassified
16 form but may include a classified annex if necessary.

17 (d) FUNDING.—Of the amounts appropriated pursu-
18 ant to the authorization of appropriations in section
19 301(19) or otherwise made available for Cooperative
20 Threat Reduction programs for fiscal year 2008, not more
21 than \$1,000,000 shall be obligated or expended to carry
22 out this section.



1 **SEC. 1307. REPORT RELATING TO CHEMICAL WEAPONS DE-**
2 **STRUCTION AT SHCHUCH'YE, RUSSIA.**

3 (a) DEFINITION.—In this section, the terms
4 “Shchuch’ye project” and “project” mean the Cooperative
5 Threat Reduction Program chemical weapons destruction
6 project located in the area of Shchuch’ye in the Russian
7 Federation.

8 (b) REPORT REQUIRED.—Not later than 90 days
9 after the date of the enactment of this Act, the Secretary
10 of Defense shall submit to the congressional defense com-
11 mittees a report on the Shchuch’ye project. The report
12 shall include—

13 (1) a current and detailed cost estimate for
14 completion of the project, to include costs that will
15 be borne by the United States and Russia, respec-
16 tively; and

17 (2) a specific strategic and operating plan for
18 completion of the project, which includes—

19 (A) the Department’s plans to ensure ro-
20 bust project management and oversight, includ-
21 ing management and oversight with respect to
22 the performance of any contractors;

23 (B) project quality assurance and sustain-
24 ability measures;

25 (C) metrics for measuring project progress
26 with a timetable for achieving goals, including



1 initial systems integration and start-up testing;
2 and

3 (D) a projected project completion date.

4 **SEC. 1308. NATIONAL ACADEMY OF SCIENCES STUDY OF**
5 **PREVENTION OF PROLIFERATION OF BIO-**
6 **LOGICAL WEAPONS.**

7 (a) **STUDY REQUIRED.**—Not later than 60 days after
8 the date of the enactment of this Act, the Secretary of
9 Defense shall enter into an arrangement with the National
10 Academy of Sciences under which the Academy shall carry
11 out a study to identify areas for cooperation with states
12 other than states of the former Soviet Union under the
13 Cooperative Threat Reduction Program of the Depart-
14 ment of Defense in the prevention of proliferation of bio-
15 logical weapons.

16 (b) **MATTERS TO BE INCLUDED IN STUDY.**—The
17 Secretary shall provide for the study under subsection (a)
18 to include the following:

19 (1) An assessment of the capabilities and ca-
20 pacity of governments of developing countries to
21 control the containment and use of dual-use tech-
22 nologies of potential interest to terrorist organiza-
23 tions or individuals with hostile intentions.

24 (2) An assessment of the approaches to cooper-
25 ative threat reduction used by the states of the



1 former Soviet Union that are of special relevance in
2 preventing the proliferation of biological weapons in
3 other areas of the world.

4 (3) A brief review of programs of the United
5 States Government and other governments, inter-
6 national organizations, foundations, and other pri-
7 vate sector entities that may contribute to the pre-
8 vention of the proliferation of biological weapons.

9 (4) Recommendations on steps for integrating
10 activities of the Cooperative Threat Reduction Pro-
11 gram relating to biological weapons proliferation pre-
12 vention with activities of other departments and
13 agencies of the United States, as appropriate, in
14 states outside of the former Soviet Union.

15 (c) SUBMISSION OF NATIONAL ACADEMY OF
16 SCIENCES REPORT.—The National Academy of Sciences
17 shall submit to Congress a report on the study under sub-
18 section (a) at the same time that such report is submitted
19 to the Secretary of Defense pursuant to subsection (d).

20 (d) SECRETARY OF DEFENSE REPORT.—

21 (1) IN GENERAL.—Not later than 90 days after
22 receipt of the report required by subsection (a), the
23 Secretary shall submit to the Congress a report on
24 the study carried out under subsection (a).



1 (2) MATTERS TO BE INCLUDED.—The report
2 under paragraph (1) shall include the following:

3 (A) A summary of the results of the study
4 carried out under subsection (a).

5 (B) An assessment by the Secretary of the
6 study.

7 (C) A statement of the actions, if any, to
8 be undertaken by the Secretary to implement
9 any recommendations in the study.

10 (3) FORM.—The report under paragraph (1)
11 shall be submitted in unclassified form, but may in-
12 clude a classified annex.

13 (e) FUNDING.—Of the amounts appropriated pursu-
14 ant to the authorization of appropriations in section
15 301(19) or otherwise made available for Cooperative
16 Threat Reduction programs for fiscal year 2008, not more
17 than \$1,000,000 may be obligated or expended to carry
18 out this section.

19 **TITLE XIV—OTHER**
20 **AUTHORIZATIONS**

 Subtitle A—Military Programs

- 
- Sec. 1401. Working capital funds.
 - Sec. 1402. National Defense Sealift Fund.
 - Sec. 1403. Defense Health Program.
 - Sec. 1404. Chemical agents and munitions destruction, Defense.
 - Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
 - Sec. 1406. Defense Inspector General.

 Subtitle B—National Defense Stockpile

- Sec. 1411. Authorized uses of National Defense Stockpile funds.

Sec. 1412. Revisions to required receipt objectives for previously authorized disposals from the National Defense Stockpile.

Sec. 1413. Disposal of ferromanganese.

Sec. 1414. Disposal of chrome metal.

Subtitle C—Armed Forces Retirement Home

Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.

Sec. 1422. Administration and oversight of the Armed Forces Retirement Home.

1 **Subtitle A—Military Programs**

2 **SEC. 1401. WORKING CAPITAL FUNDS.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2008 for the use of the Armed Forces and other
5 activities and agencies of the Department of Defense for
6 providing capital for working capital and revolving funds
7 in amounts as follows:

8 (1) For the Defense Working Capital Funds,
9 \$102,446,000.

10 (2) For the Defense Working Capital Fund,
11 Defense Commissary, \$1,250,300,000.

12 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

13 Funds are hereby authorized to be appropriated for
14 fiscal year 2008 for the National Defense Sealift Fund
15 in the amount of \$1,349,094,000.

16 **SEC. 1403. DEFENSE HEALTH PROGRAM.**

17 Funds are hereby authorized to be appropriated for
18 the Department of Defense for fiscal year 2008 for ex-
19 penses, not otherwise provided for, for the Defense Health
20 Program, in the amount of \$23,080,384,000, of which—



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1 (1) \$22,583,641,000 is for Operation and
2 Maintenance;

3 (2) \$134,482,000 is for Research, Development,
4 Test, and Evaluation; and

5 (3) \$362,261,000 is for Procurement.

6 **SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
7 **TION, DEFENSE.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
9 are hereby authorized to be appropriated for the Depart-
10 ment of Defense for fiscal year 2008 for expenses, not oth-
11 erwise provided for, for Chemical Agents and Munitions
12 Destruction, Defense, in the amount of \$1,512,724,000,
13 of which—

14 (1) \$1,181,500,000 is for Operation and Main-
15 tenance;

16 (2) \$312,800,000 is for Research, Development,
17 Test, and Evaluation; and

18 (3) \$18,424,000 is for Procurement.

19 (b) USE.—Amounts authorized to be appropriated
20 under subsection (a) are authorized for—

21 (1) the destruction of lethal chemical agents
22 and munitions in accordance with section 1412 of
23 the Department of Defense Authorization Act, 1986
24 (50 U.S.C. 1521); and



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1 (2) the destruction of chemical warfare materiel
2 of the United States that is not covered by section
3 1412 of such Act.

4 **SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG AC-**
5 **TIVITIES, DEFENSE-WIDE.**

6 Funds are hereby authorized to be appropriated for
7 the Department of Defense for fiscal year 2008 for ex-
8 penses, not otherwise provided for, for Drug Interdiction
9 and Counter-Drug Activities, Defense-wide, in the amount
10 of \$938,022,000.

11 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

12 Funds are hereby authorized to be appropriated for
13 the Department of Defense for fiscal year 2008 for ex-
14 penses, not otherwise provided for, for the Office of the
15 Inspector General of the Department of Defense, in the
16 amount of \$225,995,000, of which—

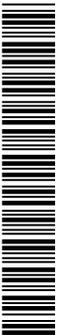
17 (1) \$224,995,000 is for Operation and Mainte-
18 nance; and

19 (2) \$1,000,000 is for Procurement.

20 **Subtitle B—National Defense**
21 **Stockpile**

22 **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE**
23 **STOCKPILE FUNDS.**

24 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-
25 cal year 2008, the National Defense Stockpile Manager



1 may obligate up to \$44,825,000 of the funds in the Na-
2 tional Defense Stockpile Transaction Fund established
3 under subsection (a) of section 9 of the Strategic and Crit-
4 ical Materials Stock Piling Act (50 U.S.C. 98h) for the
5 authorized uses of such funds under subsection (b)(2) of
6 such section, including the disposal of hazardous materials
7 that are environmentally sensitive.

8 (b) ADDITIONAL OBLIGATIONS.—The National De-
9 fense Stockpile Manager may obligate amounts in excess
10 of the amount specified in subsection (a) if the National
11 Defense Stockpile Manager notifies Congress that extraor-
12 dinary or emergency conditions necessitate the additional
13 obligations. The National Defense Stockpile Manager may
14 make the additional obligations described in the notifica-
15 tion after the end of the 45-day period beginning on the
16 date on which Congress receives the notification.

17 (c) LIMITATIONS.—The authorities provided by this
18 section shall be subject to such limitations as may be pro-
19 vided in appropriations Acts.

20 **SEC. 1412. REVISIONS TO REQUIRED RECEIPT OBJECTIVES**
21 **FOR PREVIOUSLY AUTHORIZED DISPOSALS**
22 **FROM THE NATIONAL DEFENSE STOCKPILE.**

23 (a) FISCAL YEAR 2000 DISPOSAL AUTHORITY.—Sec-
24 tion 3402(b) of the National Defense Authorization Act
25 for Fiscal Year 2000 (50 U.S.C. 98d note), as amended



1 by section 3302 of the National Defense Authorization Act
2 for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
3 1788) and section 3302 of the National Defense Author-
4 ization Act for Fiscal Year 2006 (Public Law 109–163;
5 119 Stat. 3545), is amended by striking “\$600,000,000
6 before” in paragraph (5) and inserting “\$710,000,000
7 by”.

8 (b) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Sec-
9 tion 3303(a) of the Strom Thurmond National Defense
10 Authorization Act for Fiscal Year 1999 (Public Law 105–
11 261; 50 U.S.C. 98d note), as amended by section 3302
12 of the Ronald W. Reagan National Defense Authorization
13 Act for Year 2005 (Public Law 108–375; 118 Stat. 2193),
14 section 3302 of the National Defense Authorization Act
15 for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
16 3545), and section 3302(a) of the John Warner National
17 Defense Authorization Act for Fiscal Year 2007 (Public
18 Law 109–364; 120 Stat. 2513), is amended by striking
19 “\$1,016,000,000 by the end of fiscal year 2014” in para-
20 graph (7) and inserting “\$1,066,000,000 by the end of
21 fiscal year 2015”.

22 **SEC. 1413. DISPOSAL OF FERROMANGANESE.**

23 (a) DISPOSAL AUTHORIZED.—The Secretary of De-
24 fense may dispose of up to 50,000 tons of ferromanganese



1 from the National Defense Stockpile during fiscal year
2 2008.

3 (b) CONTINGENT AUTHORITY FOR ADDITIONAL DIS-
4 POSAL.—

5 (1) IN GENERAL.—If the Secretary of Defense
6 enters into a contract for the disposal of the total
7 quantity of ferromanganese authorized for disposal
8 by subsection (a) before September 30, 2008, the
9 Secretary of Defense may dispose of up to an addi-
10 tional 25,000 tons of ferromanganese from the Na-
11 tional Defense Stockpile before that date.

12 (2) ADDITIONAL AMOUNTS.—If the Secretary
13 enters into a contract for the disposal of the total
14 quantity of additional ferromanganese authorized for
15 disposal by paragraph (1) before September 30,
16 2008, the Secretary may dispose of up to an addi-
17 tional 25,000 tons of ferromanganese from the Na-
18 tional Defense Stockpile before that date.

19 (c) CERTIFICATION.—The Secretary of Defense may
20 dispose of ferromanganese under the authority of para-
21 graph (1) or (2) of subsection (b) only if the Secretary
22 submits to the Committee on Armed Services of the Sen-
23 ate and the Committee on Armed Services of the House
24 of Representatives, written certification that—



1 (1) the disposal of the additional
2 ferromanganese from the National Defense Stockpile
3 under such paragraph is in the interest of national
4 defense;

5 (2) the disposal of the additional
6 ferromanganese under such paragraph will not cause
7 disruption to the usual markets of producers and
8 processors of ferromanganese in the United States;
9 and

10 (3) the disposal of the additional
11 ferromanganese under such paragraph is consistent
12 with the requirements and purpose of the National
13 Defense Stockpile.

14 (d) NATIONAL DEFENSE STOCKPILE DEFINED.—In
15 this section, the term “National Defense Stockpile” means
16 the stockpile provided for in section 4 of the Strategic and
17 Critical Materials Stock Piling Act (50 U.S.C. 98c).

18 **SEC. 1414. DISPOSAL OF CHROME METAL.**

19 (a) DISPOSAL AUTHORIZED.—The Secretary of De-
20 fense may dispose of up to 500 short tons of chrome metal
21 from the National Defense Stockpile during fiscal year
22 2008.

23 (b) CONTINGENT AUTHORITY FOR ADDITIONAL DIS-
24 POSAL.—



1 (1) IN GENERAL.—If the Secretary of Defense
2 completes the disposal of the total quantity of
3 chrome metal authorized for disposal by subsection
4 (a) before September 30, 2008, the Secretary of De-
5 fense may dispose of up to an additional 250 short
6 tons of chrome metal from the National Defense
7 Stockpile before that date.

8 (2) ADDITIONAL AMOUNTS.—If the Secretary
9 completes the disposal of the total quantity of addi-
10 tional chrome metal authorized for disposal by para-
11 graph (1) before September 30, 2008, the Secretary
12 may dispose of up to an additional 250 short tons
13 of chrome metal from the National Defense Stock-
14 pile before that date.

15 (c) CERTIFICATION.—The Secretary of Defense may
16 dispose of chrome metal under the authority of paragraph
17 (1) or (2) of subsection (b) only if the Secretary submits
18 to the Committee on Armed Services of the Senate and
19 the Committee on Armed Services of the House of Rep-
20 resentatives, not later than 30 days before the commence-
21 ment of disposal under the applicable paragraph, written
22 certification that—

23 (1) the disposal of the additional chrome metal
24 from the National Defense Stockpile is in the inter-
25 est of national defense;



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1 (2) the disposal of the additional chrome metal
2 will not cause disruption to the usual markets of
3 producers and processors of chrome metal in the
4 United States; and

5 (3) the disposal of the additional chrome metal
6 is consistent with the requirements and purpose of
7 the National Defense Stockpile.

8 (d) NATIONAL DEFENSE STOCKPILE DEFINED.—In
9 this section, the term “National Defense Stockpile” means
10 the stockpile provided for in section 4 of the Strategic and
11 Critical Materials Stock Piling Act (50 U.S.C. 98c).

12 **Subtitle C—Armed Forces**
13 **Retirement Home**

14 **SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR**
15 **ARMED FORCES RETIREMENT HOME.**

16 There is authorized to be appropriated for fiscal year
17 2008 from the Armed Forces Retirement Home Trust
18 Fund the sum of \$61,624,000 for the operation of the
19 Armed Forces Retirement Home.

20 **SEC. 1422. ADMINISTRATION AND OVERSIGHT OF THE**
21 **ARMED FORCES RETIREMENT HOME.**

22 (a) ROLE OF SECRETARY OF DEFENSE.—Section
23 1511 of the Armed Forces Retirement Home Act of 1991
24 (24 U.S.C. 411) is amended—



1 (1) in subsection (d), by adding at the end the
2 following new paragraph:

3 “(3) The administration of the Retirement Home (in-
4 cluding administration for the provision of health care and
5 medical care for residents) shall remain under the direct
6 authority, control, and administration of the Secretary of
7 Defense.”; and

8 (2) in subsection (h), by adding at the end the
9 following new sentence: “The annual report shall in-
10 clude an assessment of all aspects of each facility of
11 the Retirement Home, including the quality of care
12 at the facility.”.

13 (b) ACCREDITATION.—Subsection (g) of section 1511
14 of the Armed Forces Retirement Home Act of 1991 (24
15 U.S.C. 411) is amended to read as follows:

16 “(g) ACCREDITATION.—The Chief Operating Officer
17 shall secure and maintain accreditation by a nationally
18 recognized civilian accrediting organization for each aspect
19 of each facility of the Retirement Home, including medical
20 and dental care, pharmacy, independent living, and as-
21 sisted living and nursing care.”.

22 (c) SPECTRUM OF CARE.—Section 1513(b) of the
23 Armed Forces Retirement Home Act of 1991 (24 U.S.C.
24 413(b)) is amended by inserting after the first sentence
25 the following new sentence: “The services provided resi-



1 dents of the Retirement Home shall include appropriate
2 nonacute medical and dental services, pharmaceutical
3 services, and transportation of residents, which shall be
4 provided at no cost to residents.”.

5 (d) SENIOR MEDICAL ADVISOR FOR RETIREMENT
6 HOME.—

7 (1) DESIGNATION AND DUTIES OF SENIOR
8 MEDICAL ADVISOR.—The Armed Forces Retirement
9 Home Act of 1991 is amended by inserting after
10 section 1513 (24 U.S.C. 413) the following new sec-
11 tion:

12 “SEC. 1513A. IMPROVED HEALTH CARE
13 OVERSIGHT OF RETIREMENT HOME.

14 “(a) DESIGNATION OF SENIOR MEDICAL ADVISOR.—
15 (1) The Secretary of Defense shall designate the Deputy
16 Director of the TRICARE Management Activity to serve
17 as the Senior Medical Advisor for the Retirement Home.

18 “(2) The Deputy Director of the TRICARE Manage-
19 ment Activity shall serve as Senior Medical Advisor for
20 the Retirement Home in addition to performing all other
21 duties and responsibilities assigned to the Deputy Director
22 of the TRICARE Management Activity at the time of the
23 designation under paragraph (1) or afterward.

24 “(b) RESPONSIBILITIES.—(1) The Senior Medical
25 Advisor shall provide advice to the Secretary of Defense,



1 the Under Secretary of Defense for Personnel and Readiness,
2 ness, and the Chief Operating Officer regarding the direction
3 tion and oversight of the provision of medical, preventive
4 mental health, and dental care services at each facility of
5 the Retirement Home.

6 “(2) The Senior Medical Advisor shall also provide
7 advice to the Local Board for a facility of the Retirement
8 Home regarding all medical and medical administrative
9 matters of the facility.

10 “(c) DUTIES.—In carrying out the responsibilities set
11 forth in subsection (b), the Senior Medical Advisor shall
12 perform the following duties:

13 “(1) Ensure the timely availability to residents
14 of the Retirement Home, at locations other than the
15 Retirement Home, of such acute medical, mental
16 health, and dental care as such resident may require
17 that is not available at the applicable facility of the
18 Retirement Home.

19 “(2) Ensure compliance by the facilities of the
20 Retirement Home with accreditation standards, applicable
21 health care standards of the Department of
22 Veterans Affairs, or any other applicable health care
23 standards and requirements (including requirements
24 identified in applicable reports of the Inspector General
25 of the Department of Defense).



1 “(3) Periodically visit and inspect the medical
2 facilities and medical operations of each facility of
3 the Retirement Home.

4 “(4) Periodically examine and audit the medical
5 records and administration of the Retirement Home.

6 “(5) Consult with the Local Board for each fa-
7 cility of the Retirement Home not less frequently
8 than once each year.

9 “(d) ADVISORY BODIES.—In carrying out the respon-
10 sibilities set forth in subsection (b) and the duties set forth
11 in subsection (c), the Senior Medical Advisor may estab-
12 lish and seek the advice of such advisory bodies as the
13 Senior Medical Advisor considers appropriate.”.

14 (2) CLERICAL AMENDMENT.—The table of con-
15 tents in section 1501(b) of the Armed Forces Retire-
16 ment Home Act of 1991 (24 U.S.C. 401 note) is
17 amended by inserting after the item relating to sec-
18 tion 1513 the following new item:

“1513A. Improved health care oversight of Retirement Home.”.

19 (e) LOCAL BOARDS OF TRUSTEES.—

20 (1) DUTIES.—Subsection (b) of section 1516 of
21 the Armed Forces Retirement Home Act of 1991
22 (24 U.S.C. 416) is amended to read as follows:

23 “(b) DUTIES.—(1) The Local Board for a facility
24 shall serve in an advisory capacity to the Director of the
25 facility and to the Chief Operating Officer.



1 “(2) The Local Board for a facility shall provide to
2 the Chief Operating Officer and the Director of the facility
3 such guidance and recommendations on the administra-
4 tion of the facility as the Local Board considers appro-
5 priate.

6 “(3) Not less often than annually, the Local Board
7 for a facility shall provide to the Under Secretary of De-
8 fense for Personnel and Readiness an assessment of all
9 aspects of the facility, including the quality of care at the
10 facility.”.

11 (2) COMPOSITION.—Subparagraph (K) of sub-
12 section (c) of such section is amended to read as fol-
13 lows:

14 “(K) One senior representative of one of the
15 chief personnel officers of the Armed Forces, who
16 shall be a commissioned officer of the Armed Forces
17 serving on active duty in the grade of brigadier gen-
18 eral, or in the case of the Navy or Coast Guard, rear
19 admiral (lower half).”.

20 (f) INSPECTION OF RETIREMENT HOME.—Section
21 1518 of the Armed Forces Retirement Home Act of 1991
22 (24 U.S.C. 418) is amended to read as follows:

23 **“SEC. 1518. INSPECTION OF RETIREMENT HOME.**

24 “(a) DUTY OF INSPECTOR GENERAL OF THE DE-
25 PARTMENT OF DEFENSE.—The Inspector General of the



1 Department of Defense shall have the duty to inspect the
2 Retirement Home.

3 “(b) INSPECTIONS BY INSPECTOR GENERAL.—(1) In
4 any year in which a facility of the Retirement Home is
5 not inspected by a nationally recognized civilian accred-
6 iting organization, the Inspector General of the Depart-
7 ment of Defense shall perform a comprehensive inspection
8 of all aspects of that facility, including independent living,
9 assisted living, medical and dental care, pharmacy, finan-
10 cial and contracting records, and any aspect of either facil-
11 ity on which the Local Board for the facility or the resi-
12 dent advisory committee or council of the facility rec-
13 ommends inspection.

14 “(2) The Inspector General shall be assisted in in-
15 spections under this subsection by a medical inspector
16 general of a military department designated for purposes
17 of this subsection by the Secretary of Defense.

18 “(3) In conducting the inspection of a facility of the
19 Retirement Home under this subsection, the Inspector
20 General shall solicit concerns, observations, and rec-
21 ommendations from the Local Board for the facility, the
22 resident advisory committee or council of the facility, and
23 the residents of the facility. Any concerns, observations,
24 and recommendations solicited from residents shall be so-
25 licited on a not-for-attribution basis.



1 “(4) The Chief Operating Officer and the Director
2 of each facility of the Retirement Home shall make all
3 staff, other personnel, and records of each facility avail-
4 able to the Inspector General in a timely manner for pur-
5 poses of inspections under this subsection.

6 “(c) REPORTS ON INSPECTIONS BY INSPECTOR GEN-
7 ERAL.—(1) The Inspector General shall prepare a report
8 describing the results of each inspection conducted of a
9 facility of the Retirement Home under subsection (b), and
10 include in the report such recommendations as the Inspec-
11 tor General considers appropriate in light of the inspec-
12 tion. Not later than 45 days after completing the inspec-
13 tion of the facility, the Inspector General shall submit the
14 report to Congress and the Secretary of Defense, the
15 Under Secretary of Defense for Personnel and Readiness,
16 the Chief Operating Officer, the Director of the facility,
17 the Senior Medical Advisor, and the Local Board for the
18 facility.

19 “(2) Not later than 45 days after receiving a report
20 of the Inspector General under paragraph (1), the Direc-
21 tor of the facility concerned shall submit to the Secretary
22 of Defense, the Under Secretary of Defense for Personnel
23 and Readiness, the Chief Operating Officer, and the Local
24 Board for the facility, and to Congress, a plan to address



1 the recommendations and other matters set forth in the
2 report.

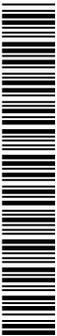
3 “(d) ADDITIONAL INSPECTIONS.—(1) The Chief Op-
4 erating Officer shall request the inspection of each facility
5 of the Retirement Home by a nationally recognized civilian
6 accrediting organization in accordance with section
7 1511(g).

8 “(2) The Chief Operating Officer and the Director
9 of a facility being inspected under this subsection shall
10 make all staff, other personnel, and records of the facility
11 available to the civilian accrediting organization in a time-
12 ly manner for purposes of inspections under this sub-
13 section.

14 “(e) REPORTS ON ADDITIONAL INSPECTIONS.—(1)
15 Not later than 45 days after receiving a report of an in-
16 spection from the civilian accrediting organization under
17 subsection (d), the Director of the facility concerned shall
18 submit to the Under Secretary of Defense for Personnel
19 and Readiness, the Chief Operating Officer, and the Local
20 Board for the facility a report containing—

21 “(A) the results of the inspection; and

22 “(B) a plan to address any recommendations
23 and other matters set forth in the report.



1 “(2) Not later than 45 days after receiving a report
2 and plan under paragraph (1), the Secretary of Defense
3 shall submit the report and plan to Congress.”.

4 (g) ARMED FORCES RETIREMENT HOME TRUST
5 FUND.—Section 1519 of the Armed Forces Retirement
6 Home Act of 1991 (24 U.S.C. 419) is amended by adding
7 at the end the following new subsection:

8 “(d) REPORTING REQUIREMENTS.—The Chief Fi-
9 nancial Officer of the Armed Forces Retirement Home
10 shall comply with the reporting requirements of sub-
11 chapter II of chapter 35 of title 31, United States Code.”.

12 **TITLE XV—AUTHORIZATION OF**
13 **ADDITIONAL APPROPRIA-**
14 **TIONS FOR OPERATION IRAQI**
15 **FREEDOM AND OPERATION**
16 **ENDURING FREEDOM**

- Sec. 1501. Purpose.
- Sec. 1502. Army procurement.
- Sec. 1503. Navy and Marine Corps procurement.
- Sec. 1504. Air Force procurement.
- Sec. 1505. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1506. Defense-wide activities procurement.
- Sec. 1507. Research, development, test, and evaluation.
- Sec. 1508. Operation and maintenance.
- Sec. 1509. Working capital funds.
- Sec. 1510. Other Department of Defense programs.
- Sec. 1511. Iraq Freedom Fund.
- Sec. 1512. Iraq Security Forces Fund.
- Sec. 1513. Afghanistan Security Forces Fund.
- Sec. 1514. Military personnel.
- Sec. 1515. Strategic Readiness Fund.
- Sec. 1516. Treatment as additional authorizations.
- Sec. 1517. Special transfer authority.



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1 **SEC. 1501. PURPOSE.**

2 The purpose of this title is to authorize appropria-
3 tions for the Department of Defense for fiscal year 2008
4 to provide additional funds for Operation Iraqi Freedom
5 and Operation Enduring Freedom.

6 **SEC. 1502. ARMY PROCUREMENT.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2008 for procurement accounts for the Army
9 in amounts as follows:

10 (1) For aircraft procurement, \$2,086,864,000.

11 (2) For ammunition procurement,
12 \$513,600,000.

13 (3) For weapons and tracked combat vehicles
14 procurement, \$7,289,697,000.

15 (4) For missile procurement, \$641,764,000.

16 (5) For other procurement, \$32,478,568,000.

17 **SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.**

18 (a) NAVY.—Funds are hereby authorized to be appro-
19 priated for fiscal year 2008 for procurement accounts for
20 the Navy in amounts as follows:

21 (1) For aircraft procurement, \$3,908,458,000.

22 (2) For weapons procurement, \$318,281,000.

23 (3) For other procurement, \$1,870,597,000.

24 (b) MARINE CORPS.—Funds are hereby authorized to
25 be appropriated for fiscal year 2008 for the procurement



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1 account for the Marine Corps in the amount of
2 \$5,519,740,000.

3 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
4 are hereby authorized to be appropriated for fiscal year
5 2008 for the procurement account for ammunition for the
6 Navy and the Marine Corps in the amount of
7 \$609,890,000.

8 **SEC. 1504. AIR FORCE PROCUREMENT.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 2008 for procurement accounts for the Air
11 Force in amounts as follows:

12 (1) For aircraft procurement, \$5,828,239,000.

13 (2) For ammunition procurement,
14 \$104,405,000.

15 (3) For missile procurement, \$1,800,000.

16 (4) For other procurement, \$4,528,126,000.

17 **SEC. 1505. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
18 **FUND.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
20 are hereby authorized for fiscal year 2008 for the Joint
21 Improvised Explosive Device Defeat Fund in the amount
22 of \$4,541,000,000.

23 (b) USE AND TRANSFER OF FUNDS.—Subsections
24 (b) and (c) of section 1514 of the John Warner National
25 Defense Authorization Act for Fiscal Year 2007 (Public



1 Law 109–364; 120 Stat. 2439) shall apply to the funds
2 appropriated pursuant to the authorization of appropria-
3 tions in subsection (a).

4 (c) REVISION OF MANAGEMENT PLAN.—The Sec-
5 retary of Defense shall revise the management plan re-
6 quired by section 1514(d) of the John Warner National
7 Defense Authorization Act for Fiscal Year 2007 to iden-
8 tify projected transfers and obligations through September
9 30, 2008.

10 (d) DURATION OF AUTHORITY.—Section 1514(f) of
11 the John Warner National Defense Authorization Act for
12 Fiscal Year 2007 is amended by striking “September 30,
13 2009” and inserting “September 30, 2010”.

14 **SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2008 for the procurement account for Defense-
17 wide activities in the amount of \$768,157,000.

18 **SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**

19 **TION.**

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

- 23 (1) For the Army, \$183,299,000.
24 (2) For the Navy, \$695,996,000.
25 (3) For the Air Force, \$1,457,710,000.



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1 (4) For Defense-wide activities,
2 \$1,320,088,000.

3 **SEC. 1508. OPERATION AND MAINTENANCE.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2008 for the use of the Armed Forces for ex-
6 penses, not otherwise provided for, for operation and
7 maintenance, in amounts as follows:

8 (1) For the Army, \$54,929,551,000.

9 (2) For the Navy, \$6,249,793,000.

10 (3) For the Marine Corps, \$4,674,688,000.

11 (4) For the Air Force, \$10,798,473,000.

12 (5) For Defense-wide activities,
13 \$6,424,085,000.

14 (6) For the Army Reserve, \$196,694,000.

15 (7) For the Navy Reserve, \$83,407,000.

16 (8) For the Marine Corps Reserve,
17 \$68,193,000.

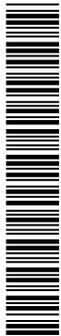
18 (9) For the Army National Guard,
19 \$757,008,000.

20 (10) For the Air Force Reserve, \$24,266,000.

21 (11) For the Air National Guard,
22 \$103,267,000.

23 **SEC. 1509. WORKING CAPITAL FUNDS.**

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



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

4 (1) For the Defense Working Capital Funds,
5 \$1,957,675,000.

6 (2) For the National Defense Sealift Fund,
7 \$5,110,000.

8 **SEC. 1510. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

9 (a) DEFENSE HEALTH PROGRAM.—Funds are here-
10 by authorized to be appropriated for the Department of
11 Defense for fiscal year 2008 for expenses, not otherwise
12 provided for, for the Defense Health Program in the
13 amount of \$1,137,442,000 for operation and maintenance.

14 (b) DRUG INTERDICTION AND COUNTER-DRUG AC-
15 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized
16 to be appropriated for the Department of Defense for fis-
17 cal year 2008 for expenses, not otherwise provided for, for
18 Drug Interdiction and Counter-Drug Activities, Defense-
19 wide in the amount of \$257,618,000.

20 (c) DEFENSE INSPECTOR GENERAL.—Funds are
21 hereby authorized to be appropriated for the Department
22 of Defense for fiscal year 2008 for expenses, not otherwise
23 provided for, for the Office of the Inspector General of
24 the Department of Defense in the amount of \$4,394,000
25 for operation and maintenance.



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1 **SEC. 1511. IRAQ FREEDOM FUND.**

2 (a) IN GENERAL.—Funds are hereby authorized to
3 be appropriated for fiscal year 2008 for the Iraq Freedom
4 Fund in the amount of \$207,500,000.

5 (b) TRANSFER.—

6 (1) TRANSFER AUTHORIZED.—Subject to para-
7 graph (2), amounts authorized to be appropriated by
8 subsection (a) may be transferred from the Iraq
9 Freedom Fund to any accounts as follows:

10 (A) Operation and maintenance accounts
11 of the Armed Forces.

12 (B) Military personnel accounts.

13 (C) Research, development, test, and eval-
14 uation accounts of the Department of Defense.

15 (D) Procurement accounts of the Depart-
16 ment of Defense.

17 (E) Accounts providing funding for classi-
18 fied programs.

19 (F) The operating expenses account of the
20 Coast Guard.

21 (2) NOTICE TO CONGRESS.—A transfer may not
22 be made under the authority in paragraph (1) until
23 five days after the date on which the Secretary of
24 Defense notifies the congressional defense commit-
25 tees in writing of the transfer.



1 (3) TREATMENT OF TRANSFERRED FUNDS.—
2 Amounts transferred to an account under the au-
3 thority in paragraph (1) shall be merged with
4 amounts in such account and shall be made available
5 for the same purposes, and subject to the same con-
6 ditions and limitations, as amounts in such account.

7 (4) EFFECT ON AUTHORIZATION AMOUNTS.—A
8 transfer of an amount to an account under the au-
9 thority in paragraph (1) shall be deemed to increase
10 the amount authorized for such account by an
11 amount equal to the amount transferred.

12 **SEC. 1512. IRAQ SECURITY FORCES FUND.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
14 are hereby authorized to be appropriated for fiscal year
15 2008 for the Iraq Security Forces Fund in the amount
16 of \$3,000,000,000.

17 (b) USE OF FUNDS.—

18 (1) IN GENERAL.—Funds appropriated pursu-
19 ant to subsection (a) shall be available to the Sec-
20 retary of Defense for the purpose of allowing the
21 Commander, Multi-National Security Transition
22 Command-Iraq, to provide assistance to the security
23 forces of Iraq.

24 (2) TYPES OF ASSISTANCE AUTHORIZED.—As-
25 sistance provided under this section may include the



1 provision of equipment, supplies, services, training,
2 facility and infrastructure repair, renovation, con-
3 struction, and funding.

4 (3) SECRETARY OF STATE CONCURRENCE.—As-
5 sistance may be provided under this section only
6 with the concurrence of the Secretary of State.

7 (c) AUTHORITY IN ADDITION TO OTHER AUTHORI-
8 TIES.—The authority to provide assistance under this sec-
9 tion is in addition to any other authority to provide assist-
10 ance to foreign nations.

11 (d) TRANSFER AUTHORITY.—

12 (1) TRANSFERS AUTHORIZED.—Subject to
13 paragraph (2), amounts authorized to be appro-
14 priated by subsection (a) may be transferred from
15 the Iraq Security Forces Fund to any of the fol-
16 lowing accounts and funds of the Department of De-
17 fense to accomplish the purposes provided in sub-
18 section (b):

19 (A) Military personnel accounts.

20 (B) Operation and maintenance accounts.

21 (C) Procurement accounts.

22 (D) Research, development, test, and eval-
23 uation accounts.

24 (E) Defense working capital funds.



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1 (F) Overseas Humanitarian, Disaster, and
2 Civic Aid account.

3 (2) ADDITIONAL AUTHORITY.—The transfer au-
4 thority provided by paragraph (1) is in addition to
5 any other transfer authority available to the Depart-
6 ment of Defense.

7 (3) TRANSFERS BACK TO THE FUND.—Upon
8 determination that all or part of the funds trans-
9 ferred from the Iraq Security Forces Fund under
10 paragraph (1) are not necessary for the purpose pro-
11 vided, such funds may be transferred back to the
12 Iraq Security Forces Fund.

13 (4) EFFECT ON AUTHORIZATION AMOUNTS.—A
14 transfer of an amount to an account under the au-
15 thority in paragraph (1) shall be deemed to increase
16 the amount authorized for such account by an
17 amount equal to the amount transferred.

18 (e) NOTICE TO CONGRESS.—Funds may not be obli-
19 gated from the Iraq Security Forces Fund, or transferred
20 under the authority provided in subsection (d)(1), until
21 five days after the date on which the Secretary of Defense
22 notifies the congressional defense committees in writing
23 of the details of the proposed obligation or transfer.

24 (f) CONTRIBUTIONS.—



1 (1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—
2 Subject to paragraph (2), the Secretary of Defense
3 may accept contributions of amounts to the Iraq Se-
4 curity Forces Fund for the purposes provided in
5 subsection (b) from any person, foreign government,
6 or international organization. Any amounts so ac-
7 cepted shall be credited to the Iraq Security Forces
8 Fund.

9 (2) LIMITATION.—The Secretary may not ac-
10 cept a contribution under this subsection if the ac-
11 ceptance of the contribution would compromise or
12 appear to compromise the integrity of any program
13 of the Department of Defense.

14 (3) USE.—Amounts accepted under this sub-
15 section shall be available for assistance authorized
16 by subsection (b), including transfer under sub-
17 section (d) for that purpose.

18 (4) NOTIFICATION.—The Secretary shall notify
19 the congressional defense committees, the Committee
20 on Foreign Relations of the Senate, and the Com-
21 mittee on Foreign Affairs of the House of Rep-
22 resentatives, in writing, upon the acceptance, and
23 upon the transfer under subsection (d), of any con-
24 tribution under this subsection. Such notice shall



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1 specify the source and amount of any amount so ac-
2 cepted and the use of any amount so accepted.

3 (g) QUARTERLY REPORTS.—Not later than 30 days
4 after the end of each fiscal-year quarter, the Secretary of
5 Defense shall submit to the congressional defense commit-
6 tees a report summarizing the details of any obligation
7 or transfer of funds from the Iraq Security Forces Fund
8 during such fiscal-year quarter.

9 (h) DURATION OF AUTHORITY.—Amounts authorized
10 to be appropriated or contributed to the Iraq Security
11 Forces Fund during fiscal year 2008 are available for obli-
12 gation or transfer from the Iraq Security Forces Fund in
13 accordance with this section until September 30, 2009.

14 **SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
16 are hereby authorized to be appropriated for fiscal year
17 2008 for the Afghanistan Security Forces Fund in the
18 amount of \$2,700,000,000.

19 (b) USE OF FUNDS.—

20 (1) IN GENERAL.—Funds authorized to be ap-
21 propriated by subsection (a) shall be available to the
22 Secretary of Defense to provide assistance to the se-
23 curity forces of Afghanistan.

24 (2) TYPES OF ASSISTANCE AUTHORIZED.—As-
25 sistance provided under this section may include the



1 provision of equipment, supplies, services, training,
2 facility and infrastructure repair, renovation, con-
3 struction, and funds.

4 (3) SECRETARY OF STATE CONCURRENCE.—As-
5 sistance may be provided under this section only
6 with the concurrence of the Secretary of State.

7 (c) AUTHORITY IN ADDITION TO OTHER AUTHORI-
8 TIES.—The authority to provide assistance under this sec-
9 tion is in addition to any other authority to provide assist-
10 ance to foreign nations.

11 (d) TRANSFER AUTHORITY.—

12 (1) TRANSFERS AUTHORIZED.—Subject to
13 paragraph (2), amounts authorized to be appro-
14 priated by subsection (a) may be transferred from
15 the Afghanistan Security Forces Fund to any of the
16 following accounts and funds of the Department of
17 Defense to accomplish the purposes provided in sub-
18 section (b):

19 (A) Military personnel accounts.

20 (B) Operation and maintenance accounts.

21 (C) Procurement accounts.

22 (D) Research, development, test, and eval-
23 uation accounts.

24 (E) Defense working capital funds.



1 (F) Overseas Humanitarian, Disaster, and
2 Civic Aid.

3 (2) ADDITIONAL AUTHORITY.—The transfer au-
4 thority provided by paragraph (1) is in addition to
5 any other transfer authority available to the Depart-
6 ment of Defense.

7 (3) TRANSFERS BACK TO FUND.—Upon a de-
8 termination that all or part of the funds transferred
9 from the Afghanistan Security Forces Fund under
10 paragraph (1) are not necessary for the purpose for
11 which transferred, such funds may be transferred
12 back to the Afghanistan Security Forces Fund.

13 (4) EFFECT ON AUTHORIZATION AMOUNTS.—A
14 transfer of an amount to an account under the au-
15 thority in paragraph (1) shall be deemed to increase
16 the amount authorized for such account by an
17 amount equal to the amount transferred.

18 (e) PRIOR NOTICE TO CONGRESS OF OBLIGATION OR
19 TRANSFER.—Funds may not be obligated from the Af-
20 ghanistan Security Forces Fund, or transferred under
21 subsection (d)(1), until five days after the date on which
22 the Secretary of Defense notifies the congressional defense
23 committees in writing of the details of the proposed obliga-
24 tion or transfer.

25 (f) CONTRIBUTIONS.—



1 (1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—
2 Subject to paragraph (2), the Secretary of Defense
3 may accept contributions of amounts to the Afghani-
4 stan Security Forces Fund for the purposes provided
5 in subsection (b) from any person, foreign govern-
6 ment, or international organization. Any amounts so
7 accepted shall be credited to the Afghanistan Secu-
8 rity Forces Fund.

9 (2) LIMITATION.—The Secretary may not ac-
10 cept a contribution under this subsection if the ac-
11 ceptance of the contribution would compromise or
12 appear to compromise the integrity of any program
13 of the Department of Defense.

14 (3) USE.—Amounts accepted under this sub-
15 section shall be available for assistance authorized
16 by subsection (b), including transfer under sub-
17 section (d) for that purpose.

18 (4) NOTIFICATION.—The Secretary shall notify
19 the congressional defense committees, the Committee
20 on Foreign Relations of the Senate, and the Com-
21 mittee on Foreign Affairs of the House of Rep-
22 resentatives, in writing, upon the acceptance, and
23 upon the transfer under subsection (d), of any con-
24 tribution under this subsection. Such notice shall



1 specify the source and amount of any amount so ac-
2 cepted and the use of any amount so accepted.

3 (g) QUARTERLY REPORTS.—Not later than 30 days
4 after the end of each fiscal-year quarter, the Secretary of
5 Defense shall submit to the congressional defense commit-
6 tees a report summarizing the details of any obligation
7 or transfer of funds from the Afghanistan Security Forces
8 Fund during such fiscal-year quarter.

9 (h) DURATION OF AUTHORITY.—Amounts authorized
10 to be appropriated or contributed to the Afghanistan Secu-
11 rity Forces Fund during fiscal year 2008 are available for
12 obligation or transfer from the Afghanistan Security
13 Forces Fund in accordance with this section until Sep-
14 tember 30, 2009.

15 **SEC. 1514. MILITARY PERSONNEL.**

16 There is hereby authorized to be appropriated to the
17 Department of Defense for military personnel accounts for
18 fiscal year 2008 a total of \$17,912,510,000.

19 **SEC. 1515. STRATEGIC READINESS FUND.**

20 There is authorized to be appropriated
21 \$1,000,000,000 to the Strategic Readiness Fund.

22 **SEC. 1516. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

23 The amounts authorized to be appropriated by this
24 title are in addition to amounts otherwise authorized to
25 be appropriated by this Act.



1 **SEC. 1517. SPECIAL TRANSFER AUTHORITY.**

2 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

3 (1) **AUTHORITY.**—Upon determination by the
4 Secretary of Defense that such action is necessary in
5 the national interest, the Secretary may transfer
6 amounts of authorizations made available to the De-
7 partment of Defense in this title for fiscal year 2008
8 between any such authorizations for that fiscal year
9 (or any subdivisions thereof). Amounts of authoriza-
10 tions so transferred shall be merged with and be
11 available for the same purposes as the authorization
12 to which transferred.

13 (2) **LIMITATION.**—The total amount of author-
14 izations that the Secretary may transfer under the
15 authority of this section may not exceed
16 \$3,500,000,000.

17 (b) **TERMS AND CONDITIONS.**—Transfers under this
18 section shall be subject to the same terms and conditions
19 as transfers under section 1001.

20 (c) **ADDITIONAL AUTHORITY.**—The transfer author-
21 ity provided by this section is in addition to the transfer
22 authority provided under section 1001.

23 **TITLE XVI—WOUNDED WARRIOR**
24 **MATTERS**

Sec. 1601. Short title.

Sec. 1602. General definitions.



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Sec. 1603. Consideration of gender-specific needs of recovering service members and veterans.

Subtitle A—Policy on Improvements to Care, Management, and Transition of Recovering Service Members

Sec. 1611. Comprehensive policy on improvements to care, management, and transition of recovering service members.

Sec. 1612. Medical evaluations and physical disability evaluations of recovering service members.

Sec. 1613. Return of recovering service members to active duty in the Armed Forces.

Sec. 1614. Transition of recovering service members from care and treatment through the Department of Defense to care, treatment, and rehabilitation through the Department of Veterans Affairs.

Sec. 1615. Reports.

Sec. 1616. Establishment of a wounded warrior resource center.

Sec. 1617. Notification to Congress of hospitalization of combat wounded service members.

Sec. 1618. Comprehensive plan on prevention, diagnosis, mitigation, treatment, and rehabilitation of, and research on, traumatic brain injury, post-traumatic stress disorder, and other mental health conditions in members of the Armed Forces.

Subtitle B—Centers of Excellence in the Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury, Post-Traumatic Stress Disorder, and Eye Injuries

Sec. 1621. Center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury.

Sec. 1622. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder and other mental health conditions.

Sec. 1623. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries.

Sec. 1624. Report on establishment of centers of excellence.

Subtitle C—Health Care Matters

Sec. 1631. Medical care and other benefits for members and former members of the Armed Forces with severe injuries or illnesses.

Sec. 1632. Reimbursement of travel expenses of retired members with combat-related disabilities for follow-on specialty care, services, and supplies.

Sec. 1633. Respite care and other extended care benefits for members of the uniformed services who incur a serious injury or illness on active duty.

Sec. 1634. Reports.

Sec. 1635. Fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.

Sec. 1636. Enhanced personnel authorities for the Department of Defense for health care professionals for care and treatment of wounded and injured members of the Armed Forces.

Sec. 1637. Continuation of transitional health benefits for members of the Armed Forces pending resolution of service-related medical conditions.



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Subtitle D—Disability Matters

- Sec. 1641. Utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.
- Sec. 1642. Requirements and limitations on Department of Defense determinations of disability with respect to members of the Armed Forces.
- Sec. 1643. Review of separation of members of the Armed Forces separated from service with a disability rating of 20 percent disabled or less.
- Sec. 1644. Authorization of pilot programs to improve the disability evaluation system for members of the Armed Forces.
- Sec. 1645. Reports on Army action plan in response to deficiencies in the Army physical disability evaluation system.
- Sec. 1646. Enhancement of disability severance pay for members of the Armed Forces.
- Sec. 1647. Assessments of continuing utility and future role of temporary disability retired list.
- Sec. 1648. Standards for military medical treatment facilities, specialty medical care facilities, and military quarters housing patients and annual report on such facilities.
- Sec. 1649. Reports on Army Medical Action Plan in response to deficiencies identified at Walter Reed Army Medical Center, District of Columbia.
- Sec. 1650. Required certifications in connection with closure of Walter Reed Army Medical Center, District of Columbia.
- Sec. 1651. Handbook for members of the Armed Forces on compensation and benefits available for serious injuries and illnesses.

Subtitle E—Studies and Reports

- Sec. 1661. Study on physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom and Operation Enduring Freedom and their families.
- Sec. 1662. Access of recovering service members to adequate outpatient residential facilities.
- Sec. 1663. Study and report on support services for families of recovering service members.
- Sec. 1664. Report on traumatic brain injury classifications.
- Sec. 1665. Evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer program.

Subtitle F—Other Matters

- Sec. 1671. Prohibition on transfer of resources from medical care.
- Sec. 1672. Medical care for families of members of the Armed Forces recovering from serious injuries or illnesses.
- Sec. 1673. Improvement of medical tracking system for members of the Armed Forces deployed overseas.
- Sec. 1674. Guaranteed funding for Walter Reed Army Medical Center, District of Columbia.
- Sec. 1675. Use of leave transfer program by wounded veterans who are Federal employees.



Sec. 1676. Moratorium on conversion to contractor performance of Department of Defense functions at military medical facilities.

1 **SEC. 1601. SHORT TITLE.**

2 This title may be cited as the “Wounded Warrior
3 Act”.

4 **SEC. 1602. GENERAL DEFINITIONS.**

5 In this title:

6 (1) APPROPRIATE COMMITTEES OF CON-
7 GRESS.—The term “appropriate committees of Con-
8 gress” means—

9 (A) the Committees on Armed Services,
10 Veterans’ Affairs, and Appropriations of the
11 Senate; and

12 (B) the Committees on Armed Services,
13 Veterans’ Affairs, and Appropriations of the
14 House of Representatives.

15 (2) BENEFITS DELIVERY AT DISCHARGE PRO-
16 GRAM.—The term “Benefits Delivery at Discharge
17 Program” means a program administered jointly by
18 the Secretary of Defense and the Secretary of Vet-
19 erans Affairs to provide information and assistance
20 on available benefits and other transition assistance
21 to members of the Armed Forces who are separating
22 from the Armed Forces, including assistance to ob-
23 tain any disability benefits for which such members
24 may be eligible.



1 (3) DISABILITY EVALUATION SYSTEM.—The
2 term “Disability Evaluation System” means the fol-
3 lowing:

4 (A) A system or process of the Department
5 of Defense for evaluating the nature and extent
6 of disabilities affecting members of the Armed
7 Forces that is operated by the Secretaries of
8 the military departments and is comprised of
9 medical evaluation boards, physical evaluation
10 boards, counseling of members, and mecha-
11 nisms for the final disposition of disability eval-
12 uations by appropriate personnel.

13 (B) A system or process of the Coast
14 Guard for evaluating the nature and extent of
15 disabilities affecting members of the Coast
16 Guard that is operated by the Secretary of
17 Homeland Security and is similar to the system
18 or process of the Department of Defense de-
19 scribed in subparagraph (A).

20 (4) ELIGIBLE FAMILY MEMBER.—The term “el-
21 igible family member”, with respect to a recovering
22 service member, means a family member (as defined
23 in section 411 h(b) of title 37, United States Code)
24 who is on invitational travel orders or serving as a
25 non-medical attendee while caring for the recovering



1 service member for more than 45 days during a one-
2 year period.

3 (5) MEDICAL CARE.—The term “medical care”
4 includes mental health care.

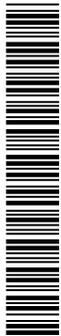
5 (6) OUTPATIENT STATUS.—The term “out-
6 patient status”, with respect to a recovering service
7 member, means the status of a recovering service
8 member assigned to—

9 (A) a military medical treatment facility as
10 an outpatient; or

11 (B) a unit established for the purpose of
12 providing command and control of members of
13 the Armed Forces receiving medical care as
14 outpatients.

15 (7) RECOVERING SERVICE MEMBER.—The term
16 “recovering service member” means a member of the
17 Armed Forces, including a member of the National
18 Guard or a Reserve, who is undergoing medical
19 treatment, recuperation, or therapy and is in an out-
20 patient status while recovering from a serious injury
21 or illness related to the member’s military service.

22 (8) SERIOUS INJURY OR ILLNESS.—The term
23 “serious injury or illness”, in the case of a member
24 of the Armed Forces, means an injury or illness in-
25 curred by the member in line of duty on active duty



1 in the Armed Forces that may render the member
2 medically unfit to perform the duties of the mem-
3 ber's office, grade, rank, or rating.

4 (9) TRICARE PROGRAM.—The term
5 “TRICARE program” has the meaning given that
6 term in section 1072(7) of title 10, United States
7 Code.

8 **SEC. 1603. CONSIDERATION OF GENDER-SPECIFIC NEEDS**
9 **OF RECOVERING SERVICE MEMBERS AND**
10 **VETERANS.**

11 (a) IN GENERAL.—In developing and implementing
12 the policy required by section 1611(a), and in otherwise
13 carrying out any other provision of this title or any amend-
14 ment made by this title, the Secretary of Defense and the
15 Secretary of Veterans Affairs shall take into account and
16 fully address any unique gender-specific needs of recov-
17 ering service members and veterans under such policy or
18 other provision.

19 (b) REPORTS.—In submitting any report required by
20 this title or an amendment made by this title, the Sec-
21 retary of Defense and the Secretary of Veterans Affairs
22 shall, to the extent applicable, include a description of the
23 manner in which the matters covered by such report ad-
24 dress the unique gender-specific needs of recovering serv-
25 ice members and veterans.



1 **Subtitle A—Policy on Improve-**
2 **ments to Care, Management,**
3 **and Transition of Recovering**
4 **Service Members**

5 **SEC. 1611. COMPREHENSIVE POLICY ON IMPROVEMENTS**
6 **TO CARE, MANAGEMENT, AND TRANSITION**
7 **OF RECOVERING SERVICE MEMBERS.**

8 (a) COMPREHENSIVE POLICY REQUIRED.—

9 (1) IN GENERAL.—Not later than July 1, 2008,
10 the Secretary of Defense and the Secretary of Vet-
11 erans Affairs shall, to the extent feasible, jointly de-
12 velop and implement a comprehensive policy on im-
13 provements to the care, management, and transition
14 of recovering service members.

15 (2) SCOPE OF POLICY.—The policy shall cover
16 each of the following:

17 (A) The care and management of recov-
18 ering service members.

19 (B) The medical evaluation and disability
20 evaluation of recovering service members.

21 (C) The return of service members who
22 have recovered to active duty when appropriate.

23 (D) The transition of recovering service
24 members from receipt of care and services
25 through the Department of Defense to receipt



1 of care and services through the Department of
2 Veterans Affairs.

3 (3) CONSULTATION.—The Secretary of Defense
4 and the Secretary of Veterans Affairs shall develop
5 the policy in consultation with the heads of other ap-
6 propriate departments and agencies of the Federal
7 Government and with appropriate non-governmental
8 organizations having an expertise in matters relating
9 to the policy.

10 (4) UPDATE.—The Secretary of Defense and
11 the Secretary of Veterans Affairs shall jointly update
12 the policy on a periodic basis, but not less often than
13 annually, in order to incorporate in the policy, as ap-
14 propriate, the following:

15 (A) The results of the reviews required
16 under subsections (b) and (c).

17 (B) Best practices identified through pilot
18 programs carried out under this title.

19 (C) Improvements to matters under the
20 policy otherwise identified and agreed upon by
21 the Secretary of Defense and the Secretary of
22 Veterans Affairs.

23 (b) REVIEW OF CURRENT POLICIES AND PROCE-
24 DURES.—



1 (1) REVIEW REQUIRED.—In developing the pol-
2 icy required by subsection (a), the Secretary of De-
3 fense and the Secretary of Veterans Affairs shall, to
4 the extent necessary, jointly and separately conduct
5 a review of all policies and procedures of the Depart-
6 ment of Defense and the Department of Veterans
7 Affairs that apply to, or shall be covered by, the pol-
8 icy.

9 (2) PURPOSE.—The purpose of the review shall
10 be to identify the most effective and patient-oriented
11 approaches to care and management of recovering
12 service members for purposes of—

13 (A) incorporating such approaches into the
14 policy; and

15 (B) extending such approaches, where ap-
16 plicable, to the care and management of other
17 injured or ill members of the Armed Forces and
18 veterans.

19 (3) ELEMENTS.—In conducting the review, the
20 Secretary of Defense and the Secretary of Veterans
21 Affairs shall—

22 (A) identify among the policies and proce-
23 dures described in paragraph (1) best practices
24 in approaches to the care and management of
25 recovering service members;



1 (B) identify among such policies and pro-
2 cedures existing and potential shortfalls in the
3 care and management of recovering service
4 members (including care and management of
5 recovering service members on the temporary
6 disability retired list), and determine means of
7 addressing any shortfalls so identified;

8 (C) determine potential modifications of
9 such policies and procedures in order to ensure
10 consistency and uniformity, where appropriate,
11 in the application of such policies and
12 procedures—

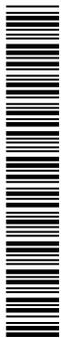
13 (i) among the military departments;

14 (ii) among the Veterans Integrated
15 Services Networks (VISNs) of the Depart-
16 ment of Veterans Affairs; and

17 (iii) between the military departments
18 and the Veterans Integrated Services Net-
19 works; and

20 (D) develop recommendations for legisla-
21 tive and administrative action necessary to im-
22 plement the results of the review.

23 (4) DEADLINE FOR COMPLETION.—The review
24 shall be completed not later than 90 days after the
25 date of the enactment of this Act.



1 (c) CONSIDERATION OF EXISTING FINDINGS, REC-
2 OMMENDATIONS, AND PRACTICES.—In developing the pol-
3 icy required by subsection (a), the Secretary of Defense
4 and the Secretary of Veterans Affairs shall take into ac-
5 count the following:

6 (1) The findings and recommendations of appli-
7 cable studies, reviews, reports, and evaluations that
8 address matters relating to the policy, including, but
9 not limited, to the following:

10 (A) The Independent Review Group on Re-
11 habilitative Care and Administrative Processes
12 at Walter Reed Army Medical Center and Na-
13 tional Naval Medical Center, appointed by the
14 Secretary of Defense.

15 (B) The Secretary of Veterans Affairs
16 Task Force on Returning Global War on Terror
17 Heroes, appointed by the President.

18 (C) The President's Commission on Care
19 for America's Returning Wounded Warriors.

20 (D) The Veterans' Disability Benefits
21 Commission established by title XV of the Na-
22 tional Defense Authorization Act for Fiscal
23 Year 2004 (Public Law 108–136; 117 Stat.
24 1676; 38 U.S.C. 1101 note).



1 (E) The President's Task Force to Im-
2 prove Health Care Delivery for Our Nation's
3 Veterans, of March 2003.

4 (F) The Report of the Congressional Com-
5 mission on Servicemembers and Veterans Tran-
6 sition Assistance, of 1999, chaired by Anthony
7 J. Principi.

8 (G) The President's Commission on Vet-
9 erans' Pensions, of 1956, chaired by General
10 Omar N. Bradley.

11 (2) The experience and best practices of the
12 Department of Defense and the military depart-
13 ments on matters relating to the policy.

14 (3) The experience and best practices of the
15 Department of Veterans Affairs on matters relating
16 to the policy.

17 (4) Such other matters as the Secretary of De-
18 fense and the Secretary of Veterans Affairs consider
19 appropriate.

20 (d) TRAINING AND SKILLS OF HEALTH CARE PRO-
21 FESSIONALS, RECOVERY CARE COORDINATORS, MEDICAL
22 CARE CASE MANAGERS, AND NON-MEDICAL CARE MAN-
23 AGERS FOR RECOVERING SERVICE MEMBERS.—

24 (1) IN GENERAL.—The policy required by sub-
25 section (a) shall provide for uniform standards



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1 among the military departments for the training and
2 skills of health care professionals, recovery care co-
3 ordinators, medical care case managers, and non-
4 medical care managers for recovering service mem-
5 bers under subsection (e) in order to ensure that
6 such personnel are able to—

7 (A) detect early warning signs of post-
8 traumatic stress disorder (PTSD), suicidal or
9 homicidal thoughts or behaviors, and other be-
10 havioral health concerns among recovering serv-
11 ice members; and

12 (B) promptly notify appropriate health
13 care professionals following detection of such
14 signs.

15 (2) TRACKING OF NOTIFICATIONS.—In pro-
16 viding for uniform standards under paragraph (1),
17 the policy shall include a mechanism or system to
18 track the number of notifications made by recovery
19 care coordinators, medical care case managers, and
20 non-medical care managers to health care profes-
21 sionals under paragraph (1)(A) regarding early
22 warning signs of post-traumatic stress disorder and
23 suicide in recovering service members.

24 (e) SERVICES FOR RECOVERING SERVICE MEM-
25 BERS.—The policy required by subsection (a) shall provide



1 for improvements as follows with respect to the care, man-
2 agement, and transition of recovering service members:

3 (1) COMPREHENSIVE RECOVERY PLAN FOR RE-
4 COVERING SERVICE MEMBERS.—The policy shall
5 provide for uniform standards and procedures for
6 the development of a comprehensive recovery plan
7 for each recovering service member that covers the
8 full spectrum of care, management, transition, and
9 rehabilitation of the service member during recovery.

10 (2) RECOVERY CARE COORDINATORS FOR RE-
11 COVERING SERVICE MEMBERS.—

12 (A) IN GENERAL.—The policy shall provide
13 for a uniform program for the assignment to
14 recovering service members of recovery care co-
15 ordinators having the duties specified in sub-
16 paragraph (B).

17 (B) DUTIES.—The duties under the pro-
18 gram of a recovery care coordinator for a recov-
19 ering service member shall include, but not be
20 limited to, overseeing and assisting the service
21 member in the service member’s course through
22 the entire spectrum of care, management, tran-
23 sition, and rehabilitation services available from
24 the Federal Government, including services pro-
25 vided by the Department of Defense, the De-



1 department of Veterans Affairs, the Department
2 of Labor, and the Social Security Administra-
3 tion.

4 (C) LIMITATION ON NUMBER OF SERVICE
5 MEMBERS MANAGED BY COORDINATORS.—The
6 maximum number of recovering service mem-
7 bers whose cases may be assigned to a recovery
8 care coordinator under the program at any one
9 time shall be such number as the policy shall
10 specify, except that the Secretary of the mili-
11 tary department concerned may waive such lim-
12 itation with respect to a given coordinator for
13 not more than 120 days in the event of unfore-
14 seen circumstances (as specified in the policy).

15 (D) TRAINING.—The policy shall specify
16 standard training requirements and curricula
17 for recovery care coordinators under the pro-
18 gram, including a requirement for successful
19 completion of the training program before a
20 person may assume the duties of such a coordi-
21 nator.

22 (E) RESOURCES.—The policy shall include
23 mechanisms to ensure that recovery care coordi-
24 nators under the program have the resources



1 necessary to expeditiously carry out the duties
2 of such coordinators under the program.

3 (F) SUPERVISION.—The policy shall speci-
4 fy requirements for the appropriate rank or
5 grade, and appropriate occupation, for persons
6 appointed to head and supervise recovery care
7 coordinators.

8 (3) MEDICAL CARE CASE MANAGERS FOR RE-
9 COVERING SERVICE MEMBERS.—

10 (A) IN GENERAL.—The policy shall provide
11 for a uniform program among the military de-
12 partments for the assignment to recovering
13 service members of medical care case managers
14 having the duties specified in subparagraph
15 (B).

16 (B) DUTIES.—The duties under the pro-
17 gram of a medical care case manager for a re-
18 covering service member (or the service mem-
19 ber's immediate family or other designee if the
20 service member is incapable of making judg-
21 ments about personal medical care) shall in-
22 clude, at a minimum, the following:

23 (i) Assisting in understanding the
24 service member's medical status during the



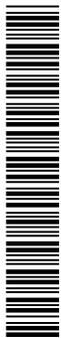
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1 care, recovery, and transition of the service
2 member.

3 (ii) Assisting in the receipt by the
4 service member of prescribed medical care
5 during the care, recovery, and transition of
6 the service member.

7 (iii) Conducting a periodic review of
8 the medical status of the service member,
9 which review shall be conducted, to the ex-
10 tent practicable, in person with the service
11 member, or, whenever the conduct of the
12 review in person is not practicable, with
13 the medical care case manager submitting
14 to the manager's supervisor a written ex-
15 planation why the review in person was not
16 practicable (if the Secretary of the military
17 department concerned elects to require
18 such written explanations for purposes of
19 the program).

20 (C) LIMITATION ON NUMBER OF SERVICE
21 MEMBERS MANAGED BY MANAGERS.—The max-
22 imum number of recovering service members
23 whose cases may be assigned to a medical care
24 case manager under the program at any one
25 time shall be such number as the policy shall



1 specify, except that the Secretary of the mili-
2 tary department concerned may waive such lim-
3 itation with respect to a given manager for not
4 more than 120 days in the event of unforeseen
5 circumstances (as specified in the policy).

6 (D) TRAINING.—The policy shall specify
7 standard training requirements and curricula
8 for medical care case managers under the pro-
9 gram, including a requirement for successful
10 completion of the training program before a
11 person may assume the duties of such a man-
12 ager.

13 (E) RESOURCES.—The policy shall include
14 mechanisms to ensure that medical care case
15 managers under the program have the re-
16 sources necessary to expeditiously carry out the
17 duties of such managers under the program.

18 (F) SUPERVISION AT ARMED FORCES MED-
19 ICAL FACILITIES.—The policy shall specify re-
20 quirements for the appropriate rank or grade,
21 and appropriate occupation, for persons ap-
22 pointed to head and supervise the medical care
23 case managers at each medical facility of the
24 Armed Forces. Persons so appointed may be
25 appointed from the Army Medical Corps, Army



1 Medical Service Corps, Army Nurse Corps,
2 Navy Medical Corps, Navy Medical Service
3 Corps, Navy Nurse Corps, Air Force Medical
4 Service, or other corps or civilian health care
5 professional, as applicable, at the discretion of
6 the Secretary of Defense.

7 (4) NON-MEDICAL CARE MANAGERS FOR RE-
8 COVERING SERVICE MEMBERS.—

9 (A) IN GENERAL.—The policy shall provide
10 for a uniform program among the military de-
11 partments for the assignment to recovering
12 service members of non-medical care managers
13 having the duties specified in subparagraph
14 (B).

15 (B) DUTIES.—The duties under the pro-
16 gram of a non-medical care manager for a re-
17 covering service member shall include, at a min-
18 imum, the following:

19 (i) Communicating with the service
20 member and with the service member's
21 family or other individuals designated by
22 the service member regarding non-medical
23 matters that arise during the care, recov-
24 ery, and transition of the service member.

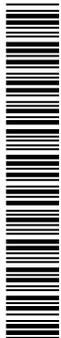


1 (ii) Assisting with oversight of the
2 service member's welfare and quality of
3 life.

4 (iii) Assisting the service member in
5 resolving problems involving financial, ad-
6 ministrative, personnel, transitional, and
7 other matters that arise during the care,
8 recovery, and transition of the service
9 member.

10 (C) DURATION OF DUTIES.—The policy
11 shall provide that a non-medical care manager
12 shall perform duties under the program for a
13 recovering service member until the service
14 member is returned to active duty or retired or
15 separated from the Armed Forces.

16 (D) LIMITATION ON NUMBER OF SERVICE
17 MEMBERS MANAGED BY MANAGERS.—The max-
18 imum number of recovering service members
19 whose cases may be assigned to a non-medical
20 care manager under the program at any one
21 time shall be such number as the policy shall
22 specify, except that the Secretary of the mili-
23 tary department concerned may waive such lim-
24 itation with respect to a given manager for not



1 more than 120 days in the event of unforeseen
2 circumstances (as specified in the policy).

3 (E) TRAINING.—The policy shall specify
4 standard training requirements and curricula
5 among the military departments for non-med-
6 ical care managers under the program, includ-
7 ing a requirement for successful completion of
8 the training program before a person may as-
9 sume the duties of such a manager.

10 (F) RESOURCES.—The policy shall include
11 mechanisms to ensure that non-medical care
12 managers under the program have the re-
13 sources necessary to expeditiously carry out the
14 duties of such managers under the program.

15 (G) SUPERVISION AT ARMED FORCES MED-
16 ICAL FACILITIES.—The policy shall specify re-
17 quirements for the appropriate rank and occu-
18 pational speciality for persons appointed to
19 head and supervise the non-medical care man-
20 agers at each medical facility of the Armed
21 Forces.

22 (5) ACCESS OF RECOVERING SERVICE MEMBERS
23 TO NON-URGENT HEALTH CARE FROM THE DEPART-
24 MENT OF DEFENSE OR OTHER PROVIDERS UNDER
25 TRICARE.—



1 (A) IN GENERAL.—The policy shall provide
2 for appropriate minimum standards for access
3 of recovering service members to non-urgent
4 medical care and other health care services as
5 follows:

6 (i) In medical facilities of the Depart-
7 ment of Defense.

8 (ii) Through the TRICARE program.

9 (B) MAXIMUM WAITING TIMES FOR CER-
10 TAIN CARE.—The standards for access under
11 subparagraph (A) shall include such standards
12 on maximum waiting times of recovering service
13 members as the policy shall specify for care
14 that includes, but is not limited to, the fol-
15 lowing:

16 (i) Follow-up care.

17 (ii) Specialty care.

18 (iii) Diagnostic referrals and studies.

19 (iv) Surgery based on a physician's
20 determination of medical necessity.

21 (C) WAIVER BY RECOVERING SERVICE
22 MEMBERS.—The policy shall permit any recov-
23 ering service member to waive a standard for
24 access under this paragraph under such cir-



1 cumstances and conditions as the policy shall
2 specify.

3 (6) ASSIGNMENT OF RECOVERING SERVICE
4 MEMBERS TO LOCATIONS OF CARE.—

5 (A) IN GENERAL.—The policy shall provide
6 for uniform guidelines among the military de-
7 partments for the assignment of recovering
8 service members to a location of care, including
9 guidelines that provide for the assignment of re-
10 covering service members, when medically ap-
11 propriate, to care and residential facilities clos-
12 est to their duty station or home of record or
13 the location of their designated care giver at the
14 earliest possible time.

15 (B) REASSIGNMENT FROM DEFICIENT FA-
16 CILITIES.—The policy shall provide for uniform
17 guidelines and procedures among the military
18 departments for the reassignment of recovering
19 service members from a medical or medical-re-
20 lated support facility determined by the Sec-
21 retary of Defense to violate the standards re-
22 quired by section 1648 to another appropriate
23 medical or medical-related support facility until
24 the correction of violations of such standards at
25 the medical or medical-related support facility



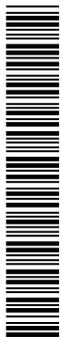
1 from which such service members are reas-
2 signed.

3 (7) TRANSPORTATION AND SUBSISTENCE FOR
4 RECOVERING SERVICE MEMBERS.—The policy shall
5 provide for uniform standards among the military
6 departments on the availability of appropriate trans-
7 portation and subsistence for recovering service
8 members to facilitate their obtaining needed medical
9 care and services.

10 (8) WORK AND DUTY ASSIGNMENTS FOR RE-
11 COVERING SERVICE MEMBERS.—The policy shall
12 provide for uniform criteria among the military de-
13 partments for the assignment of recovering service
14 members to work and duty assignments that are
15 compatible with their medical conditions.

16 (9) ACCESS OF RECOVERING SERVICE MEMBERS
17 TO EDUCATIONAL AND VOCATIONAL TRAINING AND
18 REHABILITATION.—The policy shall provide for uni-
19 form standards among the military departments on
20 the provision of educational and vocational training
21 and rehabilitation opportunities for recovering serv-
22 ice members at the earliest possible point in their re-
23 covery.

24 (10) TRACKING OF RECOVERING SERVICE MEM-
25 BERS.—The policy shall provide for uniform proce-



1 dures among the military departments on tracking
2 recovering service members to facilitate—

3 (A) locating each recovering service mem-
4 ber; and

5 (B) tracking medical care appointments of
6 recovering service members to ensure timeliness
7 and compliance of recovering service members
8 with appointments, and other physical and eval-
9 uation timelines, and to provide any other infor-
10 mation needed to conduct oversight of the care,
11 management, and transition of recovering serv-
12 ice members.

13 (11) REFERRALS OF RECOVERING SERVICE
14 MEMBERS TO OTHER CARE AND SERVICES PRO-
15 VIDERS.—The policy shall provide for uniform poli-
16 cies, procedures, and criteria among the military de-
17 partments on the referral of recovering service mem-
18 bers to the Department of Veterans Affairs and
19 other private and public entities (including univer-
20 sities and rehabilitation hospitals, centers, and clin-
21 ics) in order to secure the most appropriate care for
22 recovering service members, which policies, proce-
23 dures, and criteria shall take into account, but not
24 be limited to, the medical needs of recovering service



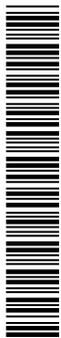
1 members and the geographic location of available
2 necessary recovery care services.

3 (f) SERVICES FOR FAMILIES OF RECOVERING SERV-
4 ICE MEMBERS.—The policy required by subsection (a)
5 shall provide for improvements as follows with respect to
6 services for families of recovering service members:

7 (1) SUPPORT FOR FAMILY MEMBERS OF RECOV-
8 ERING SERVICE MEMBERS.—The policy shall provide
9 for uniform guidelines among the military depart-
10 ments on the provision by the military departments
11 of support for family members of recovering service
12 members who are not otherwise eligible for care
13 under section 1672 in caring for such service mem-
14 bers during their recovery.

15 (2) ADVICE AND TRAINING FOR FAMILY MEM-
16 BERS OF RECOVERING SERVICE MEMBERS.—The
17 policy shall provide for uniform requirements and
18 standards among the military departments on the
19 provision by the military departments of advice and
20 training, as appropriate, to family members of recov-
21 ering service members with respect to care for such
22 service members during their recovery.

23 (3) MEASUREMENT OF SATISFACTION OF FAM-
24 ILY MEMBERS OF RECOVERING SERVICE MEMBERS
25 WITH QUALITY OF HEALTH CARE SERVICES.—The



1 policy shall provide for uniform procedures among
2 the military departments on the measurement of the
3 satisfaction of family members of recovering service
4 members with the quality of health care services pro-
5 vided to such service members during their recovery.

6 (4) JOB PLACEMENT SERVICES FOR FAMILY
7 MEMBERS OF RECOVERING SERVICE MEMBERS.—

8 The policy shall provide for procedures for applica-
9 tion by eligible family members during a one-year
10 period for job placement services otherwise offered
11 by the Department of Defense.

12 (g) OUTREACH TO RECOVERING SERVICE MEMBERS
13 AND THEIR FAMILIES ON COMPREHENSIVE POLICY.—

14 The policy required by subsection (a) shall include proce-
15 dures and mechanisms to ensure that recovering service
16 members and their families are fully informed of the poli-
17 cies required by this section, including policies on medical
18 care for recovering service members, on the management
19 and transition of recovering service members, and on the
20 responsibilities of recovering service members and their
21 family members throughout the continuum of care and
22 services for recovering service members under this section.

23 (h) APPLICABILITY OF COMPREHENSIVE POLICY TO
24 RECOVERING SERVICE MEMBERS ON TEMPORARY DIS-
25 ABILITY RETIRED LIST.—Appropriate elements of the pol-



1 icy required by this section shall apply to recovering serv-
2 ice members whose names are placed on the temporary
3 disability retired list in such manner, and subject to such
4 terms and conditions, as the Secretary of Defense shall
5 prescribe in regulations for purposes of this subsection.

6 **SEC. 1612. MEDICAL EVALUATIONS AND PHYSICAL DIS-**
7 **ABILITY EVALUATIONS OF RECOVERING**
8 **SERVICE MEMBERS.**

9 (a) MEDICAL EVALUATIONS OF RECOVERING SERV-
10 ICE MEMBERS.—

11 (1) IN GENERAL.—Not later than July 1, 2008,
12 the Secretary of Defense shall develop a policy on
13 improvements to the processes, procedures, and
14 standards for the conduct by the military depart-
15 ments of medical evaluations of recovering service
16 members.

17 (2) ELEMENTS.—The policy on improvements
18 to processes, procedures, and standards required
19 under this subsection shall include and address the
20 following:

21 (A) Processes for medical evaluations of
22 recovering service members that—

23 (i) apply uniformly throughout the
24 military departments; and



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1 (ii) apply uniformly with respect to re-
2 covering service members who are members
3 of the regular components of the Armed
4 Forces and recovering service members
5 who are members of the National Guard
6 and Reserve.

7 (B) Standard criteria and definitions for
8 determining the achievement for recovering
9 service members of the maximum medical ben-
10 efit from treatment and rehabilitation.

11 (C) Standard timelines for each of the fol-
12 lowing:

13 (i) Determinations of fitness for duty
14 of recovering service members.

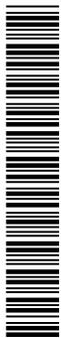
15 (ii) Specialty care consultations for re-
16 covering service members.

17 (iii) Preparation of medical documents
18 for recovering service members.

19 (iv) Appeals by recovering service
20 members of medical evaluation determina-
21 tions, including determinations of fitness
22 for duty.

23 (D) Procedures for ensuring that—

24 (i) upon request of a recovering serv-
25 ice member being considered by a medical



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1 evaluation board, a physician or other ap-
2 propriate health care professional who is
3 independent of the medical evaluation
4 board is assigned to the service member;
5 and

6 (ii) the physician or other health care
7 professional assigned to a recovering serv-
8 ice member under clause (i)—

9 (I) serves as an independent
10 source for review of the findings and
11 recommendations of the medical eval-
12 uation board;

13 (II) provides the service member
14 with advice and counsel regarding the
15 findings and recommendations of the
16 medical evaluation board; and

17 (III) advises the service member
18 on whether the findings of the medical
19 evaluation board adequately reflect
20 the complete spectrum of injuries and
21 illness of the service member.

22 (E) Standards for qualifications and train-
23 ing of medical evaluation board personnel, in-
24 cluding physicians, case workers, and physical
25 disability evaluation board liaison officers, in



1 conducting medical evaluations of recovering
2 service members.

3 (F) Standards for the maximum number of
4 medical evaluation cases of recovering service
5 members that are pending before a medical
6 evaluation board at any one time, and require-
7 ments for the establishment of additional med-
8 ical evaluation boards in the event such number
9 is exceeded.

10 (G) Standards for information for recov-
11 ering service members, and their families, on
12 the medical evaluation board process and the
13 rights and responsibilities of recovering service
14 members under that process, including a stand-
15 ard handbook on such information (which hand-
16 book shall also be available electronically).

17 (b) PHYSICAL DISABILITY EVALUATIONS OF RECOV-
18 ERING SERVICE MEMBERS.—

19 (1) IN GENERAL.—Not later than July 1, 2008,
20 the Secretary of Defense and the Secretary of Vet-
21 erans Affairs shall develop a policy on improvements
22 to the processes, procedures, and standards for the
23 conduct of physical disability evaluations of recov-
24 ering service members by the military departments
25 and by the Department of Veterans Affairs.



1 (2) ELEMENTS.—The policy on improvements
2 to processes, procedures, and standards required
3 under this subsection shall include and address the
4 following:

5 (A) A clearly-defined process of the De-
6 partment of Defense and the Department of
7 Veterans Affairs for disability determinations of
8 recovering service members.

9 (B) To the extent feasible, procedures to
10 eliminate unacceptable discrepancies and im-
11 prove consistency among disability ratings as-
12 signed by the military departments and the De-
13 partment of Veterans Affairs, particularly in
14 the disability evaluation of recovering service
15 members, which procedures shall be subject to
16 the following requirements and limitations:

17 (i) Such procedures shall apply uni-
18 formly with respect to recovering service
19 members who are members of the regular
20 components of the Armed Forces and re-
21 covering service members who are members
22 of the National Guard and Reserve.

23 (ii) Under such procedures, each Sec-
24 retary of a military department shall, to
25 the extent feasible, utilize the standard



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1 schedule for rating disabilities in use by
2 the Department of Veterans Affairs, in-
3 cluding any applicable interpretation of
4 such schedule by the United States Court
5 of Appeals for Veterans Claims, in making
6 any determination of disability of a recov-
7 ering service member, except as otherwise
8 authorized by section 1216a of title 10,
9 United States Code (as added by section
10 1642 of this Act).

11 (C) Uniform timelines among the military
12 departments for appeals of determinations of
13 disability of recovering service members, includ-
14 ing timelines for presentation, consideration,
15 and disposition of appeals.

16 (D) Uniform standards among the military
17 departments for qualifications and training of
18 physical disability evaluation board personnel,
19 including physical evaluation board liaison per-
20 sonnel, in conducting physical disability evalua-
21 tions of recovering service members.

22 (E) Uniform standards among the military
23 departments for the maximum number of phys-
24 ical disability evaluation cases of recovering
25 service members that are pending before a



1 physical disability evaluation board at any one
2 time, and requirements for the establishment of
3 additional physical disability evaluation boards
4 in the event such number is exceeded.

5 (F) Uniform standards and procedures
6 among the military departments for the provi-
7 sion of legal counsel to recovering service mem-
8 bers while undergoing evaluation by a physical
9 disability evaluation board.

10 (G) Uniform standards among the military
11 departments on the roles and responsibilities of
12 non-medical care managers under section
13 1611(e)(4) and judge advocates assigned to re-
14 covering service members undergoing evaluation
15 by a physical disability board, and uniform
16 standards on the maximum number of cases in-
17 volving such service members that are to be as-
18 signed to judge advocates at any one time.

19 (c) ASSESSMENT OF CONSOLIDATION OF DEPART-
20 MENT OF DEFENSE AND DEPARTMENT OF VETERANS AF-
21 FAIRS DISABILITY EVALUATION SYSTEMS.—

22 (1) IN GENERAL.—The Secretary of Defense
23 and the Secretary of Veterans Affairs shall jointly
24 submit to the appropriate committees of Congress a
25 report on the feasibility and advisability of consoli-



1 dating the disability evaluation systems of the mili-
2 tary departments and the disability evaluation sys-
3 tem of the Department of Veterans Affairs into a
4 single disability evaluation system. The report shall
5 be submitted together with the report required by
6 section 1611(a).

7 (2) ELEMENTS.—The report required by para-
8 graph (1) shall include the following:

9 (A) An assessment of the feasibility and
10 advisability of consolidating the disability eval-
11 uation systems described in paragraph (1) as
12 specified in that paragraph.

13 (B) If the consolidation of the systems is
14 considered feasible and advisable—

15 (i) recommendations for various op-
16 tions for consolidating the systems as spec-
17 ified in paragraph (1); and

18 (ii) recommendations for mechanisms
19 to evaluate and assess any progress made
20 in consolidating the systems as specified in
21 that paragraph.

22 **SEC. 1613. RETURN OF RECOVERING SERVICE MEMBERS TO**
23 **ACTIVE DUTY IN THE ARMED FORCES.**

24 The Secretary of Defense shall establish standards
25 for determinations by the military departments on the re-



1 turn of recovering service members to active duty in the
2 Armed Forces.

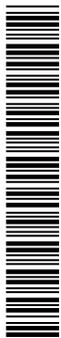
3 **SEC. 1614. TRANSITION OF RECOVERING SERVICE MEM-**
4 **BERS FROM CARE AND TREATMENT**
5 **THROUGH THE DEPARTMENT OF DEFENSE**
6 **TO CARE, TREATMENT, AND REHABILITATION**
7 **THROUGH THE DEPARTMENT OF VETERANS**
8 **AFFAIRS.**

9 (a) IN GENERAL.—Not later than July 1, 2008, the
10 Secretary of Defense and the Secretary of Veterans Af-
11 fairs shall jointly develop and implement processes, proce-
12 dures, and standards for the transition of recovering serv-
13 ice members from care and treatment through the Depart-
14 ment of Defense to care, treatment, and rehabilitation
15 through the Department of Veterans Affairs.

16 (b) ELEMENTS.—The processes, procedures, and
17 standards required under this section shall include the fol-
18 lowing:

19 (1) Uniform, patient-focused procedures to en-
20 sure that the transition described in subsection (a)
21 occurs without gaps in medical care and in the qual-
22 ity of medical care, benefits, and services.

23 (2) Procedures for the identification and track-
24 ing of recovering service members during the transi-
25 tion, and for the coordination of care and treatment



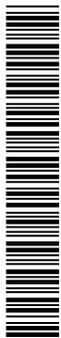
1 of recovering service members during the transition,
2 including a system of cooperative case management
3 of recovering service members by the Department of
4 Defense and the Department of Veterans Affairs
5 during the transition.

6 (3) Procedures for the notification of Depart-
7 ment of Veterans Affairs liaison personnel of the
8 commencement by recovering service members of the
9 medical evaluation process and the physical dis-
10 ability evaluation process.

11 (4) Procedures and timelines for the enrollment
12 of recovering service members in applicable enroll-
13 ment or application systems of the Department of
14 Veterans Affairs with respect to health care, dis-
15 ability, education, vocational rehabilitation, or other
16 benefits.

17 (5) Procedures to ensure the access of recov-
18 ering service members during the transition to voca-
19 tional, educational, and rehabilitation benefits avail-
20 able through the Department of Veterans Affairs.

21 (6) Standards for the optimal location of De-
22 partment of Defense and Department of Veterans
23 Affairs liaison and case management personnel at
24 military medical treatment facilities, medical centers,



1 and other medical facilities of the Department of
2 Defense.

3 (7) Standards and procedures for integrated
4 medical care and management of recovering service
5 members during the transition, including procedures
6 for the assignment of medical personnel of the De-
7 partment of Veterans Affairs to Department of De-
8 fense facilities to participate in the needs assess-
9 ments of recovering service members before, during,
10 and after their separation from military service.

11 (8) Standards for the preparation of detailed
12 plans for the transition of recovering service mem-
13 bers from care and treatment by the Department of
14 Defense to care, treatment, and rehabilitation by the
15 Department of Veterans Affairs, which plans shall—

16 (A) be based on standardized elements
17 with respect to care and treatment require-
18 ments and other applicable requirements; and

19 (B) take into account the comprehensive
20 recovery plan for the recovering service member
21 concerned as developed under section
22 1611(e)(1).

23 (9) Procedures to ensure that each recovering
24 service member who is being retired or separated
25 under chapter 61 of title 10, United States Code, re-



1 ceives a written transition plan, prior to the time of
2 retirement or separation, that—

3 (A) specifies the recommended schedule
4 and milestones for the transition of the service
5 member from military service;

6 (B) provides for a coordinated transition of
7 the service member from the Department of
8 Defense disability evaluation system to the De-
9 partment of Veterans Affairs disability system;
10 and

11 (C) includes information and guidance de-
12 signed to assist the service member in under-
13 standing and meeting the schedule and mile-
14 stones specified under subparagraph (A) for the
15 service member's transition.

16 (10) Procedures for the transmittal from the
17 Department of Defense to the Department of Vet-
18 erans Affairs of records and any other required in-
19 formation on each recovering service member de-
20 scribed in paragraph (9), which procedures shall
21 provide for the transmission from the Department of
22 Defense to the Department of Veterans Affairs of
23 records and information on the service member as
24 follows:



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1 (A) The address and contact information
2 of the service member.

3 (B) The DD-214 discharge form of the
4 service member, which shall be transmitted
5 under such procedures electronically.

6 (C) A copy of the military service record of
7 the service member, including medical records
8 and any results of a physical evaluation board.

9 (D) Information on whether the service
10 member is entitled to transitional health care, a
11 conversion health policy, or other health bene-
12 fits through the Department of Defense under
13 section 1145 of title 10, United States Code.

14 (E) A copy of any request of the service
15 member for assistance in enrolling in, or com-
16 pleted applications for enrollment in, the health
17 care system of the Department of Veterans Af-
18 fairs for health care benefits for which the serv-
19 ice member may be eligible under laws adminis-
20 tered by the Secretary of Veterans Affairs.

21 (F) A copy of any request by the service
22 member for assistance in applying for, or com-
23 pleted applications for, compensation and voca-
24 tional rehabilitation benefits to which the serv-

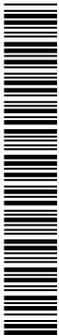


1 ice member may be entitled under laws admin-
2 istered by the Secretary of Veterans Affairs.

3 (11) A process to ensure that, before trans-
4 mittal of medical records of a recovering service
5 member to the Department of Veterans Affairs, the
6 Secretary of Defense ensures that the service mem-
7 ber (or an individual legally recognized to make
8 medical decisions on behalf of the service member)
9 authorizes the transfer of the medical records of the
10 service member from the Department of Defense to
11 the Department of Veterans Affairs pursuant to the
12 Health Insurance Portability and Accountability Act
13 of 1996.

14 (12) Procedures to ensure that, with the con-
15 sent of the recovering service member concerned, the
16 address and contact information of the service mem-
17 ber is transmitted to the department or agency for
18 veterans affairs of the State in which the service
19 member intends to reside after the retirement or
20 separation of the service member from the Armed
21 Forces.

22 (13) Procedures to ensure that, before the
23 transmittal of records and other information with re-
24 spect to a recovering service member under this sec-
25 tion, a meeting regarding the transmittal of such



1 records and other information occurs among the
2 service member, appropriate family members of the
3 service member, representatives of the Secretary of
4 the military department concerned, and representa-
5 tives of the Secretary of Veterans Affairs, with at
6 least 30 days advance notice of the meeting being
7 given to the service member unless the service mem-
8 ber waives the advance notice requirement in order
9 to accelerate transmission of the service member's
10 records and other information to the Department of
11 Veterans Affairs.

12 (14) Procedures to ensure that the Secretary of
13 Veterans Affairs gives appropriate consideration to a
14 written statement submitted to the Secretary by a
15 recovering service member regarding the transition.

16 (15) Procedures to provide access for the De-
17 partment of Veterans Affairs to the military health
18 records of recovering service members who are re-
19 ceiving care and treatment, or are anticipating re-
20 ceipt of care and treatment, in Department of Vet-
21 erans Affairs health care facilities, which procedures
22 shall be consistent with the procedures and require-
23 ments in paragraphs (11) and (13).

24 (16) A process for the utilization of a joint sep-
25 aration and evaluation physical examination that



1 meets the requirements of both the Department of
2 Defense and the Department of Veterans Affairs in
3 connection with the medical separation or retirement
4 of a recovering service member from military service
5 and for use by the Department of Veterans Affairs
6 in disability evaluations.

7 (17) Procedures for surveys and other mecha-
8 nisms to measure patient and family satisfaction
9 with the provision by the Department of Defense
10 and the Department of Veterans Affairs of care and
11 services for recovering service members, and to fa-
12 cilitate appropriate oversight by supervisory per-
13 sonnel of the provision of such care and services.

14 (18) Procedures to ensure the participation of
15 recovering service members who are members of the
16 National Guard or Reserve in the Benefits Delivery
17 at Discharge Program, including procedures to en-
18 sure that, to the maximum extent feasible, services
19 under the Benefits Delivery at Discharge Program
20 are provided to recovering service members at—

- 21 (A) appropriate military installations;
22 (B) appropriate armories and military fam-
23 ily support centers of the National Guard;
24 (C) appropriate military medical care fa-
25 cilities at which members of the Armed Forces



1 are separated or discharged from the Armed
2 Forces; and

3 (D) in the case of a member on the tem-
4 porary disability retired list under section 1202
5 or 1205 of title 10, United States Code, who is
6 being retired under another provision of such
7 title or is being discharged, at a location rea-
8 sonably convenient to the member.

9 **SEC. 1615. REPORTS.**

10 (a) REPORT ON POLICY.—Upon the development of
11 the policy required by subsection (a) of section 1611 but
12 not later than July 1, 2008, the Secretary of Defense and
13 the Secretary of Veterans Affairs shall jointly submit to
14 the appropriate committees of Congress a report on the
15 policy, including a comprehensive and detailed description
16 of the policy and of the manner in which the policy ad-
17 dresses the detailed elements of the policy specified in sub-
18 sections (d) through (h) of section 1611, and the findings
19 and recommendations of the reviews under subsections (b)
20 and (c) of section 1611.

21 (b) INTERIM REPORT ON POLICY.—Not later than
22 February 1, 2008, the Secretary of Defense and the Sec-
23 retary of Veterans Affairs shall jointly submit to the ap-
24 propriate committees of Congress an interim report on the
25 policy, which shall include a comprehensive and detailed



1 description of the matters specified in subsection (a) cur-
2 rent as of the date of such interim report.

3 (c) REPORT ON UPDATE OF POLICY.—Upon updat-
4 ing the policy under section 1611(a)(4), the Secretary of
5 Defense and the Secretary of Veterans Affairs shall jointly
6 submit to the appropriate committees of Congress a report
7 on the update of the policy, including a comprehensive and
8 detailed description of such update and of the reasons for
9 such update.

10 (d) COMPTROLLER GENERAL ASSESSMENT OF IM-
11 PLEMENTATION OF POLICY.—

12 (1) IN GENERAL.—Not later than six months
13 after the date of the enactment of this Act and every
14 year thereafter through 2010, the Comptroller Gen-
15 eral of the United States shall submit to the appro-
16 priate committees of Congress a report setting forth
17 the assessment of the Comptroller General of the
18 progress of the Secretary of Defense and the Sec-
19 retary of Veterans Affairs in developing and imple-
20 menting the policy required by section 1611(a).
21 Each report shall include a certification by the
22 Comptroller General as to whether the Comptroller
23 General has had timely access to sufficient informa-
24 tion to enable the Comptroller General to make in-



1 formed judgments on the matters covered by the re-
2 port.

3 (2) ACCESS INFORMATION.—The Secretary of
4 Defense and the Secretary of Veterans Affairs shall
5 facilitate the ability of the Comptroller General to
6 conduct any review required for a report under this
7 subsection within the time period required for such
8 report, including prompt and complete access to
9 such information as the Comptroller General con-
10 siders necessary to perform such review.

11 (e) REPORT ON REDUCTION IN DISABILITY RATINGS
12 BY THE DEPARTMENT OF DEFENSE.—Not later than
13 February 1, 2009, the Secretary of Defense shall submit
14 to the Committees on Armed Services of the Senate and
15 House of Representatives a report on the number of in-
16 stances during the period beginning on October 7, 2001,
17 and ending on September 30, 2006, in which a disability
18 rating assigned to a member of the Armed Forces by an
19 informal physical evaluation board of the Department of
20 Defense was reduced upon appeal, and the reasons for
21 such reduction.

22 **SEC. 1616. ESTABLISHMENT OF A WOUNDED WARRIOR RE-**
23 **SOURCE CENTER.**

24 (a) ESTABLISHMENT.—The Secretary of Defense
25 shall establish a wounded warrior resource center (in this



1 section referred to as the “center”) to provide wounded
2 warriors, their families, and their primary caregivers with
3 a single point of contact for assistance with reporting defi-
4 ciencies in covered military facilities, obtaining health care
5 services, receiving benefits information, and any other dif-
6 ficulties encountered while supporting wounded warriors.
7 The Secretary shall widely disseminate information re-
8 garding the existence and availability of the center, includ-
9 ing contact information, to members of the Armed Forces
10 and their dependents. In carrying out this subsection, the
11 Secretary may use existing infrastructure and organiza-
12 tions but shall ensure that the center has the ability to
13 separately keep track of calls from wounded warriors.

14 (b) ACCESS.—The center shall provide multiple meth-
15 ods of access, including at a minimum an Internet website
16 and a toll-free telephone number (commonly referred to
17 as a “hot line”) at which personnel are accessible at all
18 times to receive reports of deficiencies or provide informa-
19 tion about covered military facilities, health care services,
20 or military benefits.

21 (c) CONFIDENTIALITY.—

22 (1) NOTIFICATION.—Individuals who seek to
23 provide information through the center under sub-
24 section (a) shall be notified, immediately before they
25 provide such information, of their option to elect, at



1 their discretion, to have their identity remain con-
2 fidential.

3 (2) PROHIBITION ON FURTHER DISCLOSURE.—

4 In the case of information provided through use of
5 the toll-free telephone number by an individual who
6 elects to maintain the confidentiality of his or her
7 identity, any individual who, by necessity, has had
8 access to such information for purposes of inves-
9 tigating or responding to the call as required under
10 subsection (d) may not disclose the identity of the
11 individual who provided the information.

12 (d) FUNCTIONS.—The center shall perform the fol-
13 lowing functions:

14 (1) CALL TRACKING.—The center shall be re-
15 sponsible for documenting receipt of a call, referring
16 the call to the appropriate office within a military
17 department for answer or investigation, and tracking
18 the formulation and notification of the response to
19 the call.

20 (2) INVESTIGATION AND RESPONSE.—The cen-
21 ter shall be responsible for ensuring that, not later
22 than 96 hours after a call—

23 (A) if a report of deficiencies is received in
24 a call—



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1 (i) any deficiencies referred to in the
2 call are investigated;

3 (ii) if substantiated, a plan of action
4 for remediation of the deficiencies is devel-
5 oped and implemented; and

6 (iii) if requested, the individual who
7 made the report is notified of the current
8 status of the report; or

9 (B) if a request for information is received
10 in a call—

11 (i) the information requested by the
12 caller is provided by the center;

13 (ii) all requests for information from
14 the call are referred to the appropriate of-
15 fice or offices of a military department for
16 response; and

17 (iii) the individual who made the re-
18 port is notified, at a minimum, of the cur-
19 rent status of the query.

20 (3) FINAL NOTIFICATION.—The center shall be
21 responsible for ensuring that, if requested, the caller
22 is notified when the deficiency has been corrected or
23 when the request for information has been fulfilled
24 to the maximum extent practicable, as determined
25 by the Secretary.



1 (e) DEFINITIONS.—In this section:

2 (1) COVERED MILITARY FACILITY.—The term
3 “covered military facility” has the meaning provided
4 in section 1648(b) of this Act.

5 (2) CALL.—The term “call” means any query
6 or report that is received by the center by means of
7 the toll-free telephone number or other source.

8 (f) EFFECTIVE DATES.—

9 (1) TOLL-FREE TELEPHONE NUMBER.—The
10 toll-free telephone number required to be established
11 by subsection (a), shall be fully operational not later
12 than April 1, 2008.

13 (2) INTERNET WEBSITE.—The Internet website
14 required to be established by subsection (a), shall be
15 fully operational not later than July 1, 2008.

16 **SEC. 1617. NOTIFICATION TO CONGRESS OF HOSPITALIZA-**
17 **TION OF COMBAT WOUNDED SERVICE MEM-**
18 **BERS.**

19 (a) NOTIFICATION REQUIRED.—

20 (1) IN GENERAL.—Chapter 55 of title 10,
21 United States Code, is further amended by inserting
22 after section 1074k the following new section:



1 **“§ 1074l. Notification to Congress of hospitalization of**
2 **combat wounded members**

3 “(a) NOTIFICATION REQUIRED.—The Secretary con-
4 cerned shall provide notification of the hospitalization of
5 any member of the armed forces evacuated from a theater
6 of combat and admitted to a military treatment facility
7 within the United States to the appropriate Members of
8 Congress.

9 “(b) APPROPRIATE MEMBERS.—In this section, the
10 term ‘appropriate Members of Congress’, with respect to
11 the member of the armed forces about whom notification
12 is being made, means the Senators representing the State,
13 and the Member, Delegate, or Resident Commissioner of
14 the House of Representatives representing the district,
15 that includes the member’s home of record or a different
16 location as provided by the member.

17 “(c) CONSENT OF MEMBER REQUIRED.—The notifi-
18 cation under subsection (a) may be provided only with the
19 consent of the member of the armed forces about whom
20 notification is to be made. In the case of a member who
21 is unable to provide consent, information and consent may
22 be provided by next of kin.”.

23 (2) EFFECTIVE DATE.—The notification re-
24 quirement under section 1074l(a) of title 10, United
25 States Code, as added by paragraph (1), shall apply



1 beginning 60 days after the date of the enactment
2 of this Act.

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

“1074l. Notification to Congress of hospitalization of combat wounded mem-
bers.”.

6 **SEC. 1618. COMPREHENSIVE PLAN ON PREVENTION, DIAG-**
7 **NOSIS, MITIGATION, TREATMENT, AND REHA-**
8 **BILITATION OF, AND RESEARCH ON, TRAU-**
9 **MATIC BRAIN INJURY, POST-TRAUMATIC**
10 **STRESS DISORDER, AND OTHER MENTAL**
11 **HEALTH CONDITIONS IN MEMBERS OF THE**
12 **ARMED FORCES.**

13 (a) COMPREHENSIVE STATEMENT OF POLICY.—The
14 Secretary of Defense and the Secretary of Veterans Af-
15 fairs shall direct joint planning among the Department of
16 Defense, the military departments, and the Department
17 of Veterans Affairs for the prevention, diagnosis, mitiga-
18 tion, treatment, and rehabilitation of, and research on,
19 traumatic brain injury, post-traumatic stress disorder, and
20 other mental health conditions in members of the Armed
21 Forces, including planning for the seamless transition of
22 such members from care through the Department of De-
23 fense to care through the Department of Veterans Affairs.

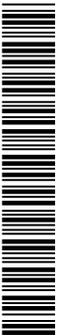


1 (b) COMPREHENSIVE PLAN REQUIRED.—Not later
2 than 180 days after the date of the enactment of this Act,
3 the Secretary of Defense shall, in consultation with the
4 Secretary of Veterans Affairs, submit to the congressional
5 defense committees a comprehensive plan for programs
6 and activities of the Department of Defense to prevent,
7 diagnose, mitigate, treat, research, and otherwise respond
8 to traumatic brain injury, post-traumatic stress disorder,
9 and other mental health conditions in members of the
10 Armed Forces, including—

11 (1) an assessment of the current capabilities of
12 the Department for the prevention, diagnosis, miti-
13 gation, treatment, and rehabilitation of, and re-
14 search on, traumatic brain injury, post-traumatic
15 stress disorder, and other mental health conditions
16 in members of the Armed Forces;

17 (2) the identification of gaps in current capa-
18 bilities of the Department for the prevention, diag-
19 nosis, mitigation, treatment, and rehabilitation of,
20 and research on, traumatic brain injury, post-trau-
21 matic stress disorder, and other mental health condi-
22 tions in members of the Armed Forces; and

23 (3) the identification of the resources required
24 for the Department in fiscal years 2009 through



1 2013 to address the gaps in capabilities identified
2 under paragraph (2).

3 (c) PROGRAM REQUIRED.—One of the programs con-
4 tained in the comprehensive plan submitted under sub-
5 section (b) shall be a Department of Defense program, de-
6 veloped in collaboration with the Department of Veterans
7 Affairs, under which each member of the Armed Forces
8 who incurs a traumatic brain injury or post-traumatic
9 stress disorder during service in the Armed Forces—

10 (1) is enrolled in the program; and

11 (2) receives treatment and rehabilitation meet-
12 ing a standard of care such that each individual who
13 qualifies for care under the program shall—

14 (A) be provided the highest quality, evi-
15 dence-based care in facilities that most appro-
16 priately meet the specific needs of the indi-
17 vidual; and

18 (B) be rehabilitated to the fullest extent
19 possible using up-to-date evidence-based med-
20 ical technology, and physical and medical reha-
21 bilitation practices and expertise.

22 (d) PROVISION OF INFORMATION REQUIRED.—The
23 comprehensive plan submitted under subsection (b) shall
24 require the provision of information by the Secretary of
25 Defense to members of the Armed Forces with traumatic



1 brain injury, post-traumatic stress disorder, or other men-
2 tal health conditions and their families about their options
3 with respect to the following:

4 (1) The receipt of medical and mental health
5 care from the Department of Defense and the De-
6 partment of Veterans Affairs.

7 (2) Additional options available to such mem-
8 bers for treatment and rehabilitation of traumatic
9 brain injury, post-traumatic stress disorder, and
10 other mental health conditions.

11 (3) The options available, including obtaining a
12 second opinion, to such members for a referral to an
13 authorized provider under chapter 55 of title 10,
14 United States Code, as determined under regulations
15 prescribed by the Secretary of Defense.

16 (e) ADDITIONAL ELEMENTS OF PLAN.—The com-
17 prehensive plan submitted under subsection (b) shall in-
18 clude comprehensive proposals of the Department on the
19 following:

20 (1) LEAD AGENT.—The designation by the Sec-
21 retary of Defense of a lead agent or executive agent
22 for the Department to coordinate development and
23 implementation of the plan.

24 (2) DETECTION AND TREATMENT.—The im-
25 provement of methods and mechanisms for the de-



1 tection and treatment of traumatic brain injury,
2 post-traumatic stress disorder, and other mental
3 health conditions in members of the Armed Forces
4 in the field.

5 (3) REDUCTION OF PTSD.—The development of
6 a plan for reducing post traumatic-stress disorder,
7 incorporating evidence-based preventive and early-
8 intervention measures, practices, or procedures that
9 reduce the likelihood that personnel in combat will
10 develop post-traumatic stress disorder or other
11 stress-related conditions (including substance abuse
12 conditions) into—

13 (A) basic and pre-deployment training for
14 enlisted members of the Armed Forces, non-
15 commissioned officers, and officers;

16 (B) combat theater operations; and

17 (C) post-deployment service.

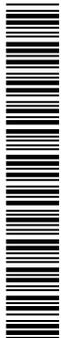
18 (4) RESEARCH.—Requirements for research on
19 traumatic brain injury, post-traumatic stress dis-
20 order, and other mental health conditions including
21 (in particular) research on pharmacological and
22 other approaches to treatment for traumatic brain
23 injury, post-traumatic stress disorder, or other men-
24 tal health conditions, as applicable, and the alloca-
25 tion of priorities among such research.



1 (5) DIAGNOSTIC CRITERIA.—The development,
2 adoption, and deployment of joint Department of
3 Defense-Department of Veterans Affairs evidence-
4 based diagnostic criteria for the detection and eval-
5 uation of the range of traumatic brain injury, post-
6 traumatic stress disorder, and other mental health
7 conditions in members of the Armed Forces, which
8 criteria shall be employed uniformly across the mili-
9 tary departments in all applicable circumstances, in-
10 cluding provision of clinical care and assessment of
11 future deployability of members of the Armed
12 Forces.

13 (6) ASSESSMENT.—The development and de-
14 ployment of evidence-based means of assessing trau-
15 matic brain injury, post-traumatic stress disorder,
16 and other mental health conditions in members of
17 the Armed Forces, including a system of pre-deploy-
18 ment and post-deployment screenings of cognitive
19 ability in members for the detection of cognitive im-
20 pairment.

21 (7) MANAGING AND MONITORING.—The devel-
22 opment and deployment of effective means of man-
23 aging and monitoring members of the Armed Forces
24 with traumatic brain injury, post-traumatic stress
25 disorder, or other mental health conditions in the re-



1 receipt of care for traumatic brain injury, post-trau-
2 matic stress disorder, or other mental health condi-
3 tions, as applicable, including the monitoring and as-
4 sessment of treatment and outcomes.

5 (8) EDUCATION AND AWARENESS.—The devel-
6 opment and deployment of an education and aware-
7 ness training initiative designed to reduce the nega-
8 tive stigma associated with traumatic brain injury,
9 post-traumatic stress disorder, and other mental
10 health conditions, and mental health treatment.

11 (9) EDUCATION AND OUTREACH.—The provi-
12 sion of education and outreach to families of mem-
13 bers of the Armed Forces with traumatic brain in-
14 jury, post-traumatic stress disorder, or other mental
15 health conditions on a range of matters relating to
16 traumatic brain injury, post-traumatic stress dis-
17 order, or other mental health conditions, as applica-
18 ble, including detection, mitigation, and treatment.

19 (10) RECORDING OF BLASTS.—A requirement
20 that exposure to a blast or blasts be recorded in the
21 records of members of the Armed Forces.

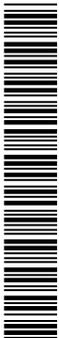
22 (11) GUIDELINES FOR BLAST INJURIES.—The
23 development of clinical practice guidelines for the di-
24 agnosis and treatment of blast injuries in members



1 of the Armed Forces, including, but not limited to,
2 traumatic brain injury.

3 (12) GENDER- AND ETHNIC GROUP-SPECIFIC
4 SERVICES AND TREATMENT.—The development of
5 requirements, as appropriate, for gender- and ethnic
6 group-specific medical care services and treatment
7 for members of the Armed Forces who experience
8 mental health problems and conditions, including
9 post-traumatic stress disorder, with specific regard
10 to the availability of, access to, and research and de-
11 velopment requirements of such needs.

12 (f) COORDINATION IN DEVELOPMENT.—The com-
13 prehensive plan submitted under subsection (b) shall be
14 developed in coordination with the Secretary of the Army
15 (who was designated by the Secretary of Defense as execu-
16 tive agent for the prevention, mitigation, and treatment
17 of blast injuries under section 256 of the National Defense
18 Authorization Act for Fiscal Year 2006 (Public Law 109–
19 163; 119 Stat. 3181; 10 U.S.C. 1071 note)).



1 **Subtitle B—Centers of Excellence**
2 **in the Prevention, Diagnosis,**
3 **Mitigation, Treatment, and Re-**
4 **habilitation of Traumatic Brain**
5 **Injury, Post-Traumatic Stress**
6 **Disorder, and Eye Injuries**

7 **SEC. 1621. CENTER OF EXCELLENCE IN THE PREVENTION,**
8 **DIAGNOSIS, MITIGATION, TREATMENT, AND**
9 **REHABILITATION OF TRAUMATIC BRAIN IN-**
10 **JURY.**

11 (a) IN GENERAL.—The Secretary of Defense shall es-
12 tablish within the Department of Defense a center of ex-
13 cellence in the prevention, diagnosis, mitigation, treat-
14 ment, and rehabilitation of traumatic brain injury, includ-
15 ing mild, moderate, and severe traumatic brain injury, to
16 carry out the responsibilities specified in subsection (c).

17 (b) PARTNERSHIPS.—The Secretary shall ensure that
18 the Center collaborates to the maximum extent practicable
19 with the Department of Veterans Affairs, institutions of
20 higher education, and other appropriate public and private
21 entities (including international entities) to carry out the
22 responsibilities specified in subsection (c).

23 (c) RESPONSIBILITIES.—The Center shall have re-
24 sponsibilities as follows:



1 (1) To implement the comprehensive plan and
2 strategy for the Department of Defense, required by
3 section 1618 of this Act, for the prevention, diag-
4 nosis, mitigation, treatment, and rehabilitation of
5 traumatic brain injury, including research on gender
6 and ethnic group-specific health needs related to
7 traumatic brain injury.

8 (2) To provide for the development, testing, and
9 dissemination within the Department of best prac-
10 tices for the treatment of traumatic brain injury.

11 (3) To provide guidance for the mental health
12 system of the Department in determining the mental
13 health and neurological health personnel required to
14 provide quality mental health care for members of
15 the Armed Forces with traumatic brain injury.

16 (4) To establish, implement, and oversee a com-
17 prehensive program to train mental health and neu-
18 rological health professionals of the Department in
19 the treatment of traumatic brain injury.

20 (5) To facilitate advancements in the study of
21 the short-term and long-term psychological effects of
22 traumatic brain injury.

23 (6) To disseminate within the military medical
24 treatment facilities of the Department best practices
25 for training mental health professionals, including



1 neurological health professionals, with respect to
2 traumatic brain injury.

3 (7) To conduct basic science and translational
4 research on traumatic brain injury for the purposes
5 of understanding the etiology of traumatic brain in-
6 jury and developing preventive interventions and new
7 treatments.

8 (8) To develop programs and outreach strate-
9 gies for families of members of the Armed Forces
10 with traumatic brain injury in order to mitigate the
11 negative impacts of traumatic brain injury on such
12 family members and to support the recovery of such
13 members from traumatic brain injury.

14 (9) To conduct research on the mental health
15 needs of families of members of the Armed Forces
16 with traumatic brain injury and develop protocols to
17 address any needs identified through such research.

18 (10) To conduct longitudinal studies (using im-
19 aging technology and other proven research meth-
20 ods) on members of the Armed Forces with trau-
21 matic brain injury to identify early signs of Alz-
22 heimer's disease, Parkinson's disease, or other mani-
23 festations of neurodegeneration, as well as epilepsy,
24 in such members, in coordination with the studies
25 authorized by section 721 of the John Warner Na-



1 tional Defense Authorization Act for Fiscal Year
2 2007 (Public Law 109–364; 120 Stat. 2294) and
3 other studies of the Department of Defense and the
4 Department of Veterans Affairs that address the
5 connection between exposure to combat and the de-
6 velopment of Alzheimer’s disease, Parkinson’s dis-
7 ease, and other neurodegenerative disorders, as well
8 as epilepsy.

9 (11) To develop and oversee a long-term plan to
10 increase the number of mental health and neuro-
11 logical health professionals within the Department in
12 order to facilitate the meeting by the Department of
13 the needs of members of the Armed Forces with
14 traumatic brain injury until their transition to care
15 and treatment from the Department of Veterans Af-
16 fairs.

17 (12) To develop a program on comprehensive
18 pain management, including management of acute
19 and chronic pain, to utilize current and develop new
20 treatments for pain, and to identify and disseminate
21 best practices on pain management related to trau-
22 matic brain injury.

23 (13) Such other responsibilities as the Secretary
24 shall specify.



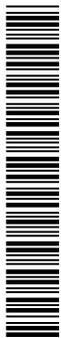
1 **SEC. 1622. CENTER OF EXCELLENCE IN PREVENTION, DIAG-**
2 **NOSIS, MITIGATION, TREATMENT, AND REHA-**
3 **BILITATION OF POST-TRAUMATIC STRESS**
4 **DISORDER AND OTHER MENTAL HEALTH**
5 **CONDITIONS.**

6 (a) IN GENERAL.—The Secretary of Defense shall es-
7 tablish within the Department of Defense a center of ex-
8 cellence in the prevention, diagnosis, mitigation, treat-
9 ment, and rehabilitation of post-traumatic stress disorder
10 (PTSD) and other mental health conditions, including
11 mild, moderate, and severe post-traumatic stress disorder
12 and other mental health conditions, to carry out the re-
13 sponsibilities specified in subsection (c).

14 (b) PARTNERSHIPS.—The Secretary shall ensure that
15 the center collaborates to the maximum extent practicable
16 with the National Center on Post-Traumatic Stress Dis-
17 order of the Department of Veterans Affairs, institutions
18 of higher education, and other appropriate public and pri-
19 vate entities (including international entities) to carry out
20 the responsibilities specified in subsection (c).

21 (c) RESPONSIBILITIES.—The center shall have re-
22 sponsibilities as follows:

23 (1) To implement the comprehensive plan and
24 strategy for the Department of Defense, required by
25 section 1618 of this Act, for the prevention, diag-
26 nosis, mitigation, treatment, and rehabilitation of



1 post-traumatic stress disorder and other mental
2 health conditions, including research on gender- and
3 ethnic group-specific health needs related to post-
4 traumatic stress disorder and other mental health
5 conditions.

6 (2) To provide for the development, testing, and
7 dissemination within the Department of best prac-
8 tices for the treatment of post-traumatic stress dis-
9 order.

10 (3) To provide guidance for the mental health
11 system of the Department in determining the mental
12 health and neurological health personnel required to
13 provide quality mental health care for members of
14 the Armed Forces with post-traumatic stress dis-
15 order and other mental health conditions.

16 (4) To establish, implement, and oversee a com-
17 prehensive program to train mental health and neu-
18 rological health professionals of the Department in
19 the treatment of post-traumatic stress disorder and
20 other mental health conditions.

21 (5) To facilitate advancements in the study of
22 the short-term and long-term psychological effects of
23 post-traumatic stress disorder and other mental
24 health conditions.



1 (6) To disseminate within the military medical
2 treatment facilities of the Department best practices
3 for training mental health professionals, including
4 neurological health professionals, with respect to
5 post-traumatic stress disorder and other mental
6 health conditions.

7 (7) To conduct basic science and translational
8 research on post-traumatic stress disorder for the
9 purposes of understanding the etiology of post-trau-
10 matic stress disorder and developing preventive
11 interventions and new treatments.

12 (8) To develop programs and outreach strate-
13 gies for families of members of the Armed Forces
14 with post-traumatic stress disorder and other mental
15 health conditions in order to mitigate the negative
16 impacts of post-traumatic stress disorder and other
17 mental health conditions on such family members
18 and to support the recovery of such members from
19 post-traumatic stress disorder and other mental
20 health conditions.

21 (9) To conduct research on the mental health
22 needs of families of members of the Armed Forces
23 with post-traumatic stress disorder and other mental
24 health conditions and develop protocols to address
25 any needs identified through such research.



1 (10) To develop and oversee a long-term plan to
2 increase the number of mental health and neuro-
3 logical health professionals within the Department in
4 order to facilitate the meeting by the Department of
5 the needs of members of the Armed Forces with
6 post-traumatic stress disorder and other mental
7 health conditions until their transition to care and
8 treatment from the Department of Veterans Affairs.

9 **SEC. 1623. CENTER OF EXCELLENCE IN PREVENTION, DIAG-**
10 **NOSIS, MITIGATION, TREATMENT, AND REHA-**
11 **BILITATION OF MILITARY EYE INJURIES.**

12 (a) IN GENERAL.—The Secretary of Defense shall es-
13 tablish within the Department of Defense a center of ex-
14 cellence in the prevention, diagnosis, mitigation, treat-
15 ment, and rehabilitation of military eye injuries to carry
16 out the responsibilities specified in subsection (c).

17 (b) PARTNERSHIPS.—The Secretary shall ensure that
18 the center collaborates to the maximum extent practicable
19 with the Secretary of Veterans Affairs, institutions of
20 higher education, and other appropriate public and private
21 entities (including international entities) to carry out the
22 responsibilities specified in subsection (c).

23 (c) RESPONSIBILITIES.—

24 (1) IN GENERAL.—The center shall—



1 (A) implement a comprehensive plan and
2 strategy for the Department of Defense, as de-
3 veloped by the Secretary of Defense, for a reg-
4 istry of information for the tracking of the di-
5 agnosis, surgical intervention or other operative
6 procedure, other treatment, and follow up for
7 each case of significant eye injury incurred by
8 a member of the Armed Forces while serving on
9 active duty;

10 (B) ensure the electronic exchange with
11 the Secretary of Veterans Affairs of information
12 obtained through tracking under subparagraph
13 (A); and

14 (C) enable the Secretary of Veterans Af-
15 fairs to access the registry and add information
16 pertaining to additional treatments or surgical
17 procedures and eventual visual outcomes for
18 veterans who were entered into the registry and
19 subsequently received treatment through the
20 Veterans Health Administration.

21 (2) DESIGNATION OF REGISTRY.—The registry
22 under this subsection shall be known as the “Mili-
23 tary Eye Injury Registry” (hereinafter referred to as
24 the “Registry”).



1 (3) CONSULTATION IN DEVELOPMENT.—The
2 center shall develop the Registry in consultation with
3 the ophthalmological specialist personnel and opto-
4 metric specialist personnel of the Department of De-
5 fense and the ophthalmological specialist personnel
6 and optometric specialist personnel of the Depart-
7 ment of Veterans Affairs. The mechanisms and pro-
8 cedures of the Registry shall reflect applicable expert
9 research on military and other eye injuries.

10 (4) MECHANISMS.—The mechanisms of the
11 Registry for tracking under paragraph (1)(A) shall
12 ensure that each military medical treatment facility
13 or other medical facility shall submit to the center
14 for inclusion in the Registry information on the di-
15 agnosis, surgical intervention or other operative pro-
16 cedure, other treatment, and follow up for each case
17 of eye injury described in that paragraph as follows
18 (to the extent applicable):

19 (A) Not later than 30 days after surgery
20 or other operative intervention, including a sur-
21 gery or other operative intervention carried out
22 as a result of a follow-up examination.

23 (B) Not later than 180 days after the sig-
24 nificant eye injury is reported or recorded in
25 the medical record.



1 (5) COORDINATION OF CARE AND BENEFITS.—

2 (A) The center shall provide notice to the Blind Re-
3 habilitation Service of the Department of Veterans
4 Affairs and to the eye care services of the Veterans
5 Health Administration on each member of the
6 Armed Forces described in subparagraph (B) for
7 purposes of ensuring the coordination of the provi-
8 sion of ongoing eye care and visual rehabilitation
9 benefits and services by the Department of Veterans
10 Affairs after the separation or release of such mem-
11 ber from the Armed Forces.

12 (B) A member of the Armed Forces described
13 in this subparagraph is a member of the Armed
14 Forces as follows:

15 (i) A member with a significant eye injury
16 incurred while serving on active duty, including
17 a member with visual dysfunction related to
18 traumatic brain injury.

19 (ii) A member with an eye injury incurred
20 while serving on active duty who has a visual
21 acuity of 20/200 or less in the injured eye.

22 (iii) A member with an eye injury incurred
23 while serving on active duty who has a loss of
24 peripheral vision resulting in 20 degrees or less
25 of visual field in the injured eye.



1 (d) UTILIZATION OF REGISTRY INFORMATION.—The
2 Secretary of Defense and the Secretary of Veterans Af-
3 fairs shall jointly ensure that information in the Registry
4 is available to appropriate ophthalmological and opto-
5 metric personnel of the Department of Defense and the
6 Department of Veterans Affairs for purposes of encour-
7 aging and facilitating the conduct of research, and the de-
8 velopment of best practices and clinical education, on eye
9 injuries incurred by members of the Armed Forces in com-
10 bat.

11 (e) INCLUSION OF RECORDS OF OIF/OEF VET-
12 ERANS.—The Secretary of Defense shall take appropriate
13 actions to include in the Registry such records of members
14 of the Armed Forces who incurred an eye injury while
15 serving on active duty on or after September 11, 2001,
16 but before the establishment of the Registry, as the Sec-
17 retary considers appropriate for purposes of the Registry.

18 (f) TRAUMATIC BRAIN INJURY POST TRAUMATIC
19 VISUAL SYNDROME.—In carrying out the program at
20 Walter Reed Army Medical Center, District of Columbia,
21 on traumatic brain injury post traumatic visual syndrome,
22 the Secretary of Defense and the Department of Veterans
23 Affairs shall jointly provide for the conduct of a coopera-
24 tive program for members of the Armed Forces and vet-
25 erans with traumatic brain injury by military medical



1 treatment facilities of the Department of Defense and
2 medical centers of the Department of Veterans Affairs se-
3 lected for purposes of this subsection for purposes of vi-
4 sion screening, diagnosis, rehabilitative management, and
5 vision research, including research on prevention, on visual
6 dysfunction related to traumatic brain injury.

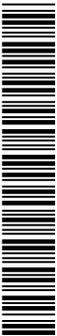
7 **SEC. 1624. REPORT ON ESTABLISHMENT OF CENTERS OF**
8 **EXCELLENCE.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the Secretary of Defense
11 shall submit to Congress a report on—

12 (1) the establishment of the center of excellence
13 in prevention, diagnosis, mitigation, treatment, and
14 rehabilitation of traumatic brain injury under sec-
15 tion 1621;

16 (2) the establishment of the center of excellence
17 in prevention, diagnosis, mitigation, treatment, and
18 rehabilitation of post-traumatic stress disorder and
19 other mental health conditions under section 1622;
20 and

21 (3) the establishment of the center of excellence
22 in prevention, diagnosis, mitigation, treatment, and
23 rehabilitation of military eye injuries under section
24 1623.



1 (b) MATTERS COVERED.—The report shall, for each
2 such center—

3 (1) describe in detail the activities and proposed
4 activities of such center; and

5 (2) assess the progress of such center in dis-
6 charging the responsibilities of such center.

7 **Subtitle C—Health Care Matters**

8 **SEC. 1631. MEDICAL CARE AND OTHER BENEFITS FOR** 9 **MEMBERS AND FORMER MEMBERS OF THE** 10 **ARMED FORCES WITH SEVERE INJURIES OR** 11 **ILLNESSES.**

12 (a) MEDICAL AND DENTAL CARE FOR FORMER
13 MEMBERS.—

14 (1) IN GENERAL.—Effective as of the date of
15 the enactment of this Act and subject to regulations
16 prescribed by the Secretary of Defense, the Sec-
17 retary may authorize that any former member of the
18 Armed Forces with a serious injury or illness may
19 receive the same medical and dental care as a mem-
20 ber of the Armed Forces on active duty for medical
21 and dental care not reasonably available to such
22 former member in the Department of Veterans Af-
23 fairs.

24 (2) SUNSET.—The Secretary of Defense may
25 not provide medical or dental care to a former mem-



1 ber of the Armed Forces under this subsection after
2 December 31, 2012, if the Secretary has not pro-
3 vided medical or dental care to the former member
4 under this subsection before that date.

5 (b) REHABILITATION AND VOCATIONAL BENEFITS.—

6 (1) IN GENERAL.—Effective as of the date of
7 the enactment of this Act, a member of the Armed
8 Forces with a severe injury or illness is entitled to
9 such benefits (including rehabilitation and vocational
10 benefits, but not including compensation) from the
11 Secretary of Veterans Affairs to facilitate the recov-
12 ery and rehabilitation of such member as the Sec-
13 retary otherwise provides to veterans of the Armed
14 Forces receiving medical care in medical facilities of
15 the Department of Veterans Affairs facilities in
16 order to facilitate the recovery and rehabilitation of
17 such members.

18 (2) SUNSET.—The Secretary of Veterans Af-
19 fairs may not provide benefits to a member of the
20 Armed Forces under this subsection after December
21 31, 2012, if the Secretary has not provided benefits
22 to the member under this subsection before that
23 date.



1 **SEC. 1632. REIMBURSEMENT OF TRAVEL EXPENSES OF RE-**
2 **TIRED MEMBERS WITH COMBAT-RELATED**
3 **DISABILITIES FOR FOLLOW-ON SPECIALTY**
4 **CARE, SERVICES, AND SUPPLIES.**

5 (a) TRAVEL.—Section 1074i of title 10, United
6 States Code, is amended—

7 (1) by redesignating subsection (b) as sub-
8 section (c); and

9 (2) by inserting after subsection (a) the fol-
10 lowing new subsection (b):

11 “(b) OUTREACH PROGRAM AND TRAVEL REIM-
12 BURSEMENT FOR FOLLOW-ON SPECIALTY CARE AND RE-
13 LATED SERVICES.—The Secretary concerned shall ensure
14 that an outreach program is implemented for each mem-
15 ber of the uniformed services who incurred a combat-re-
16 lated disability and is entitled to retired or retainer pay,
17 or equivalent pay, so that—

18 “(1) the progress of the member is closely mon-
19 itored; and

20 “(2) the member receives the travel reimburse-
21 ment authorized by subsection (a) whenever the
22 member requires follow-on specialty care, services, or
23 supplies.”.

24 (b) COMBAT-RELATED DISABILITY DEFINED.—Sub-
25 section (c) of such section, as redesignated by subsection



1 (a)(1), is amended by adding at the end the following new
2 paragraph:

3 “(3) The term ‘combat-related disability’ has
4 the meaning given that term in section 1413a of this
5 title.”.

6 (c) EFFECTIVE DATE.—Subsection (b) of section
7 1074i of title 10, United States Code, as added by sub-
8 section (a)(2), shall apply with respect to travel described
9 in subsection (a) of such section that occurs on or after
10 January 1, 2008, for follow-on specialty care, services, or
11 supplies.

12 **SEC. 1633. RESPITE CARE AND OTHER EXTENDED CARE**
13 **BENEFITS FOR MEMBERS OF THE UNI-**
14 **FORMED SERVICES WHO INCUR A SERIOUS**
15 **INJURY OR ILLNESS ON ACTIVE DUTY.**

16 (a) IN GENERAL.—Section 1074(c) of title 10,
17 United States Code, is amended by adding at the end the
18 following new paragraph:

19 “(4)(A) Subject to such terms and conditions as the
20 Secretary of Defense considers appropriate, coverage com-
21 parable to that provided by the Secretary under sub-
22 sections (d) and (e) of section 1079 of this title shall be
23 provided under this subsection to members of the uni-
24 formed services who incur a serious injury or illness on



1 active duty as defined by regulations prescribed by the
2 Secretary.

3 “(B) The Secretary of Defense shall prescribe in
4 regulations—

5 “(i) the individuals who shall be treated as the
6 primary caregivers of a member of the uniformed
7 services for purposes of this paragraph; and

8 “(ii) the definition of serious injury or illness
9 for the purposes of this paragraph.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall take effect on January 1, 2008.

12 **SEC. 1634. REPORTS.**

13 (a) REPORTS ON IMPLEMENTATION OF CERTAIN RE-
14 QUIREMENTS.—Not later than 90 days after the date of
15 the enactment of this Act, the Secretary of Defense shall
16 submit to the congressional defense committees a report
17 describing the progress in implementing the requirements
18 as follows:

19 (1) The requirements of section 721 of the
20 John Warner National Defense Authorization Act
21 for Fiscal Year 2007 (Public Law 109–364; 120
22 Stat. 2294), relating to a longitudinal study on trau-
23 matic brain injury incurred by members of the
24 Armed Forces in Operation Iraqi Freedom and Op-
25 eration Enduring Freedom.



1 (2) The requirements of section 741 of the
2 John Warner National Defense Authorization Act
3 for Fiscal Year 2007 (120 Stat. 2304), relating to
4 pilot projects on early diagnosis and treatment of
5 post-traumatic stress disorder and other mental
6 health conditions.

7 (b) ANNUAL REPORTS ON EXPENDITURES FOR AC-
8 TIVITIES ON TBI AND PTSD.—

9 (1) REPORTS REQUIRED.—Not later than
10 March 1, 2008, and each year thereafter through
11 2013, the Secretary of Defense shall submit to the
12 congressional defense committees a report setting
13 forth the amounts expended by the Department of
14 Defense during the preceding calendar year on ac-
15 tivities described in paragraph (2), including the
16 amount allocated during such calendar year to the
17 Defense and Veterans Brain Injury Center of the
18 Department.

19 (2) COVERED ACTIVITIES.—The activities de-
20 scribed in this paragraph are activities as follows:

21 (A) Activities relating to the improved di-
22 agnosis, treatment, and rehabilitation of mem-
23 bers of the Armed Forces with traumatic brain
24 injury (TBI).



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1 (B) Activities relating to the improved di-
2 agnosis, treatment, and rehabilitation of mem-
3 bers of the Armed Forces with post-traumatic
4 stress disorder (PTSD).

5 (3) ELEMENTS.—Each report under paragraph
6 (1) shall include—

7 (A) a description of the amounts expended
8 as described in that paragraph, including a de-
9 scription of the activities for which expended;

10 (B) a description and assessment of the
11 outcome of such activities;

12 (C) a statement of priorities of the Depart-
13 ment in activities relating to the prevention, di-
14 agnosis, research, treatment, and rehabilitation
15 of traumatic brain injury in members of the
16 Armed Forces during the year in which such re-
17 port is submitted and in future calendar years;

18 (D) a statement of priorities of the De-
19 partment in activities relating to the prevention,
20 diagnosis, research, treatment, and rehabilita-
21 tion of post-traumatic stress disorder and other
22 mental health conditions in members of the
23 Armed Forces during the year in which such re-
24 port is submitted and in future calendar years;
25 and



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1 (E) an assessment of the progress made
2 toward achieving the priorities stated in sub-
3 paragraphs (C) and (D) in the report under
4 paragraph (1) in the previous year, and a de-
5 scription of any actions planned during the year
6 in which such report is submitted to achieve
7 any unfulfilled priorities during such year.

8 **SEC. 1635. FULLY INTEROPERABLE ELECTRONIC PER-**
9 **SONAL HEALTH INFORMATION FOR THE DE-**
10 **PARTMENT OF DEFENSE AND DEPARTMENT**
11 **OF VETERANS AFFAIRS.**

12 (a) IN GENERAL.—The Secretary of Defense and the
13 Secretary of Veterans Affairs shall jointly—

14 (1) develop and implement electronic health
15 record systems or capabilities that allow for full
16 interoperability of personal health care information
17 between the Department of Defense and the Depart-
18 ment of Veterans Affairs; and

19 (2) accelerate the exchange of health care infor-
20 mation between the Department of Defense and the
21 Department of Veterans Affairs in order to support
22 the delivery of health care by both Departments.

23 (b) DEPARTMENT OF DEFENSE-DEPARTMENT OF
24 VETERANS AFFAIRS INTERAGENCY PROGRAM OFFICE.—



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1 (1) IN GENERAL.—There is hereby established
2 an interagency program office of the Department of
3 Defense and the Department of Veterans Affairs (in
4 this section referred to as the “Office”) for the pur-
5 poses described in paragraph (2).

6 (2) PURPOSES.—The purposes of the Office
7 shall be as follows:

8 (A) To act as a single point of account-
9 ability for the Department of Defense and the
10 Department of Veterans Affairs in the rapid de-
11 velopment and implementation of electronic
12 health record systems or capabilities that allow
13 for full interoperability of personal health care
14 information between the Department of Defense
15 and the Department of Veterans Affairs.

16 (B) To accelerate the exchange of health
17 care information between the Department of
18 Defense and the Department of Veterans Af-
19 fairs in order to support the delivery of health
20 care by both Departments.

21 (c) LEADERSHIP.—

22 (1) DIRECTOR.—The Director of the Office
23 shall be the head of the Office.

24 (2) DEPUTY DIRECTOR.—The Deputy Director
25 of the Office shall be the deputy head of the Office

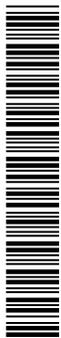


1 and shall assist the Director in carrying out the du-
2 ties of the Director.

3 (3) APPOINTMENTS.—(A) The Director shall be
4 appointed by the Secretary of Defense, with the con-
5 currence of the Secretary of Veterans Affairs, from
6 among persons who are qualified to direct the devel-
7 opment, acquisition, and integration of major infor-
8 mation technology capabilities.

9 (B) The Deputy Director shall be appointed by
10 the Secretary of Veterans Affairs, with the concur-
11 rence of the Secretary of Defense, from among em-
12 ployees of the Department of Defense and the De-
13 partment of Veterans Affairs in the Senior Execu-
14 tive Service who are qualified to direct the develop-
15 ment, acquisition, and integration of major informa-
16 tion technology capabilities.

17 (4) ADDITIONAL GUIDANCE.—In addition to the
18 direction, supervision, and control provided by the
19 Secretary of Defense and the Secretary of Veterans
20 Affairs, the Office shall also receive guidance from
21 the Department of Veterans Affairs-Department of
22 Defense Joint Executive Committee under section
23 320 of title 38, United States Code, in the discharge
24 of the functions of the Office under this section.



1 (5) TESTIMONY.—Upon request by any of the
2 appropriate committees of Congress, the Director
3 and the Deputy Director shall testify before such
4 committee regarding the discharge of the functions
5 of the Office under this section.

6 (d) FUNCTION.—The function of the Office shall be
7 to implement, by not later than September 30, 2009, elec-
8 tronic health record systems or capabilities that allow for
9 full interoperability of personal health care information be-
10 tween the Department of Defense and the Department of
11 Veterans Affairs, which health records shall comply with
12 applicable interoperability standards, implementation
13 specifications, and certification criteria (including for the
14 reporting of quality measures) of the Federal Government.

15 (e) SCHEDULES AND BENCHMARKS.—Not later than
16 30 days after the date of the enactment of this Act, the
17 Secretary of Defense and the Secretary of Veterans Af-
18 fairs shall jointly establish a schedule and benchmarks for
19 the discharge by the Office of its function under this sec-
20 tion, including each of the following:

21 (1) A schedule for the establishment of the Of-
22 fice.

23 (2) A schedule and deadline for the establish-
24 ment of the requirements for electronic health record
25 systems or capabilities described in subsection (d),



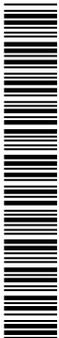
1 including coordination with the Office of the Na-
2 tional Coordinator for Health Information Tech-
3 nology in the development of a nationwide interoper-
4 able health information technology infrastructure.

5 (3) A schedule and associated deadlines for any
6 acquisition and testing required in the implementa-
7 tion of electronic health record systems or capabili-
8 ties that allow for full interoperability of personal
9 health care information between the Department of
10 Defense and the Department of Veterans Affairs.

11 (4) A schedule and associated deadlines and re-
12 quirements for the implementation of electronic
13 health record systems or capabilities that allow for
14 full interoperability of personal health care informa-
15 tion between the Department of Defense and the
16 Department of Veterans Affairs.

17 (f) PILOT PROJECTS.—

18 (1) AUTHORITY.—In order to assist the Office
19 in the discharge of its function under this section,
20 the Secretary of Defense and the Secretary of Vet-
21 erans Affairs may, acting jointly, carry out one or
22 more pilot projects to assess the feasibility and ad-
23 visability of various technological approaches to the
24 achievement of the electronic health record systems
25 or capabilities described in subsection (d).



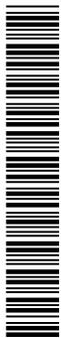
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1 (2) SHARING OF PROTECTED HEALTH INFOR-
2 MATION.—For purposes of each pilot project carried
3 out under this subsection, the Secretary of Defense
4 and the Secretary of Veterans Affairs shall, for pur-
5 poses of the regulations promulgated under section
6 264(c) of the Health Insurance Portability and Ac-
7 countability Act of 1996 (42 U.S.C. 1320d–2 note),
8 ensure the effective sharing of protected health in-
9 formation between the health care system of the De-
10 partment of Defense and the health care system of
11 the Department of Veterans Affairs as needed to
12 provide all health care services and other benefits al-
13 lowed by law.

14 (g) STAFF AND OTHER RESOURCES.—

15 (1) IN GENERAL.—The Secretary of Defense
16 and the Secretary of Veterans Affairs shall assign to
17 the Office such personnel and other resources of the
18 Department of Defense and the Department of Vet-
19 erans Affairs as are required for the discharge of its
20 function under this section.

21 (2) ADDITIONAL SERVICES.—Subject to the ap-
22 proval of the Secretary of Defense and the Secretary
23 of Veterans Affairs, the Director may utilize the
24 services of private individuals and entities as con-
25 sultants to the Office in the discharge of its function



1 under this section. Amounts available to the Office
2 shall be available for payment for such services.

3 (h) ANNUAL REPORTS.—

4 (1) IN GENERAL.—Not later than January 1,
5 2009, and each year thereafter through 2014, the
6 Director shall submit to the Secretary of Defense
7 and the Secretary of Veterans Affairs, and to the
8 appropriate committees of Congress, a report on the
9 activities of the Office during the preceding calendar
10 year. Each report shall include, for the year covered
11 by such report, the following:

12 (A) A detailed description of the activities
13 of the Office, including a detailed description of
14 the amounts expended and the purposes for
15 which expended.

16 (B) An assessment of the progress made
17 by the Department of Defense and the Depart-
18 ment of Veterans Affairs in the full implemen-
19 tation of electronic health record systems or ca-
20 pabilities described in subsection (d).

21 (2) AVAILABILITY TO PUBLIC.—The Secretary
22 of Defense and the Secretary of Veterans Affairs
23 shall make available to the public each report sub-
24 mitted under paragraph (1), including by posting
25 such report on the Internet website of the Depart-



1 ment of Defense and the Department of Veterans
2 Affairs, respectively, that is available to the public.

3 (i) **COMPTROLLER GENERAL ASSESSMENT OF IM-**
4 **PLEMENTATION.**—Not later than six months after the
5 date of the enactment of this Act and every six months
6 thereafter until the completion of the implementation of
7 electronic health record systems or capabilities described
8 in subsection (d), the Comptroller General of the United
9 States shall submit to the appropriate committees of Con-
10 gress a report setting forth the assessment of the Comp-
11 troller General of the progress of the Department of De-
12 fense and the Department of Veterans Affairs in imple-
13 menting electronic health record systems or capabilities
14 described in subsection (d).

15 **SEC. 1636. ENHANCED PERSONNEL AUTHORITIES FOR THE**
16 **DEPARTMENT OF DEFENSE FOR HEALTH**
17 **CARE PROFESSIONALS FOR CARE AND**
18 **TREATMENT OF WOUNDED AND INJURED**
19 **MEMBERS OF THE ARMED FORCES.**

20 (a) **IN GENERAL.**—Section 1599c of title 10, United
21 States Code, is amended to read as follows:



1 **“§ 1599c. Health care professionals: enhanced ap-**
2 **pointment and compensation authority**
3 **for personnel for care and treatment of**
4 **wounded and injured members of the**
5 **armed forces**

6 “(a) IN GENERAL.—The Secretary of Defense may,
7 at the discretion of the Secretary, exercise any authority
8 for the appointment and pay of health care personnel
9 under chapter 74 of title 38 for purposes of the recruit-
10 ment, employment, and retention of civilian health care
11 professionals for the Department of Defense if the Sec-
12 retary determines that the exercise of such authority is
13 necessary in order to provide or enhance the capacity of
14 the Department to provide care and treatment for mem-
15 bers of the armed forces who are wounded or injured on
16 active duty in the armed forces and to support the ongoing
17 patient care and medical readiness, education, and train-
18 ing requirements of the Department of Defense.

19 “(b) RECRUITMENT OF PERSONNEL.—(1) The Secre-
20 taries of the military departments shall each develop and
21 implement a strategy to disseminate among appropriate
22 personnel of the military departments authorities and best
23 practices for the recruitment of medical and health profes-
24 sionals, including the authorities under subsection (a).

25 “(2) Each strategy under paragraph (1) shall—



1 “(A) assess current recruitment policies, proce-
2 dures, and practices of the military department con-
3 cerned to assure that such strategy facilitates the
4 implementation of efficiencies which reduce the time
5 required to fill vacant positions for medical and
6 health professionals; and

7 “(B) clearly identify processes and actions that
8 will be used to inform and educate military and civil-
9 ian personnel responsible for the recruitment of
10 medical and health professionals.

11 “(c) TERMINATION OF AUTHORITY.—The authority
12 of the Secretary of Defense to exercise authorities avail-
13 able under chapter 74 of title 38 for purposes of the re-
14 cruitment, employment, and retention of civilian health
15 care professionals for the Department of Defense expires
16 September 30, 2010.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 81 of such title is amended
19 by striking the item relating to section 1599c and insert-
20 ing the following new item:

 “1599c. Health care professionals: enhanced appointment and compensation au-
 thority for personnel for care and treatment of wounded and
 injured members of the armed forces.”.

21 (c) REPORTS ON STRATEGIES ON RECRUITMENT OF
22 MEDICAL AND HEALTH PROFESSIONALS.—Not later than
23 six months after the date of the enactment of this Act,
24 each Secretary of a military department shall submit to



1 the congressional defense committees a report setting
2 forth the strategy developed by such Secretary under sec-
3 tion 1599e(b) of title 10, United States Code, as added
4 by subsection (a).

5 **SEC. 1637. CONTINUATION OF TRANSITIONAL HEALTH BEN-**
6 **EFITS FOR MEMBERS OF THE ARMED**
7 **FORCES PENDING RESOLUTION OF SERVICE-**
8 **RELATED MEDICAL CONDITIONS.**

9 Section 1145(a) of title 10, United States Code, is
10 amended—

11 (1) in paragraph (3), by striking “Transitional
12 health care” and inserting “Except as provided in
13 paragraph (6), transitional health care”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(6)(A) A member who has a medical condition relat-
17 ing to service on active duty that warrants further medical
18 care that has been identified during the member’s 180-
19 day transition period, which condition can be resolved
20 within 180 days as determined by a Department of De-
21 fense physician, shall be entitled to receive medical and
22 dental care for that medical condition, and that medical
23 condition only, as if the member were a member of the
24 armed forces on active duty for 180 days following the
25 diagnosis of the condition.



1 “(B) The Secretary concerned shall ensure that the
2 Defense Enrollment and Eligibility Reporting System
3 (DEERS) is continually updated in order to reflect the
4 continuing entitlement of members covered by subpara-
5 graph (A) to the medical and dental care referred to in
6 that subparagraph.”.

7 **Subtitle D—Disability Matters**

8 **SEC. 1641. UTILIZATION OF VETERANS’ PRESUMPTION OF** 9 **SOUND CONDITION IN ESTABLISHING ELIGI-** 10 **BILITY OF MEMBERS OF THE ARMED FORCES** 11 **FOR RETIREMENT FOR DISABILITY.**

12 (a) RETIREMENT OF REGULARS AND MEMBERS ON
13 ACTIVE DUTY FOR MORE THAN 30 DAYS.—Clause (i) of
14 section 1201(b)(3)(B) of title 10, United States Code, is
15 amended to read as follows:

16 “(i) the member has six months or
17 more of active military service and the dis-
18 ability was not noted at the time of the
19 member’s entrance on active duty (unless
20 compelling evidence or medical judgment is
21 such to warrant a finding that the dis-
22 ability existed before the member’s en-
23 trance on active duty);”.

24 (b) SEPARATION OF REGULARS AND MEMBERS ON
25 ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section



1 1203(b)(4)(B) of such title is amended by striking “and
2 the member has at least eight years of service computed
3 under section 1208 of this title” and inserting “, the mem-
4 ber has six months or more of active military service, and
5 the disability was not noted at the time of the member’s
6 entrance on active duty (unless evidence or medical judg-
7 ment is such to warrant a finding that the disability ex-
8 isted before the member’s entrance on active duty)”.

9 **SEC. 1642. REQUIREMENTS AND LIMITATIONS ON DEPART-**
10 **MENT OF DEFENSE DETERMINATIONS OF**
11 **DISABILITY WITH RESPECT TO MEMBERS OF**
12 **THE ARMED FORCES.**

13 (a) IN GENERAL.—Chapter 61 of title 10, United
14 States Code, is amended by inserting after section 1216
15 the following new section:

16 **“§ 1216a. Determinations of disability: requirements**
17 **and limitations on determinations**

18 “(a) UTILIZATION OF VA SCHEDULE FOR RATING
19 DISABILITIES IN DETERMINATIONS OF DISABILITY.—(1)
20 In making a determination of disability of a member of
21 the armed forces for purposes of this chapter, the Sec-
22 retary concerned—

23 “(A) shall, to the extent feasible, utilize the
24 schedule for rating disabilities in use by the Depart-
25 ment of Veterans Affairs, including any applicable



1 interpretation of the schedule by the United States
2 Court of Appeals for Veterans Claims; and

3 “(B) except as provided in paragraph (2), may
4 not deviate from the schedule or any such interpre-
5 tation of the schedule.

6 “(2) In making a determination described in para-
7 graph (1), the Secretary concerned may utilize in lieu of
8 the schedule described in that paragraph such criteria as
9 the Secretary of Defense and the Secretary of Veterans
10 Affairs may jointly prescribe for purposes of this sub-
11 section if the utilization of such criteria will result in a
12 determination of a greater percentage of disability than
13 would be otherwise determined through the utilization of
14 the schedule.

15 “(b) CONSIDERATION OF ALL MEDICAL CONDI-
16 TIONS.—In making a determination of the rating of dis-
17 ability of a member of the armed forces for purposes of
18 this chapter, the Secretary concerned shall take into ac-
19 count all medical conditions, whether individually or collec-
20 tively, that render the member unfit to perform the duties
21 of the member’s office, grade, rank, or rating.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 61 of such title is amended
24 by inserting after the item relating to section 1216 the
25 following new item:



“1216a. Determinations of disability: requirements and limitations on determinations.”.

1 **SEC. 1643. REVIEW OF SEPARATION OF MEMBERS OF THE**
2 **ARMED FORCES SEPARATED FROM SERVICE**
3 **WITH A DISABILITY RATING OF 20 PERCENT**
4 **DISABLED OR LESS.**

5 (a) BOARD REQUIRED.—

6 (1) IN GENERAL.—Chapter 79 of title 10,
7 United States Code, is amended by inserting after
8 section 1554 the following new section:

9 **“§ 1554a. Review of separation with disability rating**
10 **of 20 percent disabled or less**

11 “(a) IN GENERAL.—(1) The Secretary of Defense
12 shall establish within the Office of the Secretary of De-
13 fense a board of review to review the disability determina-
14 tions of covered individuals by Physical Evaluation
15 Boards. The board shall be known as the ‘Physical Dis-
16 ability Board of Review’.

17 “(2) The Physical Disability Board of Review shall
18 consist of not less than three members appointed by the
19 Secretary.

20 “(b) COVERED INDIVIDUALS.—For purposes of this
21 section, covered individuals are members and former mem-
22 bers of the armed forces who, during the period beginning
23 on September 11, 2001, and ending on December 31,
24 2009—



1 “(1) are separated from the armed forces due
2 to unfitness for duty due to a medical condition with
3 a disability rating of 20 percent disabled or less; and

4 “(2) are found to be not eligible for retirement.

5 “(c) REVIEW.—(1) Upon the request of a covered in-
6 dividual, or a surviving spouse, next of kin, or legal rep-
7 resentative of a covered individual, the Physical Disability
8 Board of Review shall review the findings and decisions
9 of the Physical Evaluation Board with respect to such cov-
10 ered individual. Subject to paragraph (3), upon its own
11 motion, the Physical Disability Board of Review may re-
12 view the findings and decisions of the Physical Evaluation
13 Board with respect to a covered individual.

14 “(2) The review by the Physical Disability Board of
15 Review under paragraph (1) shall be based on the records
16 of the armed force concerned and such other evidence as
17 may be presented to the Physical Disability Board of Re-
18 view. A witness may present evidence to the Board by affi-
19 davit or by any other means considered acceptable by the
20 Secretary of Defense.

21 “(3) If the Physical Disability Board of Review pro-
22 poses to review, upon its own motion, the findings and
23 decisions of the Physical Evaluation Board with respect
24 to a covered individual, the Physical Disability Board of
25 Review shall notify the covered individual, or a surviving



1 spouse, next of kin, or legal representative of the covered
2 individual, of the proposed review and obtain the consent
3 of the covered individual or a surviving spouse, next of
4 kin, or legal representative of the covered individual before
5 proceeding with the review.

6 “(4) With respect to any review by the Physical Dis-
7 ability Board of Review of the findings and decisions of
8 the Physical Evaluation Board with respect to a covered
9 individual, whether initiated at the request of the covered
10 individual or a surviving spouse, next of kin, or legal rep-
11 resentative of the covered individual or initiated by the
12 Physical Disability Board of Review, the Physical Dis-
13 ability Board of Review shall notify the covered individual
14 or a surviving spouse, next of kin, or legal representative
15 of the covered individual that, as a result of the request
16 or consent, the covered individual or a surviving spouse,
17 next of kin, or legal representative of the covered indi-
18 vidual may not seek relief from the Board for Correction
19 of Military Records operated by the Secretary concerned.

20 “(d) AUTHORIZED RECOMMENDATIONS.—The Phys-
21 ical Disability Board of Review may, as a result of its find-
22 ings under a review under subsection (c), recommend to
23 the Secretary concerned the following (as applicable) with
24 respect to a covered individual:



1 “(1) No recharacterization of the separation of
2 such individual or modification of the disability rat-
3 ing previously assigned such individual.

4 “(2) The recharacterization of the separation of
5 such individual to retirement for disability.

6 “(3) The modification of the disability rating
7 previously assigned such individual by the Physical
8 Evaluation Board concerned, which modified dis-
9 ability rating may not be a reduction of the dis-
10 ability rating previously assigned such individual by
11 that Physical Evaluation Board.

12 “(4) The issuance of a new disability rating for
13 such individual.

14 “(e) CORRECTION OF MILITARY RECORDS.—(1) The
15 Secretary concerned may correct the military records of
16 a covered individual in accordance with a recommendation
17 made by the Physical Disability Board of Review under
18 subsection (d). Any such correction may be made effective
19 as of the effective date of the action taken on the report
20 of the Physical Evaluation Board to which such rec-
21 ommendation relates.

22 “(2) In the case of a member previously separated
23 pursuant to the findings and decision of a Physical Eval-
24 uation Board together with a lump-sum or other payment
25 of back pay and allowances at separation, the amount of



1 pay or other monetary benefits to which such member
2 would be entitled based on the member's military record
3 as corrected shall be reduced to take into account receipt
4 of such lump-sum or other payment in such manner as
5 the Secretary of Defense considers appropriate.

6 “(3) If the Physical Disability Board of Review
7 makes a recommendation not to correct the military
8 records of a covered individual, the action taken on the
9 report of the Physical Evaluation Board to which such rec-
10 ommendation relates shall be treated as final as of the
11 date of such action.

12 “(f) REGULATIONS.—(1) This section shall be carried
13 out in accordance with regulations prescribed by the Sec-
14 retary of Defense.

15 “(2) The regulations under paragraph (1) shall speci-
16 fy reasonable deadlines for the performance of reviews re-
17 quired by this section.

18 “(3) The regulations under paragraph (1) shall speci-
19 fy the effect of a determination or pending determination
20 of a Physical Evaluation Board on considerations by
21 boards for correction of military records under section
22 1552 of this title.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 79 of such title is



1 amended by inserting after the item relating to sec-
2 tion 1554 the following new item:

“1554a. Review of separation with disability rating of 20 percent disabled or less.”.

3 (b) IMPLEMENTATION.—The Secretary of Defense
4 shall establish the board of review required by section
5 1554a of title 10, United States Code (as added by sub-
6 section (a)), and prescribe the regulations required by
7 such section, not later than 90 days after the date of the
8 enactment of this Act.

9 **SEC. 1644. AUTHORIZATION OF PILOT PROGRAMS TO IM-**
10 **PROVE THE DISABILITY EVALUATION SYS-**
11 **TEM FOR MEMBERS OF THE ARMED FORCES.**

12 (a) PILOT PROGRAMS.—

13 (1) PROGRAMS AUTHORIZED.—For the pur-
14 poses set forth in subsection (c), the Secretary of
15 Defense may establish and conduct pilot programs
16 with respect to the system of the Department of De-
17 fense for the evaluation of the disabilities of mem-
18 bers of the Armed Forces who are being separated
19 or retired from the Armed Forces for disability
20 under chapter 61 of title 10, United States Code (in
21 this section referred to as the “disability evaluation
22 system”).

23 (2) TYPES OF PILOT PROGRAMS.—In carrying
24 out this section, the Secretary of Defense may con-



1 duct one or more of the pilot programs described in
2 paragraphs (1) through (3) of subsection (b) or such
3 other pilot programs as the Secretary of Defense
4 considers appropriate.

5 (3) CONSULTATION.—In establishing and con-
6 ducting any pilot program under this section, the
7 Secretary of Defense shall consult with the Secretary
8 of Veterans Affairs.

9 (b) SCOPE OF PILOT PROGRAMS.—

10 (1) DISABILITY DETERMINATIONS BY DOD UTI-
11 LIZING VA ASSIGNED DISABILITY RATING.—Under
12 one of the pilot programs authorized by subsection
13 (a), for purposes of making a determination of dis-
14 ability of a member of the Armed Forces under sec-
15 tion 1201(b) of title 10, United States Code, for the
16 retirement, separation, or placement of the member
17 on the temporary disability retired list under chapter
18 61 of such title, upon a determination by the Sec-
19 retary of the military department concerned that the
20 member is unfit to perform the duties of the mem-
21 ber's office, grade, rank, or rating because of a
22 physical disability as described in section 1201(a) of
23 such title—

24 (A) the Secretary of Veterans Affairs
25 may—



1 (i) conduct an evaluation of the mem-
2 ber for physical disability; and

3 (ii) assign the member a rating of dis-
4 ability in accordance with the schedule for
5 rating disabilities utilized by the Secretary
6 of Veterans Affairs based on all medical
7 conditions (whether individually or collec-
8 tively) that render the member unfit for
9 duty; and

10 (B) the Secretary of the military depart-
11 ment concerned may make the determination of
12 disability regarding the member utilizing the
13 rating of disability assigned under subpara-
14 graph (A)(ii).

15 (2) DISABILITY DETERMINATIONS UTILIZING
16 JOINT DOD/VA ASSIGNED DISABILITY RATING.—
17 Under one of the pilot programs authorized by sub-
18 section (a), in making a determination of disability
19 of a member of the Armed Forces under section
20 1201(b) of title 10, United States Code, for the re-
21 tirement, separation, or placement of the member on
22 the temporary disability retired list under chapter 61
23 of such title, the Secretary of the military depart-
24 ment concerned may, upon determining that the
25 member is unfit to perform the duties of the mem-



1 ber's office, grade, rank, or rating because of a
2 physical disability as described in section 1201(a) of
3 such title—

4 (A) provide for the joint evaluation of the
5 member for disability by the Secretary of the
6 military department concerned and the Sec-
7 retary of Veterans Affairs, including the assign-
8 ment of a rating of disability for the member in
9 accordance with the schedule for rating disabili-
10 ties utilized by the Secretary of Veterans Af-
11 fairs based on all medical conditions (whether
12 individually or collectively) that render the
13 member unfit for duty; and

14 (B) make the determination of disability
15 regarding the member utilizing the rating of
16 disability assigned under subparagraph (A).

17 (3) ELECTRONIC CLEARING HOUSE.—Under
18 one of the pilot programs authorized by subsection
19 (a), the Secretary of Defense may establish and op-
20 erate a single Internet website for the disability eval-
21 uation system of the Department of Defense that
22 enables participating members of the Armed Forces
23 to fully utilize such system through the Internet,
24 with such Internet website to include the following:



1 (A) The availability of any forms required
2 for the utilization of the disability evaluation
3 system by members of the Armed Forces under
4 the system.

5 (B) Secure mechanisms for the submission
6 of such forms by members of the Armed Forces
7 under the system, and for the tracking of the
8 acceptance and review of any forms so sub-
9 mitted.

10 (C) Secure mechanisms for advising mem-
11 bers of the Armed Forces under the system of
12 any additional information, forms, or other
13 items that are required for the acceptance and
14 review of any forms so submitted.

15 (D) The continuous availability of assist-
16 ance to members of the Armed Forces under
17 the system (including assistance through the
18 caseworkers assigned to such members of the
19 Armed Forces) in submitting and tracking such
20 forms, including assistance in obtaining infor-
21 mation, forms, or other items described by sub-
22 paragraph (C).

23 (E) Secure mechanisms to request and re-
24 ceive personnel files or other personnel records
25 of members of the Armed Forces under the sys-



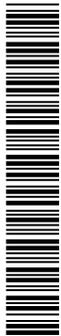
1 tem that are required for submission under the
2 disability evaluation system, including the capa-
3 bility to track requests for such files or records
4 and to determine the status of such requests
5 and of responses to such requests.

6 (4) OTHER PILOT PROGRAMS.—The pilot pro-
7 grams authorized by subsection (a) may also provide
8 for the development, evaluation, and identification of
9 such practices and procedures under the disability
10 evaluation system as the Secretary considers appro-
11 priate for purposes set forth in subsection (c).

12 (c) PURPOSES.—A pilot program established under
13 subsection (a) may have one or more of the following pur-
14 poses:

15 (1) To provide for the development, evaluation,
16 and identification of revised and improved practices
17 and procedures under the disability evaluation sys-
18 tem in order to—

19 (A) reduce the processing time under the
20 disability evaluation system of members of the
21 Armed Forces who are likely to be retired or
22 separated for disability, and who have not re-
23 quested continuation on active duty, including,
24 in particular, members who are severely wound-
25 ed;



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1 (B) identify and implement or seek the
2 modification of statutory or administrative poli-
3 cies and requirements applicable to the dis-
4 ability evaluation system that—

5 (i) are unnecessary or contrary to ap-
6 plicable best practices of civilian employers
7 and civilian healthcare systems; or

8 (ii) otherwise result in hardship, arbi-
9 trary, or inconsistent outcomes for mem-
10 bers of the Armed Forces, or unwarranted
11 inefficiencies and delays;

12 (C) eliminate material variations in poli-
13 cies, interpretations, and overall performance
14 standards among the military departments
15 under the disability evaluation system; and

16 (D) determine whether it enhances the ca-
17 pability of the Department of Veterans Affairs
18 to receive and determine claims from members
19 of the Armed Forces for compensation, pension,
20 hospitalization, or other veterans benefits.

21 (2) In conjunction with the findings and rec-
22 ommendations of applicable Presidential and De-
23 partment of Defense study groups, to provide for the
24 eventual development of revised and improved prac-
25 tices and procedures for the disability evaluation sys-



1 tem in order to achieve the objectives set forth in
2 paragraph (1).

3 (d) UTILIZATION OF RESULTS IN UPDATES OF COM-
4 PREHENSIVE POLICY ON CARE, MANAGEMENT, AND
5 TRANSITION OF RECOVERING SERVICE MEMBERS.—The
6 Secretary of Defense and the Secretary of Veterans Af-
7 fairs, acting jointly, may incorporate responses to any
8 findings and recommendations arising under the pilot pro-
9 grams conducted under subsection (a) in updating the
10 comprehensive policy on the care and management of cov-
11 ered service members under section 1611(a)(4).

12 (e) CONSTRUCTION WITH OTHER AUTHORITIES.—

13 (1) IN GENERAL.—Subject to paragraph (2), in
14 carrying out a pilot program under subsection (a)—

15 (A) the rules and regulations of the De-
16 partment of Defense and the Department of
17 Veterans Affairs relating to methods of deter-
18 mining fitness or unfitness for duty and dis-
19 ability ratings for members of the Armed
20 Forces shall apply to the pilot program only to
21 the extent provided in the report on the pilot
22 program under subsection (g)(1); and

23 (B) the Secretary of Defense and the Sec-
24 retary of Veterans Affairs may waive any provi-
25 sion of title 10, 37, or 38, United States Code,



1 relating to methods of determining fitness or
2 unfitness for duty and disability ratings for
3 members of the Armed Forces if the Secretaries
4 determine in writing that the application of
5 such provision would be inconsistent with the
6 purpose of the pilot program.

7 (2) LIMITATION.—Nothing in paragraph (1)
8 shall be construed to authorize the waiver of any
9 provision of section 1216a of title 10, United States
10 Code, as added by section 1642 of this Act.

11 (f) DURATION.—Each pilot program conducted under
12 subsection (a) shall be completed not later than one year
13 after the date of the commencement of such pilot program
14 under that subsection.

15 (g) REPORTS.—

16 (1) INITIAL REPORT.—Not later than 90 days
17 after the date of the enactment of this Act, the Sec-
18 retary of Defense shall submit to the appropriate
19 committees of Congress a report on each pilot pro-
20 gram that has been commenced as of that date
21 under subsection (a). The report shall include—

22 (A) a description of the scope and objec-
23 tives of the pilot program;

24 (B) a description of the methodology to be
25 used under the pilot program to ensure rapid

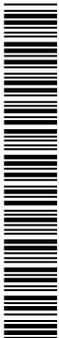


1 identification under such pilot program of re-
2 vised or improved practices under the disability
3 evaluation system in order to achieve the objec-
4 tives set forth in subsection (c)(1); and

5 (C) a statement of any provision described
6 in subsection (e)(1)(B) that will not apply to
7 the pilot program by reason of a waiver under
8 that subsection.

9 (2) INTERIM REPORT.—Not later than 180
10 days after the date of the submittal of the report re-
11 quired by paragraph (1) with respect to a pilot pro-
12 gram, the Secretary shall submit to the appropriate
13 committees of Congress a report describing the cur-
14 rent status of the pilot program.

15 (3) FINAL REPORT.—Not later than 90 days
16 after the completion of all of the pilot programs con-
17 ducted under subsection (a), the Secretary shall sub-
18 mit to the appropriate committees of Congress a re-
19 port setting forth a final evaluation and assessment
20 of the pilot programs. The report shall include such
21 recommendations for legislative or administrative ac-
22 tion as the Secretary considers appropriate in light
23 of such pilot programs.



1 **SEC. 1645. REPORTS ON ARMY ACTION PLAN IN RESPONSE**
2 **TO DEFICIENCIES IN THE ARMY PHYSICAL**
3 **DISABILITY EVALUATION SYSTEM.**

4 (a) **REPORTS REQUIRED.**—Not later than June 1,
5 2008, and June 1, 2009, the Secretary of Defense shall
6 submit to the congressional defense committees a report
7 on the implementation of corrective measures by the De-
8 partment of Defense with respect to the Physical Dis-
9 ability Evaluation System (PDES) in response to the fol-
10 lowing:

11 (1) The report of the Inspector General of the
12 Army on that system of March 6, 2007.

13 (2) The report of the Independent Review
14 Group on Rehabilitation Care and Administrative
15 Processes at Walter Reed Army Medical Center and
16 National Naval Medical Center.

17 (3) The report of the Department of Veterans
18 Affairs Task Force on Returning Global War on
19 Terror Heroes.

20 (b) **ELEMENTS OF REPORT.**—Each report under sub-
21 section (a) shall include current information on the fol-
22 lowing:

23 (1) The total number of cases, and the number
24 of cases involving combat disabled service members,
25 pending resolution before the Medical and Physical
26 Disability Evaluation Boards of the Army, including



1 information on the number of members of the Army
2 who have been in a medical hold or holdover status
3 for more than each of 100, 200, and 300 days.

4 (2) The status of the implementation of modi-
5 fications to disability evaluation processes of the De-
6 partment of Defense in response to the following:

7 (A) The report of the Inspector General on
8 such processes dated March 6, 2007.

9 (B) The report of the Independent Review
10 Group on Rehabilitation Care and Administra-
11 tive Processes at Walter Reed Army Medical
12 Center and National Naval Medical Center.

13 (C) The report of the Department of Vet-
14 erans Affairs Task Force on Returning Global
15 War on Terror Heroes.

16 (c) POSTING ON INTERNET.—Not later than 24
17 hours after submitting a report under subsection (a), the
18 Secretary shall post such report on the Internet website
19 of the Department of Defense that is available to the pub-
20 lic.

21 **SEC. 1646. ENHANCEMENT OF DISABILITY SEVERANCE PAY**

22 **FOR MEMBERS OF THE ARMED FORCES.**

23 (a) IN GENERAL.—Section 1212 of title 10, United
24 States Code, is amended—



1 (1) in subsection (a)(1), by striking “his years
2 of service, but not more than 12, computed under
3 section 1208 of this title” in the matter preceding
4 subparagraph (A) and inserting “the member’s years
5 of service computed under section 1208 of this title
6 (subject to the minimum and maximum years of
7 service provided for in subsection (c))”;

8 (2) by redesignating subsection (c) as sub-
9 section (d); and

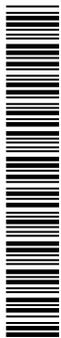
10 (3) by inserting after subsection (b) the fol-
11 lowing new subsection (c):

12 “(c)(1) The minimum years of service of a member
13 for purposes of subsection (a)(1) shall be as follows:

14 “(A) Six years in the case of a member sepa-
15 rated from the armed forces for a disability incurred
16 in line of duty in a combat zone (as designated by
17 the Secretary of Defense for purposes of this sub-
18 section) or incurred during the performance of duty
19 in combat-related operations as designated by the
20 Secretary of Defense.

21 “(B) Three years in the case of any other mem-
22 ber.

23 “(2) The maximum years of service of a member for
24 purposes of subsection (a)(1) shall be 19 years.”.



1 (b) NO DEDUCTION FROM COMPENSATION OF SEV-
2 ERANCE PAY FOR DISABILITIES INCURRED IN COMBAT
3 ZONES.—Subsection (d) of such section, as redesignated
4 by subsection (a)(2) of this section, is further amended—

5 (1) by inserting “(1)” after “(d)”;

6 (2) by striking the second sentence; and

7 (3) by adding at the end the following new
8 paragraphs:

9 “(2) No deduction may be made under paragraph (1)
10 in the case of disability severance pay received by a mem-
11 ber for a disability incurred in line of duty in a combat
12 zone or incurred during performance of duty in combat-
13 related operations as designated by the Secretary of De-
14 fense.

15 “(3) No deduction may be made under paragraph (1)
16 from any death compensation to which a member’s de-
17 pendants become entitled after the member’s death.”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on the date of the enactment
20 of this Act, and shall apply with respect to members of
21 the Armed Forces separated from the Armed Forces
22 under chapter 61 of title 10, United States Code, on or
23 after that date.



1 **SEC. 1647. ASSESSMENTS OF CONTINUING UTILITY AND FU-**
2 **TURE ROLE OF TEMPORARY DISABILITY RE-**
3 **TIRED LIST.**

4 (a) **REPORT REQUIRED.**—Not later than 180 days
5 after the date of the enactment of this Act, the Secretary
6 of Defense shall submit to the congressional defense com-
7 mittees a report containing—

8 (1) a statistical history since January 1, 2000,
9 of the numbers of members of the Armed Forces
10 who are returned to duty or separated following a
11 tenure on the temporary disability retired list and,
12 in the case of members who were separated, how
13 many of the members were granted disability separa-
14 tion or retirement and what were their disability rat-
15 ings;

16 (2) the results of the assessments required by
17 subsection (b); and

18 (3) such recommendations for the modification
19 or improvement of the temporary disability retired
20 list as the Secretary considers appropriate in re-
21 sponse to the assessments.

22 (b) **REQUIRED ASSESSMENTS.**—The assessments re-
23 quired to be conducted as part of the report under sub-
24 section (a) are the following:

25 (1) An assessment of the continuing utility of
26 the temporary disability retired list in satisfying the



1 purposes for which the temporary disability retired
2 list was established.

3 (2) An assessment of the need to require that
4 the condition of a member be permanent and stable
5 before the member is separated with less than a 30
6 percent disability rating prior to exceeding the max-
7 imum tenure allowed on the temporary disability re-
8 tired list.

9 (3) An assessment of the future role of the tem-
10 porary disability retired list in the Disability Evalua-
11 tion System of the Department of Defense and the
12 changes in policy and law required to fulfill the fu-
13 ture role of the temporary disability retire list.

14 **SEC. 1648. STANDARDS FOR MILITARY MEDICAL TREAT-**
15 **MENT FACILITIES, SPECIALTY MEDICAL**
16 **CARE FACILITIES, AND MILITARY QUARTERS**
17 **HOUSING PATIENTS AND ANNUAL REPORT**
18 **ON SUCH FACILITIES.**

19 (a) ESTABLISHMENT OF STANDARDS.—The Sec-
20 retary of Defense shall establish for the military facilities
21 of the Department of Defense and the military depart-
22 ments referred to in subsection (b) standards with respect
23 to the matters set forth in subsection (c). To the max-
24 imum extent practicable, the standards shall—



1 (1) be uniform and consistent for all such facili-
2 ties; and

3 (2) be uniform and consistent throughout the
4 Department of Defense and the military depart-
5 ments.

6 (b) COVERED MILITARY FACILITIES.—The military
7 facilities covered by this section are the following:

8 (1) Military medical treatment facilities.

9 (2) Specialty medical care facilities.

10 (3) Military quarters or leased housing for pa-
11 tients.

12 (c) SCOPE OF STANDARDS.—The standards required
13 by subsection (a) shall include the following:

14 (1) Generally accepted standards for the ac-
15 creditation of medical facilities, or for facilities used
16 to quarter individuals that may require medical su-
17 pervision, as applicable, in the United States.

18 (2) To the extent not inconsistent with the
19 standards described in paragraph (1), minimally ac-
20 ceptable conditions for the following:

21 (A) Appearance and maintenance of facili-
22 ties generally, including the structure and roofs
23 of facilities.



1 (B) Size, appearance, and maintenance of
2 rooms housing or utilized by patients, including
3 furniture and amenities in such rooms.

4 (C) Operation and maintenance of primary
5 and back-up facility utility systems and other
6 systems required for patient care, including
7 electrical systems, plumbing systems, heating,
8 ventilation, and air conditioning systems, com-
9 munications systems, fire protection systems,
10 energy management systems, and other systems
11 required for patient care.

12 (D) Compliance of facilities, rooms, and
13 grounds, to the maximum extent practicable,
14 with the Americans with Disabilities Act of
15 1990 (42 U.S.C. 12101 et seq.).

16 (E) Such other matters relating to the ap-
17 pearance, size, operation, and maintenance of
18 facilities and rooms as the Secretary considers
19 appropriate.

20 (d) COMPLIANCE WITH STANDARDS.—

21 (1) DEADLINE.—In establishing standards
22 under subsection (a), the Secretary shall specify a
23 deadline for compliance with such standards by each
24 facility referred to in subsection (b). The deadline
25 shall be at the earliest date practicable after the



1 date of the enactment of this Act, and shall, to the
2 maximum extent practicable, be uniform across the
3 facilities referred to in subsection (b).

4 (2) INVESTMENT.—In carrying out this section,
5 the Secretary shall also establish guidelines for in-
6 vestment to be utilized by the Department of De-
7 fense and the military departments in determining
8 the allocation of financial resources to facilities re-
9 ferred to in subsection (b) in order to meet the dead-
10 line specified under paragraph (1).

11 (e) REPORT ON DEVELOPMENT AND IMPLEMENTA-
12 TION OF STANDARDS.—

13 (1) IN GENERAL.—Not later than March 1,
14 2008, the Secretary shall submit to the congres-
15 sional defense committees a report on the actions
16 taken to carry out subsection (a).

17 (2) ELEMENTS.—The report under paragraph
18 (1) shall include the following:

19 (A) The standards established under sub-
20 section (a).

21 (B) An assessment of the appearance, con-
22 dition, and maintenance of each facility referred
23 to in subsection (b), including—



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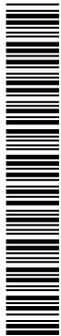
1 (i) an assessment of the compliance of
2 the facility with the standards established
3 under subsection (a); and

4 (ii) a description of any deficiency or
5 noncompliance in each facility with the
6 standards.

7 (C) A description of the investment to be
8 allocated to address each deficiency or non-
9 compliance identified under subparagraph
10 (B)(ii).

11 (f) ANNUAL REPORT.—Not later than the date on
12 which the President submits the budget for a fiscal year
13 to Congress pursuant to section 1105 of title 31, United
14 States Code, the Secretary shall submit to the Committees
15 on Armed Services of the Senate and the House of Rep-
16 resentatives a report on the adequacy, suitability, and
17 quality of each facility referred to in subsection (b). The
18 Secretary shall include in each report information
19 regarding—

20 (1) any deficiencies in the adequacy, quality, or
21 state of repair of medical-related support facilities
22 raised as a result of information received during the
23 period covered by the report through the toll-free hot
24 line required by section 1616; and



1 (2) the investigations conducted and plans of
2 action prepared under such section to respond to
3 such deficiencies.

4 **SEC. 1649. REPORTS ON ARMY MEDICAL ACTION PLAN IN**
5 **RESPONSE TO DEFICIENCIES IDENTIFIED AT**
6 **WALTER REED ARMY MEDICAL CENTER, DIS-**
7 **TRICT OF COLUMBIA.**

8 Not later than 30 days after the date of the enact-
9 ment of this Act, and every 180 days thereafter until
10 March 1, 2009, the Secretary of Defense shall submit to
11 the congressional defense committees a report on the im-
12 plementation of the Army Medical Action Plan to correct
13 deficiencies identified in the condition of facilities and pa-
14 tient administration.

15 **SEC. 1650. REQUIRED CERTIFICATIONS IN CONNECTION**
16 **WITH CLOSURE OF WALTER REED ARMY**
17 **MEDICAL CENTER, DISTRICT OF COLUMBIA.**

18 (a) CERTIFICATIONS.—In implementing the decision
19 to close Walter Reed Army Medical Center, District of Co-
20 lumbia, required as a result of the 2005 round of defense
21 base closure and realignment under the Defense Base Clo-
22 sure and Realignment Act of 1990 (part A of title XXIX
23 of Public Law 101–510; U.S.C. 2687 note), the Secretary
24 of Defense shall submit to the congressional defense com-
25 mittees a certification of each of the following:



1 (1) That a transition plan has been developed,
2 and resources have been committed, to ensure that
3 patient care services, medical operations, and facili-
4 ties are sustained at the highest possible level at
5 Walter Reed Army Medical Center until facilities to
6 replace Walter Reed Army Medical Center are
7 staffed and ready to assume at least the same level
8 of care previously provided at Walter Reed Army
9 Medical Center.

10 (2) That the closure of Walter Reed Army Med-
11 ical Center will not result in a net loss of capacity
12 in the major medical centers in the National Capitol
13 Region in terms of total bed capacity or staffed bed
14 capacity.

15 (3) That the capacity of medical hold and out-
16 patient lodging facilities operating at Walter Reed
17 Army Medical Center as of the date of the certifi-
18 cation will be available in sufficient quantities at the
19 facilities designated to replace Walter Reed Army
20 Medical Center by the date of the closure of Walter
21 Reed Army Medical Center.

22 (b) TIME FOR SUBMITTAL.—The Secretary shall sub-
23 mit the certifications required by subsection (a) not later
24 than 90 days after the date of the enactment of this Act.
25 If the Secretary is unable to make one or more of the cer-



1 tifications by the end of the 90-day period, the Secretary
2 shall notify the congressional defense committees of the
3 delay and the reasons for the delay.

4 **SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED**
5 **FORCES ON COMPENSATION AND BENEFITS**
6 **AVAILABLE FOR SERIOUS INJURIES AND ILL-**
7 **NESSES.**

8 (a) INFORMATION ON AVAILABLE COMPENSATION
9 AND BENEFITS.—Not later than October 1, 2008, the
10 Secretary of Defense shall develop and maintain, in hand-
11 book and electronic form, a comprehensive description of
12 the compensation and other benefits to which a member
13 of the Armed Forces, and the family of such member,
14 would be entitled upon the separation or retirement of the
15 member from the Armed Forces as a result of a serious
16 injury or illness. The handbook shall set forth the range
17 of such compensation and benefits based on grade, length
18 of service, degree of disability at separation or retirement,
19 and such other factors affecting such compensation and
20 benefits as the Secretary considers appropriate.

21 (b) CONSULTATION.—The Secretary of Defense shall
22 develop and maintain the comprehensive description re-
23 quired by subsection (a), including the handbook and elec-
24 tronic form of the description, in consultation with the
25 Secretary of Veterans Affairs, the Secretary of Health and

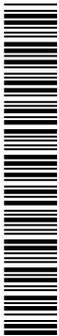


1 Human Services, and the Commissioner of Social Secu-
2 rity.

3 (c) UPDATE.—The Secretary of Defense shall update
4 the comprehensive description required by subsection (a),
5 including the handbook and electronic form of the descrip-
6 tion, on a periodic basis, but not less often than annually.

7 (d) PROVISION TO MEMBERS.—The Secretary of the
8 military department concerned shall provide the descrip-
9 tive handbook under subsection (a) to each member of the
10 Armed Forces described in that subsection as soon as
11 practicable following the injury or illness qualifying the
12 member for coverage under such subsection.

13 (e) PROVISION TO REPRESENTATIVES.—If a member
14 is incapacitated or otherwise unable to receive the descrip-
15 tive handbook to be provided under subsection (a), the
16 handbook shall be provided to the next of kin or a legal
17 representative of the member, as determined in accordance
18 with regulations prescribed by the Secretary of the mili-
19 tary department concerned for purposes of this section.



1 **Subtitle E—Studies and Reports**

2 **SEC. 1661. STUDY ON PHYSICAL AND MENTAL HEALTH AND**
3 **OTHER READJUSTMENT NEEDS OF MEMBERS**
4 **AND FORMER MEMBERS OF THE ARMED**
5 **FORCES WHO DEPLOYED IN OPERATION**
6 **IRAQI FREEDOM AND OPERATION ENDURING**
7 **FREEDOM AND THEIR FAMILIES.**

8 (a) **STUDY REQUIRED.**—The Secretary of Defense
9 shall, in consultation with the Secretary of Veterans Af-
10 fairs, enter into an agreement with the National Academy
11 of Sciences for a study on the physical and mental health
12 and other readjustment needs of members and former
13 members of the Armed Forces who deployed in Operation
14 Iraqi Freedom or Operation Enduring Freedom and their
15 families as a result of such deployment.

16 (b) **PHASES.**—The study required under subsection
17 (a) shall consist of two phases:

18 (1) A preliminary phase, to be completed not
19 later than one year after the date of the enactment
20 of this Act—

21 (A) to identify preliminary findings on the
22 physical and mental health and other readjust-
23 ment needs described in subsection (a) and on
24 gaps in care for the members, former members,
25 and families described in that subsection; and



1 (B) to determine the parameters of the
2 second phase of the study under paragraph (2).

3 (2) A second phase, to be completed not later
4 than three years after the date of the enactment of
5 this Act, to carry out a comprehensive assessment,
6 in accordance with the parameters identified under
7 the preliminary report required by paragraph (1), of
8 the physical and mental health and other readjust-
9 ment needs of members and former members of the
10 Armed Forces who deployed in Operation Iraqi
11 Freedom or Operation Enduring Freedom and their
12 families as a result of such deployment, including, at
13 a minimum—

14 (A) an assessment of the psychological, so-
15 cial, and economic impacts of such deployment
16 on such members and former members and
17 their families;

18 (B) an assessment of the particular im-
19 pacts of multiple deployments in Operation
20 Iraqi Freedom or Operation Enduring Freedom
21 on such members and former members and
22 their families;

23 (C) an assessment of the full scope of the
24 neurological, psychiatric, and psychological ef-
25 fects of traumatic brain injury on members and



1 former members of the Armed Forces, including
2 the effects of such effects on the family mem-
3 bers of such members and former members, and
4 an assessment of the efficacy of current treat-
5 ment approaches for traumatic brain injury in
6 the United States and the efficacy of screenings
7 and treatment approaches for traumatic brain
8 injury within the Department of Defense and
9 the Department of Veterans Affairs;

10 (D) an assessment of the effects of
11 undiagnosed injuries such as post-traumatic
12 stress disorder and traumatic brain injury, an
13 estimate of the long-term costs associated with
14 such injuries, and an assessment of the efficacy
15 of screenings and treatment approaches for
16 post-traumatic stress disorder and other mental
17 health conditions within the Department of De-
18 fense and Department of Veterans Affairs;

19 (E) an assessment of the gender- and eth-
20 nic group-specific needs and concerns of mem-
21 bers of the Armed Forces and veterans;

22 (F) an assessment of the particular needs
23 and concerns of children of members of the
24 Armed Forces, taking into account differing age
25 groups, impacts on development and education,



1 and the mental and emotional well being of chil-
2 dren;

3 (G) an assessment of the particular edu-
4 cational and vocational needs of such members
5 and former members and their families, and an
6 assessment of the efficacy of existing edu-
7 cational and vocational programs to address
8 such needs;

9 (H) an assessment of the impacts on com-
10 munities with high populations of military fami-
11 lies, including military housing communities
12 and townships with deployed members of the
13 National Guard and Reserve, of deployments
14 associated with Operation Iraqi Freedom and
15 Operation Enduring Freedom, and an assess-
16 ment of the efficacy of programs that address
17 community outreach and education concerning
18 military deployments of community residents;

19 (I) an assessment of the impacts of in-
20 creasing numbers of older and married mem-
21 bers of the Armed Forces on readjustment re-
22 quirements;

23 (J) the development, based on such assess-
24 ments, of recommendations for programs, treat-
25 ments, or policy remedies targeted at pre-



1 venting, minimizing, or addressing the impacts,
2 gaps, and needs identified; and

3 (K) the development, based on such assess-
4 ments, of recommendations for additional re-
5 search on such needs.

6 (c) POPULATIONS TO BE STUDIED.—The study re-
7 quired under subsection (a) shall consider the readjust-
8 ment needs of each population of individuals as follows:

9 (1) Members of the regular components of the
10 Armed Forces who are returning, or have returned,
11 to the United States from deployment in Operation
12 Iraqi Freedom or Operation Enduring Freedom.

13 (2) Members of the National Guard and Re-
14 serve who are returning, or have returned, to the
15 United States from deployment in Operation Iraqi
16 Freedom or Operation Enduring Freedom.

17 (3) Veterans of Operation Iraqi Freedom or
18 Operation Enduring Freedom.

19 (4) Family members of the members and vet-
20 erans described in paragraphs (1) through (3).

21 (d) ACCESS TO INFORMATION.—The National Acad-
22 emy of Sciences shall have access to such personnel, infor-
23 mation, records, and systems of the Department of De-
24 fense and the Department of Veterans Affairs as the Na-



1 tional Academy of Sciences requires in order to carry out
2 the study required under subsection (a).

3 (e) PRIVACY OF INFORMATION.—The National Acad-
4 emy of Sciences shall maintain any personally identifiable
5 information accessed by the Academy in carrying out the
6 study required under subsection (a) in accordance with all
7 applicable laws, protections, and best practices regarding
8 the privacy of such information, and may not permit ac-
9 cess to such information by any persons or entities not
10 engaged in work under the study.

11 (f) REPORTS BY NATIONAL ACADEMY OF
12 SCIENCES.—Upon the completion of each phase of the
13 study required under subsection (a), the National Acad-
14 emy of Sciences shall submit to the Secretary of Defense,
15 the Secretary of Veterans Affairs, and the congressional
16 defense committees a report on such phase of the study.

17 (g) DOD AND VA RESPONSE TO NAS REPORTS.—
18 Not later than 90 days after the receipt of a report under
19 subsection (f) on each phase of the study required under
20 subsection (a), the Secretary of Defense and the Secretary
21 of Veterans Affairs shall develop a final joint Department
22 of Defense-Department of Veterans Affairs response to
23 the findings and recommendations of the National Acad-
24 emy of Sciences contained in such report.



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1 **SEC. 1662. ACCESS OF RECOVERING SERVICE MEMBERS TO**
2 **ADEQUATE OUTPATIENT RESIDENTIAL FA-**
3 **CILITIES.**

4 (a) **REQUIRED INSPECTIONS OF FACILITIES.**—All
5 quarters of the United States and housing facilities under
6 the jurisdiction of the Armed Forces that are occupied by
7 recovering service members shall be inspected on a semi-
8 annual basis for the first two years after the enactment
9 of this Act and annually thereafter by the inspectors gen-
10 eral of the regional medical commands.

11 (b) **INSPECTOR GENERAL REPORTS.**—The inspector
12 general for each regional medical command shall—

13 (1) submit a report on each inspection of a fa-
14 cility conducted under subsection (a) to the post
15 commander at such facility, the commanding officer
16 of the hospital affiliated with such facility, the sur-
17 geon general of the military department that oper-
18 ates such hospital, the Secretary of the military de-
19 partment concerned, the Assistant Secretary of De-
20 fense for Health Affairs, and the congressional de-
21 fense committees; and

22 (2) post each such report on the Internet
23 website of such regional medical command.



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1 **SEC. 1663. STUDY AND REPORT ON SUPPORT SERVICES**
2 **FOR FAMILIES OF RECOVERING SERVICE**
3 **MEMBERS.**

4 (a) **STUDY REQUIRED.**—The Secretary of Defense
5 shall conduct a study of the provision of support services
6 for families of recovering service members.

7 (b) **MATTERS COVERED.**—The study under sub-
8 section (a) shall include the following:

9 (1) A determination of the types of support
10 services, including job placement services, that are
11 currently provided by the Department of Defense to
12 eligible family members, and the cost of providing
13 such services.

14 (2) A determination of additional types of sup-
15 port services that would be feasible for the Depart-
16 ment to provide to such family members, and the
17 costs of providing such services, including the fol-
18 lowing types of services:

19 (A) The provision of medical care at mili-
20 tary medical treatment facilities.

21 (B) The provision of additional employ-
22 ment services, and the need for employment
23 protection, of such family members who are
24 placed on leave from employment or otherwise
25 displaced from employment while caring for a



1 recovering service member for more than 45
2 days during a one-year period.

3 (C) The provision of meals without charge
4 at military medical treatment facilities.

5 (3) A survey of military medical treatment fa-
6 cilities to estimate the number of family members to
7 whom the support services would be provided.

8 (4) A determination of any discrimination in
9 employment that such family members experience,
10 including denial of retention in employment, pro-
11 motion, or any benefit of employment by an em-
12 ployer on the basis of the person's absence from em-
13 ployment, and a determination, in consultation with
14 the Secretary of Labor, of the options available for
15 such family members.

16 (c) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Secretary of Defense
18 shall submit to the Committees on Armed Services of the
19 Senate and the House of Representatives a report on the
20 results of the study, with such findings and recommenda-
21 tions as the Secretary considers appropriate.

22 **SEC. 1664. REPORT ON TRAUMATIC BRAIN INJURY CLASSI-**
23 **FICATIONS.**

24 Not later than 90 days after the date of the enact-
25 ment of this Act, the Secretary of Defense and the Sec-



1 retary of Veterans Affairs jointly shall submit to the Com-
2 mittees on Armed Services of the Senate and the House
3 of Representatives a report describing the changes under-
4 taken within the Department of Defense and the Depart-
5 ment of Veterans Affairs to ensure that traumatic brain
6 injury victims receive a medical designation concomitant
7 with their injury rather than a medical designation that
8 assigns a generic classification (such as “organic psy-
9 chiatric disorder”).

10 **SEC. 1665. EVALUATION OF THE POLYTRAUMA LIAISON OF-**
11 **FICER/NON-COMMISSIONED OFFICER PRO-**
12 **GRAM.**

13 (a) EVALUATION REQUIRED.—The Secretary of De-
14 fense shall conduct an evaluation of the Polytrauma Liai-
15 son Officer/Non-Commissioned Officer program, which is
16 the program operated by each of the military departments
17 and the Department of Veterans Affairs for the purpose
18 of—

19 (1) assisting in the seamless transition of mem-
20 bers of the Armed Forces from the Department of
21 Defense health care system to the Department of
22 Veterans Affairs system; and

23 (2) expediting the flow of information and com-
24 munication between military treatment facilities and
25 the Veterans Affairs Polytrauma Centers.



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1 (b) MATTERS COVERED.—The evaluation of the
2 Polytrauma Liaison Officer/Non-Commissioned Officer
3 program shall include an evaluation of the following:

4 (1) The program's effectiveness in the following
5 areas:

6 (A) Handling of military patient transfers.

7 (B) Ability to access military records in a
8 timely manner.

9 (C) Collaboration with Polytrauma Center
10 treatment teams.

11 (D) Collaboration with veteran service or-
12 ganizations.

13 (E) Functioning as the Polytrauma Cen-
14 ter's subject-matter expert on military issues.

15 (F) Supporting and assisting family mem-
16 bers.

17 (G) Providing education, information, and
18 referrals to members of the Armed Forces and
19 their family members.

20 (H) Functioning as uniformed advocates
21 for members of the Armed Forces and their
22 family members.

23 (I) Inclusion in Polytrauma Center meet-
24 ings.



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1 (J) Completion of required administrative
2 reporting.

3 (K) Ability to provide necessary adminis-
4 trative support to all members of the Armed
5 Forces.

6 (2) Manpower requirements to effectively carry
7 out all required functions of the Polytrauma Liaison
8 Officer/Non-Commissioned Officer program given
9 current and expected case loads.

10 (3) Expansion of the program to incorporate
11 Navy and Marine Corps officers and senior enlisted
12 personnel.

13 (c) REPORTING REQUIREMENT.—Not later than 90
14 days after the date of the enactment of this Act, the Sec-
15 retary of Defense shall submit to Congress a report
16 containing—

17 (1) the results of the evaluation; and

18 (2) recommendations for any improvements in
19 the program.

20 **Subtitle F—Other Matters**

21 **SEC. 1671. PROHIBITION ON TRANSFER OF RESOURCES**

22 **FROM MEDICAL CARE.**

23 Neither the Secretary of Defense nor the Secretaries
24 of the military departments may transfer funds or per-
25 sonnel from medical care functions to administrative func-



1 tions within the Department of Defense in order to comply
2 with the new administrative requirements imposed by this
3 title or the amendments made by this title.

4 **SEC. 1672. MEDICAL CARE FOR FAMILIES OF MEMBERS OF**
5 **THE ARMED FORCES RECOVERING FROM SE-**
6 **RIOUS INJURIES OR ILLNESSES.**

7 (a) **MEDICAL CARE AT MILITARY MEDICAL FACILI-**
8 **TIES.—**

9 (1) **MEDICAL CARE.**—A family member of a re-
10 covering service member who is not otherwise eligible
11 for medical care at a military medical treatment fa-
12 cility may be eligible for such care at such facilities,
13 on a space-available basis, if the family member is—

14 (A) on invitational orders while caring for
15 the service member;

16 (B) a non-medical attendee caring for the
17 service member; or

18 (C) receiving per diem payments from the
19 Department of Defense while caring for the
20 service member.

21 (2) **SPECIFICATION OF FAMILY MEMBERS.**—The
22 Secretary of Defense may prescribe in regulations
23 the family members of recovering service members
24 who shall be considered to be a family member of a
25 service member for purposes of this subsection.



1 (3) SPECIFICATION OF CARE.—The Secretary
2 of Defense shall prescribe in regulations the medical
3 care that may be available to family members under
4 this subsection at military medical treatment facili-
5 ties.

6 (4) RECOVERY OF COSTS.—The United States
7 may recover the costs of the provision of medical
8 care under this subsection as follows (as applicable):

9 (A) From third-party payers, in the same
10 manner as the United States may collect costs
11 of the charges of health care provided to cov-
12 ered beneficiaries from third-party payers under
13 section 1095 of title 10, United States Code.

14 (B) As if such care was provided under the
15 authority of section 1784 of title 38, United
16 States Code.

17 (b) MEDICAL CARE AT DEPARTMENT OF VETERANS
18 AFFAIRS MEDICAL FACILITIES.—

19 (1) MEDICAL CARE.—When a recovering service
20 member is receiving hospital care and medical serv-
21 ices at a medical facility of the Department of Vet-
22 erans Affairs, the Secretary of Veterans Affairs may
23 provide medical care for eligible family members
24 under this section when that care is readily available



1 at that Department facility and on a space-available
2 basis.

3 (2) REGULATIONS.—The Secretary of Veterans
4 Affairs shall prescribe in regulations the medical
5 care that may be available to family members under
6 this subsection at medical facilities of the Depart-
7 ment of Veterans Affairs.

8 **SEC. 1673. IMPROVEMENT OF MEDICAL TRACKING SYSTEM**
9 **FOR MEMBERS OF THE ARMED FORCES DE-**
10 **PLOYED OVERSEAS.**

11 (a) PROTOCOL FOR ASSESSMENT OF COGNITIVE
12 FUNCTIONING.—

13 (1) PROTOCOL REQUIRED.—Subsection (b) of
14 section 1074f of title 10, United States Code, is
15 amended—

16 (A) in paragraph (2), by adding at the end
17 the following new subparagraph:

18 “(C) An assessment of post-traumatic stress
19 disorder.”; and

20 (B) by adding at the end the following new
21 paragraph:

22 “(3)(A) The Secretary shall establish for purposes of
23 subparagraphs (B) and (C) of paragraph (2) a protocol
24 for the predeployment assessment and documentation of
25 the cognitive (including memory) functioning of a member



1 who is deployed outside the United States in order to fa-
2 cilitate the assessment of the postdeployment cognitive
3 (including memory) functioning of the member.

4 “(B) The protocol under subparagraph (A) shall in-
5 clude appropriate mechanisms to permit the differential
6 diagnosis of traumatic brain injury in members returning
7 from deployment in a combat zone.”.

8 (2) PILOT PROJECTS.—(A) In developing the
9 protocol required by paragraph (3) of section
10 1074f(b) of title 10, United States Code (as amend-
11 ed by paragraph (1) of this subsection), for purposes
12 of assessments for traumatic brain injury, the Sec-
13 retary of Defense shall conduct up to three pilot
14 projects to evaluate various mechanisms for use in
15 the protocol for such purposes. One of the mecha-
16 nisms to be so evaluated shall be a computer-based
17 assessment tool which shall, at a minimum, include
18 the following:

19 (i) Administration of computer-based
20 neurocognitive assessment.

21 (ii) Pre-deployment assessments to estab-
22 lish a neurocognitive baseline for members of
23 the Armed Forces for future treatment.

24 (B) Not later than 60 days after the completion
25 of the pilot projects conducted under this paragraph,



1 the Secretary shall submit to the appropriate com-
2 mittees of Congress a report on the pilot projects.

3 The report shall include—

4 (i) a description of the pilot projects so
5 conducted;

6 (ii) an assessment of the results of each
7 such pilot project; and

8 (iii) a description of any mechanisms eval-
9 uated under each such pilot project that will be
10 incorporated into the protocol.

11 (C) Not later than 180 days after completion of
12 the pilot projects conducted under this paragraph,
13 the Secretary shall establish a means for imple-
14 menting any mechanism evaluated under such a
15 pilot project that is selected for incorporation in the
16 protocol.

17 (b) QUALITY ASSURANCE.—Subsection (d)(2) of sec-
18 tion 1074f of title 10, United States Code, is amended
19 by adding at the end the following new subparagraph:

20 “(F) The diagnosis and treatment of traumatic
21 brain injury and post-traumatic stress disorder.”.

22 (c) STANDARDS FOR DEPLOYMENT.—Subsection (f)
23 of such section is amended—

24 (1) in the subsection heading, by striking
25 “MENTAL HEALTH”; and



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1 (2) in paragraph (2)(B), by striking “or” and
2 inserting “, traumatic brain injury, or”.

3 **SEC. 1674. GUARANTEED FUNDING FOR WALTER REED**
4 **ARMY MEDICAL CENTER, DISTRICT OF CO-**
5 **LUMBIA.**

6 (a) **MINIMUM FUNDING.**—The amount of funds avail-
7 able for the commander of Walter Reed Army Medical
8 Center, District of Columbia, for a fiscal year shall be not
9 less than the amount expended by the commander of Wal-
10 ter Reed Army Medical Center in fiscal year 2006 until
11 the first fiscal year beginning after the date on which the
12 Secretary of Defense submits to the congressional defense
13 committees a plan for the provision of health care for mili-
14 tary beneficiaries and their dependents in the National
15 Capital Region.

16 (b) **MATTERS COVERED.**—The plan under subsection
17 (a) shall at a minimum include—

18 (1) the manner in which patients, staff, bed ca-
19 pacity, and functions will move from the Walter
20 Reed Army Medical Center to expanded facilities;

21 (2) a timeline, including milestones, for such
22 moves;

23 (3) projected budgets, including planned budget
24 transfers, for military treatment facilities within the
25 region;



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1 (4) the management or disposition of real prop-
2 erty of military treatment facilities within the re-
3 gion; and

4 (5) staffing projections for the region.

5 (c) CERTIFICATION.—After submission of the plan
6 under subsection (a) to the congressional defense commit-
7 tees, the Secretary shall certify to such committees on a
8 quarterly basis that patients, staff, bed capacity, func-
9 tions, or parts of functions at Walter Reed Army Medical
10 Center have not been moved or disestablished until the
11 expanded facilities at the National Naval Medical Center,
12 Bethesda, Maryland, and DeWitt Army Community Hos-
13 pital, Fort Belvoir, Virginia, are completed, equipped, and
14 staffed with sufficient capacity to accept and provide, at
15 a minimum, the same level of and access to care as pa-
16 tients received at Walter Reed Army Medical Center dur-
17 ing fiscal year 2006.

18 (d) DEFINITIONS.—In this section:

19 (1) The term “expanded facilities” means the
20 other two military hospitals/medical centers within
21 the National Capital Region, namely—

22 (A) the National Naval Medical Center,
23 Bethesda, Maryland (or its successor resulting
24 from implementation of the recommendations of



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1 the 2005 Defense Base Closure and Realign-
2 ment Commission); and

3 (B) the DeWitt Army Community Hos-
4 pital, Fort Belvoir, Virginia.

5 (2) The term “National Capital Region” has
6 the meaning given that term in section 2674(f) of
7 title 10, United States Code.

8 **SEC. 1675. USE OF LEAVE TRANSFER PROGRAM BY WOUND-**
9 **ED VETERANS WHO ARE FEDERAL EMPLOY-**
10 **EES.**

11 (a) IN GENERAL.—Section 6333(b) of title 5, United
12 States Code, is amended—

13 (1) by striking “(b)” and inserting “(b)(1)”;
14 and

15 (2) by adding at the end the following new
16 paragraph:

17 “(2)(A) The requirement under paragraph (1) relat-
18 ing to exhaustion of annual and sick leave shall not apply
19 in the case of a leave recipient who—

20 “(i) sustains a combat-related disability while a
21 member of the armed forces, including a reserve
22 component of the armed forces; and

23 “(ii) is undergoing medical treatment for that
24 disability.



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1 “(B) Subparagraph (A) shall apply to a member de-
2 scribed in such subparagraph only so long as the member
3 continues to undergo medical treatment for the disability,
4 but in no event for longer than 5 years from the start
5 of such treatment.

6 “(C) For purposes of this paragraph—

7 “(i) the term ‘combat-related disability’ has the
8 meaning given such term by section 1413a(e) of title
9 10; and

10 “(ii) the term ‘medical treatment’ has such
11 meaning as the Office of Personnel Management
12 shall by regulation prescribe.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall take effect on the date of the enact-
15 ment of this Act, except that, in the case of a leave recipi-
16 ent who is undergoing medical treatment on such date of
17 enactment, section 6333(b)(2)(B) of title 5, United States
18 Code (as amended by this section) shall be applied as if
19 it had been amended by inserting “or the date of the en-
20 actment of this subsection, whichever is later” after “the
21 start of such treatment”.



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1 **SEC. 1676. MORATORIUM ON CONVERSION TO CON-**
2 **TRACTOR PERFORMANCE OF DEPARTMENT**
3 **OF DEFENSE FUNCTIONS AT MILITARY MED-**
4 **ICAL FACILITIES.**

5 (a) MORATORIUM.—No study or competition may be
6 begun or announced pursuant to section 2461 of title 10,
7 United States Code, or otherwise pursuant to Office of
8 Management and Budget circular A-76, relating to the
9 possible conversion to performance by a contractor of any
10 Department of Defense function carried out at a military
11 medical facility until the Secretary of Defense—

12 (1) submits the certification required by sub-
13 section (b) to the Committee on Armed Services of
14 the Senate and the Committee on Armed Services of
15 the House of Representatives together with a de-
16 scription of the steps taken by the Secretary in ac-
17 cordance with the certification; and

18 (2) submits the report required by subsection
19 (c).

20 (b) CERTIFICATION.—The certification referred to in
21 paragraph (a)(1) is a certification that the Secretary has
22 taken appropriate steps to ensure that neither the quality
23 of military medical care nor the availability of qualified
24 personnel to carry out Department of Defense functions
25 related to military medical care will be adversely affected
26 by either—



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1 (1) the process of considering a Department of
2 Defense function carried out at a military medical
3 facility for possible conversion to performance by a
4 contractor; or

5 (2) the conversion of such a function to per-
6 formance by a contractor.

7 (c) REPORT REQUIRED.—Not later than 180 days
8 after the date of the enactment of this Act, the Secretary
9 of Defense shall submit to the Committee on Armed Serv-
10 ices of the Senate and the Committee on Armed Services
11 of the House of Representatives a report on the public-
12 private competitions being conducted for Department of
13 Defense functions carried out at military medical facilities
14 as of the date of the enactment of this Act by each military
15 department and defense agency. Such report shall
16 include—

17 (1) for each such competition—

18 (A) the cost of conducting the public-pri-
19 vate competition;

20 (B) the number of military personnel and
21 civilian employees of the Department of De-
22 fense affected;

23 (C) the estimated savings identified and
24 the savings actually achieved;



1 (D) an evaluation whether the anticipated
 2 and budgeted savings can be achieved through
 3 a public-private competition; and

4 (E) the effect of converting the perform-
 5 ance of the function to performance by a con-
 6 tractor on the quality of the performance of the
 7 function; and

8 (2) an assessment of whether any method of
 9 business reform or reengineering other than a pub-
 10 lic-private competition could, if implemented in the
 11 future, achieve any anticipated or budgeted savings.

12 **TITLE XVII—VETERANS**
 13 **MATTERS**

- Sec. 1701. Sense of Congress on Department of Veterans Affairs efforts in the rehabilitation and reintegration of veterans with traumatic brain injury.
- Sec. 1702. Individual rehabilitation and community reintegration plans for veterans and others with traumatic brain injury.
- Sec. 1703. Use of non-Department of Veterans Affairs facilities for implementation of rehabilitation and community reintegration plans for traumatic brain injury.
- Sec. 1704. Research, education, and clinical care program on traumatic brain injury.
- Sec. 1705. Pilot program on assisted living services for veterans with traumatic brain injury.
- Sec. 1706. Provision of age-appropriate nursing home care.
- Sec. 1707. Extension of period of eligibility for health care for veterans of combat service during certain periods of hostilities and war.
- Sec. 1708. Service-connection and assessments for mental health conditions in veterans.
- Sec. 1709. Modification of requirements for furnishing outpatient dental services to veterans with service-connected dental conditions or disabilities.
- Sec. 1710. Clarification of purpose of outreach services program of Department of Veterans Affairs.
- Sec. 1711. Designation of fiduciary or trustee for purposes of Traumatic Servicemembers' Group Life Insurance.



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1 **SEC. 1701. SENSE OF CONGRESS ON DEPARTMENT OF VET-**
2 **ERANS AFFAIRS EFFORTS IN THE REHABILI-**
3 **TATION AND REINTEGRATION OF VETERANS**
4 **WITH TRAUMATIC BRAIN INJURY.**

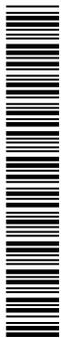
5 It is the sense of Congress that—

6 (1) the Department of Veterans Affairs is a
7 leader in the field of traumatic brain injury care and
8 coordination of such care;

9 (2) the Department of Veterans Affairs should
10 have the capacity and expertise to provide veterans
11 who have a traumatic brain injury with patient-cen-
12 tered health care, rehabilitation, and community in-
13 tegration services that are comparable to or exceed
14 similar care and services available to persons with
15 such injuries in the academic and private sector;

16 (3) rehabilitation for veterans who have a trau-
17 matic brain injury should be individualized, com-
18 prehensive, and interdisciplinary with the goals of
19 optimizing the independence of such veterans and
20 reintegrating them into their communities;

21 (4) family support is integral to the rehabilita-
22 tion and community reintegration of veterans who
23 have sustained a traumatic brain injury, and the De-
24 partment should provide the families of such vet-
25 erans with education and support;



1 (5) the Department of Defense and the Depart-
2 ment of Veterans Affairs have made efforts to pro-
3 vide a smooth transition of medical care and reha-
4 bilitative services to individuals as they transition
5 from the health care system of the Department of
6 Defense to that of the Department of Veterans Af-
7 fairs, but more can be done to assist veterans and
8 their families in the continuum of the rehabilitation,
9 recovery, and reintegration of wounded or injured
10 veterans into their communities;

11 (6) in planning for rehabilitation and commu-
12 nity reintegration of veterans who have a traumatic
13 brain injury, it is necessary for the Department of
14 Veterans Affairs to provide a system for life-long
15 case management for such veterans; and

16 (7) in such system for life-long case manage-
17 ment, it is necessary to conduct outreach and to tai-
18 lor specialized traumatic brain injury case manage-
19 ment and outreach to the unique needs of veterans
20 with traumatic brain injury who reside in urban and
21 non-urban settings.



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1 **SEC. 1702. INDIVIDUAL REHABILITATION AND COMMUNITY**
2 **REINTEGRATION PLANS FOR VETERANS AND**
3 **OTHERS WITH TRAUMATIC BRAIN INJURY.**

4 (a) IN GENERAL.—Subchapter II of chapter 17 of
5 title 38, United States Code, is amended by inserting after
6 section 1710B the following new sections:

7 **“§ 1710C. Traumatic brain injury: plans for rehabili-**
8 **tation and reintegration into the commu-**
9 **nity**

10 “(a) PLAN REQUIRED.—The Secretary shall, for each
11 individual who is a veteran or member of the Armed
12 Forces who receives inpatient or outpatient rehabilitative
13 hospital care or medical services provided by the Depart-
14 ment for a traumatic brain injury—

15 “(1) develop an individualized plan for the re-
16 habilitation and reintegration of the individual into
17 the community; and

18 “(2) provide such plan in writing to the
19 individual—

20 “(A) in the case of an individual receiving
21 inpatient care, before the individual is dis-
22 charged from inpatient care or after the individ-
23 ual’s transition from serving on active duty as
24 a member of the Armed Forces to receiving out-
25 patient care provided by the Department; or



1 “(B) as soon as practicable following a di-
2 agnosis of traumatic brain injury by a Depart-
3 ment health care provider.

4 “(b) CONTENTS OF PLAN.—Each plan developed
5 under subsection (a) shall include, for the individual cov-
6 ered by such plan, the following:

7 “(1) Rehabilitation objectives for improving the
8 physical, cognitive, and vocational functioning of the
9 individual with the goal of maximizing the independ-
10 ence and reintegration of such individual into the
11 community.

12 “(2) Access, as warranted, to all appropriate re-
13 habilitative components of the traumatic brain in-
14 jury continuum of care, and where appropriate, to
15 long-term care services.

16 “(3) A description of specific rehabilitative
17 treatments and other services to achieve the objec-
18 tives described in paragraph (1), which shall set
19 forth the type, frequency, duration, and location of
20 such treatments and services.

21 “(4) The name of the case manager designated
22 in accordance with subsection (d) to be responsible
23 for the implementation of such plan.



1 “(5) Dates on which the effectiveness of such
2 plan will be reviewed in accordance with subsection
3 (f).

4 “(c) COMPREHENSIVE ASSESSMENT.—(1) Each plan
5 developed under subsection (a) shall be based on a com-
6 prehensive assessment, developed in accordance with para-
7 graph (2), of—

8 “(A) the physical, cognitive, vocational, and
9 neuropsychological and social impairments of the in-
10 dividual; and

11 “(B) the family education and family support
12 needs of the individual after the individual is dis-
13 charged from inpatient care or at the commence-
14 ment of and during the receipt of outpatient care
15 and services.

16 “(2) The comprehensive assessment required under
17 paragraph (1) with respect to an individual is a com-
18 prehensive assessment of the matters set forth in that
19 paragraph by a team, composed by the Secretary for pur-
20 poses of the assessment, of individuals with expertise in
21 traumatic brain injury, including any of the following:

22 “(A) A neurologist.

23 “(B) A rehabilitation physician.

24 “(C) A social worker.

25 “(D) A neuropsychologist.



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1 “(E) A physical therapist.

2 “(F) A vocational rehabilitation specialist.

3 “(G) An occupational therapist.

4 “(H) A speech language pathologist.

5 “(I) A rehabilitation nurse.

6 “(J) An educational therapist.

7 “(K) An audiologist.

8 “(L) A blind rehabilitation specialist.

9 “(M) A recreational therapist.

10 “(N) A low vision optometrist.

11 “(O) An orthotist or prosthetist.

12 “(P) An assistive technologist or rehabilitation
13 engineer.

14 “(Q) An otolaryngology physician.

15 “(R) A dietician.

16 “(S) An ophthalmologist.

17 “(T) A psychiatrist.

18 “(d) CASE MANAGER.—(1) The Secretary shall des-
19 ignate a case manager for each individual described in
20 subsection (a) to be responsible for the implementation of
21 the plan developed for that individual under that sub-
22 section and the coordination of the individual’s medical
23 care.

24 “(2) The Secretary shall ensure that each case man-
25 ager has specific expertise in the care required by the indi-



1 vidual for whom the case manager is designated, regard-
2 less of whether the case manager obtains such expertise
3 through experience, education, or training.

4 “(e) PARTICIPATION AND COLLABORATION IN DE-
5 VELOPMENT OF PLANS.—(1) The Secretary shall involve
6 each individual described in subsection (a), and the family
7 or legal guardian of such individual, in the development
8 of the plan for such individual under that subsection to
9 the maximum extent practicable.

10 “(2) The Secretary shall collaborate in the develop-
11 ment of a plan for an individual under subsection (a) with
12 a State protection and advocacy system if—

13 “(A) the individual covered by the plan requests
14 such collaboration; or

15 “(B) in the case of such an individual who is
16 incapacitated, the family or guardian of the indi-
17 vidual requests such collaboration.

18 “(3) In the case of a plan required by subsection (a)
19 for a member of the Armed Forces who is serving on ac-
20 tive duty, the Secretary shall collaborate with the Sec-
21 retary of Defense in the development of such plan.

22 “(4) In developing vocational rehabilitation objectives
23 required under subsection (b)(1) and in conducting the as-
24 sessment required under subsection (c), the Secretary
25 shall act through the Under Secretary for Health in co-



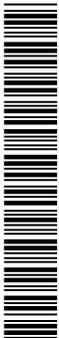
1 ordination with the Vocational Rehabilitation and Employ-
2 ment Service of the Department of Veterans Affairs.

3 “(f) EVALUATION.—

4 “(1) PERIODIC REVIEW BY SECRETARY.—The
5 Secretary shall periodically review the effectiveness
6 of each plan developed under subsection (a). The
7 Secretary shall refine each such plan as the Sec-
8 retary considers appropriate in light of such review.

9 “(2) REQUEST FOR REVIEW BY VETERANS.—In
10 addition to the periodic review required by para-
11 graph (1), the Secretary shall conduct a review of
12 the plan for an individual under paragraph (1) at
13 the request of the individual, or in the case of an in-
14 dividual who is incapacitated, at the request of the
15 guardian or designee of the individual.

16 “(g) STATE DESIGNATED PROTECTION AND ADVO-
17 CACY SYSTEM DEFINED.—In this section, the term ‘State
18 protection and advocacy system’ means a system estab-
19 lished in a State under subtitle C of the Developmental
20 Disabilities Assistance and Bill of Rights Act of 2000 (42
21 U.S.C. 15041 et seq.) to protect and advocate for the
22 rights of persons with development disabilities.



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1 **“§ 1710D. Traumatic brain injury: comprehensive**
2 **program for long-term rehabilitation**

3 “(a) COMPREHENSIVE PROGRAM.—In developing
4 plans for the rehabilitation and reintegration of individ-
5 uals with traumatic brain injury under section 1710C of
6 this title, the Secretary shall develop and carry out a com-
7 prehensive program of long-term care for post-acute trau-
8 matic brain injury rehabilitation that includes residential,
9 community, and home-based components utilizing inter-
10 disciplinary treatment teams.

11 “(b) LOCATION OF PROGRAM.—The Secretary shall
12 carry out the program developed under subsection (a) in
13 each Department polytrauma rehabilitation center des-
14 ignated by the Secretary.

15 “(c) ELIGIBILITY.—A veteran is eligible for care
16 under the program developed under subsection (a) if the
17 veteran is otherwise eligible to receive hospital care and
18 medical services under section 1710 of this title and—

19 “(1) served on active duty in a theater of com-
20 bat operations (as determined by the Secretary in
21 consultation with the Secretary of Defense) during a
22 period of war after the Persian Gulf War, or in com-
23 bat against a hostile force during a period of hos-
24 tilities (as defined in section 1712A(a)(2)(B) of this
25 title) after November 11, 1998;



1 “(2) is diagnosed as suffering from moderate to
2 severe traumatic brain injury; and

3 “(3) is unable to manage routine activities of
4 daily living without supervision or assistance, as de-
5 termined by the Secretary.

6 “(d) REPORT.—Not later than one year after the
7 date of the enactment of this section, and annually there-
8 after, the Secretary shall submit to the Committees on
9 Veterans’ Affairs of the Senate and the House of Rep-
10 resentatives a report containing the following information:

11 “(1) A description of the operation of the pro-
12 gram.

13 “(2) The number of veterans provided care
14 under the program during the year preceding such
15 report.

16 “(3) The cost of operating the program during
17 the year preceding such report.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by inserting
20 after the item relating to section 1710B the following new
21 items:

 “1710C. Traumatic brain injury: plans for rehabilitation and reintegration into
 the community.

 “1710D. Traumatic brain injury: comprehensive plan for long-term rehabilita-
 tion.”.



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1 **SEC. 1703. USE OF NON-DEPARTMENT OF VETERANS AF-**
2 **FAIRS FACILITIES FOR IMPLEMENTATION OF**
3 **REHABILITATION AND COMMUNITY RE-**
4 **INTEGRATION PLANS FOR TRAUMATIC BRAIN**
5 **INJURY.**

6 (a) IN GENERAL.—Subchapter II of chapter 17 of
7 title 38, United States Code, is amended by inserting after
8 section 1710D, as added by section 1702, the following
9 new section:

10 **“§ 1710E. Traumatic brain injury: use of non-Depart-**
11 **ment facilities for rehabilitation**

12 “(a) COOPERATIVE AGREEMENTS.—The Secretary,
13 in implementing and carrying out a plan developed under
14 section 1710C of this title, may provide hospital care and
15 medical services through cooperative agreements with ap-
16 propriate public or private entities that have established
17 long-term neurobehavioral rehabilitation and recovery pro-
18 grams.

19 “(b) AUTHORITIES OF STATE PROTECTION AND AD-
20 VOCACY SYSTEMS.—Nothing in subtitle C of the Develop-
21 mental Disabilities Assistance and Bill of Rights Act of
22 2000 shall be construed as preventing a State protection
23 and advocacy system (as defined in section 1710C(g) of
24 this title) from exercising the authorities described in such
25 subtitle with respect to individuals provided rehabilitative



1 treatment or services under section 1710C of this title in
2 a non-Department facility.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by inserting
5 after the item relating to section 1710D, as added by sec-
6 tion 1702, the following new item:

“1710E. Traumatic brain injury: use of non-Departmental facilities for rehabili-
tation.”.

7 **SEC. 1704. RESEARCH, EDUCATION, AND CLINICAL CARE**
8 **PROGRAM ON TRAUMATIC BRAIN INJURY.**

9 (a) IN GENERAL.—To improve the provision of
10 health care by the Department of Veterans Affairs to vet-
11 erans with traumatic brain injuries, the Secretary of Vet-
12 erans Affairs shall—

13 (1) conduct research, including—

14 (A) research on the sequelae of mild to se-
15 vere forms of traumatic brain injury;

16 (B) research on visually-related neuro-
17 logical conditions;

18 (C) research on seizure disorders;

19 (D) research on means of improving the
20 diagnosis, rehabilitative treatment, and preven-
21 tion of such sequelae;

22 (E) research to determine the most effec-
23 tive cognitive and physical therapies for such
24 sequelae;



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1 (F) research on dual diagnosis of post-
2 traumatic stress disorder and traumatic brain
3 injury;

4 (G) research on improving facilities of the
5 Department concentrating on traumatic brain
6 injury care; and

7 (H) research on improving the delivery of
8 traumatic brain injury care by the Department;

9 (2) educate and train health care personnel of
10 the Department in recognizing and treating trau-
11 matic brain injury; and

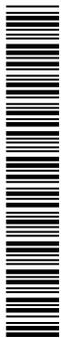
12 (3) develop improved models and systems for
13 the furnishing of traumatic brain injury care by the
14 Department.

15 (b) COLLABORATION.—In carrying out research
16 under subsection (a), the Secretary of Veterans Affairs
17 shall collaborate with—

18 (1) facilities that conduct research on rehabili-
19 tation for individuals with traumatic brain injury;

20 (2) facilities that receive grants for such re-
21 search from the National Institute on Disability and
22 Rehabilitation Research of the Department of Edu-
23 cation; and

24 (3) the Defense and Veterans Brain Injury
25 Center of the Department of Defense and other rel-



1 evant programs of the Federal Government (includ-
2 ing Centers of Excellence).

3 (c) DISSEMINATION OF USEFUL INFORMATION.—

4 The Under Secretary of Veterans Affairs for Health shall
5 ensure that information produced by the research, edu-
6 cation and training, and clinical activities conducted under
7 this section that may be useful for other activities of the
8 Veterans Health Administration is disseminated through-
9 out the Veterans Health Administration.

10 (d) TRAUMATIC BRAIN INJURY REGISTRY.—

11 (1) IN GENERAL.—The Secretary of Veterans
12 Affairs shall establish and maintain a registry to be
13 known as the “Traumatic Brain Injury Veterans
14 Health Registry” (in this section referred to as the
15 “Registry”).

16 (2) DESCRIPTION.—The Registry shall include
17 the following information:

18 (A) A list containing the name of each in-
19 dividual who served as a member of the Armed
20 Forces in Operation Enduring Freedom or Op-
21 eration Iraqi Freedom who exhibits symptoms
22 associated with traumatic brain injury, as de-
23 termined by the Secretary of Veterans Affairs,
24 and who—



1 (i) applies for care and services fur-
2 nished by the Department of Veterans Af-
3 fairs under chapter 17 of title 38, United
4 States Code; or

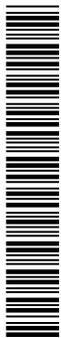
5 (ii) files a claim for compensation
6 under chapter 11 of such title on the basis
7 of any disability which may be associated
8 with such service.

9 (B) Any relevant medical data relating to
10 the health status of an individual described in
11 subparagraph (A) and any other information
12 the Secretary considers relevant and appro-
13 priate with respect to such an individual if the
14 individual—

15 (i) grants permission to the Secretary
16 to include such information in the Reg-
17 istry; or

18 (ii) is deceased at the time such indi-
19 vidual is listed in the Registry.

20 (3) NOTIFICATION.—When possible, the Sec-
21 retary shall notify each individual listed in the Reg-
22 istry of significant developments in research on the
23 health consequences of military service in the Oper-
24 ation Enduring Freedom and Operation Iraqi Free-
25 dom theaters of operations.



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1 **SEC. 1705. PILOT PROGRAM ON ASSISTED LIVING SERVICES**
2 **FOR VETERANS WITH TRAUMATIC BRAIN IN-**
3 **JURY.**

4 (a) PILOT PROGRAM.—Beginning not later than 90
5 days after the date of the enactment of this Act, the Sec-
6 retary of Veterans Affairs, in collaboration with the De-
7 fense and Veterans Brain Injury Center of the Depart-
8 ment of Defense, shall carry out a five-year pilot program
9 to assess the effectiveness of providing assisted living serv-
10 ices to eligible veterans to enhance the rehabilitation, qual-
11 ity of life, and community integration of such veterans.

12 (b) PROGRAM LOCATIONS.—

13 (1) IN GENERAL.—The pilot program shall be
14 carried out at locations selected by the Secretary for
15 purposes of the pilot program. Of the locations so
16 selected—

17 (A) at least one location shall be in each
18 health care region of the Veterans Health Ad-
19 ministration of the Department of Veterans Af-
20 fairs that contains a polytrauma center of the
21 Department of Veterans Affairs; and

22 (B) any location other than a location de-
23 scribed in subparagraph (A) shall be in an area
24 that contains a high concentration of veterans
25 with traumatic brain injuries, as determined by
26 the Secretary.



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1 (2) SPECIAL CONSIDERATION FOR VETERANS IN
2 RURAL AREAS.—The Secretary shall give special
3 consideration to providing veterans in rural areas
4 with an opportunity to participate in the pilot pro-
5 gram.

6 (c) PROVISION OF ASSISTED LIVING SERVICES.—

7 (1) AGREEMENTS.—In carrying out the pilot
8 program, the Secretary may enter into agreements
9 for the provision of assisted living services on behalf
10 of eligible veterans with a provider participating
11 under a State plan or waiver under title XIX of the
12 Social Security Act (42 U.S.C. 1396 et seq.).

13 (2) STANDARDS.—The Secretary may not place,
14 transfer, or admit a veteran to any facility for as-
15 sisted living services under the pilot program unless
16 the Secretary determines that the facility meets such
17 standards as the Secretary may prescribe for pur-
18 poses of the pilot program. Such standards shall, to
19 the extent practicable, be consistent with the stand-
20 ards of Federal, State, and local agencies charged
21 with the responsibility of licensing or otherwise regu-
22 lating or inspecting such facilities.

23 (d) CONTINUATION OF CASE MANAGEMENT AND RE-
24 HABILITATION SERVICES.—In carrying out the pilot pro-
25 gram, the Secretary shall—



1 (1) continue to provide each veteran who is re-
2 ceiving assisted living services under the pilot pro-
3 gram with rehabilitative services; and

4 (2) designate employees of the Veterans Health
5 Administration of the Department of Veterans Af-
6 fairs to furnish case management services for vet-
7 erans participating in the pilot program.

8 (e) REPORT.—

9 (1) IN GENERAL.—Not later than 60 days after
10 the completion of the pilot program, the Secretary
11 shall submit to the Committees on Veterans' Affairs
12 of the Senate and House of Representatives a report
13 on the pilot program.

14 (2) CONTENTS.—The report required by para-
15 graph (1) shall include the following:

16 (A) A description of the pilot program.

17 (B) An assessment of the utility of the ac-
18 tivities under the pilot program in enhancing
19 the rehabilitation, quality of life, and commu-
20 nity reintegration of veterans with traumatic
21 brain injury.

22 (C) Such recommendations as the Sec-
23 retary considers appropriate regarding the ex-
24 tension or expansion of the pilot program.

25 (f) DEFINITIONS.—In this section:



1 (1) The term “assisted living services” means
2 services of a facility in providing room, board, and
3 personal care for and supervision of residents for
4 their health, safety, and welfare.

5 (2) The term “case management services” in-
6 cludes the coordination and facilitation of all services
7 furnished to a veteran by the Department of Vet-
8 erans Affairs, either directly or through a contract,
9 including assessment of needs, planning, referral (in-
10 cluding referral for services to be furnished by the
11 Department, either directly or through a contract, or
12 by an entity other than the Department), moni-
13 toring, reassessment, and followup.

14 (3) The term “eligible veteran” means a vet-
15 eran who—

16 (A) is enrolled in the patient enrollment
17 system of the Department of Veterans Affairs
18 under section 1705 of title 38, United States
19 Code;

20 (B) has received hospital care or medical
21 services provided by the Department of Vet-
22 erans Affairs for a traumatic brain injury;

23 (C) is unable to manage routine activities
24 of daily living without supervision and assist-
25 ance, as determined by the Secretary; and



1 (D) could reasonably be expected to receive
2 ongoing services after the end of the pilot pro-
3 gram under this section under another program
4 of the Federal Government or through other
5 means, as determined by the Secretary.

6 **SEC. 1706. PROVISION OF AGE-APPROPRIATE NURSING**
7 **HOME CARE.**

8 (a) FINDING.—Congress finds that young veterans
9 who are injured or disabled through military service and
10 require long-term care should have access to age-appro-
11 priate nursing home care.

12 (b) REQUIREMENT TO PROVIDE AGE-APPROPRIATE
13 NURSING HOME CARE.—Section 1710A of title 38,
14 United States Code, is amended—

15 (1) by redesignating subsection (c) as sub-
16 section (d); and

17 (2) by inserting after subsection (b) the fol-
18 lowing new subsection (c):

19 “(c) The Secretary shall ensure that nursing home
20 care provided under subsection (a) is provided in an age-
21 appropriate manner.”.



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1 **SEC. 1707. EXTENSION OF PERIOD OF ELIGIBILITY FOR**
2 **HEALTH CARE FOR VETERANS OF COMBAT**
3 **SERVICE DURING CERTAIN PERIODS OF HOS-**
4 **TILITIES AND WAR.**

5 Subparagraph (C) of section 1710(e)(3) of title 38,
6 United States Code, is amended to read as follows:

7 “(C) in the case of care for a veteran described
8 in paragraph (1)(D) who—

9 “(i) is discharged or released from the ac-
10 tive military, naval, or air service after the date
11 that is five years before the date of the enact-
12 ment of the National Defense Authorization Act
13 for Fiscal Year 2008, after a period of five
14 years beginning on the date of such discharge
15 or release; or

16 “(ii) is so discharged or released more than
17 five years before the date of the enactment of
18 that Act and who did not enroll in the patient
19 enrollment system under section 1705 of this
20 title before such date, after a period of three
21 years beginning on the date of the enactment of
22 that Act; and”.

23 **SEC. 1708. SERVICE-CONNECTION AND ASSESSMENTS FOR**
24 **MENTAL HEALTH CONDITIONS IN VETERANS.**

25 (a) PRESUMPTION OF SERVICE-CONNECTION FOR
26 MENTAL ILLNESS IN PERSIAN GULF WAR VETERANS.—



1 (1) IN GENERAL.—Section 1702 of title 38,
2 United States Code, is amended—

3 (A) by inserting “(a) PSYCHOSIS.—” be-
4 fore “For the purposes”; and

5 (B) by adding at the end the following new
6 subsection:

7 “(b) MENTAL ILLNESS.—For purposes of this chap-
8 ter, any veteran of the Persian Gulf War who develops
9 an active mental illness (other than psychosis) shall be
10 deemed to have incurred such disability in the active mili-
11 tary, naval, or air service if such veteran develops such
12 disability—

13 “(1) within two years after discharge or release
14 from the active military, naval, or air service; and

15 “(2) before the end of the two-year period be-
16 ginning on the last day of the Persian Gulf War.”.

17 (2) HEADING AMENDMENT.—The heading of
18 such section is amended to read as follows:

19 **“§ 1702. Presumptions: psychosis after service in**
20 **World War II and following periods of**
21 **war; mental illness after service in the**
22 **Persian Gulf War”.**

23 (3) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 17 of such title is



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1 amended by striking the item relating to section
2 1702 and inserting the following new item:

“1702. Presumptions: psychosis after service in World War II and following periods of war; mental illness following service in the Persian Gulf War.”.

3 (b) PROVISION OF MENTAL HEALTH ASSESSMENTS
4 FOR CERTAIN VETERANS.—Section 1712A(a) of such title
5 is amended—

6 (1) in paragraph (1)(B), by adding at the end
7 the following new clause:

8 “(iii) Any veteran who served on active duty—

9 “(I) in a theater of combat operations (as
10 determined by the Secretary in consultation
11 with the Secretary of Defense) during a period
12 of war after the Persian Gulf War; or

13 “(II) in combat against a hostile force dur-
14 ing a period of hostilities (as defined in para-
15 graph (2)(B)) after November 11, 1998.”; and

16 (2) by adding at the end the following new
17 paragraph:

18 “(3) Upon request of a veteran described in para-
19 graph (1)(B)(iii), the Secretary shall provide the veteran
20 a preliminary general mental health assessment as soon
21 as practicable after receiving the request, but not later
22 than 30 days after receiving the request.”.



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1 **SEC. 1709. MODIFICATION OF REQUIREMENTS FOR FUR-**
2 **NISHING OUTPATIENT DENTAL SERVICES TO**
3 **VETERANS WITH SERVICE-CONNECTED DEN-**
4 **TAL CONDITIONS OR DISABILITIES.**

5 Section 1712(a)(1)(B)(iii) of title 38, United States
6 Code, is amended—

7 (1) by striking “90 days after such discharge”
8 and inserting “180 days after such discharge”;

9 (2) by striking “90 days from the date of such
10 veteran’s subsequent discharge” and inserting “180
11 days from the date of such veteran’s subsequent dis-
12 charge”; and

13 (3) by striking “90 days after the date of cor-
14 rection” and inserting “180 days after the date of
15 correction”.

16 **SEC. 1710. CLARIFICATION OF PURPOSE OF OUTREACH**
17 **SERVICES PROGRAM OF DEPARTMENT OF**
18 **VETERANS AFFAIRS.**

19 (a) CLARIFICATION OF INCLUSION OF MEMBERS OF
20 THE NATIONAL GUARD AND RESERVE IN PROGRAM.—
21 Subsection (a)(1) of section 6301 of title 38, United
22 States Code, is amended by inserting “, or from a reserve
23 component,” after “active military, naval, or air service”.

24 (b) DEFINITION OF OUTREACH.—Subsection (b) of
25 such section is amended—



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1 (1) by redesignating paragraphs (1) and (2) as
2 paragraphs (2) and (3), respectively; and

3 (2) by inserting before paragraph (2) the fol-
4 lowing new paragraph (1):

5 “(1) the term ‘outreach’ means the act or proc-
6 ess of reaching out in a systematic manner to
7 proactively provide information, services, and bene-
8 fits counseling to veterans, and to the spouses, chil-
9 dren, and parents of veterans who may be eligible to
10 receive benefits under the laws administered by the
11 Secretary, to ensure that such individuals are fully
12 informed about, and receive assistance in applying
13 for, such benefits;”.

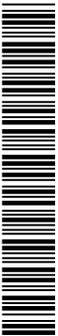
14 **SEC. 1711. DESIGNATION OF FIDUCIARY OR TRUSTEE FOR**
15 **PURPOSES OF TRAUMATIC**
16 **SERVICEMEMBERS’ GROUP LIFE INSURANCE.**

17 Section 1980A of title 38, United States Code, is
18 amended by adding at the end the following new sub-
19 section:

20 “(k) DESIGNATION OF FIDUCIARY OR TRUSTEE.—

21 (1) The Secretary concerned, in consultation with the Sec-
22 retary, shall develop a process for the designation of a fi-
23 duciary or trustee of a member of the uniformed services
24 who is insured against traumatic injury under this section.

25 The fiduciary or trustee so designated would receive a pay-



1 ment for a qualifying loss under this section if the member
 2 is medically incapacitated (as determined pursuant to reg-
 3 ulations prescribed by the Secretary concerned in con-
 4 sultation with the Secretary) or experiencing an extended
 5 loss of consciousness.

6 “(2) The process under paragraph (1) may require
 7 each member of the uniformed services who is insured
 8 under this section to—

9 “(A) designate an individual as the member’s
 10 fiduciary or trustee for purposes of subsection (a);
 11 or

12 “(B) elect that a court of proper jurisdiction
 13 designate an individual as the member’s fiduciary or
 14 trustee for purposes of subsection (a) in the event
 15 that the member becomes medically incapacitated or
 16 experiences an extended loss of consciousness.”.

17 **TITLE XVIII—NATIONAL GUARD**
 18 **BUREAU MATTERS AND RE-**
 19 **LATED MATTERS**

Sec. 1801. Short title.

Subtitle A—National Guard Bureau

Sec. 1811. Appointment, grade, duties, and retirement of the Chief of the Na-
 tional Guard Bureau.

Sec. 1812. Establishment of National Guard Bureau as joint activity of the De-
 partment of Defense.

Sec. 1813. Enhancement of functions of the National Guard Bureau.

Sec. 1814. Requirement for Secretary of Defense to prepare plan for response
 to natural disasters and terrorist events.

Sec. 1815. Determination of Department of Defense civil support requirements.

Subtitle B—Additional Reserve Component Enhancement



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- Sec. 1821. United States Northern Command.
Sec. 1822. Council of Governors.
Sec. 1823. Plan for Reserve Forces Policy Board.
Sec. 1824. High-level positions authorized or required to be held by reserve component general or flag officers.
Sec. 1825. Retirement age and years of service limitations on certain reserve general and flag officers.
Sec. 1826. Additional reporting requirements relating to National Guard equipment.

1 **SEC. 1801. SHORT TITLE.**

2 This title may be cited as the “National Guard Em-
3 powerment Act of 2007”.

4 **Subtitle A—National Guard Bureau**

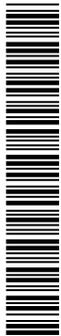
5 **SEC. 1811. APPOINTMENT, GRADE, DUTIES, AND RETIRE-**
6 **MENT OF THE CHIEF OF THE NATIONAL**
7 **GUARD BUREAU.**

8 (a) APPOINTMENT.—Subsection (a) of section 10502
9 of title 10, United States Code, is amended by striking
10 paragraphs (1) through (3) and inserting the following
11 new paragraphs:

12 “(1) are recommended for such appointment by
13 their respective Governors or, in the case of the Dis-
14 trict of Columbia, the commanding general of the
15 District of Columbia National Guard;

16 “(2) are recommended for such appointment by
17 the Secretary of the Army or the Secretary of the
18 Air Force;

19 “(3) have had at least 10 years of federally rec-
20 ognized commissioned service in an active status in
21 the National Guard;



1 “(4) are in a grade above the grade of brigadier
2 general;

3 “(5) are determined by the Chairman of the
4 Joint Chiefs of Staff, in accordance with criteria and
5 as a result of a process established by the Chairman,
6 to have significant joint duty experience;

7 “(6) are determined by the Secretary of De-
8 fense to have successfully completed such other as-
9 signment and experiences so as to possess a de-
10 tailed understanding of the status and capabilities of
11 National Guard forces and the missions of the Na-
12 tional Guard Bureau as set forth in section 10503
13 of this title;

14 “(7) have a level of operational experience in a
15 position of significant responsibility, professional
16 military education, and demonstrated expertise in
17 national defense and homeland defense matters that
18 are commensurate with the advisory role of the
19 Chief of the National Guard Bureau; and

20 “(8) possess such other qualifications as the
21 Secretary of Defense shall prescribe for purposes of
22 this section.”.

23 (b) GRADE.—Subsection (d) of such section is
24 amended by striking “lieutenant general” and inserting
25 “general”.



1 (c) REPEAL OF AGE 64 LIMITATION ON SERVICE.—
2 Subsection (b) of such section is amended by striking “An
3 officer may not hold that office after becoming 64 years
4 of age.”.

5 (d) ADVISORY DUTIES.—Subsection (c) of such sec-
6 tion is amended to read as follows:

7 “(c) ADVISOR ON NATIONAL GUARD MATTERS.—The
8 Chief of the National Guard Bureau is—

9 “(1) a principal advisor to the Secretary of De-
10 fense, through the Chairman of the Joint Chiefs of
11 Staff, on matters involving non-federalized National
12 Guard forces and on other matters as determined by
13 the Secretary of Defense; and

14 “(2) the principal adviser to the Secretary of
15 the Army and the Chief of Staff of the Army, and
16 to the Secretary of the Air Force and the Chief of
17 Staff of the Air Force, on matters relating to the
18 National Guard, the Army National Guard of the
19 United States, and the Air National Guard of the
20 United States.”.

21 **SEC. 1812. ESTABLISHMENT OF NATIONAL GUARD BUREAU**
22 **AS JOINT ACTIVITY OF THE DEPARTMENT OF**
23 **DEFENSE.**

24 (a) JOINT ACTIVITY OF THE DEPARTMENT OF DE-
25 FENSE.—Subsection (a) of section 10501 of title 10,



1 United States Code, is amended by striking “joint bureau
2 of the Department of the Army and the Department of
3 the Air Force” and inserting “joint activity of the Depart-
4 ment of Defense”.

5 (b) JOINT MANPOWER REQUIREMENTS.—

6 (1) IN GENERAL.—Chapter 1011 of such title is
7 amended by adding at the end the following new sec-
8 tion:

9 **“§ 10508. National Guard Bureau: general provisions**

10 “The manpower requirements of the National Guard
11 Bureau as a joint activity of the Department of Defense
12 shall be determined in accordance with regulations pre-
13 scribed by the Secretary of Defense, in consultation with
14 the Chairman of the Joint Chiefs of Staff.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of such chapter is amended
17 by adding at the end the following new item:

“10508. National Guard Bureau: general provisions.”.

18 **SEC. 1813. ENHANCEMENT OF FUNCTIONS OF THE NA-**
19 **TIONAL GUARD BUREAU.**

20 (a) ADDITIONAL GENERAL FUNCTIONS.—Section
21 10503 of title 10, United States Code, is amended—

22 (1) by redesignating paragraph (12) as para-
23 graph (14) and inserting before such paragraph (14)
24 the following new paragraph (13):



1 “(13)(A) Assisting the Secretary of Defense in
2 facilitating and coordinating with the entities listed
3 in subparagraph (B) the use of National Guard per-
4 sonnel and resources for operations conducted under
5 title 32, or in support of State missions.

6 “(B) The entities listed in this subparagraph
7 for purposes of subparagraph (A) are the following:

8 “(i) Other Federal agencies.

9 “(ii) The Adjutants General of the States.

10 “(iii) The United States Joint Forces
11 Command.

12 “(iv) The combatant command the geo-
13 graphic area of responsibility of which includes
14 the United States.”;

15 (2) by redesignating paragraphs (2) through
16 (11) as paragraphs (3) through (12), respectively;
17 and

18 (3) by inserting after paragraph (1) the fol-
19 lowing new paragraph (2):

20 “(2) The role of the National Guard Bureau in
21 support of the Secretary of the Army and the Sec-
22 retary of the Air Force.”.

23 (b) CHARTER DEVELOPED AND PRESCRIBED BY
24 SECRETARY OF DEFENSE.—Section 10503 of such title
25 is further amended—



1 (1) in the matter preceding paragraph (1)—

2 (A) by striking “The Secretary of the
3 Army and the Secretary of the Air Force shall
4 jointly develop” and inserting “The Secretary of
5 Defense, in consultation with the Chairman of
6 the Joint Chiefs of Staff, the Secretary of the
7 Army, and the Secretary of the Air Force, shall
8 develop”; and

9 (B) by striking “cover” in the second sen-
10 tence and inserting “reflect the full scope of the
11 duties and activities of the Bureau, including”;
12 and

13 (2) in paragraph (14), as redesignated by sub-
14 section (a)(1), by striking “the Secretaries” and in-
15 serting “the Secretary of Defense”.

16 (c) CONFORMING AND CLERICAL AMENDMENTS.—

17 (1) CONFORMING AMENDMENT.—The heading
18 of section 10503 of such title is amended to read as
19 follows:

20 **“§ 10503. Functions of National Guard Bureau: char-**
21 **ter”.**

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of chapter 1011 of such title
24 is amended by striking the item relating to section
25 10503 and inserting the following new item:

“10503. Functions of National Guard Bureau: charter.”.



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1 **SEC. 1814. REQUIREMENT FOR SECRETARY OF DEFENSE TO**
2 **PREPARE PLAN FOR RESPONSE TO NATURAL**
3 **DISASTERS AND TERRORIST EVENTS.**

4 (a) REQUIREMENT FOR PLAN.—

5 (1) IN GENERAL.—Not later than June 1,
6 2008, the Secretary of Defense, in consultation with
7 the Secretary of Homeland Security, the Chairman
8 of the Joint Chiefs of Staff, the commander of the
9 United States Northern Command, and the Chief of
10 the National Guard Bureau, shall prepare and sub-
11 mit to Congress a plan for coordinating the use of
12 the National Guard and members of the Armed
13 Forces on active duty when responding to natural
14 disasters, acts of terrorism, and other man-made
15 disasters as identified in the national planning sce-
16 narios described in subsection (e).

17 (2) UPDATE.—Not later than June 1, 2010, the
18 Secretary, in consultation with the persons consulted
19 under paragraph (1), shall submit to Congress an
20 update of the plan required under paragraph (1).

21 (b) INFORMATION TO BE PROVIDED TO SEC-
22 RETARY.—To assist the Secretary of Defense in preparing
23 the plan, the National Guard Bureau, pursuant to its pur-
24 pose as channel of communications as set forth in section
25 10501(b) of title 10, United States Code, shall provide to
26 the Secretary information gathered from Governors, adju-



1 tants general of States, and other State civil authorities
2 responsible for homeland preparation and response to nat-
3 ural and man-made disasters.

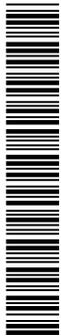
4 (c) TWO VERSIONS.—The plan shall set forth two
5 versions of response, one using only members of the Na-
6 tional Guard, and one using both members of the National
7 Guard and members of the regular components of the
8 Armed Forces.

9 (d) MATTERS COVERED.—The plan shall cover, at a
10 minimum, the following:

11 (1) Protocols for the Department of Defense,
12 the National Guard Bureau, and the Governors of
13 the several States to carry out operations in coordi-
14 nation with each other and to ensure that Governors
15 and local communities are properly informed and re-
16 main in control in their respective States and com-
17 munities.

18 (2) An identification of operational procedures,
19 command structures, and lines of communication to
20 ensure a coordinated, efficient response to contin-
21 gencies.

22 (3) An identification of the training and equip-
23 ment needed for both National Guard personnel and
24 members of the Armed Forces on active duty to pro-
25 vide military assistance to civil authorities and for



1 other domestic operations to respond to hazards
2 identified in the national planning scenarios.

3 (e) NATIONAL PLANNING SCENARIOS.—The plan
4 shall provide for response to the following hazards:

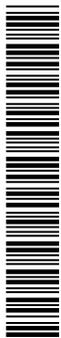
5 (1) Nuclear detonation, biological attack, bio-
6 logical disease outbreak/pandemic flu, the plague,
7 chemical attack-blister agent, chemical attack-toxic
8 industrial chemicals, chemical attack-nerve agent,
9 chemical attack-chlorine tank explosion, major hurri-
10 cane, major earthquake, radiological attack-radio-
11 logical dispersal device, explosives attack-bombing
12 using improvised explosive device, biological attack-
13 food contamination, biological attack-foreign animal
14 disease and cyber attack.

15 (2) Any other hazards identified in a national
16 planning scenario developed by the Homeland Secu-
17 rity Council.

18 **SEC. 1815. DETERMINATION OF DEPARTMENT OF DEFENSE**

19 **CIVIL SUPPORT REQUIREMENTS.**

20 (a) DETERMINATION OF REQUIREMENTS.—The Sec-
21 retary of Defense, in consultation with the Secretary of
22 Homeland Security, shall determine the military-unique
23 capabilities needed to be provided by the Department of
24 Defense to support civil authorities in an incident of na-
25 tional significance or a catastrophic incident.



1 (b) PLAN FOR FUNDING CAPABILITIES.—

2 (1) PLAN.—The Secretary of Defense shall de-
3 velop and implement a plan, in coordination with the
4 Secretaries of the military departments and the
5 Chairman of the Joint Chiefs of Staff, for providing
6 the funds and resources necessary to develop and
7 maintain the following:

8 (A) The military-unique capabilities deter-
9 mined under subsection (a).

10 (B) Any additional capabilities determined
11 by the Secretary to be necessary to support the
12 use of the active components and the reserve
13 components of the Armed Forces for homeland
14 defense missions, domestic emergency re-
15 sponses, and providing military support to civil
16 authorities.

17 (2) TERM OF PLAN.—The plan required under
18 paragraph (1) shall cover at least five years.

19 (c) BUDGET.—The Secretary of Defense shall include
20 in the materials accompanying the budget submitted for
21 each fiscal year a request for funds necessary to carry out
22 the plan required under subsection (b) during the fiscal
23 year covered by the budget. The defense budget materials
24 shall delineate and explain the budget treatment of the



1 plan for each component of each military department, each
2 combatant command, and each affected Defense Agency.

3 (d) DEFINITIONS.—In this section:

4 (1) The term “military-unique capabilities”
5 means those capabilities that, in the view of the Sec-
6 retary of Defense—

7 (A) cannot be provided by other Federal,
8 State, or local civilian agencies; and

9 (B) are essential to provide support to civil
10 authorities in an incident of national signifi-
11 cance or a catastrophic incident.

12 (2) The term “defense budget materials”, with
13 respect to a fiscal year, means the materials sub-
14 mitted to Congress by the Secretary of Defense in
15 support of the budget for that fiscal year.

16 (e) STRATEGIC PLANNING GUIDANCE.—Section
17 113(g)(2) of title 10, United States Code, is amended by
18 striking “contingency plans” at the end of the first sen-
19 tence and inserting the following: “contingency plans, in-
20 cluding plans for providing support to civil authorities in
21 an incident of national significance or a catastrophic inci-
22 dent, for homeland defense, and for military support to
23 civil authorities”.



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1 **Subtitle B—Additional Reserve**
2 **Component Enhancement**

3 **SEC. 1821. UNITED STATES NORTHERN COMMAND.**

4 (a) MANPOWER REVIEW.—

5 (1) REVIEW BY CHAIRMAN OF THE JOINT
6 CHIEFS OF STAFF.—Not later than one year after
7 the date of the enactment of this Act, the Chairman
8 of the Joint Chiefs of Staff shall submit to the Sec-
9 retary of Defense a review of the civilian and mili-
10 tary positions, job descriptions, and assignments
11 within the United States Northern Command with
12 the goal of determining the feasibility of significantly
13 increasing the number of members of a reserve com-
14 ponent assigned to, and civilians employed by, the
15 United States Northern Command who have experi-
16 ence in the planning, training, and employment of
17 forces for homeland defense missions, domestic
18 emergency response, and providing military support
19 to civil authorities.

20 (2) SUBMISSION OF RESULTS OF REVIEW.—Not
21 later than 90 days after the date on which the Sec-
22 retary of Defense receives the results of the review
23 under paragraph (1), the Secretary shall submit to
24 Congress a copy of the results of the review, to-
25 gether with such recommendations as the Secretary



1 considers appropriate to achieve the objectives of the
2 review.

3 (b) DEFINITION.—In this section, the term “United
4 States Northern Command” means the combatant com-
5 mand the geographic area of responsibility of which in-
6 cludes the United States.

7 **SEC. 1822. COUNCIL OF GOVERNORS.**

8 The President shall establish a bipartisan Council of
9 Governors to advise the Secretary of Defense, the Sec-
10 retary of Homeland Security, and the White House Home-
11 land Security Council on matters related to the National
12 Guard and civil support missions.

13 **SEC. 1823. PLAN FOR RESERVE FORCES POLICY BOARD.**

14 (a) PLAN.—The Secretary of Defense shall develop
15 a plan to implement revisions that the Secretary deter-
16 mines necessary in the designation, organization, member-
17 ship, functions, procedures, and legislative framework of
18 the Reserve Forces Policy Board. The plan—

19 (1) shall be consistent with the findings, conclu-
20 sions, and recommendations included in Part III E
21 of the Report of the Commission on the National
22 Guard and Reserves of March 1, 2007; and

23 (2) to the extent possible, shall take into ac-
24 count the views and recommendations of civilian and
25 military leaders, past chairmen of the Reserve



1 Forces Policy Board, private organizations with ex-
2 pertise and interest in Department of Defense orga-
3 nization, and other individuals or groups in the dis-
4 cretion of the Secretary.

5 (b) REPORT.—Not later than July 1, 2008, the Sec-
6 retary of Defense shall submit to the Committees on
7 Armed Services of the Senate and the House of Represent-
8 atives a report on the plan developed under subsection (a),
9 including such recommendations for legislation as the Sec-
10 retary considers necessary.

11 **SEC. 1824. HIGH-LEVEL POSITIONS AUTHORIZED OR RE-**
12 **QUIRED TO BE HELD BY RESERVE COMPO-**
13 **NENT GENERAL OR FLAG OFFICERS.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that, whenever officers of the Armed Forces are con-
16 sidered for promotion to the grade of lieutenant general,
17 or vice admiral in the case of the Navy, on the active duty
18 list, officers in the reserve components of the Armed
19 Forces who are eligible for promotion to such grade should
20 be considered for promotion to such grade.

21 (b) NATIONAL GUARD OFFICER AS DEPUTY COM-
22 MANDER OF UNITED STATES NORTHERN COMMAND.—
23 Section 164(e) of title 10, United States Code, is amended
24 by adding at the end the following new paragraph:



1 “(4) At least one deputy commander of the combat-
2 ant command the geographic area of responsibility of
3 which includes the United States shall be a qualified offi-
4 cer of the National Guard who is eligible for promotion
5 to the grade of O-9, unless a National Guard officer is
6 serving as commander of that combatant command.”.

7 (c) INCREASE IN NUMBER OF UNIFIED AND SPECI-
8 FIED COMBATANT COMMAND POSITIONS FOR RESERVE
9 COMPONENT OFFICERS.—Section 526(b)(2)(A) of such
10 title is amended by striking “10 general and flag officer
11 positions on the staffs of the commanders of” and insert-
12 ing “15 general and flag officer positions in”.

13 **SEC. 1825. RETIREMENT AGE AND YEARS OF SERVICE LIM-**
14 **TATIONS ON CERTAIN RESERVE GENERAL**
15 **AND FLAG OFFICERS.**

16 (a) RETIREMENT FOR AGE.—

17 (1) INCLUSION OF RESERVE GENERALS AND
18 ADMIRALS.—Section 14511 of title 10, United
19 States Code, is amended to read as follows:

20 **“§ 14511. Separation at age 64: officers in grade of**
21 **major general or rear admiral and above**

22 “(a) SEPARATION REQUIRED.—Unless retired, trans-
23 ferred to the Retired Reserve, or discharged at an earlier
24 date, each reserve officer of the Army, Air Force, or Ma-
25 rine Corps in the grade of major general or above and



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1 each reserve officer of the Navy in the grade of rear admiral or above shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 64 years of age.

5 “(b) EXCEPTION FOR OFFICERS SERVING IN O-9 AND O-10 POSITIONS.—The retirement of a reserve officer of the Army, Air Force, or Marine Corps in the grade of lieutenant general or general, or a reserve officer of the Navy in the grade of vice admiral or admiral, under subsection (a) may be deferred—

11 “(1) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age; or

15 “(2) by the Secretary of Defense, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.

19 “(c) EXCEPTION FOR OFFICERS HOLDING CERTAIN OFFICES.—This section does not apply to an officer covered by section 14512 of this title.”

22 (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1407 of such title is amended by striking the item relating to section 14511 and inserting the following new item:



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“14511. Separation at age 64: officers in grade of major general or rear admiral and above.”.

1 (b) CONFORMING AMENDMENTS AND RESERVE OF-
2 FICERS HOLDING CERTAIN OTHER OFFICES.—Section
3 14512 of such title is amended—

4 (1) in subsection (a)(2)—

5 (A) by striking subparagraph (A); and

6 (B) by redesignating subparagraphs (B),

7 (C), and (D) as subparagraphs (A), (B), and

8 (C), respectively; and

9 (2) in subsection (b)—

10 (A) by inserting “(1)” before “The Sec-
11 retary”; and

12 (B) by adding at the end the following new
13 paragraph:

14 “(2) The Secretary of Defense may defer the retire-
15 ment of a reserve officer serving in the position of Chief
16 of the Navy Reserve or Commander of the Marine Forces
17 Reserve, but such deferment may not extend beyond the
18 first day of the month following the month in which the
19 officer becomes 66 years of age. A deferment under this
20 paragraph shall not count toward the limitation on the
21 total number of officers whose retirement may be deferred
22 at any one time under paragraph (1).”.

23 (c) IMPOSITION OF YEARS OF SERVICE LIMITA-
24 TION.—



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1 (1) IMPOSITION OF LIMITATION.—Section
2 14508 of such title is amended by inserting after
3 subsection (c), as added by section 513, the fol-
4 lowing new subsection:

5 “(d) FORTY YEARS OF SERVICE FOR GENERALS AND
6 ADMIRALS.—Unless retired, transferred to the Retired
7 Reserve, or discharged at an earlier date, each reserve offi-
8 cer of the Army, Air Force, or Marine Corps in the grade
9 of general and each reserve officer of the Navy in the
10 grade of admiral shall be separated in accordance with sec-
11 tion 14514 of this title on the first day of the first month
12 beginning after the date of the fifth anniversary of the
13 officer’s appointment to that grade or 30 days after the
14 date on which the officer completes 40 years of commis-
15 sioned service, whichever is later.”.

16 (2) CONFORMING AMENDMENTS.—Subsection
17 (b) of section 10502 of such title, as amended by
18 section 1811, is further amended—

19 (A) by inserting “(1)” before the first sen-
20 tence; and

21 (B) by striking “While holding that office”
22 and inserting the following:

23 “(2) Except as provided in section 14508(d) of this
24 title, while holding the office of Chief of the National
25 Guard Bureau”.



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1 **SEC. 1826. ADDITIONAL REPORTING REQUIREMENTS RE-**
2 **LATING TO NATIONAL GUARD EQUIPMENT.**

3 Section 10541 of title 10, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(d) Each report under this section concerning equip-
7 ment of the National Guard shall also include the fol-
8 lowing:

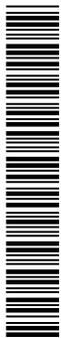
9 “(1) A statement of the accuracy of the projec-
10 tions required by subsection (b)(5)(D) contained in
11 earlier reports under this section, and an expla-
12 nation, if the projection was not met, of why the
13 projection was not met.

14 “(2) A certification from the Chief of the Na-
15 tional Guard Bureau setting forth an inventory for
16 the preceding fiscal year of each item of
17 equipment—

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.”.



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1 **DIVISION B—MILITARY CON-**
2 **STRUCTION AUTHORIZA-**
3 **TIONS**

4 **SEC. 2001. SHORT TITLE.**

5 This division may be cited as the “Military Construc-
6 tion Authorization Act for Fiscal Year 2008”.

7 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
8 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
9 **LAW.**

10 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
11 YEARS.—Except as provided in subsection (b), all author-
12 izations contained in titles XXI through XXVII and in
13 title XXIX for military construction projects, land acquisi-
14 tion, family housing projects and facilities, and contribu-
15 tions to the North Atlantic Treaty Organization Security
16 Investment Program (and authorizations of appropria-
17 tions therefor) shall expire on the later of—

18 (1) October 1, 2010; or

19 (2) the date of the enactment of an Act author-
20 izing funds for military construction for fiscal year
21 2011.

22 (b) EXCEPTION.—Subsection (a) shall not apply to
23 authorizations for military construction projects, land ac-
24 quisition, family housing projects and facilities, and con-
25 tributions to the North Atlantic Treaty Organization Se-



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1 security Investment Program (and authorizations of appro-
2 priations therefor), for which appropriated funds have
3 been obligated before the later of—

4 (1) October 1, 2010; or

5 (2) the date of the enactment of an Act author-
6 izing funds for fiscal year 2011 for military con-
7 struction projects, land acquisition, family housing
8 projects and facilities, or contributions to the North
9 Atlantic Treaty Organization Security Investment
10 Program.

11 **TITLE XXI—ARMY**

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Termination of authority to carry out fiscal year 2007 Army
projects for which funds were not appropriated.

Sec. 2106. Technical amendments to Military Construction Authorization Act
for Fiscal Year 2007.

Sec. 2107. Modification of authority to carry out certain fiscal year 2006
project.

Sec. 2108. Extension of authorization of certain fiscal year 2005 project.

Sec. 2109. Ground lease, SOUTHCOM headquarters facility, Miami-Doral,
Florida.

12 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
13 **ACQUISITION PROJECTS.**

14 (a) **INSIDE THE UNITED STATES.**—Using amounts
15 appropriated pursuant to the authorization of appropria-
16 tions in section 2104(a)(1), the Secretary of the Army
17 may acquire real property and carry out military construc-
18 tion projects for the installations or locations inside the



1 United States, and in the amounts, set forth in the fol-
 2 lowing table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	\$26,000,000
.....	Redstone Arsenal	\$22,000,000
Alaska	Fort Richardson	\$92,800,000
.....	Fort Wainwright	\$114,500,000
Arizona	Fort Huachuca	\$129,600,000
California	Fort Irwin	\$24,000,000
.....	Presidio, Monterey	\$28,000,000
Colorado	Fort Carson	\$156,200,000
Delaware	Dover Air Force Base	\$17,500,000
Florida	Miami Doral	\$237,000,000
Georgia	Fort Benning	\$189,500,000
.....	Fort Stewart/Hunter Army Air Field	\$123,500,000
Hawaii	Fort Shafter	\$31,000,000
.....	Kahuku Training Area	\$10,200,000
.....	Schofield Barracks	\$88,000,000
.....	Wheeler Army Air Field	\$51,000,000
Illinois	Rock Island Arsenal	\$3,350,000
Kansas	Fort Leavenworth	\$102,400,000
.....	Fort Riley	\$140,200,000
Kentucky	Fort Campbell	\$113,600,000
.....	Fort Knox	\$6,700,000
Louisiana	Fort Polk	\$15,900,000
Maryland	Aberdeen Proving Ground	\$12,200,000
Michigan	Detroit Arsenal	\$18,500,000
Missouri	Fort Leonard Wood	\$136,050,000
Nevada	Hawthorne Army Ammunition Plant	\$11,800,000
New Jersey	Picatinny Arsenal	\$9,900,000
New Mexico	White Sands Missile Range	\$71,000,000
New York	Fort Drum	\$311,200,000
North Carolina	Fort Bragg	\$287,200,000
Oklahoma	Fort Sill	\$7,500,000
South Carolina	Fort Jackson	\$85,000,000
Texas	Camp Bullis	\$1,600,000
.....	Corpus Christi	\$11,200,000
.....	Fort Bliss	\$118,400,000
.....	Fort Hood	\$163,400,000
.....	Fort Sam Houston	\$19,150,000
.....	Red River Army Depot	\$9,200,000
Virginia	Fort Belvoir	\$13,000,000
.....	Fort Eustis	\$75,000,000
.....	Fort Lee	\$22,600,000
.....	Fort Myer	\$20,800,000
Washington	Fort Lewis	\$178,500,000
.....	Yakima Training Center	\$29,000,000

3 (b) OUTSIDE THE UNITED STATES.—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2104(a)(2), the Secretary of the Army
 6 may acquire real property and carry out military construc-



1 tion projects for the installations or locations outside the
 2 United States, and in the amounts, set forth in the fol-
 3 lowing table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Afghanistan	\$13,800,000
Bulgaria	Nevo Selo FOS	\$61,000,000
Germany	Grafenwoehr	\$62,000,000
Honduras	Various locations	\$2,550,000
Italy	Aviano	\$12,100,000
.....	Vicenza	\$160,900,000
Korea	Camp Humphreys	\$57,000,000
Romania	Mihail Kogalniceanu FOS	\$12,600,000

4 **SEC. 2102. FAMILY HOUSING.**

5 (a) CONSTRUCTION AND ACQUISITION.—Using
 6 amounts appropriated pursuant to the authorization of ap-
 7 propriations in section 2104(a)(5)(A), the Secretary of the
 8 Army may construct or acquire family housing units (in-
 9 cluding land acquisition and supporting facilities) at the
 10 installations or locations, in the number of units, and in
 11 the amounts set forth in the following table:

Army: Family Housing

State or Country	Installation or Location	Units	Amount
Utah	Dugway Proving Ground	28	\$5,000,000
Germany	Ansbach	138	\$52,000,000

12 (b) PLANNING AND DESIGN.—Using amounts appro-
 13 priated pursuant to the authorization of appropriations in
 14 section 2104(a)(5)(A), the Secretary of the Army may
 15 carry out architectural and engineering services and con-
 16 struction design activities with respect to the construction



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1 or improvement of family housing units in an amount not
2 to exceed \$2,000,000.

3 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
4 **UNITS.**

5 Subject to section 2825 of title 10, United States
6 Code, and using amounts appropriated pursuant to the
7 authorization of appropriations in section 2104(a)(5)(A),
8 the Secretary of the Army may improve existing military
9 family housing units in an amount not to exceed
10 \$365,400,000.

11 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
13 are hereby authorized to be appropriated for fiscal years
14 beginning after September 30, 2007, for military con-
15 struction, land acquisition, and military family housing
16 functions of the Department of the Army in the total
17 amount of \$5,106,703,000 as follows:

18 (1) For military construction projects inside the
19 United States authorized by section 2101(a),
20 \$3,198,150,000.

21 (2) For military construction projects outside
22 the United States authorized by section 2101(b),
23 \$254,950,000.



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1 (3) For unspecified minor military construction
2 projects authorized by section 2805 of title 10,
3 United States Code, \$25,900,000.

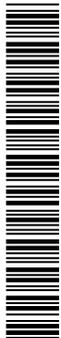
4 (4) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$321,983,000.

7 (5) For military family housing functions:

8 (A) For construction and acquisition, plan-
9 ning and design, and improvement of military
10 family housing and facilities, \$424,400,000.

11 (B) For support of military family housing
12 (including the functions described in section
13 2833 of title 10, United States Code),
14 \$731,920,000.

15 (6) For the construction of increment 2 of a
16 barracks complex at Fort Lewis, Washington, au-
17 thorized by section 2101(a) of the Military Construc-
18 tion Authorization Act for Fiscal Year 2007 (divi-
19 sion B of Public Law 109-364; 120 Stat. 2445), as
20 amended by section 20814 of the Continuing Appro-
21 priations Resolution, 2007 (division B of Public Law
22 109-289), as added by section 2 of the Revised Con-
23 tinuing Appropriations Resolution, 2007 (Public
24 Law 110-5; 121 Stat. 41), \$102,000,000.



1 (7) For the construction of increment 3 of a
2 barracks complex at Fort Bragg, North Carolina,
3 authorized by section 2101(a) of the Military Con-
4 struction Authorization Act for Fiscal Year 2006
5 (division B of Public Law 109–163; 119 Stat.
6 3485), \$47,400,000.

7 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
8 PROJECTS.—Notwithstanding the cost variations author-
9 ized by section 2853 of title 10, United States Code, and
10 any other cost variation authorized by law, the total cost
11 of all projects carried out under section 2101 of this Act
12 may not exceed the sum of the following:

13 (1) The total amount authorized to be appro-
14 priated under paragraphs (1) and (2) of subsection
15 (a).

16 (2) \$137,000,000 (the balance of the amount
17 authorized under section 2101(a) for construction of
18 the United States Southern Command Head-
19 quarters, Miami, Florida).

20 (3) \$63,500,000 (the balance of the amount au-
21 thorized under section 2101(b) for construction of a
22 brigade complex operations support facility at
23 Vicenza, Italy).

24 (4) \$63,500,000 (the balance of the amount au-
25 thorized under section 2101(b) for construction of a



1 brigade complex barracks and community support
2 facility at Vicenza, Italy).

3 **SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT**
4 **FISCAL YEAR 2007 ARMY PROJECTS FOR**
5 **WHICH FUNDS WERE NOT APPROPRIATED.**

6 (a) TERMINATION OF INSIDE THE UNITED STATES
7 PROJECTS.—The table in section 2101(a) of the Military
8 Construction Authorization Act for Fiscal Year 2007 (di-
9 vision B of Public Law 109–364; 120 Stat. 2445), as
10 amended by section 20814 of the Continuing Appropria-
11 tions Resolution, 2007 (division B of Public Law 109–
12 289), as added by section 2 of the Revised Continuing Ap-
13 propriations Resolution, 2007 (Public Law 110–5), is fur-
14 ther amended—

15 (1) by striking the item relating to Redstone
16 Arsenal, Alabama;

17 (2) by striking the item relating to Fort Wain-
18 wright, Alaska;

19 (3) in the item relating to Fort Irwin, Cali-
20 fornia, by striking “\$18,200,000” in the amount col-
21 umn and inserting “\$10,000,000”;

22 (4) in the item relating to Fort Carson, Colo-
23 rado, by striking “\$30,800,000” in the amount col-
24 umn and inserting “\$24,000,000”;



1 (5) in the item relating to Fort Leavenworth,
2 Kansas, by striking “\$23,200,000” in the amount
3 column and inserting “\$15,000,000”;

4 (6) in the item relating to Fort Riley, Kansas,
5 by striking “\$47,400,000” in the amount column
6 and inserting “\$37,200,000”;

7 (7) in the item relating to Fort Campbell, Ken-
8 tucky, by striking “\$135,300,000” in the amount
9 column and inserting “\$115,400,000”;

10 (8) by striking the item relating to Fort Polk,
11 Louisiana;

12 (9) by striking the item relating to Aberdeen
13 Proving Ground, Maryland;

14 (10) by striking the item relating to Fort
15 Detrick, Maryland;

16 (11) by striking the item relating to Detroit Ar-
17 senal, Michigan;

18 (12) in the item relating to Fort Leonard
19 Wood, Missouri, by striking “\$34,500,000” in the
20 amount column and inserting “\$17,000,000”;

21 (13) by striking the item relating to Picatinny
22 Arsenal, New Jersey;

23 (14) in the item relating to Fort Drum, New
24 York, by striking “\$218,600,000” in the amount
25 column and inserting “\$209,200,000”;



1 (15) in the item relating to Fort Bragg, North
2 Carolina, by striking “\$96,900,000” in the amount
3 column and inserting “\$89,000,000”;

4 (16) by striking the item relating to
5 Letterkenny Depot, Pennsylvania;

6 (17) by striking the item relating to Corpus
7 Christi Army Depot, Texas;

8 (18) by striking the item relating to Fort Bliss,
9 Texas;

10 (19) in the item relating to Fort Hood, Texas,
11 by striking “\$93,000,000” in the amount column
12 and inserting “\$75,000,000”;

13 (20) by striking the item relating to Red River
14 Depot, Texas; and

15 (21) by striking the item relating to Fort Lee,
16 Virginia.

17 (b) CONFORMING AMENDMENTS.—Section 2104(a)
18 of such Act (120 Stat. 2447) is amended—

19 (1) in the matter preceding paragraph (1), by
20 striking “\$3,518,450,000” and inserting
21 “\$3,275,700,000”; and

22 (2) in paragraph (1), by striking
23 “\$1,362,200,000” and inserting “\$1,119,450,000”.



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1 **SEC. 2106. TECHNICAL AMENDMENTS TO MILITARY CON-**
2 **STRUCTION AUTHORIZATION ACT FOR FIS-**
3 **CAL YEAR 2007.**

4 (a) LOCATION OF PROJECT IN ROMANIA.—The table
5 in section 2101(b) of the Military Construction Authoriza-
6 tion Act for 2007 (division B of Public Law 109–364; 120
7 Stat. 2446) is amended by striking “Babadag Range” and
8 inserting “Mihail Kogalniceanu Air Base”.

9 (b) SPELLING ERROR RELATING TO ARMY FAMILY
10 HOUSING.—The table in section 2102(a) of the Military
11 Construction Authorization Act for 2007 (division B of
12 Public Law 109–364; 120 Stat. 2446) is amended by
13 striking “Fort McCoyine” and inserting “Fort McCoy”.

14 **SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT**
15 **CERTAIN FISCAL YEAR 2006 PROJECT.**

16 (a) MODIFICATION.—The table in section 2101(a) of
17 the Military Construction Authorization Act for Fiscal
18 Year 2006 (division B of Public Law 109–163; 119 Stat.
19 3485) is amended in the item relating to Fort Bragg,
20 North Carolina, by striking “\$301,250,000” in the
21 amount column and inserting “\$308,250,000”.

22 (b) CONFORMING AMENDMENTS.—Section
23 2104(b)(5) of that Act (119 Stat. 3488) is amended by
24 striking “\$77,400,000” and inserting “\$84,400,000”.



1 **SEC. 2108. EXTENSION OF AUTHORIZATION OF CERTAIN**
2 **FISCAL YEAR 2005 PROJECT.**

3 (a) **EXTENSION AND RENEWAL.**—Notwithstanding
4 section 2701 of the Military Construction Authorization
5 Act for Fiscal Year 2005 (division B of Public Law 108–
6 375; 118 Stat. 2116), the authorization set forth in the
7 table in subsection (b), as provided in section 2101 of that
8 Act (118 Stat. 2101), shall remain in effect until October
9 1, 2008, or the date of the enactment of an Act author-
10 izing funds for military construction for fiscal year 2009,
11 whichever is later.

12 (b) **TABLE.**—The table referred to in subsection (a)
13 is as follows:

Army: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Schofield Barracks, Hawaii	Training facility	\$35,542,000

14 **SEC. 2109. GROUND LEASE, SOUTHCOM HEADQUARTERS**
15 **FACILITY, MIAMI-DORAL, FLORIDA.**

16 (a) **GROUND LEASE AUTHORIZED.**—The Secretary of
17 the Army may utilize the State of Florida property as de-
18 scribed in sublease number 4489–01, entered into between
19 the State of Florida and the United States (in this section
20 referred to as the “ground lease”), for the purpose of con-
21 structing a consolidated headquarters facility for the
22 United States Southern Command (SOUTHCOM).



1 (b) ADDITIONAL TERMS AND CONDITIONS.—The
2 Secretary of the Army may carry out the project to con-
3 struct a new headquarters on property leased from the
4 State of Florida when the following conditions have been
5 met regarding the lease for the property:

6 (1) The United States Government shall have
7 the right to use the property without interruption
8 until at least December 31, 2055.

9 (2) The United States Government shall have
10 the right to use the property for general administra-
11 tive purposes in the event the United States South-
12 ern Command relocates or vacates the property.

13 (c) AUTHORITY TO OBTAIN GROUND LEASE OF AD-
14 JACENT PROPERTY.—The Secretary may obtain the
15 ground lease of additional real property owned by the
16 State of Florida that is adjacent to the real property
17 leased under the ground lease for purposes of completing
18 the construction of the SOUTHCOM headquarters facil-
19 ity, as long as the additional terms of the ground lease
20 required by subsection (b) apply to such adjacent prop-
21 erty.

22 (d) LIMITATION.—The Secretary may not obligate or
23 expend funds appropriated pursuant to the authorization
24 of appropriations in section 2104(a)(1) for the construc-
25 tion of the SOUTHCOM headquarters facility authorized



1 under section 2101(a) until the Secretary transmits to the
 2 congressional defense committees a modification to the
 3 ground lease signed by the United States Government and
 4 the State of Florida in accordance with subsection (b).

5 **TITLE XXII—NAVY**

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Termination of authority to carry out fiscal year 2007 Navy projects for which funds were not appropriated.
- Sec. 2206. Modification of authority to carry out certain fiscal year 2005 project.
- Sec. 2207. Repeal of authorization for construction of Navy Outlying Landing Field, Washington County, North Carolina.

6 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 7 **ACQUISITION PROJECTS.**

8 (a) **INSIDE THE UNITED STATES.**—Using amounts
 9 appropriated pursuant to the authorization of appropria-
 10 tions in section 2204(a)(1), the Secretary of the Navy may
 11 acquire real property and carry out military construction
 12 projects for the installations or locations inside the United
 13 States, and in the amounts, set forth in the following
 14 table:

Navy: Inside the United States

State	Installation or Location	Amount
Alabama	Outlying Field Evergreen	\$9,560,000
Arizona	Marine Corps Air Station, Yuma	\$33,720,000
California	Marine Corps Air Station, Miramar	\$26,760,000
.....	Marine Corps Base, Camp Pendleton	\$264,360,000
.....	Marine Corps Base, Twentynine Palms	\$142,619,000
.....	Naval Station, San Diego	\$3,000,000
.....	Naval Support Activity, Monterey	\$9,780,000
.....	Submarine Base, San Diego	\$23,630,000
Connecticut	Submarine Base, New London	\$21,160,000
Florida	Marine Corps Logistics Base, Blount Island ..	\$10,240,000
.....	Naval Support Activity, Cape Canaveral	\$9,900,000
.....	Naval Surface Warfare Center, Panama City ..	\$13,870,000



Navy: Inside the United States—Continued

State	Installation or Location	Amount
.....	Naval Training Center, Corry Field	\$3,140,000
Georgia	Marine Corps Logistics Base	\$9,980,000
Hawaii	Marine Corps Air Station, Kaneohe	\$37,961,000
.....	Naval Base, Pearl Harbor	\$99,860,000
.....	Naval Station Pearl Harbor, Wahiawa	\$65,410,000
.....	Pearl Harbor Naval Shipyard	\$30,200,000
Illinois	Naval Training Center, Great Lakes	\$10,221,000
Indiana	Naval Support Activity, Crane	\$23,800,000
Maine	Portsmouth Naval Shipyard	\$9,700,000
Maryland	Naval Air Warfare Center, Patuxent River ...	\$38,360,000
.....	Naval Surface Warfare Center, Indian Head	\$9,450,000
Mississippi	Naval Air Station, Meridian	\$6,770,000
Nevada	Naval Air Station, Fallon	\$11,460,000
New Jersey	Naval Air Warfare Center, Lakehurst	\$4,100,000
North Carolina	Marine Corps Air Station, Cherry Point	\$28,610,000
.....	Marine Corps Air Station, New River	\$58,700,000
.....	Marine Corps Base, Camp Lejeune	\$248,930,000
Rhode Island	Naval Station, Newport	\$13,760,000
South Carolina	Marine Corps Air Station, Beaufort	\$10,300,000
.....	Marine Corps Recruit Depot, Parris Island ...	\$55,282,000
Texas	Naval Air Station, Corpus Christi	\$14,290,000
Virginia	Marine Corps Base, Quantico	\$50,519,000
.....	Naval Station, Norfolk	\$79,560,000
.....	Naval Support Activity, Chesapeake	\$8,450,000
.....	Naval Surface Warfare Center, Dahlgren	\$10,000,000
Washington	Naval Air Station, Whidbey Island	\$34,520,000
.....	Naval Station, Bremerton	\$190,960,000
.....	Naval Station, Everett	\$10,940,000
.....	Naval Station, Kitsap	\$6,130,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2204(a)(2), the Secretary of the Navy may
 4 acquire real property and carry out military construction
 5 projects for the installations or locations outside the
 6 United States, and in the amounts, set forth in the fol-
 7 lowing table:

Navy: Outside the United States

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



1 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-
 2 propriated pursuant to the authorization of appropriations
 3 in section 2204(a)(3), the Secretary of the Navy may ac-
 4 quire real property and carry out military construction
 5 projects for unspecified installations or locations in the
 6 amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Wharf Utilities Upgrade	\$8,900,000

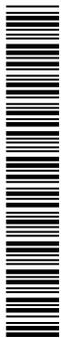
7 **SEC. 2202. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using
 9 amounts appropriated pursuant to the authorization of ap-
 10 propriations in section 2204(a)(6)(A), the Secretary of the
 11 Navy may construct or acquire family housing units (in-
 12 cluding land acquisition and supporting facilities) at the
 13 installations, in the number of units, and in the amounts
 14 set forth in the following table:

Navy: Family Housing

Location	Installation	Units	Amount
California	Twentynine Palms	N/A	\$4,800,000
Mariana Islands	Naval Activities, Guam	73	\$57,167,000

15 (b) PLANNING AND DESIGN.—Using amounts appro-
 16 priated pursuant to the authorization of appropriations in
 17 section 2204(a)(6)(A), the Secretary of the Navy may
 18 carry out architectural and engineering services and con-
 19 struction design activities with respect to the construction



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1 or improvement of military family housing units in an
2 amount not to exceed \$3,172,000.

3 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
4 **UNITS.**

5 Subject to section 2825 of title 10, United States
6 Code, and using amounts appropriated pursuant to the
7 authorization of appropriations in section 2204(a)(6)(A),
8 the Secretary of the Navy may improve existing military
9 family housing units in an amount not to exceed
10 \$237,990,000.

11 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

12 (a) IN GENERAL.—Funds are hereby authorized to
13 be appropriated for fiscal years beginning after September
14 30, 2007, for military construction, land acquisition, and
15 military family housing functions of the Department of the
16 Navy in the total amount of \$2,885,317,000, as follows:

17 (1) For military construction projects inside the
18 United States authorized by section 2201(a),
19 \$1,628,762,000.

20 (2) For military construction projects outside
21 the United States authorized by section 2201(b),
22 \$292,946,000.

23 (3) For military construction projects at un-
24 specified worldwide locations authorized by section
25 2201(c), \$11,600,000.



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1 (4) For unspecified minor military construction
2 projects authorized by section 2805 of title 10,
3 United States Code, \$10,000,000.

4 (5) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$113,017,000.

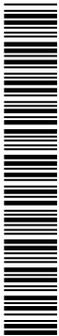
7 (6) For military family housing functions:

8 (A) For construction and acquisition, plan-
9 ning and design, and improvement of military
10 family housing and facilities, \$293,129,000.

11 (B) For support of military family housing
12 (including functions described in section 2833
13 of title 10, United States Code), \$371,404,000.

14 (7) For the construction of increment 2 of the
15 construction of an addition to the National Maritime
16 Intelligence Center, Suitland, Maryland, authorized
17 by section 2201(a) of the Military Construction Au-
18 thorization Act for Fiscal Year 2007 (division B of
19 Public Law 109-364; 120 Stat. 2448), \$52,069,000.

20 (8) For the construction of increment 3 of re-
21 cruit training barracks infrastructure upgrade at
22 Recruit Training Command, Great Lakes, Illinois,
23 authorized by section 2201(a) of the Military Con-
24 struction Authorization Act for Fiscal Year 2006



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1 (division B of Public Law 109–163; 119 Stat.
2 3490), \$16,650,000.

3 (9) For the construction of increment 3 of
4 wharf upgrades at Yokosuka, Japan, authorized by
5 section 2201(b) of the Military Construction Author-
6 ization Act of Fiscal Year 2006 (division B of Public
7 Law 109–163; 119 Stat. 3490), \$8,750,000.

8 (10) For the construction of increment 2 of the
9 Bachelor Enlisted Quarters Homeport Ashore Pro-
10 gram at Bremerton, Washington (formerly referred
11 to as a project at Naval Station, Everett), author-
12 ized by section 2201(a) of the Military Construction
13 Authorization Act of Fiscal Year 2006 (division B of
14 Public Law 109–163; 119 Stat. 3490), \$47,240,000.

15 (11) For the construction of increment 4 of the
16 limited area production and storage complex at
17 Naval Submarine Base, Kitsap, Bangor, Washington
18 (formerly referred to as a project at the Strategic
19 Weapons Facility Pacific, Bangor), authorized by
20 section 2201(a) of the Military Construction Author-
21 ization Act of Fiscal Year 2005 (division B of Public
22 Law 108–375; 118 Stat. 2105), as amended by sec-
23 tion 2206 of the Military Construction Authorization
24 Act for Fiscal Year 2006 (division B of Public Law
25 109–163; 119 Stat. 3493), \$39,750,000.



1 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
2 PROJECTS.—Notwithstanding the cost variations author-
3 ized by section 2853 of title 10, United States Code, and
4 any other cost variation authorized by law, the total cost
5 of all projects carried out under section 2201 of this Act
6 may not exceed the sum of the following:

7 (1) The total amount authorized to be appro-
8 priated under paragraphs (1), (2), and (3) of sub-
9 section (a).

10 (2) \$50,000,000 (the balance of the amount au-
11 thORIZED under section 2201(a) for a submarine
12 drive-in magnetic silencing facility in Pearl Harbor,
13 Hawaii).

14 (3) \$50,912,000 (the balance of the amount au-
15 thORIZED under section 2201(b) for construction of a
16 wharf extension in Apra Harbor, Guam).

17 (4) \$71,200,000 (the balance of the amount au-
18 thORIZED under section 2201(a) for a nuclear aircraft
19 carrier maintenance pier at Naval Station Brem-
20 erton, Washington).

21 **SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT**
22 **FISCAL YEAR 2007 NAVY PROJECTS FOR**
23 **WHICH FUNDS WERE NOT APPROPRIATED.**

24 (a) TERMINATION OF INSIDE THE UNITED STATES
25 PROJECTS.—The table in section 2201(a) of the Military



1 Construction Authorization Act for Fiscal Year 2007 (di-
2 vision B of Public Law 109–364; 120 Stat. 2449) is
3 amended—

4 (1) in the item relating to Marine Corps Base,
5 Twentynine Palms, California, by striking
6 “\$27,217,000” in the amount column and inserting
7 “\$8,217,000”;

8 (2) by striking the item relating to Naval Sup-
9 port Activity, Monterey, California;

10 (3) by striking the item relating to Naval Sub-
11 marine Base, New London, Connecticut;

12 (4) by striking the item relating to Cape Canav-
13 eral, Florida;

14 (5) in the item relating to Marine Corps Logis-
15 tics Base, Albany, Georgia, by striking
16 “\$70,540,000” in the amount column and inserting
17 “\$62,000,000”;

18 (6) by striking the item relating to Naval Mag-
19 azine, Pearl Harbor, Hawaii;

20 (7) by striking the item relating to Naval Ship-
21 yard, Pearl Harbor, Hawaii;

22 (8) by striking the item relating to Naval Sup-
23 port Activity, Crane, Indiana;

24 (9) by striking the item relating to Portsmouth
25 Naval Shipyard, Maine;



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1 (10) by striking the item relating to Naval Air
2 Station, Meridian, Mississippi;

3 (11) by striking the item relating to Naval Air
4 Station, Fallon, Nevada;

5 (12) by striking the item relating to Marine
6 Corps Air Station, Cherry Point, North Carolina;

7 (13) by striking the item relating to Naval Sta-
8 tion, Newport, Rhode Island;

9 (14) in the item relating to Marine Corps Air
10 Station, Beaufort, South Carolina, by striking
11 “\$25,575,000” in the amount column and inserting
12 “\$22,225,000”;

13 (15) by striking the item relating to Naval Spe-
14 cial Weapons Center, Dahlgren, Virginia;

15 (16) in the item relating to Naval Support Ac-
16 tivity, Norfolk, Virginia, by striking “\$41,712,000”
17 in the amount column and inserting “\$28,462,000”;

18 (17) in the item relating to Naval Air Station,
19 Whidbey Island, Washington, by striking
20 “\$67,303,000” in the amount column and inserting
21 “\$57,653,000”; and

22 (18) in the item relating to Naval Base, Kitsap,
23 Washington, by striking “\$17,617,000” in the
24 amount column and inserting “\$13,507,000”.



1 (b) TERMINATION OF MILITARY FAMILY HOUSING
2 PROJECTS.—Section 2204(a)(6)(A) of such Act (120
3 Stat. 2450) is amended by striking “\$308,956,000” and
4 inserting “\$305,256,000”.

5 (c) CONFORMING AMENDMENTS.—Section 2204(a) of
6 such Act (120 Stat. 2450) is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “\$2,109,367,000” and inserting
9 “\$1,946,867,000”; and

10 (2) in paragraph (1), by striking
11 “\$832,982,000” and inserting “\$674,182,000”.

12 **SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT**
13 **CERTAIN FISCAL YEAR 2005 PROJECT.**

14 (a) MODIFICATION.—The table in section 2201(a) of
15 the Military Construction Authorization Act for Fiscal
16 Year 2005 (division B of Public Law 108–375; 118 Stat.
17 2105), as amended by section 2206 of the Military Con-
18 struction Authorization Act for Fiscal Year 2006 (division
19 B of Public Law 109–163; 119 Stat. 3493) and section
20 2205 of the Military Construction Authorization Act for
21 Fiscal Year 2007 (division B of Public Law 109–364; 120
22 Stat. 2452), is amended—

23 (1) in the item relating to Strategic Weapons
24 Facility Pacific, Bangor, Washington, by striking



1 “\$147,760,000” in the amount column and inserting
2 “\$295,000,000”; and
3 (2) by striking the amount identified as the
4 total in the amount column and inserting
5 “\$972,719,000”.

6 (b) CONFORMING AMENDMENT.—Section 2204 of the
7 Military Construction Authorization Act for Fiscal Year
8 2005 (division B of Public Law 108–375; 118 Stat. 2107),
9 as amended by section 2206 of the Military Construction
10 Authorization Act for Fiscal Year 2006 (division B of
11 Public Law 109–163; 119 Stat. 3493) and section 2205
12 of the Military Construction Authorization Act for Fiscal
13 Year 2007 (division B of Public Law 109–364; 120 Stat.
14 2453), is amended in subsection (b)(6), by striking
15 “\$95,320,000” and inserting “\$259,320,000”.

16 **SEC. 2207. REPEAL OF AUTHORIZATION FOR CONSTRUC-**
17 **TION OF NAVY OUTLYING LANDING FIELD,**
18 **WASHINGTON COUNTY, NORTH CAROLINA.**

19 (a) REPEAL OF AUTHORIZATION.—The table in sec-
20 tion 2201(a) of the Military Construction Authorization
21 Act for Fiscal Year 2004 (division B of Public Law 108–
22 136; 117 Stat. 1704) is amended by striking the item re-
23 lating to Navy Outlying Landing Field, Washington Coun-
24 ty, North Carolina, as added by section 2205(a) of the



1 Military Construction Authorization Act for Fiscal Year
2 2007 (division B of Public Law 109–364; 120 Stat. 2452).

3 (b) REPEAL OF INCREMENTAL FUNDING AUTHOR-
4 ITY.—Section 2204(b) of that Act (117 Stat. 1706) is
5 amended by striking paragraph (6).

6 (c) EFFECT OF REPEAL.—The amendments made by
7 this section do not affect the expenditure of funds obli-
8 gated, before the effective date of this title, for the con-
9 struction of the Navy Outlying Landing Field, Wash-
10 ington County, North Carolina, or the acquisition of real
11 property to facilitate such construction.

12 **TITLE XXIII—AIR FORCE**

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Termination of authority to carry out fiscal year 2007 Air Force
projects for which funds were not appropriated.

Sec. 2306. Modification of authority to carry out certain fiscal year 2006
projects.

Sec. 2307. Extension of authorizations of certain fiscal year 2005 projects.

Sec. 2308. Extension of authorizations of certain fiscal year 2004 projects.

13 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 14 **LAND ACQUISITION PROJECTS.**

15 (a) INSIDE THE UNITED STATES.—Using amounts
16 appropriated pursuant to the authorization of appropria-
17 tions in section 2304(1), the Secretary of the Air Force
18 may acquire real property and carry out military construc-
19 tion projects for the installations or locations inside the



1 United States, and in the amounts, set forth in the fol-
 2 lowing table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	\$83,180,000
Arizona	Davis-Monthan Air Force Base	\$11,200,000
.....	Luke Air Force Base	\$5,500,000
Arkansas	Little Rock Air Force Base	\$19,600,000
California	Travis Air Force Base	\$37,400,000
Colorado	Fort Carson	\$13,500,000
.....	Schriever Air Force Base	\$24,500,000
.....	United States Air Force Academy	\$15,000,000
District of Colum- bia.	Bolling Air Force Base	\$2,500,000
Florida	Eglin Air Force Base	\$158,300,000
.....	MacDill Air Force Base	\$60,500,000
.....	Patrick Air Force Base	\$11,854,000
.....	Tyndall Air Force Base	\$52,514,000
Georgia	Moody Air Force Base	\$7,500,000
.....	Robins Air Force Base	\$19,700,000
Hawaii	Hickam Air Force Base	\$31,971,000
Illinois	Scott Air Force Base	\$24,900,000
Kansas	Fort Riley	\$12,515,000
.....	McConnell Air Force Base	\$6,300,000
Massachusetts	Hanscom Air Force Base	\$12,800,000
Mississippi	Columbus Air Force Base	\$9,800,000
Missouri	Whiteman Air Force Base	\$11,400,000
Montana	Malmstrom Air Force Base	\$7,000,000
Nebraska	Offutt Air Force Base	\$16,952,000
Nevada	Nellis Air Force Base	\$4,950,000
New Mexico	Cannon Air Force Base	\$1,688,000
.....	Kirtland Air Force Base	\$15,100,000
North Dakota	Grand Forks Air Force Base	\$13,000,000
.....	Minot Air Force Base	\$18,200,000
Oklahoma	Altus Air Force Base	\$2,000,000
.....	Tinker Air Force Base	\$34,600,000
.....	Vance Air Force Base	\$7,700,000
South Carolina	Charleston Air Force Base	\$11,000,000
.....	Shaw Air Force Base	\$9,300,000
South Dakota	Ellsworth Air Force Base	\$16,600,000
Texas	Goodfellow Air Force Base	\$5,800,000
.....	Lackland Air Force Base	\$14,000,000
.....	Laughlin Air Force Base	\$5,200,000
.....	Randolph Air Force Base	\$2,950,000
.....	Shepard Air Force Base	\$7,000,000
Utah	Hill Air Force Base	\$25,999,000
Washington	Fairchild Air Force Base	\$6,200,000
Wyoming	Francis E. Warren Air Force Base	\$14,600,000

3 (b) OUTSIDE THE UNITED STATES.—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2304(2), the Secretary of the Air Force
 6 may acquire real property and carry out military construc-



1 tion projects for the installations or locations outside the
 2 United States, and in the amounts, set forth in the fol-
 3 lowing table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	\$48,209,000
Guam	Andersen Air Force Base	\$15,816,000
Qatar	Al Udeid Air Base	\$22,300,000
Spain	Moron Air Base	\$1,800,000
United Kingdom	Royal Air Force Lakenheath	\$17,300,000
.....	Royal Air Force Menwith Hill Station	\$41,000,000

4 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-
 5 propriated pursuant to the authorization of appropriations
 6 in section 2304(3), the Secretary of the Air Force may
 7 acquire real property and carry out military construction
 8 projects for unspecified installations or locations in the
 9 amount set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	\$1,500,000
.....	Classified-Special Evaluation Program	\$12,328,000

10 **SEC. 2302. FAMILY HOUSING.**

11 (a) CONSTRUCTION AND ACQUISITION.—Using
 12 amounts appropriated pursuant to the authorization of ap-
 13 propriations in section 2304(6)(A), the Secretary of the
 14 Air Force may construct or acquire family housing units
 15 (including land acquisition and supporting facilities) at the
 16 installations or locations, in the number of units, and in
 17 the amounts set forth in the following table:



Air Force: Family Housing

State or Country	Installation or Location	Units	Amount
Germany	Ramstein Air Base	117 ...	\$56,275,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-
 2 priated pursuant to the authorization of appropriations in
 3 section 2304(6)(A), the Secretary of the Air Force may
 4 carry out architectural and engineering services and con-
 5 struction design activities with respect to the construction
 6 or improvement of military family housing units in an
 7 amount not to exceed \$12,210,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 9 **UNITS.**

10 Subject to section 2825 of title 10, United States
 11 Code, and using amounts appropriated pursuant to the
 12 authorization of appropriations in section 2304(6)(A), the
 13 Secretary of the Air Force may improve existing military
 14 family housing units in an amount not to exceed
 15 \$259,262,000.

16 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
 17 **FORCE.**

18 Funds are hereby authorized to be appropriated for
 19 fiscal years beginning after September 30, 2007, for mili-
 20 tary construction, land acquisition, and military family
 21 housing functions of the Department of the Air Force in
 22 the total amount of \$2,175,829,000, as follows:



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1 (1) For military construction projects inside the
2 United States authorized by section 2301(a),
3 \$872,273,000.

4 (2) For military construction projects outside
5 the United States authorized by section 2301(b),
6 \$146,425,000.

7 (3) For the military construction projects at
8 unspecified worldwide locations authorized by section
9 2301(c), \$13,828,000.

10 (4) For unspecified minor military construction
11 projects authorized by section 2805 of title 10,
12 United States Code, \$15,000,000.

13 (5) For architectural and engineering services
14 and construction design under section 2807 of title
15 10, United States Code, \$43,721,000.

16 (6) For military family housing functions:

17 (A) For construction and acquisition, plan-
18 ning and design, and improvement of military
19 family housing and facilities, \$327,747,000.

20 (B) For support of military family housing
21 (including functions described in section 2833
22 of title 10, United States Code), \$688,335,000.

23 (7) For the construction of increments 3 and 4
24 of the main base runway at Edwards Air Force
25 Base, California, authorized by section 2301(a) of



1 the Military Construction Authorization Act for Fis-
2 cal Year 2006 (division B of Public Law 109–163;
3 119 Stat. 3494), \$43,500,000.

4 (8) For the construction of increment 3 of the
5 CENTCOM Joint Intelligence Center at MacDill Air
6 Force Base, Florida, authorized by section 2301(a)
7 of the Military Construction Authorization Act for
8 Fiscal Year 2006 (division B of Public Law 109–
9 163; 119 Stat. 3494), as amended by section 2305
10 of the Military Construction Authorization Act for
11 Fiscal Year 2007 (division B of Public Law 109–
12 364; 120 Stat. 2456), \$25,000,000.

13 **SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT**
14 **FISCAL YEAR 2007 AIR FORCE PROJECTS FOR**
15 **WHICH FUNDS WERE NOT APPROPRIATED.**

16 (a) TERMINATION OF INSIDE THE UNITED STATES
17 PROJECTS.—The table in section 2301(a) of the Military
18 Construction Authorization Act for Fiscal Year 2007 (di-
19 vision B of Public Law 109–364; 120 Stat. 2453) is
20 amended—

21 (1) in the item relating to Elmendorf, Alaska,
22 by striking “\$68,100,000” in the amount column
23 and inserting “\$56,100,000”;



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1 (2) in the item relating to Davis-Monthan Air
2 Force Base, Arizona, by striking “\$11,800,000” in
3 the amount column and inserting “\$4,600,000”;

4 (3) by striking the item relating to Little Rock
5 Air Force Base, Arkansas;

6 (4) in the item relating to Travis Air Force
7 Base, California, by striking “\$85,800,000” in the
8 amount column and inserting “\$73,900,000”;

9 (5) by striking the item relating to Peterson Air
10 Force Base, Colorado;

11 (6) in the item relating to Dover Air Force,
12 Delaware, by striking “\$30,400,000” in the amount
13 column and inserting “\$26,400,000”;

14 (7) in the item relating to Eglin Air Force
15 Base, Florida, by striking “\$30,350,000” in the
16 amount column and inserting “\$19,350,000”;

17 (8) in the item relating to Tyndall Air Force
18 Base, Florida, by striking “\$8,200,000” in the
19 amount column and inserting “\$1,800,000”;

20 (9) in the item relating to Robins Air Force
21 Base, Georgia, by striking “\$59,600,000” in the
22 amount column and inserting “\$38,600,000”;

23 (10) in the item relating to Scott Air Force
24 Base, Illinois, by striking “\$28,200,000” in the
25 amount column and inserting “\$20,000,000”;



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1 (11) by striking the item relating to McConnell
2 Air Force Base, Kansas;

3 (12) by striking the item relating to Hanscom
4 Air Force Base, Massachusetts;

5 (13) by striking the item relating to Whiteman
6 Air Force Base, Missouri;

7 (14) by striking the item relating to Malmstrom
8 Air Force Base, Montana;

9 (15) in the item relating to McGuire Air Force
10 Base, New Jersey, by striking "\$28,500,000" in the
11 amount column and inserting "\$15,500,000";

12 (16) by striking the item relating to Kirtland
13 Air Force Base, New Mexico;

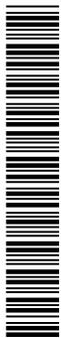
14 (17) by striking the item relating to Minot Air
15 Force Base, North Dakota;

16 (18) in the item relating to Altus Air Force
17 Base, Oklahoma, by striking "\$9,500,000" in the
18 amount column and inserting "\$1,500,000";

19 (19) by striking the item relating to Tinker Air
20 Force Base, Oklahoma;

21 (20) by striking the item relating to Charleston
22 Air Force Base, South Carolina;

23 (21) in the item relating to Shaw Air Force
24 Base, South Carolina, by striking "\$31,500,000" in
25 the amount column and inserting "\$22,200,000";



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1 (22) by striking the item relating to Ellsworth
2 Air Force Base, South Dakota;

3 (23) by striking the item relating to Laughlin
4 Air Force Base, Texas;

5 (24) by striking the item relating to Sheppard
6 Air Force Base, Texas;

7 (25) in the item relating to Hill Air Force
8 Base, Utah, by striking “\$63,400,000” in the
9 amount column and inserting “\$53,400,000”; and

10 (26) by striking the item relating to Fairchild
11 Air Force Base, Washington.

12 (b) CONFORMING AMENDMENTS.—Section 2304(a)
13 of such Act (120 Stat. 2455) is amended—

14 (1) in the matter preceding paragraph (1), by
15 striking “\$3,231,442,000” and inserting
16 “\$3,005,817,000”; and

17 (2) in paragraph (1), by striking
18 “\$962,286,000” and inserting “\$736,661,000”.

19 (c) EXCEPTION.—The termination of the authoriza-
20 tion of a military construction project or land acquisition
21 as a result of the amendment made by subsection (a) shall
22 not apply with respect to a military construction project
23 or land acquisition—

24 (1) that was authorized by section 2301(a) of
25 such Act; and



1 (2) for which a contract for the construction or
2 acquisition was entered into before October 1, 2007.

3 **SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT**
4 **CERTAIN FISCAL YEAR 2006 PROJECTS.**

5 (a) FURTHER MODIFICATION OF INSIDE THE
6 UNITED STATES PROJECT.—The table in section 2301(a)
7 of the Military Construction Authorization Act for Fiscal
8 Year 2006 (division B of Public Law 109–163; 119 Stat.
9 3494), as amended by section 2305(a) of the Military Con-
10 struction Authorization Act for Fiscal Year 2007 (division
11 B of Public Law 109–364; 120 Stat. 2456), is further
12 amended—

13 (1) in the item relating to Edwards Air Force
14 Base, California, by striking “\$103,000,000” in the
15 amount column and inserting “\$111,500,000”; and

16 (2) in the item relating to MacDill Air Force
17 Base, Florida, by striking “\$101,500,000” in the
18 amount column and inserting “\$126,500,000”.

19 (b) CONFORMING AMENDMENTS.—Section 2304(b)
20 of the Military Construction Authorization Act for Fiscal
21 Year 2006 (division B of Public Law 109–163; 119 Stat.
22 3496), as amended by section 2305(b) of the Military Con-
23 struction Authorization Act for Fiscal Year 2007 (division
24 B of Public Law 109–364; 120 Stat. 2456), is further
25 amended—



1 (1) in paragraph (3), by striking
 2 “\$66,000,000” and inserting “\$74,500,000”; and
 3 (2) in paragraph (4), by striking
 4 “\$23,300,000” and inserting “\$48,300,000”.

5 **SEC. 2307. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 6 **FISCAL YEAR 2005 PROJECTS.**

7 (a) **EXTENSION AND RENEWAL.**—Notwithstanding
 8 section 2701 of the Military Construction Authorization
 9 Act for Fiscal Year 2005 (division B of Public Law 108–
 10 375; 118 Stat. 2116), the authorizations set forth in the
 11 table in subsection (b), as provided in section 2302 of that
 12 Act (118 Stat. 2110), shall remain in effect until October
 13 1, 2008, or the date of the enactment of an Act author-
 14 izing funds for military construction for fiscal year 2009,
 15 whichever is later.

16 (b) **TABLE.**—The table referred to in subsection (a)
 17 is as follows:

Air Force: Extension of 2005 Project Authorizations

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
Columbus Air Force Base, Mississippi.	Housing management facility	\$711,000
Whiteman Air Force Base, Missouri	Family housing (160 units) ..	\$37,087,000
Seymour Johnson Air Force Base, North Carolina.	Family housing (167 units) ..	\$32,693,000
Goodfellow Air Force Base, Texas ...	Family housing (127 units) ..	\$20,604,000
Ramstein Air Base, Germany	USAFE Theater Aerospace Operations Support Center.	\$24,024,000



1 **SEC. 2308. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2004 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2004 (division B of Public Law 108–136; 117 Stat.
 6 1716), authorizations set forth in the table in subsection
 7 (b), as provided in section 2302 of that Act (117 Stat.
 8 1710) and extended by section 2702 of the Military Con-
 9 struction Authorization Act for Fiscal Year 2007 (division
 10 B of Public Law 109–364; 120 Stat. 2464), shall remain
 11 in effect until October 1, 2008, or the date of the enact-
 12 ment of an Act authorizing funds for military construction
 13 for fiscal year 2009, whichever is later.

14 (b) TABLE.—The table referred to in subsection (a)
 15 is as follows:

Air Force: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Travis Air Force Base, California	Family housing (56 units)	\$12,723,000
Eglin Air Force Base, Florida	Family housing (279 units) ..	\$32,166,000

16 **TITLE XXIV—DEFENSE**
 17 **AGENCIES**

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.
- Sec. 2404. Termination or modification of authority to carry out certain fiscal year 2007 Defense Agencies projects.
- Sec. 2405. Munitions demilitarization facilities, Blue Grass Army Depot, Kentucky, and Pueblo Chemical Activity, Colorado.
- Sec. 2406. Extension of authorizations of certain fiscal year 2005 projects.



1 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 2 **TION AND LAND ACQUISITION PROJECTS.**

3 (a) **INSIDE THE UNITED STATES.**—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2403(a)(1), the Secretary of Defense may
 6 acquire real property and carry out military construction
 7 projects for the installations or locations inside the United
 8 States, and in the amounts, set forth in the following ta-
 9 bles:

Defense Education Activity

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	\$11,900,000
New Mexico	Kirtland Air Force Base	\$1,800,000
Ohio	Defense Supply Center, Columbus	\$4,000,000
Pennsylvania ...	Defense Distribution Depot, New Cumberland	\$21,000,000
Virginia	Fort Belvoir	\$5,000,000

National Security Agency

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



Special Operations Command—Continued

State	Installation or Location	Amount
Georgia	Fort Benning	\$35,000,000
.....	Hunter Army Air Field	\$13,800,000
Kentucky	Fort Campbell	\$53,500,000
Mississippi	Stennis Space Center	\$10,200,000
New Mexico	Cannon Air Force Base	\$7,500,000
North Carolina	Fort Bragg	\$47,250,000
.....	Marine Corps Base, Camp Lejeune	\$28,210,000
Virginia	Dam Neck	\$113,800,000
.....	Naval Amphibious Base, Little Creek	\$48,000,000
Washington	Fort Lewis	\$77,000,000

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

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2403(a)(2), the Secretary of Defense may
 4 acquire real property and carry out military construction
 5 projects for the installations or locations outside the
 6 United States, and in the amounts, set forth in the fol-
 7 lowing tables:

Defense Education Activity

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
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 2403(a)(3), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for unspecified installations or locations in the
6 amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classi- fied.	Classified Project	\$1,887,000

7 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

8 Using amounts appropriated pursuant to the author-
9 ization of appropriations in section 2403(a)(7), the Sec-
10 retary of Defense may carry out energy conservation
11 projects under chapter 173 of title 10, United States
12 Code, in the amount of \$70,000,000.

13 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
14 **FENSE AGENCIES.**

15 (a) IN GENERAL.—Funds are hereby authorized to
16 be appropriated for fiscal years beginning after September
17 30, 2007, for military construction, land acquisition, and
18 military family housing functions of the Department of



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1 Defense (other than the military departments) in the total
2 amount of \$1,763,120,000 as follows:

3 (1) For military construction projects inside the
4 United States authorized by section 2401(a),
5 \$791,902,000.

6 (2) For military construction projects outside
7 the United States authorized by section 2401(b),
8 \$133,809,000.

9 (3) For the military construction projects at
10 unspecified worldwide locations authorized by section
11 2301(c), \$1,887,000.

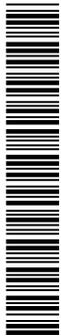
12 (4) For unspecified minor military construction
13 projects under section 2805 of title 10, United
14 States Code, \$23,711,000.

15 (5) For contingency construction projects of the
16 Secretary of Defense under section 2804 of title 10,
17 United States Code, \$5,000,000.

18 (6) For architectural and engineering services
19 and construction design under section 2807 of title
20 10, United States Code, \$155,569,000.

21 (7) For energy conservation projects authorized
22 by section 2402 of this Act, \$70,000,000.

23 (8) For military family housing functions:



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1 (A) For support of military family housing
2 (including functions described in section 2833
3 of title 10, United States Code), \$48,848,000.

4 (B) For credit to the Department of De-
5 fense Family Housing Improvement Fund es-
6 tablished by section 2883(a)(1) of title 10,
7 United States Code, \$500,000.

8 (9) For the construction of increment 3 of the
9 regional security operations center at Kunia, Hawaii,
10 authorized by section 2401(a) of the Military Con-
11 struction Authorization Act of Fiscal Year 2006 (di-
12 vision B of Public Law 109-163; 119 Stat. 3497),
13 as amended by section 7017 of the Emergency Sup-
14 plemental Appropriations Act for Defense, the Glob-
15 al War on Terror, and Hurricane Recovery, 2006
16 (Public Law 109-234; 120 Stat. 485),
17 \$136,318,000.

18 (10) For the construction of increment 3 of the
19 regional security operations center at Augusta, Geor-
20 gia, authorized by section 2401(a) of the Military
21 Construction Authorization Act of Fiscal Year 2006
22 (division B of Public Law 109-163; 119 Stat.
23 3497), as amended by section 7016 of the Emer-
24 gency Supplemental Appropriations Act for Defense,
25 the Global War on Terror, and Hurricane Recovery,



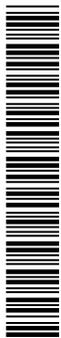
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1 2006 (Public Law 109-234; 120 Stat. 485),
2 \$100,000,000.

3 (11) For the construction of increment 2 of the
4 health clinic replacement at MacDill Air Force Base,
5 Florida, authorized by section 2401(a) of the Mili-
6 tary Construction Authorization Act of Fiscal Year
7 2007 (division B of Public Law 109-364; 120 Stat.
8 2457), \$41,400,000.

9 (12) For the construction of increment 2 of the
10 replacement of the Army Medical Research Institute
11 of Infectious Diseases at Fort Detrick, Maryland,
12 authorized by section 2401(a) of the Military Con-
13 struction Authorization Act of Fiscal Year 2007 (di-
14 vision B of Public Law 109-364; 120 Stat. 2457),
15 \$150,000,000.

16 (13) For the construction of increment 9 of a
17 munitions demilitarization facility at Pueblo Chem-
18 ical Activity, Colorado, authorized by section
19 2401(a) of the Military Construction Authorization
20 Act for Fiscal Year 1997 (division B of Public Law
21 104-201; 110 Stat. 2775), as amended by section
22 2406 of the Military Construction Authorization Act
23 for Fiscal Year 2000 (division B of Public Law 106-
24 65; 113 Stat. 839) and section 2407 of the Military
25 Construction Authorization Act for Fiscal Year 2003



1 (division B of Public Law 107–314; 116 Stat.
2 2698), \$35,159,000.

3 (14) For the construction of increment 8 of a
4 munitions demilitarization facility at Blue Grass
5 Army Depot, Kentucky, authorized by section
6 2401(a) of the Military Construction Authorization
7 Act for Fiscal Year 2000 (division B of Public Law
8 106–65; 113 Stat. 835), as amended by section
9 2405 of the Military Construction Authorization Act
10 for Fiscal Year 2002 (division B of Public Law 107–
11 107; 115 Stat. 1298) and section 2405 of the Mili-
12 tary Construction Authorization Act for Fiscal Year
13 2003 (division B of Public Law 107–314; 116 Stat.
14 2698), \$69,017,000.

15 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
16 PROJECTS.—Notwithstanding the cost variations author-
17 ized by section 2853 of title 10, United States Code, and
18 any other cost variation authorized by law, the total cost
19 of all projects carried out under section 2401 of this Act
20 may not exceed the sum of the following:

21 (1) The total amount authorized to be appro-
22 priated under paragraphs (1), (2), and (3) of sub-
23 section (a).

24 (2) \$84,300,000 (the balance of the amount au-
25 thorized for the Defense Logistics Agency under sec-



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1 tion 2401(a) for the replacement of fuel storage fa-
2 cilities, Point Loma Annex, California).

3 (3) \$47,250,000 (the balance of the amount au-
4 thorized for the Special Operations Command under
5 section 2401(a) for a special operations forces oper-
6 ations facility at Dam Neck, Virginia).

7 **SEC. 2404. TERMINATION OR MODIFICATION OF AUTHOR-**
8 **ITY TO CARRY OUT CERTAIN FISCAL YEAR**
9 **2007 DEFENSE AGENCIES PROJECTS.**

10 (a) TERMINATION OF PROJECTS FOR WHICH FUNDS
11 WERE NOT APPROPRIATED.—The table relating to Spe-
12 cial Operations Command in section 2401(a) of the Mili-
13 tary Construction Authorization Act for Fiscal Year 2007
14 (division B of Public Law 109–364; 120 Stat. 2457) is
15 amended—

16 (1) by striking the item relating to Stennis
17 Space Center, Mississippi; and

18 (2) in the item relating to Fort Bragg, North
19 Carolina, by striking “\$51,768,000” in the amount
20 column and inserting “\$44,868,000”.

21 (b) MODIFICATION OF AUTHORITY TO CARRY OUT
22 CERTAIN BASE CLOSURE AND REALIGNMENT ACTIVI-
23 TIES.—Section 2405(a)(7) of that Act (120 Stat. 2460)
24 is amended by striking “\$191,220,000” and inserting
25 “\$252,279,000”.



1 (c) MODIFICATION OF MUNITIONS DEMILITARIZA-
2 TION FACILITY PROJECT.—Section 2405(a)(15) of that
3 Act (120 Stat. 2461) is amended by striking
4 “\$99,157,000” and inserting “\$89,157,000”.

5 (d) CONFORMING AMENDMENTS.—Section 2405(a)
6 of that Act (120 Stat. 2460) is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “\$7,163,431,000” and inserting
9 “\$7,197,390,000”; and

10 (2) in paragraph (1), by striking
11 “\$533,099,000” and inserting “\$515,999,000”.

12 **SEC. 2405. MUNITIONS DEMILITARIZATION FACILITIES,**
13 **BLUE GRASS ARMY DEPOT, KENTUCKY, AND**
14 **PUEBLO CHEMICAL ACTIVITY, COLORADO.**

15 (a) MUNITIONS DEMILITARIZATION FACILITY, BLUE
16 GRASS ARMY DEPOT.—

17 (1) AUTHORITY TO INCREASE AMOUNT FOR
18 CONSTRUCTION.—Consistent with the total project
19 amount authorized for the construction a munitions
20 demilitarization facility at Blue Grass Army Depot,
21 Kentucky, by section 2401(a) of the Military Con-
22 struction Authorization Act for Fiscal Year 2000
23 (division B of Public Law 106–65; 113 Stat. 836),
24 as amended by section 2405 of the Military Con-
25 struction Authorization Act for Fiscal Year 2002



1 (division B of Public Law 107–107; 115 Stat. 1298)
2 and section 2405 of the Military Construction Au-
3 thorization Act for Fiscal Year 2003 (division B of
4 Public Law 107–314; 116 Stat. 2698), the Secretary
5 of Defense may transfer amounts of authorizations
6 made available by section 2403(a)(1) of this Act to
7 increase amounts available for the construction of
8 increment 8 of such munitions demilitarization facil-
9 ity.

10 (2) AGGREGATE LIMIT.—The aggregate amount
11 of authorizations that the Secretary may transfer
12 under the authority of this subsection may not ex-
13 ceed \$17,300,000.

14 (b) MUNITIONS DEMILITARIZATION FACILITY, PUEB-
15 LO CHEMICAL ACTIVITY.—

16 (1) AUTHORITY TO INCREASE AMOUNT FOR
17 CONSTRUCTION.—Consistent with the total project
18 amount authorized for the construction a munitions
19 demilitarization facility at Pueblo Chemical Activity,
20 Colorado, by section 2401(a) of the Military Con-
21 struction Authorization Act for Fiscal Year 1997
22 (Public Law 104–201; 110 Stat. 2775), as amended
23 by section 2406 of the Military Construction Author-
24 ization Act for Fiscal Year 2000 (division B of Pub-
25 lic Law 106–65; 113 Stat. 839) and section 2407 of



1 the Military Construction Authorization Act for Fis-
2 cal Year 2003 (division B of Public Law 107-314;
3 116 Stat. 2698), the Secretary of Defense may
4 transfer amounts of authorizations made available
5 by section 2403(a)(1) of this Act to increase
6 amounts available for the construction of increment
7 9 of such munitions demilitarization facility.

8 (2) AGGREGATE LIMIT.—The aggregate amount
9 of authorizations that the Secretary may transfer
10 under the authority of this subsection may not ex-
11 ceed \$32,000,000.

12 (c) CERTIFICATION REQUIREMENT.—Before exer-
13 cising the authority provided in subsection (a) or (b), the
14 Secretary of Defense shall provide to the congressional de-
15 fense committees—

16 (1) a certification that the transfer under such
17 subsection of amounts authorized to be appropriated
18 is in the best interest of national security; and

19 (2) a statement that the increased amount au-
20 thorized to be appropriated will be used to carry out
21 authorized military construction activities.

22 **SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
23 **FISCAL YEAR 2005 PROJECTS.**

24 (a) EXTENSION AND RENEWAL.—Notwithstanding
25 section 2701 of the Military Construction Authorization



1 Act for Fiscal Year 2005 (division B of Public Law 108–
 2 375; 118 Stat. 2116), the authorizations set forth in the
 3 table in subsection (b), as provided in section 2401 of that
 4 Act (118 Stat. 2112), shall remain in effect until October
 5 1, 2008, or the date of the enactment of an Act author-
 6 izing funds for military construction for fiscal year 2009,
 7 whichever is later.

8 (b) TABLE.—The table referred to in subsection (a)
 9 is as follows:

Defense Agencies: Extension of 2005 Project Authorizations

Installation or Location	Agency and Project	Amount
Naval Air Station, Oceana, Virginia	DLA bulk fuel storage tank.	\$3,589,000
Naval Air Station, Jacksonville, Florida	TMA hospital project	\$28,438,000

10 **TITLE XXV—NORTH ATLANTIC**
 11 **TREATY ORGANIZATION SE-**
 12 **CURITY INVESTMENT PRO-**
 13 **GRAM**

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

14 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
 15 **ACQUISITION PROJECTS.**

16 The Secretary of Defense may make contributions for
 17 the North Atlantic Treaty Organization Security Invest-
 18 ment Program as provided in section 2806 of title 10,
 19 United States Code, in an amount not to exceed the sum
 20 of the amount authorized to be appropriated for this pur-



1 pose in section 2502 and the amount collected from the
2 North Atlantic Treaty Organization as a result of con-
3 struction previously financed by the United States.

4 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

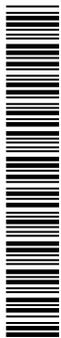
5 Funds are hereby authorized to be appropriated for
6 fiscal years beginning after September 30, 2007, for con-
7 tributions by the Secretary of Defense under section 2806
8 of title 10, United States Code, for the share of the United
9 States of the cost of projects for the North Atlantic Treaty
10 Organization Security Investment Program authorized by
11 section 2501, in the amount of \$201,400,000.

12 **TITLE XXVI—GUARD AND**
13 **RESERVE FORCES FACILITIES**

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
- Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
- Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
- Sec. 2606. Authorization of appropriations, National Guard and Reserve.
- Sec. 2607. Termination of authority to carry out fiscal year 2007 Guard and Reserve projects for which funds were not appropriated.
- Sec. 2608. Modification of authority to carry out fiscal year 2006 Air Force Reserve construction and acquisition projects.
- Sec. 2609. Extension of authorizations of certain fiscal year 2005 projects.
- Sec. 2610. Extension of authorizations of certain Fiscal Year 2004 projects.

14 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
15 **STRUCTION AND LAND ACQUISITION**
16 **PROJECTS.**

17 Using amounts appropriated pursuant to the author-
18 ization of appropriations in section 2606(1)(A), the Sec-



1 retary of the Army may acquire real property and carry
 2 out military construction projects for the Army National
 3 Guard locations, and in the amounts, set forth in the fol-
 4 lowing table:

Army National Guard

State	Location	Amount
Alabama	Springville	\$3,300,000
Arizona	Florence	\$10,870,000
Arkansas	Camp Robinson	\$25,823,000
California	Camp Roberts	\$2,850,000
.....	Sacramento Army Depot	\$21,000,000
Connecticut	Niantic	\$13,600,000
Florida	Camp Blanding	\$15,524,000
.....	Jacksonville	\$12,200,000
Idaho	Gowen Field	\$7,615,000
.....	Orchard Training Area	\$1,700,000
Illinois	St. Clair County	\$8,100,000
Indiana	Muscatauck	\$4,996,000
Iowa	Iowa City	\$13,186,000
Kentucky	London	\$2,427,000
Michigan	Camp Grayling	\$2,450,000
.....	Lansing	\$4,239,000
Minnesota	Camp Ripley	\$17,450,000
Mississippi	Camp Shelby	\$4,000,000
Missouri	Whiteman Air Force Base	\$30,000,000
North Carolina	Asheville	\$3,733,000
North Dakota	Camp Grafton	\$33,416,000
Oregon	Ontario	\$11,000,000
Pennsylvania	Carlisle	\$7,800,000
.....	East Fallowfield Township	\$8,300,000
.....	Fort Indiantown Gap	\$9,500,000
.....	Gettysburg	\$6,300,000
.....	Graterford	\$7,300,000
.....	Hanover	\$5,500,000
.....	Hazelton	\$5,600,000
.....	Holidaysburg	\$9,400,000
.....	Huntingdon	\$7,500,000
.....	Kutztown	\$6,800,000
.....	Lebanon	\$7,800,000
.....	Philadelphia	\$13,650,000
.....	Waynesburg	\$9,000,000
Rhode Island	East Greenwich	\$8,200,000
.....	North Kingstown	\$33,000,000
Texas	Camp Bowie	\$1,500,000
.....	Fort Wolters	\$2,100,000
Utah	North Salt Lake	\$12,200,000
Vermont	Ethan Allen Range	\$1,996,000
Virginia	Fort Pickett	\$26,211,000
.....	Winchester	\$3,113,000
West Virginia	Camp Dawson	\$9,400,000
Wyoming	Camp Guernsey	\$2,650,000



1 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
 2 **AND LAND ACQUISITION PROJECTS.**

3 Using amounts appropriated pursuant to the author-
 4 ization of appropriations in section 2606(1)(B), the Sec-
 5 retary of the Army may acquire real property and carry
 6 out military construction projects for the Army Reserve
 7 locations, and in the amounts, set forth in the following
 8 table:

Army Reserve

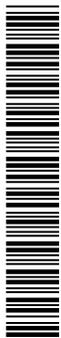
State	Location	Amount
California	BT Collins	\$6,874,000
.....	Fort Hunter Liggett	\$7,035,000
.....	Garden Grove	\$25,440,000
Montana	Butte	\$7,629,000
New Jersey	Fort Dix	\$22,900,000
New York	Fort Drum	\$15,923,000
Texas	Ellington Field	\$15,000,000
.....	Fort Worth	\$15,076,000
Wisconsin	Ellsworth	\$9,100,000
.....	Fort McCoy	\$8,523,000

9 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 10 **CORPS RESERVE CONSTRUCTION AND LAND**
 11 **ACQUISITION PROJECTS.**

12 Using amounts appropriated pursuant to the author-
 13 ization of appropriations in section 2606(a)(2), the Sec-
 14 retary of the Navy may acquire real property and carry
 15 out military construction projects for the Navy Reserve
 16 and Marine Corps Reserve locations, and in the amounts,
 17 set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Miramar	\$5,580,000
Michigan	Selfridge	\$4,030,000



Navy Reserve and Marine Corps Reserve—Continued

State	Location	Amount
Ohio	Wright-Patterson Air Force Base	\$10,277,000
Oregon	Portland	\$1,900,000
South Dakota	Sioux Falls	\$3,730,000
Texas	Austin	\$6,490,000
.....	Fort Worth	\$27,484,000
Virginia	Quantico	\$2,410,000

1 SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

2
 3 Using amounts appropriated pursuant to the author-
 4 ization of appropriations in section 2606(3)(A), the Sec-
 5 retary of the Air Force may acquire real property and
 6 carry out military construction projects for the Air Na-
 7 tional Guard locations, and in the amounts, set forth in
 8 the following table:

Air National Guard

State	Location	Amount
Colorado	Buckley Air National Guard Base	\$7,300,000
Delaware	New Castle	\$10,800,000
Florida	Jacksonville International Airport	\$6,000,000
Georgia	Savannah International Airport	\$9,000,000
Indiana	Hulman Regional Airport	\$7,700,000
Kansas	Smoky Hill Air National Guard Range ..	\$9,000,000
Louisiana	Camp Beauregard	\$1,800,000
Massachusetts	Otis Air National Guard Base	\$1,800,000
.....	Barnes Air National Guard Base	\$7,300,000
Mississippi	Key Field	\$6,100,000
Nebraska	Lincoln	\$8,900,000
Nevada	Reno-Tahoe International Airport	\$5,200,000
New Hampshire	Pease Air National Guard Base	\$8,900,000
New Jersey	Atlantic City	\$9,800,000
New York	Gabreski Airport	\$8,400,000
.....	Griffiss	\$6,600,000
.....	Hancock Field	\$5,100,000
North Carolina	Charlotte	\$4,000,000
Ohio	Rickenbacker Air National Guard Base ..	\$7,600,000
Pennsylvania	Fort Indiantown Gap	\$12,700,000
.....	Harrisburg	\$1,000,000
Rhode Island	Quonset State Airport	\$5,000,000
South Dakota	Joe Foss Field	\$7,900,000
Tennessee	Lovell Field	\$8,200,000
.....	McGhee-Tyson Airport	\$3,200,000
.....	Memphis International Airport	\$11,376,000
Texas	Ellington Field	\$7,200,000
Vermont	Burlington	\$6,600,000
West Virginia	Eastern WV Regional Airport	\$50,776,000



Air National Guard—Continued

State	Location	Amount
.....	Yeager	\$17,300,000
Wisconsin	Truax Field	\$7,000,000

1 SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

2
 3 Using amounts appropriated pursuant to the author-
 4 ization of appropriations in section 2606(3)(B), the Sec-
 5 retary of the Air Force may acquire real property and
 6 carry out military construction projects for the Air Force
 7 Reserve locations, and in the amounts, set forth in the
 8 following table:

Air Force Reserve

State	Location	Amount
Alaska	Elmendorf Air Force Base	\$14,950,000
Utah	Hill Air Force Base	\$3,200,000

9 SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

10
 11 Funds are hereby authorized to be appropriated for
 12 fiscal years beginning after September 30, 2007, for the
 13 costs of acquisition, architectural and engineering services,
 14 and construction of facilities for the Guard and Reserve
 15 Forces, and for contributions therefor, under chapter
 16 1803 of title 10, United States Code (including the cost
 17 of acquisition of land for those facilities), in the following
 18 amounts:

19 (1) For the Department of the Army—



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1 (A) for the Army National Guard of the
2 United States, \$536,656,000; and

3 (B) for the Army Reserve, \$148,133,000.

4 (2) For the Department of the Navy, for the
5 Navy and Marine Corps Reserve, \$64,430,000.

6 (3) For the Department of the Air Force—

7 (A) for the Air National Guard of the
8 United States, \$287,537,000; and

9 (B) for the Air Force Reserve,
10 \$28,359,000.

11 **SEC. 2607. TERMINATION OF AUTHORITY TO CARRY OUT**
12 **FISCAL YEAR 2007 GUARD AND RESERVE**
13 **PROJECTS FOR WHICH FUNDS WERE NOT AP-**
14 **PROPRIATED.**

15 Section 2601 of the Military Construction Authoriza-
16 tion Act for Fiscal Year 2007 (division B of Public Law
17 109–364; 120 Stat. 2463) is amended—

18 (1) in paragraph (1)—

19 (A) in subparagraph (A), by striking
20 “\$561,375,000” and inserting “\$476,697,000”;
21 and

22 (B) in subparagraph (B), by striking
23 “\$190,617,000” and inserting “\$167,987,000”;

24 (2) in paragraph (2), by striking “49,998,000”
25 and inserting “\$43,498,000”; and



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1 (3) in paragraph (3)—

2 (A) in subparagraph (A), by striking
3 “\$294,283,000” and inserting “\$133,983,000”;
4 and

5 (B) in subparagraph (B), by striking
6 “\$56,836,000” and inserting “\$47,436,000”.

7 **SEC. 2608. MODIFICATION OF AUTHORITY TO CARRY OUT**
8 **FISCAL YEAR 2006 AIR FORCE RESERVE CON-**
9 **STRUCTION AND ACQUISITION PROJECTS.**

10 Section 2601(3)(B) of the Military Construction Au-
11 thorization Act for Fiscal Year 2006 (division B of Public
12 Law 109–163; 119 Stat. 3501) is amended by striking
13 “\$105,883,000” and inserting “\$102,783,000”.

14 **SEC. 2609. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
15 **FISCAL YEAR 2005 PROJECTS.**

16 (a) **EXTENSION AND RENEWAL.**—Notwithstanding
17 section 2701 of the Military Construction Authorization
18 Act for Fiscal Year 2005 (division B of Public Law 108–
19 375; 118 Stat. 2116), the authorizations set forth in the
20 tables in subsection (b), as provided in section 2601 of
21 that Act (118 Stat. 2115), shall remain in effect until Oc-
22 tober 1, 2008, or the date of the enactment of an Act
23 authorizing funds for military construction for fiscal year
24 2009, whichever is later.



1 (b) TABLES.—The tables referred to in subsection (a)
 2 are as follows:

Army National Guard: Extension of 2005 Project Authorizations

Installation or Location	Project	Amount
Dublin, California	Readiness center	\$11,318,000
Gary, Indiana	Reserve center	\$9,380,000

Army Reserve: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Corpus Christi (Robstown), Texas	Storage facility	\$9,038,000

3 **SEC. 2610. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 4 **FISCAL YEAR 2004 PROJECTS.**

5 (a) EXTENSION.—Notwithstanding section 2701 of
 6 the Military Construction Authorization Act for Fiscal
 7 Year 2004 (division B of Public Law 108–136; 117 Stat.
 8 1716), the authorizations set forth in the table in sub-
 9 section (b), as provided in section 2601 of that Act (117
 10 Stat. 1715) and extended by section 2702 of the Military
 11 Construction Authorization Act for Fiscal Year 2007 (di-
 12 vision B of Public Law 109–364; 120 Stat. 2464), shall
 13 remain in effect until October 1, 2008, or the date of the
 14 enactment of an Act authorizing funds for military con-
 15 struction for fiscal year 2009, whichever is later.

16 (b) TABLE.—The table referred to in subsection (a)
 17 is as follows:

Army National Guard: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Albuquerque, New Mexico	Readiness center	\$2,533,000



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**Army National Guard: Extension of 2004 Project
Authorizations—Continued**

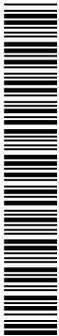
Installation or Location	Project	Amount
Fort Indiantown Gap, Pennsylvania	Multi-purpose training range	\$15,338,000

**1 TITLE XXVII—BASE CLOSURE
2 AND REALIGNMENT ACTIVITIES**

- Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
- Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2704. Authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.
- Sec. 2705. Transfer of funds from Department of Defense Base Closure Account 2005 to Department of Defense Housing Funds.
- Sec. 2706. Comprehensive accounting of funding required to ensure timely implementation of 2005 Defense Base Closure and Realignment Commission recommendations.
- Sec. 2707. Relocation of units from Roberts United States Army Reserve Center and Navy-Marine Corps Reserve Center, Baton Rouge, Louisiana.
- Sec. 2708. Acquisition of real property, Fort Belvoir, Virginia, as part of the realignment of the installation.
- Sec. 2709. Report on availability of traffic infrastructure and facilities to support base realignment.

**3 SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR
4 BASE CLOSURE AND REALIGNMENT ACTIVI-
5 TIES FUNDED THROUGH DEPARTMENT OF
6 DEFENSE BASE CLOSURE ACCOUNT 1990.**

7 Funds are hereby authorized to be appropriated for
8 fiscal years beginning after September 30, 2007, for base
9 closure and realignment activities, including real property
10 acquisition and military construction projects, as author-
11 ized by the Defense Base Closure and Realignment Act



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1 of 1990 (part A of title XXIX of Public Law 101–510;
2 10 U.S.C. 2687 note) and funded through the Department
3 of Defense Base Closure Account 1990 established by sec-
4 tion 2906 of such Act, in the total amount of
5 \$295,689,000, as follows:

6 (1) For the Department of the Army,
7 \$98,716,000.

8 (2) For the Department of the Navy,
9 \$50,000,000.

10 (3) For the Department of the Air Force,
11 \$143,260,000.

12 (4) For the Defense Agencies, \$3,713,000.

13 **SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN-**
14 **MENT ACTIVITIES FUNDED THROUGH DE-**
15 **PARTMENT OF DEFENSE BASE CLOSURE AC-**
16 **COUNT 2005.**

17 Using amounts appropriated pursuant to the author-
18 ization of appropriations in section 2703, the Secretary
19 of Defense may carry out base closure and realignment
20 activities, including real property acquisition and military
21 construction projects, as authorized by the Defense Base
22 Closure and Realignment Act of 1990 (part A of title
23 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and
24 funded through the Department of Defense Base Closure



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1 Account 2005 established by section 2906A of such Act,
2 in the amount of \$8,718,988,000.

3 **SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR**
4 **BASE CLOSURE AND REALIGNMENT ACTIVI-**
5 **TIES FUNDED THROUGH DEPARTMENT OF**
6 **DEFENSE BASE CLOSURE ACCOUNT 2005.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
8 are hereby authorized to be appropriated for fiscal years
9 beginning after September 30, 2007, for base closure and
10 realignment activities, including real property acquisition
11 and military construction projects, as authorized by the
12 Defense Base Closure and Realignment Act of 1990 (part
13 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
14 note) and funded through the Department of Defense
15 Base Closure Account 2005 established by section 2906A
16 of such Act, in the total amount of \$8,040,401,000, as
17 follows:

18 (1) For the Department of the Army,
19 \$4,015,746,000.

20 (2) For the Department of the Navy,
21 \$733,695,000.

22 (3) For the Department of the Air Force,
23 \$1,183,812,000.

24 (4) For the Defense Agencies, \$2,241,062,000.



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1 (b) GENERAL REDUCTION.—The amount otherwise
2 authorized to be appropriated by subsection (a) is reduced
3 by \$133,914,000.

4 **SEC. 2704. AUTHORIZED COST AND SCOPE OF WORK VARI-**
5 **ATIONS FOR MILITARY CONSTRUCTION AND**
6 **MILITARY FAMILY HOUSING PROJECTS RE-**
7 **LATED TO BASE CLOSURES AND REALIGN-**
8 **MENTS.**

9 (a) VARIATIONS AUTHORIZED.—Section 2905A of
10 the Defense Base Closure and Realignment Act of 1990
11 (part A of title XXIX of Public Law 101–510; 10 U.S.C.
12 2687 note) is amended by adding at the end the following
13 new subsection:

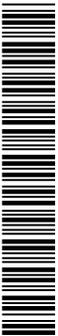
14 “(f) AUTHORIZED COST AND SCOPE OF WORK VARI-
15 ATIONS.—(1) Subject to paragraphs (2) and (3), the cost
16 authorized for a military construction project or military
17 family housing project to be carried out using funds in
18 the Account may not be increased or reduced by more than
19 20 percent or \$2,000,000, whichever is greater, of the
20 amount specified for the project in the conference report
21 to accompany the Military Construction Authorization Act
22 authorizing the project. The scope of work for such a
23 project may not be reduced by more than 25 percent from
24 the scope specified in the most recent budget documents
25 for the projects listed in such conference report.



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1 “(2) Paragraph (1) shall not apply to a military con-
2 struction project or military family housing project to be
3 carried out using funds in the Account with an estimated
4 cost of less than \$5,000,000, unless the project has not
5 been previously identified in any budget submission for the
6 Account and exceeds the applicable minor construction
7 threshold under section 2805 of title 10, United States
8 Code.

9 “(3) The limitation on cost or scope variation in para-
10 graph (1) shall not apply if the Secretary of Defense
11 makes a determination that an increase or reduction in
12 cost or a reduction in the scope of work for a military
13 construction project or military family housing project to
14 be carried out using funds in the Account needs to be
15 made for the sole purpose of meeting unusual variations
16 in cost or scope. If the Secretary makes such a determina-
17 tion, the Secretary shall notify the congressional defense
18 committees of the variation in cost or scope not later than
19 21 days before the date on which the variation is made
20 in connection with the project or, if the notification is pro-
21 vided in an electronic medium pursuant to section 480 of
22 title 10, United States Code, not later than 14 days before
23 the date on which the variation is made. The Secretary
24 shall include the reasons for the variation in the notifica-
25 tion.”.



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1 (b) REPORT ON EXISTING PROJECTS.—Not later
2 than 90 days after the date of the enactment of this Act,
3 the Secretary of Defense shall submit to the congressional
4 defense committees a report specifying all military con-
5 struction projects and military family housing projects
6 carried out using funds in the Department of Defense
7 Base Closure Account 2005 for which a cost or scope of
8 work variation was made before that date that would have
9 been subject to subsection (f) of section 2905A of the De-
10 fense Base Closure and Realignment Act of 1990, as
11 added by this section, if such subsection had been in effect
12 when the cost or scope of work variation was made. The
13 Secretary shall include a description of each variation cov-
14 ered by the report and the reasons for the variation.

15 **SEC. 2705. TRANSFER OF FUNDS FROM DEPARTMENT OF**
16 **DEFENSE BASE CLOSURE ACCOUNT 2005 TO**
17 **DEPARTMENT OF DEFENSE HOUSING FUNDS.**

18 (a) TRANSFER AUTHORITY.—Subsection (c) of sec-
19 tion 2883 of title 10, United States Code, is amended—

20 (1) in paragraph (1), by adding at the end the
21 following new subparagraph:

22 “(G) Subject to subsection (f), any amounts
23 that the Secretary of Defense transfers to that Fund
24 from amounts in the Department of Defense Base
25 Closure Account 2005.”; and



1 (2) in paragraph (2), by adding at the end the
2 following new subparagraph:

3 “(G) Subject to subsection (f), any amounts
4 that the Secretary of Defense transfers to that Fund
5 from amounts in the Department of Defense Base
6 Closure Account 2005.”.

7 (b) NOTIFICATION AND JUSTIFICATION FOR TRANS-
8 FER.—Subsection (f) of such section is amended—

9 (1) by striking “paragraph (1)(B) or (2)(B)”
10 and inserting “subparagraph (B) or (G) of para-
11 graph (1) or subparagraph (B) or (G) of paragraph
12 (2)”;

13 (2) by adding at the end the following new sen-
14 tence: “In addition, the notice required in connection
15 with a transfer under subparagraph (G) of para-
16 graph (1) or subparagraph (G) of paragraph (2)
17 shall include a certification that the amounts to be
18 transferred from the Department of Defense Base
19 Closure Account 2005 were specified in the con-
20 ference report to accompany the most recent Mili-
21 tary Construction Authorization Act.”.



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1 **SEC. 2706. COMPREHENSIVE ACCOUNTING OF FUNDING RE-**
2 **QUIRED TO ENSURE TIMELY IMPLEMENTA-**
3 **TION OF 2005 DEFENSE BASE CLOSURE AND**
4 **REALIGNMENT COMMISSION RECOMMENDA-**
5 **TIONS.**

6 The Secretary of Defense shall submit to Congress
7 with the budget materials for fiscal year 2009 a com-
8 prehensive accounting of the funding required to ensure
9 that the plan for implementing the final recommendations
10 of the 2005 Defense Base Closure and Realignment Com-
11 mission remains on schedule for completion by September
12 15, 2011, as required by section 2904(c)(5) of the Defense
13 Base Closure and Realignment Act of 1990 (part A of title
14 XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

15 **SEC. 2707. RELOCATION OF UNITS FROM ROBERTS UNITED**
16 **STATES ARMY RESERVE CENTER AND NAVY-**
17 **MARINE CORPS RESERVE CENTER, BATON**
18 **ROUGE, LOUISIANA.**

19 The Secretary of the Army may use funds appro-
20 priated pursuant to the authorization of appropriations in
21 paragraphs (1) and (2) of section 2703 for the purpose
22 of siting an Army Reserve Center and Navy and Marine
23 Corps Reserve Center on land under the control of the
24 State of Louisiana adjacent to, or in the vicinity of, the
25 Baton Rouge Metropolitan Airport in Baton Rouge, Lou-
26 isiana, at a location determined by the Secretary to be



1 in the best interest of national security and in the public
2 interest.

3 **SEC. 2708. ACQUISITION OF REAL PROPERTY, FORT**
4 **BELVOIR, VIRGINIA, AS PART OF THE RE-**
5 **ALIGNMENT OF THE INSTALLATION.**

6 (a) ACQUISITION AUTHORITY.—Pursuant to section
7 2905(a)(1)(A) of the Defense Base Closure and Realign-
8 ment Act of 1990 (part A of title XXIX of Public Law
9 101–510; 10 U.S.C. 2687 note), the relocation of mem-
10 bers of the Armed Forces and civilian employees of the
11 Department of Defense who are scheduled to be relocated
12 to Fort Belvoir, Virginia, shall be limited to the following
13 locations:

14 (1) Fort Belvoir.

15 (2) A parcel of real property consisting of ap-
16 proximately 69.5 acres, under the administrative ju-
17 risdiction of the Administrator of General Services
18 (in this section referred to as the “Administrator”)
19 and containing warehouse facilities in Springfield,
20 Virginia (in this section referred to as the “GSA
21 Property”).

22 (3) Any other parcels of land (using including
23 any improvement thereon) that are acquired, using
24 competitive procedures, in fee in the vicinity of Fort
25 Belvoir.



1 (b) ACQUISITION SELECTION CRITERIA.—The Sec-
2 retary of the Army shall select the site to be used under
3 subsection (a) based on the best value to the Government,
4 and, in making that determination, the Secretary shall
5 consider cost and schedule.

6 (c) GSA PROPERTY TRANSFER AUTHORIZED.—Pur-
7 suant to the relocation alternative authorized by sub-
8 section (a)(2), the Administrator may transfer the GSA
9 Property to the administrative jurisdiction of the Sec-
10 retary of the Army for the purpose of permitting the Sec-
11 retary to construct facilities on the property to support
12 administrative functions to be located at Fort Belvoir, Vir-
13 ginia.

14 (d) IMPLEMENTATION OF GSA PROPERTY TRANS-
15 FER.—

16 (1) CONSIDERATION.—As consideration for the
17 transfer of the GSA Property under subsection (c),
18 the Secretary of the Army shall—

19 (A) pay all reasonable costs to move per-
20 sonnel, furnishings, equipment, and other mate-
21 rial related to the relocation of functions identi-
22 fied by the Administrator; and

23 (B) if determined to be necessary by the
24 Administrator—



1 (i) transfer to the administrative ju-
2 risdiction of the Administrator a parcel of
3 property in the National Capital Region
4 under the jurisdiction of the Secretary and
5 determined to be suitable by the Adminis-
6 trator;

7 (ii) design and construct storage fa-
8 cilities, utilities, security measures, and ac-
9 cess to a road infrastructure on the parcel
10 transferred under clause (i) to meet the re-
11 quirements of the Administrator; and

12 (iii) enter into a memorandum of
13 agreement with the Administrator for sup-
14 port services and security at the new facili-
15 ties constructed pursuant to clause (ii).

16 (2) EQUAL VALUE TRANSFER.—As a condition
17 of the transfer of the GSA Property under sub-
18 section (c), the transfer agreement shall provide that
19 the fair market value of the GSA Property and the
20 consideration provided under paragraph (1) shall be
21 equal or, if not equal, shall be equalized through the
22 use of a cash equalization payment.

23 (3) DESCRIPTION OF PROPERTY.—The exact
24 acreage and legal description of the GSA Property



1 shall be determined by surveys satisfactory to the
2 Administrator and the Secretary of the Army.

3 (4) CONGRESSIONAL NOTICE.—Before under-
4 taking an activity under subsection (c) that would
5 require approval of a prospectus under section 3307
6 of title 40, United States Code, the Administrator
7 shall provide to the Committee on Transportation
8 and Infrastructure of the House of Representatives,
9 the Committee on Environment and Public Works of
10 the Senate, and the congressional defense commit-
11 tees a written notice containing a description of the
12 activity to be undertaken.

13 (5) NO EFFECT ON COMPLIANCE WITH ENVI-
14 RONMENTAL LAWS.—Nothing in this section or sub-
15 section (c) may be construed to affect or limit the
16 application of or obligation to comply with any envi-
17 ronmental law, including section 120(h) of the Com-
18 prehensive Environmental Response, Compensation,
19 and Liability Act of 1980 (42 U.S.C. 9620(h)).

20 (6) ADDITIONAL TERMS AND CONDITIONS.—
21 The Administrator and the Secretary of the Army
22 may require such additional terms and conditions in
23 connection with the GSA Property transfer as the
24 Administrator, in consultation with the Secretary,
25 determines appropriate to protect the interests of



1 the United States and further the purposes of this
2 section.

3 (e) ADMINISTRATION OF TRANSFERRED OR AC-
4 QUIRED PROPERTY.—Upon completion of any property
5 transfer or acquisition authorized by subsection (a), the
6 property shall be administered by the Secretary of the
7 Army as a part of Fort Belvoir.

8 (f) STATUS REPORT.—Not later than March 1, 2008,
9 the Secretary of the Army shall submit to the congres-
10 sional defense committees a report on the status and esti-
11 mated costs of implementing subsection (a).

12 **SEC. 2709. REPORT ON AVAILABILITY OF TRAFFIC INFRA-**
13 **STRUCTURE AND FACILITIES TO SUPPORT**
14 **BASE REALIGNMENT.**

15 (a) SENSE OF CONGRESS.—

16 (1) DESIGNATION OF DEFENSE ACCESS
17 ROADS.—It is the sense of Congress that roads lead-
18 ing onto Fort Belvoir, Virginia, and other military
19 installations that will be significantly impacted by an
20 increase in the number of members of the Armed
21 Forces and civilian employees of the Department of
22 Defense assigned to the installation as a result of
23 the 2005 round of defense base closures and realign-
24 ments under the Defense Base Closure and Realign-
25 ment Act of 1990 (part A of title XXIX of Public



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1 Law 101–510; 10 U.S.C. 2687 note) or any other
2 significant impact resulting from a realignment of
3 forces should be considered for designation as de-
4 fense access roads for purposes of section 210 of
5 title 23, United States Code.

6 (2) FACILITIES AND INFRASTRUCTURE.—It is
7 the sense of Congress that the Secretary of Defense
8 should seek to ensure that the permanent facilities
9 and infrastructure necessary to support the mission
10 of the Armed Forces and the quality of life needs of
11 members of the Armed Forces, civilian employees,
12 and their families are ready for use at receiving loca-
13 tions before units are transferred to such locations
14 as a result of the 2005 round of defense base clo-
15 sures and realignments.

16 (b) STUDY OF MILITARY INFRASTRUCTURE AND
17 SURFACE TRANSPORTATION INFRASTRUCTURE.—Not
18 later than April 1, 2008, the Comptroller General shall
19 submit to the congressional defense committees a report
20 with regard to each military installation that will be sig-
21 nificantly impacted by an increase in assigned forces or
22 civilian personnel, as described in subsection (a), for the
23 purpose of determining whether—



1 (1) military facility requirements (including
2 quality of life projects) will be met before the arrival
3 of assigned forces; and

4 (2) the Department of Defense has pro-
5 grammed sufficient funding to mitigate community
6 traffic congestion in accordance with the defense ac-
7 cess roads program under section 210 of title 23,
8 United States Code.

9 **TITLE XXVIII—MILITARY CON-**
10 **STRUCTION GENERAL PROVI-**
11 **SIONS**

Subtitle A—Military Construction Program and Military Family Housing
Changes

- Sec. 2801. Authority to use operation and maintenance funds for construction projects outside the United States.
- Sec. 2802. Clarification of requirement for authorization of military construction.
- Sec. 2803. Increase in thresholds for unspecified minor military construction projects.
- Sec. 2804. Temporary authority to support revitalization of Department of Defense laboratories through unspecified minor military construction projects.
- Sec. 2805. Extension of authority to accept equalization payments for facility exchanges.
- Sec. 2806. Modifications of authority to lease military family housing.
- Sec. 2807. Expansion of authority to exchange reserve component facilities.
- Sec. 2808. Limitation on use of alternative authority for acquisition and improvement of military housing for privatization of temporary lodging facilities.
- Sec. 2809. Two-year extension of temporary program to use minor military construction authority for construction of child development centers.
- Sec. 2810. Report on housing privatization initiatives.

Subtitle B—Real Property and Facilities Administration

- Sec. 2821. Requirement to report real property transactions resulting in annual costs of more than \$750,000.
- Sec. 2822. Continued consolidation of real property provisions without substantive change.
- Sec. 2823. Modification of authority to lease non-excess property of the military departments.



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- Sec. 2824. Cooperative agreement authority for management of cultural resources on certain sites outside military installations.
- Sec. 2825. Agreements to limit encroachments and other constraints on military training, testing, and operations.
- Sec. 2826. Expansion to all military departments of Army pilot program for purchase of certain municipal services for military installations.
- Sec. 2827. Prohibition on commercial flights into Selfridge Air National Guard Base.
- Sec. 2828. Sense of Congress on Department of Defense actions to protect installations, ranges, and military airspace from encroachment.
- Sec. 2829. Reports on Army and Marine Corps operational ranges.
- Sec. 2830. Niagara Air Reserve Base, New York, basing report.
- Sec. 2831. Report on the Pinon Canyon Maneuver Site, Colorado.

Subtitle C—Land Conveyances

- Sec. 2841. Modification of conveyance authority, Marine Corps Base, Camp Pendleton, California.
- Sec. 2842. Grant of easement, Eglin Air Force Base, Florida.
- Sec. 2843. Land conveyance, Lynn Haven Fuel Depot, Lynn Haven, Florida.
- Sec. 2844. Modification of lease of property, National Flight Academy at the National Museum of Naval Aviation, Naval Air Station, Pensacola, Florida.
- Sec. 2845. Land exchange, Detroit, Michigan.
- Sec. 2846. Transfer of jurisdiction, former Nike missile site, Grosse Ile, Michigan.
- Sec. 2847. Modification to land conveyance authority, Fort Bragg, North Carolina.
- Sec. 2848. Land conveyance, Lewis and Clark United States Army Reserve Center, Bismarek, North Dakota.
- Sec. 2849. Land exchange, Fort Hood, Texas.

Subtitle D—Energy Security

- Sec. 2861. Repeal of congressional notification requirement regarding cancellation ceiling for Department of Defense energy savings performance contracts.
- Sec. 2862. Definition of alternative fueled vehicle.
- Sec. 2863. Use of energy efficient lighting fixtures and bulbs in Department of Defense facilities.
- Sec. 2864. Reporting requirements relating to renewable energy use by Department of Defense to meet Department electricity needs.

Subtitle E—Other Matters

- Sec. 2871. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
- Sec. 2872. Transfer of jurisdiction over Air Force Memorial to Department of the Air Force.
- Sec. 2873. Report on plans to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia.
- Sec. 2874. Increased authority for repair, restoration, and preservation of Lafayette Escadrille Memorial, Marnes-la-Coquette, France.
- Sec. 2875. Addition of Woonsocket local protection project.
- Sec. 2876. Repeal of moratorium on improvements at Fort Buchanan, Puerto Rico.



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- Sec. 2877. Establishment of national military working dog teams monument on suitable military installation.
- Sec. 2878. Report required prior to removal of missiles from 564th Missile Squadron.
- Sec. 2879. Report on condition of schools under jurisdiction of Department of Defense Education Activity.
- Sec. 2880. Report on facilities and operations of Darnall Army Medical Center, Fort Hood Military Reservation, Texas.
- Sec. 2881. Report on feasibility of establishing a regional disaster response center at Kelly Air Field, San Antonio, Texas.
- Sec. 2882. Naming of housing facility at Fort Carson, Colorado, in honor of the Honorable Joel Hefley, a former member of the United States House of Representatives.
- Sec. 2883. Naming of Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of the Honorable Lane Evans, a former member of the United States House of Representatives.
- Sec. 2884. Naming of research laboratory at Air Force Rome Research Site, Rome, New York, in honor of the Honorable Sherwood L. Boehlert, a former member of the United States House of Representatives.
- Sec. 2885. Naming of administration building at Joint Systems Manufacturing Center, Lima, Ohio, in honor of the Honorable Michael G. Oxley, a former member of the United States House of Representatives.
- Sec. 2886. Naming of Logistics Automation Training Facility, Army Quartermaster Center and School, Fort Lee, Virginia, in honor of General Richard H. Thompson.
- Sec. 2887. Authority to relocate Joint Spectrum Center to Fort Meade, Maryland.

1 **Subtitle A—Military Construction**
 2 **Program and Military Family**
 3 **Housing Changes**

4 **SEC. 2801. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.**

7 (a) ONE-YEAR EXTENSION OF AUTHORITY.—Sub-
 8 section (a) of section 2808 of the Military Construction
 9 Authorization Act for Fiscal Year 2004 (division B of
 10 Public Law 108–136; 117 Stat. 1723), as amended by sec-
 11 tion 2810 of the Military Construction Authorization Act
 12 for Fiscal Year 2005 (division B of Public Law 108–375;



1 118 Stat. 2128), section 2809 of the Military Construction
2 Authorization Act for Fiscal Year 2006 (division B of
3 Public Law 109–163; 119 Stat. 3508), and section 2802
4 of the Military Construction Authorization Act for Fiscal
5 Year 2007 (division B of Public Law 109–364; 120 Stat.
6 2466), is further amended by striking “2007” and insert-
7 ing “2008”.

8 (b) PRENOTIFICATION REQUIREMENT.—Subsection
9 (b) of such section is amended by striking the first sen-
10 tence and inserting the following new sentences: “Before
11 using appropriated funds available for operation and
12 maintenance to carry out a construction project outside
13 the United States that has an estimated cost in excess
14 of the amounts authorized for unspecified minor military
15 construction projects under section 2805(c) of title 10,
16 United States Code, the Secretary of Defense shall submit
17 to the congressional committees specified in subsection (f)
18 a notice regarding the construction project. The project
19 may be carried out only after the end of the 10-day period
20 beginning on the date the notice is received by the commit-
21 tees or, if earlier, the end of the 7-day period beginning
22 on the date on which a copy of the notification is provided
23 in an electronic medium pursuant to section 480 of title
24 10, United States Code.”.



1 (c) ANNUAL LIMITATION ON USE OF AUTHORITY.—
2 Subsection (c) of such section is amended to read as fol-
3 lows:

4 “(c) ANNUAL LIMITATION ON USE OF AUTHORITY.—
5 The total cost of the construction projects carried out
6 under the authority of this section using, in whole or in
7 part, appropriated funds available for operation and main-
8 tenance shall not exceed \$200,000,000 in a fiscal year.”.

9 (d) CONFORMING AMENDMENT.—Subsection (g) of
10 such section is amended by striking “notice of the” and
11 inserting “advance notice of the proposed”.

12 (e) RATIFICATION OF PROPOSED CONSTRUCTION
13 AND LAND ACQUISITION PROJECTS USING FISCAL YEAR
14 2007 OPERATION AND MAINTENANCE FUNDS.—The nine
15 construction projects outside the United States proposed
16 to be carried out using funds appropriated to the Depart-
17 ment of Defense for operation and maintenance for fiscal
18 year 2007, but for which the obligation or expenditure of
19 funds was prohibited by subsection (g) of section 2808 of
20 the Military Construction Authorization Act for Fiscal
21 Year 2004 (division B of Public Law 108–136; 117 Stat.
22 1723), as added by section 2809 of the Military Construc-
23 tion Authorization Act for Fiscal Year 2006 (division B
24 of Public Law 109–163; 119 Stat. 3508), may be carried



1 out using such funds after the date of the enactment of
2 this Act notwithstanding such subsection (g).

3 **SEC. 2802. CLARIFICATION OF REQUIREMENT FOR AU-**
4 **THORIZATION OF MILITARY CONSTRUCTION.**

5 (a) CLARIFICATION OF REQUIREMENT FOR AUTHOR-
6 IZATION.—Section 2802(a) of title 10, United States
7 Code, is amended by inserting after “military construction
8 projects” the following: “, land acquisitions, and defense
9 access road projects (as described under section 210 of
10 title 23)”.

11 (b) CLARIFICATION OF DEFINITION.—Section
12 2801(a) of such title is amended by inserting after “per-
13 manent requirements” the following: “, or any acquisition
14 of land or construction of a defense access road (as de-
15 scribed in section 210 of title 23)”.

16 **SEC. 2803. INCREASE IN THRESHOLDS FOR UNSPECIFIED**
17 **MINOR MILITARY CONSTRUCTION PROJECTS.**

18 Section 2805(a)(1) of title 10, United States Code,
19 is amended by striking “\$1,500,000” and inserting
20 “\$2,000,000”.



1 **SEC. 2804. TEMPORARY AUTHORITY TO SUPPORT REVITAL-**
2 **IZATION OF DEPARTMENT OF DEFENSE LAB-**
3 **ORATORIES THROUGH UNSPECIFIED MINOR**
4 **MILITARY CONSTRUCTION PROJECTS.**

5 (a) LABORATORY REVITALIZATION.—Section 2805 of
6 title 10, United States Code, is amended—

7 (1) by redesignating subsection (d) as sub-
8 section (e); and

9 (2) by inserting after subsection (c) the fol-
10 lowing new subsection (d):

11 “(d) LABORATORY REVITALIZATION.—(1) For the
12 revitalization and recapitalization of laboratories owned by
13 the United States and under the jurisdiction of the Sec-
14 retary concerned, the Secretary concerned may obligate
15 and expend—

16 “(A) from appropriations available to the Sec-
17 retary concerned for operation and maintenance,
18 amounts necessary to carry out an unspecified minor
19 military construction project costing not more than
20 \$2,000,000; or

21 “(B) from appropriations available to the Sec-
22 retary concerned for military construction not other-
23 wise authorized by law, amounts necessary to carry
24 out an unspecified minor military construction
25 project costing not more than \$4,000,000.



1 “(2) For an unspecified minor military construction
2 project conducted pursuant to this subsection, \$2,000,000
3 shall be deemed to be the amount specified in subsection
4 (b)(1) regarding when advance approval of the project by
5 the Secretary concerned and congressional notification is
6 required. The Secretary of Defense shall establish proce-
7 dures for the review and approval of requests from the
8 Secretary of a military department to carry out a con-
9 struction project under this subsection.

10 “(3) For purposes of this subsection, the total
11 amount allowed to be applied in any one fiscal year to
12 projects at any one laboratory shall be limited to the larger
13 of the amounts applicable under paragraph (1).

14 “(4) Not later than February 1, 2010, the Secretary
15 of Defense shall submit to the congressional defense com-
16 mittees a report on the use of the authority provided by
17 this subsection. The report shall include a list and descrip-
18 tion of the construction projects carried out under this
19 subsection, including the location and cost of each project.

20 “(5) In this subsection, the term ‘laboratory’
21 includes—

22 “(A) a research, engineering, and development
23 center; and

24 “(B) a test and evaluation activity.



1 “(6) The authority to carry out a project under this
2 subsection expires on September 30, 2012.”.

3 (b) **STYLISTIC AMENDMENTS.**—Such section is fur-
4 ther amended—

5 (1) in subsection (a), by inserting “**AUTHORITY**
6 **TO CARRY OUT UNSPECIFIED MINOR MILITARY**
7 **CONSTRUCTION PROJECTS.—**” after “(a)”;

8 (2) in subsection (b), by inserting “**APPROVAL**
9 **AND CONGRESSIONAL NOTIFICATION.—**” after
10 “(b)”;

11 (3) in subsection (c), by inserting “**USE OF OP-**
12 **ERATION AND MAINTENANCE FUNDS.—**” after
13 “(c)”; and

14 (4) in subsection (e), as redesignated by sub-
15 section (a)(1), by inserting “**PROHIBITION ON USE**
16 **FOR NEW HOUSING UNITS.—**” after “(e)”.

17 **SEC. 2805. EXTENSION OF AUTHORITY TO ACCEPT EQUALI-**
18 **ZATION PAYMENTS FOR FACILITY EX-**
19 **CHANGES.**

20 Section 2809(c)(5) of the Military Construction Au-
21 thorization Act for Fiscal Year 2005 (division B of Public
22 Law 108–375; 118 Stat. 2127) is amended by striking
23 “September 30, 2007” and inserting “September 30,
24 2010”.



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1 **SEC. 2806. MODIFICATIONS OF AUTHORITY TO LEASE MILI-**
2 **TARY FAMILY HOUSING.**

3 (a) INCREASED MAXIMUM LEASE AMOUNT APPLICA-
4 BLE TO CERTAIN DOMESTIC ARMY FAMILY HOUSING
5 LEASES.—Subsection (b) of section 2828 of title 10,
6 United States Code, is amended—

7 (1) in paragraph (2), by striking “paragraphs
8 (3) and (4)” and inserting “paragraphs (3), (4), and
9 (7)”;

10 (2) in paragraph (5), by striking “paragraphs
11 (2) and (3)” and inserting “paragraphs (2), (3), and
12 (7)”;

13 (3) by adding at the end the following new
14 paragraph:

15 “(7)(A) Not more than 600 housing units may be
16 leased by the Secretary of the Army under subsection (a)
17 for which the expenditure for the rental of such units (in-
18 cluding the cost of utilities, maintenance, and operation)
19 exceeds the maximum amount per unit per year in effect
20 under paragraph (2) but does not exceed \$18,620 per unit
21 per year, as adjusted from time to time under paragraph
22 (5).

23 “(B) The maximum lease amount provided in sub-
24 paragraph (A) shall apply only to Army family housing
25 in areas designated by the Secretary of the Army.



1 “(C) The term of a lease under subparagraph (A)
2 may not exceed 2 years.”.

3 (b) FOREIGN MILITARY FAMILY HOUSING
4 LEASES.—Subsection (e)(2) of such section is amended by
5 striking “the Secretary of the Navy may lease not more
6 than 2,800 units of family housing in Italy, and the Sec-
7 retary of the Army may lease not more than 500 units
8 of family housing in Italy” and inserting “the Secretaries
9 of the military departments may lease not more than
10 3,300 units of family housing in Italy”.

11 (c) INCREASED THRESHOLD FOR CONGRESSIONAL
12 NOTIFICATION FOR FOREIGN MILITARY FAMILY HOUS-
13 ING LEASES.—Subsection (f) of such section is amended
14 by striking “\$500,000” and inserting “\$1,000,000”.

15 (d) REPORT REQUIRED.—Not later than March 1,
16 2008, the Secretary of Defense shall submit to the con-
17 gressional defense committees a report on the rental of
18 family housing in foreign countries (including the costs of
19 utilities, maintenance, and operations) that exceed
20 \$60,000 per unit per year. The report shall include a list
21 and description of rental units (including total gross
22 square feet and number of bedrooms), location, rental
23 cost, the requirement for the rental, and the options that
24 the Secretary has available to decrease the costs associated
25 with the rentals.



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1 **SEC. 2807. EXPANSION OF AUTHORITY TO EXCHANGE RE-**
2 **SERVE COMPONENT FACILITIES.**

3 Section 18240(a) of title 10, United States Code, is
4 amended by striking “with a State” in the first sentence
5 and inserting “with an Executive agency (as defined in
6 section 105 of title 5), the United States Postal Service,
7 or a State”.

8 **SEC. 2808. LIMITATION ON USE OF ALTERNATIVE AUTHOR-**
9 **ITY FOR ACQUISITION AND IMPROVEMENT**
10 **OF MILITARY HOUSING FOR PRIVATIZATION**
11 **OF TEMPORARY LODGING FACILITIES.**

12 (a) **LIMITATION ON PRIVATIZATION OF TEMPORARY**
13 **LODGING FACILITIES.**—Notwithstanding any other provi-
14 sion of subchapter IV of chapter 169 of title 10, United
15 States Code, the privatization of temporary lodging facili-
16 ties under such subchapter is limited to the military instal-
17 lations authorized in subsection (b) until 120 days after
18 the date on which the report described in subsection (d)(1)
19 is submitted.

20 (b) **AUTHORIZED INSTALLATIONS.**—The military in-
21 stallations at which the privatization of temporary lodging
22 facilities may proceed under subsection (a) are the fol-
23 lowing:

- 24 (1) Redstone Arsenal, Alabama.
25 (2) Fort Rucker, Alabama.
26 (3) Yuma Proving Ground, Arizona.



- 1 (4) Fort McNair, District of Columbia.
- 2 (5) Fort Shafter, Hawaii.
- 3 (6) Tripler Army Medical Center, Hawaii.
- 4 (7) Fort Leavenworth, Kansas.
- 5 (8) Fort Riley, Kansas.
- 6 (9) Fort Polk, Louisiana.
- 7 (10) Fort Sill, Oklahoma.
- 8 (11) Fort Hood, Texas.
- 9 (12) Fort Sam Houston, Texas.
- 10 (13) Fort Myer, Virginia.

11 (c) EFFECT OF LIMITATION.—The limitation im-
12 posed by subsection (a) prohibits the issuance of contract
13 solicitations for the privatization of temporary lodging fa-
14 cilities at any military installation not specified in sub-
15 section (b).

16 (d) REPORTING REQUIREMENTS.—

17 (1) REPORT BY SECRETARY OF THE ARMY.—
18 Not earlier than eight months after the date on
19 which the notice of transfer associated with the mili-
20 tary installations specified in subsection (b) is
21 issued, the Secretary of the Army shall submit to
22 the congressional defense committees and the Comp-
23 troller General a report that—



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1 (A) describes the implementation of the
2 privatization of temporary lodging facilities at
3 the installations specified in subsection (b);

4 (B) evaluates the efficiency of the pro-
5 gram; and

6 (C) contains such recommendations as the
7 Secretary considers appropriate regarding ex-
8 pansion of the program.

9 (2) REPORT BY COMPTROLLER GENERAL.—Not
10 later than 90 days after receiving the report under
11 paragraph (1), the Comptroller General shall submit
12 to the congressional defense committees a review of
13 both the privatization of temporary lodging facilities
14 and the report of the Secretary.

15 **SEC. 2809. TWO-YEAR EXTENSION OF TEMPORARY PRO-**
16 **GRAM TO USE MINOR MILITARY CONSTRUC-**
17 **TION AUTHORITY FOR CONSTRUCTION OF**
18 **CHILD DEVELOPMENT CENTERS.**

19 (a) EXTENSION.—Subsection (e) of section 2810 of
20 the Military Construction Authorization Act for Fiscal
21 Year 2006 (division B of Public Law 109–163; 119 Stat.
22 3510) is amended by striking “September 30, 2007” and
23 inserting “September 30, 2009”.



1 (b) REPORT REQUIRED.—Subsection (d) of such sec-
2 tion is amended by striking “March 1, 2007” and insert-
3 ing “March 1, 2009”.

4 **SEC. 2810. REPORT ON HOUSING PRIVATIZATION INITIA-**
5 **TIVES.**

6 (a) REPORT REQUIRED.—Not later than March 31,
7 2008, the Comptroller General shall submit to the Com-
8 mittees on Armed Services of the Senate and the House
9 of Representatives a report containing—

10 (1) a list of all housing privatization trans-
11 actions carried out by the Department of Defense
12 that, as of such date, are behind schedule or in de-
13 fault; and

14 (2) recommendations regarding the opportuni-
15 ties for the Federal Government to ensure that all
16 terms of each housing privatization transaction are
17 completed according to the original schedule and
18 budget.

19 (b) SPECIFIC INFORMATION REGARDING EACH
20 TRANSACTION.—For each housing privatization trans-
21 action included in the report required by subsection (a),
22 the report shall provide a description of the following:

23 (1) The reasons for schedule delays, cost over-
24 runs, or default.



1 (2) How solicitations and competitions were
2 conducted for the project.

3 (3) How financing, partnerships, legal arrange-
4 ments, leases, or contracts in relation to the project
5 were structured.

6 (4) Which entities, including Federal entities,
7 are bearing financial risk for the project, and to
8 what extent.

9 (5) The remedies available to the Federal Gov-
10 ernment to restore the transaction to schedule or en-
11 sure completion of the terms of the transaction in
12 question at the earliest possible time.

13 (6) The extent to which the Federal Govern-
14 ment has the ability to affect the performance of
15 various parties involved in the project.

16 (7) The remedies available to subcontractors to
17 recoup liens in the case of default, non-payment by
18 the developer or other party to the transaction or
19 lease agreement, or re-structuring.

20 (8) The remedies available to the Federal Gov-
21 ernment to affect receivership actions or transfer of
22 ownership of the project.

23 (9) The names of the developers for the project
24 and any history of previous defaults or bankruptcies
25 by these developers or their affiliates.



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1 (c) HOUSING PRIVATIZATION TRANSACTION DE-
2 FINED.—In this section, the term “housing privatization
3 transaction” means any contract or other transaction for
4 the construction or acquisition of military family housing
5 or military unaccompanied housing entered into under the
6 authority of subchapter IV of chapter 169 of title 10,
7 United States Code.

8 **Subtitle B—Real Property and**
9 **Facilities Administration**

10 **SEC. 2821. REQUIREMENT TO REPORT REAL PROPERTY**
11 **TRANSACTIONS RESULTING IN ANNUAL**
12 **COSTS OF MORE THAN \$750,000.**

13 (a) INCLUSION OF TRANSACTIONS INVOLVING DE-
14 FENSE AGENCIES.—

15 (1) REQUIREMENT TO REPORT.—Subsection (a)
16 of section 2662 of title 10, United States Code, is
17 amended—

18 (A) in paragraph (1), by striking “, or his
19 designee,” and inserting “or, with respect to a
20 Defense Agency, the Secretary of Defense”; and

21 (B) in paragraph (3), by inserting after
22 “military department” the following: “or the
23 Secretary of Defense”.

24 (2) ANNUAL REPORT REGARDING MINOR
25 TRANSACTIONS.—Subsection (b) of such section is



1 amended by inserting after “military department”
2 the following: “and, with respect to Defense Agen-
3 cies, the Secretary of Defense”.

4 (3) EXCEPTIONS.—Subsection (g) of such sec-
5 tion is amended by adding at the end the following
6 new paragraph:

7 “(4) In this subsection, the term ‘Secretary con-
8 cerned’ includes, with respect to Defense Agencies, the
9 Secretary of Defense.”.

10 (b) INCLUSION OF ADDITIONAL TRANSACTION.—
11 Subsection (a)(1) of such section is amended by adding
12 at the end the following new subparagraph:

13 “(G) Any transaction or contract action that re-
14 sults in, or includes, the acquisition or use by, or the
15 lease or license to, the United States of real prop-
16 erty, if the estimated annual rental or cost for the
17 use of the real property is more than \$750,000.”.

18 **SEC. 2822. CONTINUED CONSOLIDATION OF REAL PROP-**
19 **ERTY PROVISIONS WITHOUT SUBSTANTIVE**
20 **CHANGE.**

21 (a) CONSOLIDATION.—Section 2663 of title 10,
22 United States Code, is amended by adding at the end the
23 following new subsection:

24 “(h) LAND ACQUISITION OPTIONS IN ADVANCE OF
25 MILITARY CONSTRUCTION PROJECTS.—(1) The Secretary



1 of a military department may acquire an option on a par-
2 cel of real property before or after its acquisition is au-
3 thorized by law, if the Secretary considers it suitable and
4 likely to be needed for a military project of the military
5 department under the jurisdiction of the Secretary.

6 “(2) As consideration for an option acquired under
7 paragraph (1), the Secretary may pay, from funds avail-
8 able to the military department under the jurisdiction of
9 the Secretary for real property activities, an amount that
10 is not more than 12 percent of the appraised fair market
11 value of the property.”

12 (b) REPEAL OF SUPERSEDED PROVISION.—

13 (1) REPEAL.—Section 2677 of such title is re-
14 pealed.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of chapter 159 of such title
17 is amended by striking the item relating to section
18 2677.

19 **SEC. 2823. MODIFICATION OF AUTHORITY TO LEASE NON-**
20 **EXCESS PROPERTY OF THE MILITARY DE-**
21 **PARTMENTS.**

22 (a) ELIMINATION OF AUTHORITY TO ACCEPT FACILI-
23 TIES OPERATION SUPPORT AS IN-KIND CONSIDER-
24 ATION.—Subsection (c)(1) of section 2667 of title 10,
25 United States Code, is amended—



1 (1) by redesignating subparagraph (E) as sub-
2 paragraph (F); and

3 (2) by striking subparagraph (D) and inserting
4 the following new subparagraphs:

5 “(D) Provision or payment of utility services
6 for the Secretary concerned.

7 “(E) Provision of real property maintenance
8 services for the Secretary concerned.”.

9 (b) ELIMINATION OF AUTHORITY TO USE RENTAL
10 AND CERTAIN OTHER PROCEEDS FOR FACILITIES OPER-
11 ATION SUPPORT.—Subsection (e)(1)(C) of such section is
12 amended—

13 (1) by adjusting the margins of clauses (ii) and
14 (iii) to conform to the margin of clause (i); and

15 (2) by striking clause (iv) and inserting the fol-
16 lowing new clauses:

17 “(iv) Payment of utility services.

18 “(v) Real property maintenance services.”.

19 (c) USE OF COMPETITIVE PROCEDURES FOR SELEC-
20 TION OF CERTAIN LESSEES.—Subsection (h) of such sec-
21 tion is amended—

22 (1) in paragraph (1), by striking “exceeds one
23 year, and the fair market value of the lease” and in-
24 serting “exceeds one year, or the fair market value
25 of the lease”;



1 (2) by redesignating paragraph (3) as para-
2 graph (4); and

3 (3) by striking paragraph (2) and inserting the
4 following new paragraphs:

5 “(2) Paragraph (1) does not apply if the Secretary
6 concerned determines that—

7 “(A) a public interest will be served as a result
8 of the lease; and

9 “(B) the use of competitive procedures for the
10 selection of certain lessees is unobtainable or not
11 compatible with the public benefit served under sub-
12 paragraph (A).

13 “(3) Not later than 45 days before entering into a
14 lease described in paragraph (1), the Secretary concerned
15 shall submit to Congress written notice describing the
16 terms of the proposed lease and—

17 “(A) the competitive procedures used to select
18 the lessee; or

19 “(B) in the case of a lease involving the public
20 benefit exception authorized by paragraph (2), a de-
21 scription of the public benefit to be served by the
22 lease.”.

23 (d) TECHNICAL AMENDMENTS RELATED TO PRIOR-
24 YEAR AMENDMENT.—Subsection (e) of such section is
25 amended—



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1 (1) in paragraph (1)(B)(ii), by striking “para-
2 graph (4), (5), or (6)” and inserting “paragraph (3),
3 (4), or (5)”; and

4 (2) by redesignating paragraphs (4), (5), and
5 (6) as paragraphs (3), (4), and (5).

6 **SEC. 2824. COOPERATIVE AGREEMENT AUTHORITY FOR**
7 **MANAGEMENT OF CULTURAL RESOURCES ON**
8 **CERTAIN SITES OUTSIDE MILITARY INSTAL-**
9 **LATIONS.**

10 (a) EXPANDED AUTHORITY.—Section 2684 of title
11 10, United States Code, is amended—

12 (1) in subsection (a), by striking “on military
13 installations” and inserting “located on a site au-
14 thorized by subsection (b)”;

15 (2) by redesignating subsections (b) and (c) as
16 subsections (c) and (d), respectively; and

17 (3) by inserting after subsection (a) the fol-
18 lowing new subsection (b):

19 “(b) AUTHORIZED CULTURAL RESOURCES SITES.—
20 To be covered by a cooperative agreement under sub-
21 section (a), cultural resources must be located—

22 “(1) on a military installation; or

23 “(2) on a site outside of a military installation,
24 but only if the cooperative agreement will directly re-
25 lieve or eliminate current or anticipated restrictions



1 that would or might restrict, impede, or otherwise
2 interfere, whether directly or indirectly, with current
3 or anticipated military training, testing, or oper-
4 ations on a military installation.”.

5 (b) CULTURAL RESOURCE DEFINED.—Subsection
6 (d) of such section, as redesignated by subsection (a)(2),
7 is amended by adding at the end the following new para-
8 graph:

9 “(5) An Indian sacred site, as defined in section
10 1(b)(iii) of Executive Order No. 13007.”.

11 **SEC. 2825. AGREEMENTS TO LIMIT ENCROACHMENTS AND**
12 **OTHER CONSTRAINTS ON MILITARY TRAIN-**
13 **ING, TESTING, AND OPERATIONS.**

14 (a) MANAGEMENT OF NATURAL RESOURCES OF AC-
15 QUIRED PROPERTY.—Subsection (d) of section 2684a of
16 title 10, United States Code, is amended—

17 (1) by redesignating paragraphs (3), (4), (5),
18 and (6) as paragraphs (4), (5), (6), and (7), respec-
19 tively; and

20 (2) by inserting after paragraph (2) the fol-
21 lowing new paragraph (3):

22 “(3) An agreement with an eligible entity under this
23 section may provide for the management of natural re-
24 sources on real property in which the Secretary concerned
25 acquires any right, title, or interest in accordance with this



1 subsection and for the payment by the United States of
2 all or a portion of the costs of such natural resource man-
3 agement if the Secretary concerned determines that there
4 is a demonstrated need to preserve or restore habitat for
5 the purpose described in subsection (a)(2).”.

6 (b) LIMITATION ON PORTION OF ACQUISITION COSTS
7 BORNE BY UNITED STATES.—Paragraph (4) of such sub-
8 section, as redesignated by subsection (a)(1), is
9 amended—

10 (1) by redesignating subparagraph (D) as sub-
11 paragraph (E);

12 (2) in subparagraph (C), by striking “equal to
13 the fair market value” and all that follows through
14 the period at the end and inserting “equal to, at the
15 discretion of the Secretary concerned—

16 “(i) the fair market value of any property or in-
17 terest in property to be transferred to the United
18 States upon the request of the Secretary concerned
19 under paragraph (5); or

20 “(ii) the cumulative fair market value of all
21 properties or interests to be transferred to the
22 United States under paragraph (5) pursuant to an
23 agreement under subsection (a).”; and

24 (3) by inserting after subparagraph (C) the fol-
25 lowing new subparagraph:



1 “(D) The portion of acquisition costs borne by the
2 United States under subparagraph (A) may exceed the
3 amount determined under subparagraph (C), but only if—

4 “(i) the Secretary concerned provides written
5 notice to the Committee on Armed Services of the
6 Senate and the Committee on Armed Services of the
7 House of Representatives containing—

8 “(I) a certification by the Secretary that
9 the military value to the United States of the
10 property or interest to be acquired justifies a
11 payment in excess of the fair market value of
12 the property or interest; and

13 “(II) a description of the military value to
14 be obtained; and

15 “(ii) the contribution toward the acquisition
16 costs of the property or interest is not made until
17 at least 14 days after the date on which the notice
18 is submitted under clause (i) or, if earlier, at least
19 10 days after the date on which a copy of the notice
20 is provided in an electronic medium pursuant to sec-
21 tion 480 of this title.”.



1 **SEC. 2826. EXPANSION TO ALL MILITARY DEPARTMENTS OF**
2 **ARMY PILOT PROGRAM FOR PURCHASE OF**
3 **CERTAIN MUNICIPAL SERVICES FOR MILI-**
4 **TARY INSTALLATIONS.**

5 (a) EXPANSION OF PILOT PROGRAM.—Section 325
6 of the Ronald W. Reagan National Defense Authorization
7 Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C.
8 2461 note) is amended—

9 (1) in the section heading, by striking “**ARMY**”
10 and inserting “**MILITARY**”;

11 (2) in subsection (a)—

12 (A) by striking “Secretary of the Army”
13 and inserting “Secretary of a military depart-
14 ment”; and

15 (B) by striking “an Army installation” and
16 inserting “a military installation under the ju-
17 risdiction of the Secretary”; and

18 (3) in subsection (d), by striking “The Sec-
19 retary” and inserting “The Secretary of a military
20 department”.

21 (b) PARTICIPATING INSTALLATIONS.—Subsection (c)
22 of such section is amended by striking “two Army installa-
23 tions” and inserting “three military installations from
24 each military service”.



1 (c) EXTENSION OF DURATION OF PROGRAM.—Such
2 section is further amended by striking subsections (e) and
3 (f) and inserting the following new subsection:

4 “(e) TERMINATION OF PILOT PROGRAM.—The pilot
5 program shall terminate on September 30, 2012. Any con-
6 tract entered into under the pilot program shall terminate
7 not later than that date.”.

8 **SEC. 2827. PROHIBITION ON COMMERCIAL FLIGHTS INTO**
9 **SELFRIDGE AIR NATIONAL GUARD BASE.**

10 The Secretary of Defense shall prohibit the use of
11 Selfridge Air National Guard Base by commercial service
12 aircraft.

13 **SEC. 2828. SENSE OF CONGRESS ON DEPARTMENT OF DE-**
14 **FENSE ACTIONS TO PROTECT INSTALLA-**
15 **TIONS, RANGES, AND MILITARY AIRSPACE**
16 **FROM ENCROACHMENT.**

17 (a) FINDINGS.—In light of the initial report of the
18 Department of Defense submitted pursuant to section
19 2684a(g) of title 10, United States Code, and of the
20 RAND Corporation report entitled “The Thin Green Line:
21 An Assessment of DoD’s Readiness and Environmental
22 Protection Initiative to Buffer Installation Encroach-
23 ment”, Congress makes the following findings:

24 (1) Development and loss of habitat in the vi-
25 cinity of, or in areas ecologically related to, military



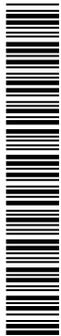
1 installations, ranges, and airspace pose a continuing
2 and significant threat to the readiness of the Armed
3 Forces.

4 (2) The Range Sustainability Program (RSP)
5 of the Department of Defense, and in particular the
6 Readiness and Environmental Protection Initiative
7 (REPI) involving agreements pursuant to section
8 2684a of title 10, United States Code, have been ef-
9 fective in addressing this threat to readiness with re-
10 gard to a number of important installations, ranges,
11 and airspace.

12 (3) The opportunities to take effective action to
13 protect installations, ranges, and airspace from en-
14 croachment is in many cases transient, and delay in
15 taking action will result in either higher costs or per-
16 manent loss of the opportunity effectively to address
17 encroachment.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the Department of Defense should—

20 (1) develop additional policy guidance on the
21 further implementation of the Readiness and Envi-
22 ronmental Protection Initiative (REPI), to include
23 additional emphasis on protecting biodiversity and
24 on further refining procedures;



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1 ment of the Army operational ranges used to support
2 training and range activities of the Army. The report shall
3 include the following information:

4 (1) The size, description, and mission-essential
5 tasks supported by each Army operational range
6 during fiscal year 2003.

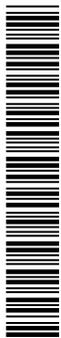
7 (2) A description of the projected changes in
8 Army operational range requirements, including the
9 size, characteristics, and attributes for mission-es-
10 sential activities at each Army operational range and
11 the extent to which any changes in requirements are
12 a result of—

13 (A) decisions made as part of the 2005
14 round of defense base closure and realignment
15 under the Defense Base Closure and Realign-
16 ment Act of 1990 (part A of title XXIX of
17 Public Law 101–510; 10 U.S.C. 2687 note);

18 (B) the conversion of Army brigades to a
19 modular format;

20 (C) the Integrated Global Presence and
21 Basing Strategy;

22 (D) the proposal contained in the budget
23 justification materials submitted in support of
24 the Department of Defense budget for fiscal
25 year 2008 to increase the size of the active



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1 component of the Army to 547,400 personnel
2 by the end of fiscal year 2012 and any modi-
3 fication or acceleration contemplated in the
4 budget submission for fiscal year 2009; or

5 (E) high operational tempos or surge re-
6 quirements.

7 (3) The projected deficit or surplus of land at
8 each Army operational range, and a description of
9 the Army's plan to address that projected deficit or
10 surplus of land as well as the upgrade of range at-
11 tributes at each existing Army operational range.

12 (4) A description of the Army's prioritization
13 process and investment strategy to address the po-
14 tential expansion or upgrade of Army operational
15 ranges.

16 (5) An analysis of alternatives to the expansion
17 of Army operational ranges, including an assessment
18 of the joint use of operational ranges under the ju-
19 risdiction, custody, or control of the Secretary of an-
20 other military department.

21 (6) An analysis of the cost of, potential military
22 value of, and potential legal or practical impedi-
23 ments to, the expansion of the Joint Readiness
24 Training Center at Fort Polk, Louisiana, through



1 the acquisition of additional land adjacent to or in
2 the vicinity of the installation.

3 (7) An analysis of the impact of the proposal
4 described in paragraph (2)(D) on the plan developed
5 prior to such proposal to relocate forces from Ger-
6 many to the United States and vacate installations
7 in Germany as part of the Integrated Global Pres-
8 ence and Basing Strategy, including a comparative
9 analysis of—

10 (A) the projected utilization of the three
11 combat training centers of the Army if all of
12 the six light infantry brigades proposed to be
13 added to the active component of the Army
14 would be based in the United States; and

15 (B) the projected utilization of such ranges
16 if at least one of those brigades would be based
17 in Germany or if one of the brigades proposed
18 to be relocated pursuant to the plan in para-
19 graph (a)(2)(C) is retained in Germany.

20 (8) If the analysis required by paragraph (7)
21 indicates that the Joint Multi-National Readiness
22 Center in Hohenfels, Germany, or the Army's train-
23 ing complex at Grafenwoehr, Germany, would not be
24 fully utilized under the basing scenarios analyzed, an



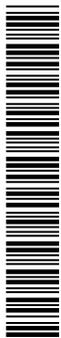
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1 estimate of the cost to replicate the training capa-
2 bility at that center in another location.

3 (b) REPORT ON POTENTIAL EXPANSION OF MARINE
4 CORPS OPERATIONAL RANGES.—Not later than 180 days
5 after the date of the enactment of this Act, the Secretary
6 of the Navy shall submit to the congressional defense com-
7 mittees a report containing an assessment of Marine
8 Corps operational ranges used to support training and
9 range activities of the Marine Corps. The report required
10 shall include the following information:

11 (1) The size, description, and mission-essential
12 tasks supported by each major Marine Corps oper-
13 ational range during fiscal year 2003.

14 (2) A description of the projected changes in
15 Marine Corps operational range requirements, in-
16 cluding the size, characteristics, and attributes for
17 mission-essential activities at each range and the ex-
18 tent to which any changes in requirements are a re-
19 sult of the proposal contained in the fiscal year 2008
20 budget request to increase the size of the active com-
21 ponent of the Marine Corps to 202,000 personnel by
22 the end of fiscal year 2012 and any modification or
23 acceleration contemplated in the budget submission
24 for fiscal year 2009.



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1 (3) The projected deficit or surplus of land at
2 each major Marine Corps operational range, and a
3 description of the Secretary's plan to address that
4 projected deficit or surplus of land as well as the up-
5 grade of range attributes at each existing Marine
6 Corps operational range.

7 (4) A description of the Secretary's
8 prioritization process and investment strategy to ad-
9 dress the potential expansion or upgrade of Marine
10 Corps operational ranges.

11 (5) An analysis of alternatives to the expansion
12 of Marine Corps operational ranges, including an as-
13 sessment of the joint use of operational ranges
14 under the jurisdiction, custody, or control of the
15 Secretary of another military department.

16 (6) An analysis of the cost of, potential military
17 value of, and potential legal or practical impedi-
18 ments to, the expansion of Marine Corps Base,
19 Twentynine Palms, California, through the acquisi-
20 tion of additional land adjacent to or in the vicinity
21 of that installation that is under the control of the
22 Bureau of Land Management.

23 (c) SUPPLEMENTAL REPORT.—Not later than 90
24 days after the date on which the second of the two reports
25 required by subsections (a) and (b) is submitted, the Sec-



1 retary of Defense shall submit to the congressional defense
2 committees a report containing the following information:

3 (1) A description of initiatives by the Secretary
4 of Defense to coordinate the range expansion activi-
5 ties of the Army and Marine Corps in order to gain
6 efficiencies in investment and resource allocation.

7 (2) An analysis of training requirements for the
8 Army and the Marine Corps that could be accom-
9 plished through joint use of existing ranges.

10 (3) An analysis of the responses provided by the
11 Secretary of the Army under subsection (a)(5) and
12 the Secretary of the Navy subsection (b)(5).

13 (4) Any other matter that the Secretary of De-
14 fense considers to be of importance to ensure the ef-
15 fective and timely expansion of ranges to meet Army
16 and Marine Corps training requirements.

17 (d) DEFINITIONS.—In this section:

18 (1) The term “Army operational range” has the
19 meaning given the term “operational range” in sec-
20 tion 101(e)(3) of title 10, United States Code, ex-
21 cept that the term is limited to operational ranges
22 under the jurisdiction, custody, or control of the
23 Secretary of the Army.

24 (2) The term “Marine Corps operational range”
25 has the meaning given the term “operational range”



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1 in section 101(e)(3) of such title, except that the
2 term is limited to operational ranges under the juris-
3 diction, custody, or control of the Secretary of the
4 Navy that are used by or available for use by the
5 Marine Corps.

6 (3) The term “range activities” has the mean-
7 ing given that term in section 101(e)(2) of such
8 title.

9 **SEC. 2830. NIAGARA AIR RESERVE BASE, NEW YORK, BAS-**
10 **ING REPORT.**

11 Not later than March 1, 2008, the Secretary of the
12 Air Force shall submit to the congressional defense com-
13 mittees a report containing a detailed plan of the current
14 and future aviation assets that the Secretary expects will
15 be based at Niagara Air Reserve Base, New York. The
16 report shall include a description of all of the aviation as-
17 sets that will be impacted by the series of relocations to
18 be made to or from Niagara Air Reserve Base and the
19 timeline for such relocations.

20 **SEC. 2831. REPORT ON THE PINON CANYON MANEUVER**
21 **SITE, COLORADO.**

22 (a) REPORT ON THE PINON CANYON MANEUVER
23 SITE.—

24 (1) REPORT REQUIRED.—Not later than 180
25 days after the date of the enactment of this Act, the



1 Secretary of the Army shall submit to the congress-
2 sional defense committees a report on the Pinon
3 Canyon Maneuver Site (referred to in this section as
4 “the Site”).

5 (2) CONTENT.—The report required under
6 paragraph (1) shall include the following:

7 (A) An analysis of whether existing train-
8 ing facilities at Fort Carson, Colorado, and the
9 Site are sufficient to support the training needs
10 of units stationed or planned to be stationed at
11 Fort Carson, including the following:

12 (i) A description of any new training
13 requirements or significant developments
14 affecting training requirements for units
15 stationed or planned to be stationed at
16 Fort Carson since the 2005 Defense Base
17 Closure and Realignment Commission
18 found that the base has “sufficient capac-
19 ity” to support four brigade combat teams
20 and associated support units at Fort Car-
21 son.

22 (ii) A study of alternatives for enhance-
23 ing training facilities at Fort Carson and
24 the Site within their current geographic
25 footprint, including whether these addi-



1 tional investments or measures could sup-
2 port additional training activities.

3 (iii) A description of the current train-
4 ing calendar and training load at the Site,
5 including—

6 (I) the number of brigade-sized
7 and battalion-sized military exercises
8 held at the Site since its establish-
9 ment;

10 (II) an analysis of the maximum
11 annual training load at the Site, with-
12 out expanding the Site; and

13 (III) an analysis of the training
14 load and projected training calendar
15 at the Site when all brigades stationed
16 or planned to be stationed at Fort
17 Carson are at home station.

18 (B) A report of need for any proposed ad-
19 dition of training land to support units sta-
20 tioned or planned to be stationed at Fort Car-
21 son, including the following:

22 (i) A description of additional training
23 activities, and their benefits to operational
24 readiness, which would be conducted by
25 units stationed at Fort Carson if, through



1 leases or acquisition from consenting land-
2 owners, the Site were expanded to
3 include—

4 (I) the parcel of land identified
5 as “Area A” in the Potential PCMS
6 Land expansion map;

7 (II) the parcel of land identified
8 as “Area B” in the Potential PCMS
9 Land expansion map;

10 (III) the parcels of land identi-
11 fied as “Area A” and “Area B” in the
12 Potential PCMS Land expansion map;

13 (IV) acreage sufficient to allow
14 simultaneous exercises of a light in-
15 fantry brigade and a heavy infantry
16 brigade at the Site;

17 (V) acreage sufficient to allow si-
18 multaneous exercises of two heavy in-
19 fantry brigades at the Site;

20 (VI) acreage sufficient to allow
21 simultaneous exercises of a light in-
22 fantry brigade and a battalion at the
23 Site; and

24 (VII) acreage sufficient to allow
25 simultaneous exercises of a heavy in-



1 fantry brigade and a battalion at the
2 Site.

3 (ii) An analysis of alternatives for ac-
4 quiring or utilizing training land at other
5 installations in the United States to sup-
6 port training activities of units stationed at
7 Fort Carson.

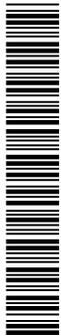
8 (iii) An analysis of alternatives for
9 utilizing other federally owned land to sup-
10 port training activities of units stationed at
11 Fort Carson.

12 (C) An analysis of alternatives for enhanc-
13 ing economic development opportunities in
14 southeastern Colorado at the current Site or
15 through any proposed expansion, including the
16 consideration of the following alternatives:

17 (i) The leasing of land on the Site or
18 any expansion of the Site to ranchers for
19 grazing.

20 (ii) The leasing of land from private
21 landowners for training.

22 (iii) The procurement of additional
23 services and goods, including biofuels and
24 beef, from local businesses.



1 (iv) The creation of an economic de-
 2 velopment fund to benefit communities,
 3 local governments, and businesses in
 4 southeastern Colorado.

5 (v) The establishment of an outreach
 6 office to provide technical assistance to
 7 local businesses that wish to bid on De-
 8 partment of Defense contracts.

9 (vi) The establishment of partnerships
 10 with local governments and organizations
 11 to expand regional tourism through ex-
 12 panded access to sites of historic, cultural,
 13 and environmental interest on the Site.

14 (vii) An acquisition policy that allows
 15 willing sellers to minimize the tax impact
 16 of a sale.

17 (viii) Additional investments in Army
 18 missions and personnel, such as stationing
 19 an active duty unit at the Site, including—

20 (I) an analysis of anticipated
 21 operational benefits; and

22 (II) an analysis of economic im-
 23 pacts to surrounding communities.

24 (3) POTENTIAL PCMS LAND EXPANSION MAP
 25 DEFINED.—In this subsection, the term “Potential



1 PCMS Land expansion map” means the June 2007
2 map entitled “Potential PCMS Land expansion”.

3 (b) COMPTROLLER GENERAL REVIEW OF REPORT.—
4 Not later than 180 days after the Secretary of Defense
5 submits the report required under subsection (a), the
6 Comptroller General of the United States shall submit to
7 Congress a review of the report and of the justification
8 of the Army for expansion at the Site.

9 (c) PUBLIC COMMENT.—After the report required
10 under subsection (b) is submitted to Congress, the Army
11 shall solicit public comment on the report for a period of
12 not less than 90 days. Not later than 30 days after the
13 public comment period has closed, the Secretary shall sub-
14 mit to Congress a written summary of comments received.

15 **Subtitle C—Land Conveyances**

16 **SEC. 2841. MODIFICATION OF CONVEYANCE AUTHORITY,** 17 **MARINE CORPS BASE, CAMP PENDLETON,** 18 **CALIFORNIA.**

19 Section 2851(a) of the Military Construction Author-
20 ization Act for Fiscal Year 1999 (division B of Public Law
21 105–261; 112 Stat. 2219) is amended by striking “, not-
22 withstanding any provision of State law to the contrary,”
23 as added by section 2867 of Public Law 107–107 (115
24 Stat. 1334).



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1 **SEC. 2842. GRANT OF EASEMENT, EGLIN AIR FORCE BASE,**
2 **FLORIDA.**

3 (a) GRANT AUTHORIZED.—Secretary of the Air
4 Force may use the authority provided by section 2668 of
5 title 10, United States Code, to grant to the Mid Bay
6 Bridge Authority an easement for a roadway right-of-way
7 over such land at Eglin Air Force Base, Florida, as the
8 Secretary determines necessary to facilitate the construc-
9 tion of a road connecting the northern landfall of the Mid
10 Bay Bridge to Florida State Highway 85.

11 (b) CONSIDERATION.—As consideration for the grant
12 of the easement under subsection (a), the Mid Bay Bridge
13 Authority shall pay to the Secretary an amount equal to
14 the fair-market-value of the easement, as determined by
15 the Secretary.

16 (c) COSTS OF PROJECT.—As a condition of the grant
17 of the easement under subsection (a), the Mid Bay Bridge
18 Authority shall be responsible for all costs associated with
19 the highway project described in such subsection, includ-
20 ing all costs the Secretary determines to be necessary to
21 address any impacts that the project may have on the de-
22 fense missions at Eglin Air Force Base.

23 **SEC. 2843. LAND CONVEYANCE, LYNN HAVEN FUEL DEPOT,**
24 **LYNN HAVEN, FLORIDA.**

25 (a) CONVEYANCE AUTHORIZED.—The Secretary of
26 the Air Force may convey to Florida State University (in



1 this section referred to as the “University”) all right, title,
2 and interest of the United States in and to a parcel of
3 real property, including improvements thereon, consisting
4 of approximately 40 acres located at the Lynn Haven Fuel
5 Depot in Lynn Haven, Florida, as a public benefit convey-
6 ance for the purpose of permitting the University to de-
7 velop the property as a new satellite campus.

8 (b) CONSIDERATION.—

9 (1) IN GENERAL.—For the conveyance of the
10 property under subsection (a), the University shall
11 provide the United States with consideration in an
12 amount that is acceptable to the Secretary, whether
13 in the form of cash payment, in-kind consideration,
14 or a combination thereof.

15 (2) REDUCED TUITION RATES.—The Secretary
16 may accept as in-kind consideration under para-
17 graph (1) reduced tuition rates or scholarships for
18 military personnel at the University.

19 (c) PAYMENT OF COSTS OF CONVEYANCES.—

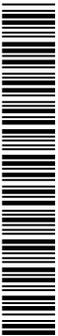
20 (1) PAYMENT REQUIRED.—The Secretary shall
21 require the University to cover costs to be incurred
22 by the Secretary, or to reimburse the Secretary for
23 costs incurred by the Secretary, to carry out the
24 conveyance under subsection (a), including survey
25 costs, appraisal costs, and other costs related to the



1 conveyance. If amounts are collected from the Uni-
2 versity in advance of the Secretary incurring the ac-
3 tual costs, and the amount collected exceeds the
4 costs actually incurred by the Secretary to carry out
5 the conveyance, the Secretary shall refund the excess
6 amount to the University.

7 (2) TREATMENT OF AMOUNTS RECEIVED.—
8 Amounts received under paragraph (1) as reim-
9 bursement for costs incurred by the Secretary to
10 carry out the conveyance under subsection (a) shall
11 be credited to the fund or account that was used to
12 cover the costs incurred by the Secretary in carrying
13 out the conveyance. Amounts so credited shall be
14 merged with amounts in such fund or account and
15 shall be available for the same purposes, and subject
16 to the same conditions and limitations, as amounts
17 in such fund or account.

18 (d) USE OF PROPERTY FOR OTHER THAN INTENDED
19 PURPOSES.—If the Secretary determines at any time that
20 the real property conveyed under subsection (a) is not
21 being used in accordance with the purposes of the convey-
22 ance specified in such subsection, the University shall pay
23 to the United States an amount equal to the fair market
24 value of the property, as of the time of such determination.
25 The fair market value of the property, excluding the value



1 of any improvements made to the property by the Univer-
2 sity, shall be determined by the Secretary in accordance
3 with Federal appraisal standards and procedures.

4 (e) DESCRIPTION OF PROPERTY.—The exact acreage
5 and legal description of the real property to be conveyed
6 under subsection (a) shall be determined by a survey satis-
7 factory to the Secretary.

8 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
9 retary may require such additional terms and conditions
10 in connection with the conveyance under subsection (a) as
11 the Secretary considers appropriate to protect the inter-
12 ests of the United States.

13 **SEC. 2844. MODIFICATION OF LEASE OF PROPERTY, NA-**
14 **TIONAL FLIGHT ACADEMY AT THE NATIONAL**
15 **MUSEUM OF NAVAL AVIATION, NAVAL AIR**
16 **STATION, PENSACOLA, FLORIDA.**

17 Section 2850(a) of the Military Construction Author-
18 ization Act for Fiscal Year 2001 (division B of the Floyd
19 D. Spence National Defense Authorization Act for Fiscal
20 Year 2001 (as enacted into law by Public Law 106–398;
21 114 Stat. 1654A–428)) is amended—

22 (1) by striking “naval aviation and” and insert-
23 ing “naval aviation,”; and

24 (2) by inserting before the period at the end the
25 following: “, and, as of January 1, 2008, to teach



1 the science, technology, engineering, and mathe-
2 matics disciplines that have an impact on and relate
3 to aviation”.

4 **SEC. 2845. LAND EXCHANGE, DETROIT, MICHIGAN.**

5 (a) DEFINITIONS.—In this section:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of General Serv-
8 ices.

9 (2) CITY.—The term “City” means the City of
10 Detroit, Michigan.

11 (3) CITY LAND.—The term “City land” means
12 the approximately 0.741 acres of real property, in-
13 cluding any improvement thereon, as depicted on the
14 exchange maps, that is commonly identified as 110
15 Mount Elliott Street, Detroit, Michigan.

16 (4) COMMANDANT.—The term “Commandant”
17 means the Commandant of the United States Coast
18 Guard.

19 (5) EDC.—The term “EDC” means the Eco-
20 nomic Development Corporation of the City of De-
21 troit.

22 (6) EXCHANGE MAPS.—The term “exchange
23 maps” means the maps entitled “Atwater Street
24 Land Exchange Maps” prepared pursuant to sub-
25 section (f).



1 (7) FEDERAL LAND.—The term “Federal land”
2 means approximately 1.26 acres of real property, in-
3 cluding any improvements thereon, as depicted on
4 the exchange maps, that is commonly identified as
5 2660 Atwater Street, Detroit, Michigan, and under
6 the administrative control of the United States
7 Coast Guard.

8 (8) SECTOR DETROIT.—The term “Sector De-
9 troit” means Coast Guard Sector Detroit of the
10 Ninth Coast Guard District.

11 (b) CONVEYANCE AUTHORIZED.—The Commandant
12 of the Coast Guard, in coordination with the Adminis-
13 trator, may convey to the EDC all right, title, and interest
14 of the United States in and to the Federal land.

15 (c) CONSIDERATION.—

16 (1) IN GENERAL.—As consideration for the con-
17 veyance under subsection (b)—

18 (A) the City shall convey to the United
19 States all right, title, and interest in and to the
20 City land; and

21 (B) the EDC shall construct a facility and
22 parking lot acceptable to the Commandant of
23 the Coast Guard.

24 (2) EQUALIZATION PAYMENT OPTION.—



1 (A) IN GENERAL.—The Commandant may,
 2 upon the agreement of the City and the EDC,
 3 waive the requirement to construct a facility
 4 and parking lot under paragraph (1)(B) and ac-
 5 cept in lieu thereof an equalization payment
 6 from the City equal to the difference between
 7 the value, as determined by the Administrator
 8 at the time of transfer, of the Federal land and
 9 the City land.

10 (B) AVAILABILITY OF FUNDS.—Any
 11 amounts received pursuant to subparagraph (A)
 12 shall be available to the Commandant, without
 13 further appropriation and until expended, to
 14 construct, expand, or improve facilities related
 15 to Sector Detroit’s aids to navigation or vessel
 16 maintenance.

17 (d) CONDITIONS OF EXCHANGE.—

18 (1) COVENANTS.—All conditions placed within
 19 the deeds of title shall be construed as covenants
 20 running with the land.

21 (2) AUTHORITY TO ACCEPT QUITCLAIM
 22 DEED.—The Commandant may accept a quitclaim
 23 deed for the City land and may convey the Federal
 24 land by quitclaim deed.



1 (3) ENVIRONMENTAL REMEDIATION.—Prior to
2 the time of the exchange, the Coast Guard and the
3 EDC shall remediate any and all contaminants exist-
4 ing on their respective properties to levels required
5 by applicable State and Federal law. The Com-
6 mandant and, as a condition of the exchange, the
7 EDC shall make available for review and inspection
8 any record relating to hazardous materials on the
9 land to be exchanged under this section. The costs
10 of remedial actions relating to hazardous materials
11 on exchanged land shall be paid by those entities re-
12 sponsible for costs under applicable law.

13 (e) AUTHORITY TO ENTER INTO LICENSE OR
14 LEASE.—The Commandant may enter into a license or
15 lease agreement with the Detroit Riverfront Conservancy
16 for the use of a portion of the Federal land for the Detroit
17 Riverfront Walk. Such license or lease shall be at no cost
18 to the City and upon such other terms that are acceptable
19 to the Commandant, and shall terminate upon the comple-
20 tion of the exchange authorized by this section, or the date
21 specified in subsection (h), whichever occurs earlier.

22 (f) MAP AND LEGAL DESCRIPTIONS OF LAND.—

23 (1) IN GENERAL.—As soon as practicable after
24 the date of enactment of this Act, the Commandant
25 shall file with the Committee on Commerce, Science



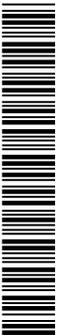
1 and Transportation of the Senate and the Com-
2 mittee on Transportation and Infrastructure of the
3 House of Representatives the maps, entitled
4 “Atwater Street Land Exchange Maps”, which de-
5 pict the Federal land and the City lands and provide
6 a legal description of each property to be exchanged.

7 (2) FORCE OF LAW.—The maps and legal de-
8 scriptions filed under paragraph (1) shall have the
9 same force and effect as if included in this Act, ex-
10 cept that the Commandant may correct typo-
11 graphical errors in the maps and each legal descrip-
12 tion.

13 (3) PUBLIC AVAILABILITY.—Each map and
14 legal description filed under paragraph (1) shall be
15 on file and available for public inspection in the ap-
16 propriate offices of the Coast Guard and the City.

17 (g) ADDITIONAL TERMS AND CONDITIONS.—The
18 Commandant may require such additional terms and con-
19 ditions in connection with the exchange under this section
20 as the Commandant considers appropriate to protect the
21 interests of the United States.

22 (h) EXPIRATION OF AUTHORITY TO CONVEY.—The
23 authority to enter into the exchange authorized by this
24 section shall expire three years after the date of enactment
25 of this Act.



1 **SEC. 2846. TRANSFER OF JURISDICTION, FORMER NIKE**
2 **MISSILE SITE, GROSSE ILE, MICHIGAN.**

3 (a) TRANSFER.—Administrative jurisdiction over the
4 property described in subsection (b) is hereby transferred
5 from the Administrator of the Environmental Protection
6 Agency to the Secretary of the Interior.

7 (b) PROPERTY DESCRIBED.—The property referred
8 to in subsection (a) is the former Nike missile site located
9 at the southern end of Grosse Ile, Michigan, as depicted
10 on the map entitled “07–CE” on file with the Environ-
11 mental Protection Agency and dated May 16, 1984.

12 (c) ADMINISTRATION OF PROPERTY.—Subject to
13 subsection (d), the Secretary of the Interior shall admin-
14 ister the property described in subsection (b)—

15 (1) acting through the United States Fish and
16 Wildlife Service;

17 (2) as part of the Detroit River International
18 Wildlife Refuge; and

19 (3) for use as a habitat for fish and wildlife and
20 as a recreational property for outdoor education and
21 environmental appreciation.

22 (d) MANAGEMENT OF REMEDIATION.—The Sec-
23 retary of Defense, acting through the Army Corps of En-
24 gineers, shall manage and carry out environmental remedi-
25 ation activities with respect to the property described in
26 subsection (b) that, at a minimum, achieve the standard



1 sufficient to allow the property to be used as provided in
2 subsection (c)(3). Such remediation activities, with the ex-
3 ception of long-term monitoring, shall be completed to
4 achieve that standard not later than two years after the
5 date of the enactment of this Act. The Secretary of De-
6 fense may use amounts made available from the account
7 established by section 2703(a)(5) of title 10, United
8 States Code, to carry out such remediation.

9 (e) SAVINGS PROVISION.—Nothing in this section
10 shall be construed to affect or limit the application of, or
11 any obligation to comply with, any environmental law, in-
12 cluding the Comprehensive Environmental Response,
13 Compensation, and Liability Act of 1980 (42 U.S.C. 9601
14 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901
15 et seq.).

16 **SEC. 2847. MODIFICATION TO LAND CONVEYANCE AUTHOR-**
17 **ITY, FORT BRAGG, NORTH CAROLINA.**

18 (a) REQUIREMENT TO CONVEY TRACT NO. 404-1
19 PROPERTY WITHOUT CONSIDERATION.—Section 2836 of
20 the Military Construction Authorization Act for Fiscal
21 Year 1998 (division B of Public Law 105-85; 111 Stat.
22 2005) is amended—

23 (1) in subsection (a)(3), by striking “at fair
24 market value” and inserting “without consider-
25 ation”;



1 (2) in subsection (b), by striking paragraph (2)
2 and inserting the following new paragraph:

3 “(2) The conveyances under paragraphs (2) and (3)
4 of subsection (a) shall be subject to the condition that the
5 County develop and use the conveyed properties for edu-
6 cational purposes and the construction of public school
7 structures.”; and

8 (3) in subsection (c), by striking paragraph (2)
9 and inserting the following new paragraph:

10 “(2) If the Secretary determines at any time that the
11 real property conveyed under paragraph (2) or paragraph
12 (3) of subsection (a) is not being used in accordance with
13 subsection (b)(2), all right, title, and interest in and to
14 the property conveyed under such paragraph, including
15 any improvements thereon, shall revert, at the option of
16 the Secretary, to the United States, and the United States
17 shall have the right of immediate entry thereon.”.

18 (b) PAYMENT OF COSTS OF CONVEYANCE.—Such
19 section is further amended by adding at the end the fol-
20 lowing new subsection:

21 “(f) PAYMENT OF COSTS OF CONVEYANCE OF TRACT
22 No. 404–1 PROPERTY.—

23 “(1) PAYMENT REQUIRED.—The Secretary
24 shall require the County to cover costs to be in-
25 curred by the Secretary, or to reimburse the Sec-



1 retary for costs incurred by the Secretary, to carry
2 out the conveyance under subsection (a)(3), includ-
3 ing survey costs, costs related to environmental doc-
4 umentation, and other administrative costs related
5 to the conveyance. If amounts are collected from the
6 County in advance of the Secretary incurring the ac-
7 tual costs, and the amount collected exceeds the
8 costs actually incurred by the Secretary to carry out
9 the conveyance, the Secretary shall refund the excess
10 amount to the County.

11 “(2) TREATMENT OF AMOUNTS RECEIVED.—
12 Amounts received as reimbursement under para-
13 graph (1) shall be credited to the fund or account
14 that was used to cover the costs incurred by the Sec-
15 retary in carrying out the conveyance. Amounts so
16 credited shall be merged with amounts in such fund
17 or account, and shall be available for the same pur-
18 poses, and subject to the same conditions and limita-
19 tions, as amounts in such fund or account.”.

20 **SEC. 2848. LAND CONVEYANCE, LEWIS AND CLARK UNITED**
21 **STATES ARMY RESERVE CENTER, BISMARCK,**
22 **NORTH DAKOTA.**

23 (a) CONVEYANCE AUTHORIZED.—The Secretary of
24 the Army may convey, without consideration, to the
25 United Tribes Technical College all right, title, and inter-



1 est of the United States in and to a parcel of real property,
2 including improvements thereon, consisting of approxi-
3 mately 2 acres located at the Lewis and Clark United
4 States Army Reserve Center, 3319 University Drive, Bis-
5 marck, North Dakota, for the purpose of supporting edu-
6 cation at the United Tribes Technical College.

7 (b) REVERSIONARY INTEREST.—

8 (1) IN GENERAL.—Subject to paragraph (2), if
9 the Secretary determines at any time that the real
10 property conveyed under subsection (a) is not being
11 used in accordance with the purposes of the convey-
12 ance specified in such subsection, all right, title, and
13 interest in and to the property shall revert, at the
14 option of the Secretary, to the United States, and
15 the United States shall have the right of immediate
16 entry onto the property. Any determination of the
17 Secretary under this subsection shall be made on the
18 record after an opportunity for a hearing.

19 (2) EXPIRATION.—The reversionary interest
20 under paragraph (1) shall expire upon satisfaction of
21 the following conditions:

22 (A) The real property conveyed under sub-
23 section (a) is used in accordance with the pur-
24 poses of the conveyance specified in such sub-



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1 section for a period of not less than 30 years
2 following the date of the conveyance.

3 (B) After the end of period specified in
4 subparagraph (A), the United Tribes Technical
5 College applies to the Secretary for the release
6 of the reversionary interest.

7 (C) The Secretary certifies, in a manner
8 that can be filed with the appropriate land rec-
9 ordation office, that the condition under sub-
10 paragraph (A) has been satisfied.

11 (c) PAYMENT OF COSTS OF CONVEYANCE.—

12 (1) PAYMENT REQUIRED.—The Secretary shall
13 require the United Tribes Technical College to cover
14 costs to be incurred by the Secretary, or to reim-
15 burse the Secretary for costs incurred by the Sec-
16 retary, to carry out the conveyance under subsection
17 (a), including survey costs, costs related to environ-
18 mental documentation, and other administrative
19 costs related to the conveyance. If amounts are col-
20 lected from the United Tribes Technical College in
21 advance of the Secretary incurring the actual costs,
22 and the amount collected exceeds the costs actually
23 incurred by the Secretary to carry out the convey-
24 ance, the Secretary shall refund the excess amount
25 to the United Tribes Technical College.



1 (2) TREATMENT OF AMOUNTS RECEIVED.—
2 Amounts received as reimbursements under para-
3 graph (1) shall be credited to the fund or account
4 that was used to cover the costs incurred by the Sec-
5 retary in carrying out the conveyance. Amounts so
6 credited shall be merged with amounts in such fund
7 or account and shall be available for the same pur-
8 poses, and subject to the same conditions and limita-
9 tions, as amounts in such fund or account.

10 (d) DESCRIPTION OF REAL PROPERTY.—The exact
11 acreage and legal description of the real property to be
12 conveyed under subsection (a) shall be determined by a
13 survey satisfactory to the Secretary.

14 (e) ADDITIONAL TERMS AND CONDITIONS.—The
15 Secretary may require such additional terms and condi-
16 tions in connection with the conveyance under subsection
17 (a) as the Secretary considers appropriate to protect the
18 interests of the United States.

19 **SEC. 2849. LAND EXCHANGE, FORT HOOD, TEXAS.**

20 (a) EXCHANGE AUTHORIZED.—The Secretary of the
21 Army may convey to the City of Copperas Cove, Texas
22 (in this section referred to as the “City”), all right, title,
23 and interest of the United States in and to a parcel of
24 real property, including any improvements thereon, con-
25 sisting of approximately 200 acres at Fort Hood, Texas,



1 for the purpose of permitting the City to improve arterial
2 transportation routes in the community.

3 (b) CONSIDERATION.—As consideration for the con-
4 veyance under subsection (a), the City shall convey to the
5 Secretary all right, title, and interest of the City in and
6 to one or more parcels of real property that are acceptable
7 to the Secretary. The fair market value of the real prop-
8 erty acquired by the Secretary under this subsection shall
9 be at least equal to the fair market value of the real prop-
10 erty conveyed under subsection (a), as determined by ap-
11 praisals acceptable to the Secretary.

12 (c) DESCRIPTION OF PROPERTY.—The exact acreage
13 and legal description of the real property to be exchanged
14 under this section shall be determined by surveys satisfac-
15 tory to the Secretary.

16 (d) PAYMENT OF COSTS OF CONVEYANCES.—

17 (1) PAYMENT REQUIRED.—The Secretary shall
18 require the City to cover costs to be incurred by the
19 Secretary, or to reimburse the Secretary for costs in-
20 curred by the Secretary, to carry out the convey-
21 ances under this section, including survey costs re-
22 lated to the conveyances. If amounts are collected
23 from the City in advance of the Secretary incurring
24 the actual costs, and the amount collected exceeds
25 the costs actually incurred by the Secretary to carry



1 out the conveyances, the Secretary shall refund the
2 excess amount to the City.

3 (2) TREATMENT OF AMOUNTS RECEIVED.—

4 Amounts received under paragraph (1) as reim-
5 bursement for costs incurred by the Secretary to
6 carry out the conveyances under this section shall be
7 credited to the fund or account that was used to
8 cover the costs incurred by the Secretary in carrying
9 out the conveyances. Amounts so credited shall be
10 merged with amounts in such fund or account and
11 shall be available for the same purposes, and subject
12 to the same conditions and limitations, as amounts
13 in such fund or account.

14 (e) ADDITIONAL TERM AND CONDITIONS.—The Sec-
15 retary may require such additional terms and conditions
16 in connection with the conveyances under this section as
17 the Secretary considers appropriate to protect the inter-
18 ests of the United States.

19 **Subtitle D—Energy Security**

20 **SEC. 2861. REPEAL OF CONGRESSIONAL NOTIFICATION RE-** 21 **QUIREMENT REGARDING CANCELLATION** 22 **CEILING FOR DEPARTMENT OF DEFENSE EN-** 23 **ERGY SAVINGS PERFORMANCE CONTRACTS.**

24 Section 2913 of title 10, United States Code, is
25 amended by striking subsection (e).



1 **SEC. 2862. DEFINITION OF ALTERNATIVE FUELED VEHICLE.**

2 Section 301(3) of the Energy Policy Act of 1992 (42
3 U.S.C. 13211(3)) is amended—

4 (1) by striking “(3) the term” and inserting the
5 following:

6 “(3) ALTERNATIVE FUELED VEHICLE.—

7 “(A) IN GENERAL.—The term”; and

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

9 “(B) INCLUSIONS.—The term ‘alternative
10 fueled vehicle’ includes—

11 “(i) a new qualified fuel cell motor ve-
12 hicle (as defined in section 30B(b)(3) of
13 the Internal Revenue Code of 1986);

14 “(ii) a new advanced lean burn tech-
15 nology motor vehicle (as defined in section
16 30B(c)(3) of that Code);

17 “(iii) a new qualified hybrid motor ve-
18 hicle (as defined in section 30B(d)(3) of
19 that Code); and

20 “(iv) any other type of vehicle that
21 the Administrator demonstrates to the Sec-
22 retary would achieve a significant reduc-
23 tion in petroleum consumption.”.



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1 **SEC. 2863. USE OF ENERGY EFFICIENT LIGHTING FIXTURES**
2 **AND BULBS IN DEPARTMENT OF DEFENSE**
3 **FACILITIES.**

4 (a) CONSTRUCTION AND ALTERATION OF BUILD-
5 INGS.—Each building constructed or significantly altered
6 by the Secretary of Defense or the Secretary of a military
7 department shall be equipped, to the maximum extent fea-
8 sible as determined by the Secretary concerned, with light-
9 ing fixtures and bulbs that are energy efficient.

10 (b) MAINTENANCE OF BUILDINGS.—Each lighting
11 fixture or bulb that is replaced in the normal course of
12 maintenance of buildings under the jurisdiction of the Sec-
13 retary of Defense or the Secretary of a military depart-
14 ment shall be replaced, to the maximum extent feasible
15 as determined by the Secretary concerned, with a lighting
16 fixture or bulb that is energy efficient.

17 (c) CONSIDERATIONS.—In making a determination
18 under this section concerning the feasibility of installing
19 a lighting fixture or bulb that is energy efficient, the Sec-
20 retary of Defense or the Secretary of a military depart-
21 ment shall consider—

22 (1) the life cycle cost effectiveness of the fixture
23 or bulb;

24 (2) the compatibility of the fixture or bulb with
25 existing equipment;



1 (3) whether use of the fixture or bulb could re-
2 sult in interference with productivity;

3 (4) the aesthetics relating to use of the fixture
4 or bulb; and

5 (5) such other factors as the Secretary con-
6 cerned determines appropriate.

7 (d) ENERGY STAR.—A lighting fixture or bulb shall
8 be treated as being energy efficient for purposes of this
9 section if—

10 (1) the fixture or bulb is certified under the En-
11 ergy Star program established by section 324A of
12 the Energy Policy and Conservation Act (42 U.S.C.
13 6294a); or

14 (2) the Secretary of Defense or the Secretary of
15 a military department has otherwise determined that
16 the fixture or bulb is energy efficient.

17 (e) SIGNIFICANT ALTERATIONS.—A building shall be
18 treated as being significantly altered for purposes of sub-
19 section (a) if the alteration is subject to congressional au-
20 thorization under section 2802 of title 10, United States
21 Code.

22 (f) WAIVER AUTHORITY.—The Secretary of Defense
23 may waive the requirements of this section if the Secretary
24 determines that such a waiver is necessary to protect the
25 national security interests of the United States.



1 (g) EFFECTIVE DATE.—The requirements of sub-
2 sections (a) and (b) shall take effect one year after the
3 date of the enactment of this Act.

4 **SEC. 2864. REPORTING REQUIREMENTS RELATING TO RE-**
5 **NEWABLE ENERGY USE BY DEPARTMENT OF**
6 **DEFENSE TO MEET DEPARTMENT ELEC-**
7 **TRICITY NEEDS.**

8 (a) INITIAL REPORT.—Not later than 120 days after
9 the date of the enactment of this Act, the Under Secretary
10 of Defense for Acquisition, Technology, and Logistics shall
11 submit to the congressional defense committees a report
12 containing the following information:

13 (1) The extent to which energy from renewable
14 energy sources is used to meet the electricity needs
15 of the Department of Defense, to be stated as a per-
16 centage of total facility electricity use for the pre-
17 vious fiscal year.

18 (2) The extent to which energy from renewable
19 energy sources was procured through alternative fi-
20 nancing methods, to be stated as a percentage of
21 total renewable energy procurement and as a dollar
22 amount for the previous fiscal year.

23 (3) The extent to which energy from renewable
24 energy sources was procured through the use of ap-
25 propriated funds, to be stated as a percentage of

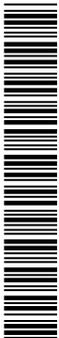


1 total renewable energy procurement and as a dollar
2 amount for the previous fiscal year.

3 (4) A graphical illustration of energy use from
4 renewable energy sources by the Department as a
5 percentage of total facility electricity use over time,
6 starting no later than fiscal year 2000 and running
7 through fiscal year 2025, including projected future
8 trends in renewable energy consumption through fis-
9 cal year 2025 in order to meet the goals for renew-
10 able energy set forth in section 2911(e) of title 10,
11 United States Code, or other goals, as appropriate.

12 (b) SUBSEQUENT REPORTS.—For fiscal year 2008
13 and each fiscal year thereafter, the information required
14 by paragraphs (1) through (4) of subsection (a) shall be
15 included in the Annual Energy Management Report pre-
16 pared by the Under Secretary of Defense for Acquisition,
17 Technology, and Logistics.

18 (c) RENEWABLE ENERGY SOURCES DEFINED.—In
19 this section, the term “renewable energy sources” has the
20 meaning given that term in section 203(b) of the Energy
21 Policy Act of 2005 (42 U.S.C. 15852(b)).



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1 **Subtitle E—Other Matters**

2 **SEC. 2871. REVISED DEADLINE FOR TRANSFER OF ARLING-**
3 **TON NAVAL ANNEX TO ARLINGTON NA-**
4 **TIONAL CEMETERY.**

5 Subsection (h) of section 2881 of the Military Con-
6 struction Authorization Act for Fiscal Year 2000 (division
7 B of Public Law 106–65; 113 Stat. 879), as amended by
8 section 2863 of the Military Construction Authorization
9 Act for Fiscal Year 2002 (division B of Public Law 107–
10 107; 115 Stat. 1330), section 2851 of the Military Con-
11 struction Authorization Act for Fiscal Year 2003 (division
12 B of Public Law 107–314; 116 Stat. 2726), and section
13 2881 of the Military Construction Authorization Act for
14 Fiscal Year 2005 (division B of Public Law 108–375; 115
15 Stat. 2153), is further amended by striking paragraphs
16 (1) and (2) and inserting the following new paragraphs:

17 “(1) January 1, 2011;

18 “(2) the date on which the Navy Annex prop-
19 erty is no longer required (as determined by the Sec-
20 retary of Defense) for use as temporary office space;
21 or

22 “(3) one year after the date on which the Sec-
23 retary of the Army notifies the Secretary of Defense
24 that the Navy Annex property is needed for the ex-
25 pansion of Arlington National Cemetery.”.



1 **SEC. 2872. TRANSFER OF JURISDICTION OVER AIR FORCE**
2 **MEMORIAL TO DEPARTMENT OF THE AIR**
3 **FORCE.**

4 (a) **TRANSFER OF JURISDICTION.**—Notwithstanding
5 section 2881 of the Military Construction Authorization
6 Act for Fiscal Year 2000 (division B of Public Law 106–
7 65; 113 Stat. 879) and section 2863 of the Military Con-
8 struction Authorization Act for Fiscal Year 2002 (division
9 B of Public Law 107–107; 115 Stat. 1330; 40 U.S.C.
10 1003 note), the Secretary of the Army may transfer ad-
11 ministrative jurisdiction, custody, and control of the parcel
12 of Federal land described in subsection (b)(1) of such sec-
13 tion 2863 to the Secretary of the Air Force.

14 (b) **LIMITATION ON PAYMENT OF EXPENSES.**—If the
15 Air Force Memorial is transferred to the Secretary of the
16 Air Force as authorized by subsection (a), the United
17 States shall not pay any costs incurred for the mainte-
18 nance and repair of the Air Force Memorial.

19 **SEC. 2873. REPORT ON PLANS TO REPLACE THE MONU-**
20 **MENT AT THE TOMB OF THE UNKNOWNNS AT**
21 **ARLINGTON NATIONAL CEMETERY, VIRGINIA.**

22 (a) **REPORT REQUIRED.**—Not later than 180 days
23 after the date of the enactment of this Act, the Secretary
24 of the Army and the Secretary of Veterans Affairs shall
25 jointly submit to Congress a report setting forth the fol-
26 lowing:



1 (1) The current plans of the Secretaries with
2 respect to—

3 (A) replacing the monument at the Tomb
4 of the Unknowns at Arlington National Ceme-
5 tery, Virginia; and

6 (B) disposing of the current monument at
7 the Tomb of the Unknowns, if it were removed
8 and replaced.

9 (2) An assessment of the feasibility and advis-
10 ability of repairing the monument at the Tomb of
11 the Unknowns rather than replacing it.

12 (3) A description of the current efforts of the
13 Secretaries to maintain and preserve the monument
14 at the Tomb of the Unknowns.

15 (4) An explanation of why no attempt has been
16 made since 1989 to repair the monument at the
17 Tomb of the Unknowns.

18 (5) A comprehensive estimate of the cost of re-
19 placement of the monument at the Tomb of the Un-
20 knowns and the cost of repairing such monument.

21 (6) An assessment of the structural integrity of
22 the monument at the Tomb of the Unknowns.

23 (b) LIMITATION ON ACTION.—The Secretary of the
24 Army and the Secretary of Veterans Affairs may not take
25 any action to replace the monument at the Tomb of the



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1 Unknowns at Arlington National Cemetery, Virginia, until
2 180 days after the date of the receipt by Congress of the
3 report required by subsection (a).

4 (c) EXCEPTION.—The limitation in subsection (b)
5 shall not prevent the Secretary of the Army or the Sec-
6 retary of Veterans Affairs from repairing the current
7 monument at the Tomb of the Unknowns or from acquir-
8 ing any blocks of marble for uses related to such monu-
9 ment, subject to the availability of appropriations for those
10 purposes.

11 **SEC. 2874. INCREASED AUTHORITY FOR REPAIR, RESTORA-**
12 **TION, AND PRESERVATION OF LAFAYETTE**
13 **ESCADRILLE MEMORIAL, MARNES-LA-CO-**
14 **QUETTE, FRANCE.**

15 Section 1065 of the National Defense Authorization
16 Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat.
17 1233) is amended—

18 (1) in subsection (a)(2), by striking
19 “\$2,000,000” and inserting “\$2,500,000”; and

20 (2) in subsection (e), by striking “under section
21 301(a)(4)”.

22 **SEC. 2875. ADDITION OF WOONSOCKET LOCAL PROTEC-**
23 **TION PROJECT.**

24 Section 2866 of the Military Construction Authoriza-
25 tion Act for Fiscal Year 2007 (division B of Public Law



1 109–364; 120 Stat. 2499) is amended by adding at the
2 end the following new subsection:

3 “(d) WOONSOCKET LOCAL PROTECTION PROJECT.—

4 “(1) ASSUMPTION OF RESPONSIBILITY.—The
5 Secretary of the Army, acting through the Chief of
6 Engineers, shall assume responsibility for the annual
7 operation and maintenance of the Woonsocket local
8 protection project authorized by section 10 of the
9 Act of December 22, 1944 (commonly known as the
10 Flood Control Act of 1944; 58 Stat. 892, chapter
11 665), including by acquiring, in accordance with
12 paragraph (2), any interest of the city of
13 Woonsocket, Rhode Island, in and to land and struc-
14 tures required for the continued operation and main-
15 tenance, repair, replacement, rehabilitation, and
16 structural integrity of the project, as identified by
17 the city, in coordination with the Secretary.

18 “(2) ACQUISITION.—As a condition on the Sec-
19 retary’s assumption of responsibility for the
20 Woonsocket local protection project under paragraph
21 (1), the city of Woonsocket shall convey, not later
22 than one year after the date of the enactment of the
23 National Defense Authorization Act for Fiscal Year
24 2008, to the Secretary of the Army, by quitclaim
25 deed and without consideration, all right, title, and



1 interest of the city in and to the Woonsocket local
2 protection project, including any interest of the city
3 in and to land and structures required for the con-
4 tinued operation and maintenance, repair, replace-
5 ment, rehabilitation, and structural integrity of the
6 project, as identified by the city.”.

7 **SEC. 2876. REPEAL OF MORATORIUM ON IMPROVEMENTS**
8 **AT FORT BUCHANAN, PUERTO RICO.**

9 Section 1507 of the Floyd D. Spence National De-
10 fense Authorization Act for Fiscal Year 2001 (as enacted
11 into law by Public Law 106–398; 114 Stat. 1654A–355)
12 is repealed.

13 **SEC. 2877. ESTABLISHMENT OF NATIONAL MILITARY WORK-**
14 **ING DOG TEAMS MONUMENT ON SUITABLE**
15 **MILITARY INSTALLATION.**

16 (a) **AUTHORITY TO ESTABLISH MONUMENT.**—The
17 Secretary of Defense may permit the National War Dogs
18 Monument, Inc., to establish and maintain, at a suitable
19 location at Fort Belvoir, Virginia, or another military in-
20 stallation in the United States, a national monument to
21 honor the sacrifice and service of United States Armed
22 Forces working dog teams that have participated in the
23 military operations of the United States.

24 (b) **LOCATION AND DESIGN OF MONUMENT.**—The
25 actual location and final design of the monument author-



1 ized by subsection (a) shall be subject to the approval of
2 the Secretary. In selecting the military installation and
3 site on such installation to serve as the location for the
4 monument, the Secretary shall seek to maximize access
5 to the resulting monument for both visitors and their dogs.

6 (c) MAINTENANCE.—The maintenance of the monu-
7 ment authorized by subsection (a) by the National War
8 Dogs Monument, Inc., shall be subject to such conditions
9 regarding access to the monument, and such other condi-
10 tions, as the Secretary considers appropriate to protect the
11 interests of the United States.

12 (d) LIMITATION ON PAYMENT OF EXPENSES.—The
13 United States Government shall not pay any expense for
14 the establishment or maintenance of the monument au-
15 thorized by subsection (a).

16 **SEC. 2878. REPORT REQUIRED PRIOR TO REMOVAL OF MIS-**
17 **SILES FROM 564TH MISSILE SQUADRON.**

18 (a) REPORT REQUIRED.—The Secretary of Defense
19 shall submit to the congressional defense committees a re-
20 port on the feasibility of establishing an association be-
21 tween the 120th Fighter Wing of the Montana Air Na-
22 tional Guard and active duty personnel stationed at
23 Malmstrom Air Force Base, Montana. In preparing the
24 report, the Secretary shall include the following evalua-
25 tions:



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1 (1) An evaluation of the requirement of the Air
2 Force for additional F-15 aircraft active or reserve
3 component force structure.

4 (2) An evaluation of the airspace training op-
5 portunities in the immediate airspace around Great
6 Falls International Airport Air Guard Station.

7 (3) An evaluation of the impact of civilian oper-
8 ations on military operations at Great Falls Inter-
9 national Airport.

10 (4) An evaluation of the level of civilian en-
11 croachment on the facilities and airspace of the
12 120th Fighter Wing.

13 (5) An evaluation of the support structure
14 available, including active military bases nearby.

15 (6) An evaluation of opportunities for additional
16 association between the Montana National Guard
17 and the 341st Space Wing.

18 (b) LIMITATION ON REMOVAL PENDING REPORT.—
19 Not more than 40 missiles may be removed from the
20 564th Missile Squadron until 15 days after the report re-
21 quired in subsection (a) has been submitted.



1 **SEC. 2879. REPORT ON CONDITION OF SCHOOLS UNDER JU-**
2 **RISDICTION OF DEPARTMENT OF DEFENSE**
3 **EDUCATION ACTIVITY.**

4 (a) REPORT REQUIRED.—Not later than March 1,
5 2008, the Secretary of Defense shall submit to the con-
6 gressional defense committees a report on the conditions
7 of schools under the jurisdiction of the Department of De-
8 fense Education Activity.

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

11 (1) A description of each school under the con-
12 trol of the Secretary, including the location, year
13 constructed, grades of attending children, maximum
14 capacity, and current capacity of the school.

15 (2) A description of the standards and proc-
16 esses used by the Secretary to assess the adequacy
17 of the size of school facilities, the ability of facilities
18 to support school programs, and the current condi-
19 tion of facilities.

20 (3) A description of the conditions of the facil-
21 ity or facilities at each school, including the level of
22 compliance with the standards described in para-
23 graph (2), any existing or projected facility defi-
24 ciencies or inadequate conditions at each facility,
25 and whether any of the facilities listed are tem-
26 porary structures.



1 (4) An investment strategy planned for each
2 school to correct deficiencies identified in paragraph
3 (3), including a description of each project to correct
4 such deficiencies, cost estimates, and timelines to
5 complete each project.

6 (5) A description of requirements for new
7 schools to be constructed over the next 10 years as
8 a result of changes to the population of military per-
9 sonnel.

10 (c) **USE OF REPORT AS MASTER PLAN FOR REPAIR,**
11 **UPGRADE, AND CONSTRUCTION OF SCHOOLS.**—The Sec-
12 retary shall use the report required under subsection (a)
13 as a master plan for the repair, upgrade, and construction
14 of schools in the Department of Defense system that sup-
15 port dependents of members of the Armed Forces and ci-
16 vilian employees of the Department of Defense.

17 **SEC. 2880. REPORT ON FACILITIES AND OPERATIONS OF**
18 **DARNALL ARMY MEDICAL CENTER, FORT**
19 **HOOD MILITARY RESERVATION, TEXAS.**

20 (a) **IN GENERAL.**—Not later than 120 days after the
21 date of the enactment of this Act, the Secretary of Defense
22 shall submit to the congressional defense committees a re-
23 port assessing the facilities and operations of the Darnall
24 Army Medical Center at Fort Hood Military Reservation,
25 Texas.



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

3 (1) A specific determination of whether the fa-
4 cilities currently housing Darnall Army Medical Cen-
5 ter meet Department of Defense standards for Army
6 medical centers.

7 (2) A specific determination of whether the ex-
8 isting facilities adequately support the operations of
9 Darnall Army Medical Center, including the mis-
10 sions of medical treatment, medical hold, medical
11 holdover, and Warriors in Transition.

12 (3) A specific determination of whether the ex-
13 isting facilities provide adequate physical space for
14 the number of personnel that would be required for
15 Darnall Army Medical Center to function as a full-
16 sized Army medical center.

17 (4) A specific determination of whether the cur-
18 rent levels of medical and medical-related personnel
19 at Darnall Army Medical Center are adequate to
20 support the operations of a full-sized Army medical
21 center.

22 (5) A specific determination of whether the cur-
23 rent levels of graduate medical education and med-
24 ical residency programs currently in place at Darnall



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1 Army Medical Center are adequate to support the
2 operations of a full-sized Army medical center.

3 (6) A description of any and all deficiencies
4 identified by the Secretary.

5 (7) A proposed investment plan and timeline to
6 correct such deficiencies.

7 **SEC. 2881. REPORT ON FEASIBILITY OF ESTABLISHING A**
8 **REGIONAL DISASTER RESPONSE CENTER AT**
9 **KELLY AIR FIELD, SAN ANTONIO, TEXAS.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) The Federal response to Hurricane Katrina
13 demonstrated the need for greater coordination and
14 planning capability at the Federal, State, and local
15 levels of government.

16 (2) Coordination of State and local assets can
17 be more effectively accomplished if such assets are
18 organized on a regional basis similar to the manner
19 in which the Federal Emergency Management Agen-
20 cy organizes its efforts.

21 (3) Despite the obvious need for experienced
22 and routinely exercised operational headquarters
23 skilled in disaster response, no such headquarters
24 have been established.



1 (4) Such a headquarters would be appropriately
2 located on available Federal property in Region VI
3 of the Federal Emergency Management Agency,
4 which includes Texas, Louisiana, Oklahoma, Arkan-
5 sas, and New Mexico, and is a region subject to for-
6 est fires, floods, hurricanes, and tornadoes.

7 (b) REPORT REQUIRED.—Not later than March 31,
8 2008, the Secretary of Defense, in coordination with the
9 Secretary of Homeland Security, shall submit to Congress
10 a report on the feasibility of establishing at Kelly Air Field
11 in San Antonio, Texas, a permanent, regionally oriented
12 disaster response center responsible for planning, coordi-
13 nating, and directing the Federal, State, and local re-
14 sponse to man-made and natural disasters that occur in
15 Region VI of the Federal Emergency Management Agen-
16 cy.

17 (c) CONTENT.—The report required under subsection
18 (b) shall include the following:

19 (1) A determination of how the regional dis-
20 aster response center, if established at Kelly Air
21 Field, would organize and leverage capabilities of the
22 following currently co-located organizations, facili-
23 ties, and forces located in San Antonio, Texas:

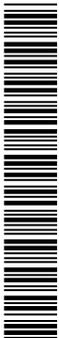
24 (A) Lackland Air Force Base.

25 (B) Fort Sam Houston.



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- 1 (C) Brooke Army Medical Center.
- 2 (D) Wilford Hall Medical Center.
- 3 (E) City of San Antonio/Bexar County
4 Emergency Operations Center.
- 5 (F) Audie Murphy Veterans Administra-
6 tion Medical Center.
- 7 (G) 433rd Airlift Wing C-5 Heavy Lift
8 Aircraft.
- 9 (H) 149 Fighter Wing and Texas Air Na-
10 tional Guard F-16 fighter aircraft.
- 11 (I) Army Northern Command.
- 12 (J) The three level 1 trauma centers of the
13 National Trauma Institute.
- 14 (K) Texas Medical Rangers.
- 15 (L) San Antonio Metro Health Depart-
16 ment.
- 17 (M) The University of Texas Health
18 Science Center at San Antonio.
- 19 (N) The Air Intelligence Surveillance and
20 Reconnaissance Agency at Lackland Air Force
21 Base.
- 22 (O) The United States Air Force Security
23 Police Training Department at Lackland Air
24 Force Base.



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1 (P) The large manpower pools and blood
2 donor pools from the more than 6,000 trainees
3 at Lackland Air Force Base.

4 (2) A determination of the number of military
5 and civilian personnel who would have to be mobi-
6 lized to run the logistics, planning, and maintenance
7 of the regional disaster response center, if estab-
8 lished at Kelly Air Field, during a time of disaster
9 recovery.

10 (3) A determination of the number of military
11 and civilian personnel who would be required to run
12 the logistics, planning, and maintenance of the re-
13 gional disaster response center during a time when
14 no disaster is occurring.

15 (4) A determination of the cost of improving
16 the current infrastructure at Kelly Air Field to meet
17 the needs of displaced victims of a disaster equiva-
18 lent to that of Hurricanes Katrina and Rita or a
19 natural or man-made disaster of similar scope, in-
20 cluding adequate beds, food stores, and decon-
21 tamination stations to triage radiation or other
22 chemical or biological agent contamination victims.

23 (5) An evaluation of the current capability of
24 the Department of Defense and the Department of
25 Homeland Security to respond to these mission re-



1 requirements and an assessment of any additional ca-
2 pabilities that are required.

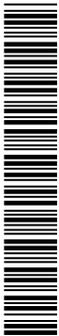
3 (6) An assessment of the costs and benefits of
4 adding such capabilities at Kelly Air Field to the
5 costs and benefits of other locations.

6 **SEC. 2882. NAMING OF HOUSING FACILITY AT FORT CAR-**
7 **SON, COLORADO, IN HONOR OF THE HONOR-**
8 **ABLE JOEL HEFLEY, A FORMER MEMBER OF**
9 **THE UNITED STATES HOUSE OF REPRESENT-**
10 **ATIVES.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) Representative Joel Hefley was elected to
14 represent Colorado's 5th Congressional district in
15 1986 and served in the House of Representatives
16 until the end of the 109th Congress in 2007 with
17 distinction, class, integrity, and honor.

18 (2) Representative Hefley served on the Com-
19 mittee on Armed Services of the House of Rep-
20 resentatives for 18 years, including service as Chair-
21 man of the Subcommittee on Military Installations
22 and Facilities from 1995 through 2000 and, from
23 2001 until 2007, as Chairman of the Subcommittee
24 on Readiness.



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1 (3) Representative Hefley was a fair and effective
2 lawmaker who worked for the national interest
3 while never forgetting his Western roots.

4 (4) Representative Hefley's efforts on the Com-
5 mittee on Armed Services were instrumental to the
6 military value of, and quality of life at, installations
7 in the State of Colorado, including Fort Carson,
8 Cheyenne Mountain, Peterson Air Force Base,
9 Schriever Air Force Base, Buckley Air Force Base,
10 and the United States Air Force Academy.

11 (5) Representative Hefley was a leader in ef-
12 forts to retain and expand Fort Carson as an essen-
13 tial part of the national defense system during the
14 Defense Base Closure and Realignment process.

15 (6) Representative Hefley consistently advo-
16 cated for providing members of the Armed Forces
17 and their families with quality, safe, and affordable
18 housing and supportive communities.

19 (7) Representative Hefley spearheaded the Mili-
20 tary Housing Privatization Initiative to eliminate in-
21 adequate housing on military installations, with the
22 first pilot program located at Fort Carson.

23 (8) Representative Hefley's leadership on the
24 Military Housing Privatization Initiative allowed for
25 the privatization of more than 121,000 units of mili-



1 tary family housing, which brought meaningful im-
2 provements to living conditions for thousands of
3 members of the Armed Forces and their spouses and
4 children at installations throughout the United
5 States.

6 (9) It is fitting and proper that an appropriate
7 military family housing area or structure at Fort
8 Carson be designated in honor of Representative
9 Hefley.

10 (b) DESIGNATION.—Notwithstanding Army Regula-
11 tion AR 1–33, the Secretary of the Army shall designate
12 one of the military family housing areas or facilities con-
13 structed for Fort Carson, Colorado, using the authority
14 provided by subchapter IV of chapter 169 of title 10,
15 United States Code, as the “Joel Hefley Village”.

16 **SEC. 2883. NAMING OF NAVY AND MARINE CORPS RESERVE**
17 **CENTER AT ROCK ISLAND, ILLINOIS, IN**
18 **HONOR OF THE HONORABLE LANE EVANS, A**
19 **FORMER MEMBER OF THE UNITED STATES**
20 **HOUSE OF REPRESENTATIVES.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) Representative Lane Evans was elected to
24 the House of Representatives in 1982 and served in
25 the House of Representatives until the end of the



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1 109th Congress in 2007 representing the people of
2 Illinois' 17th Congressional district.

3 (2) As a member of the Committee on Armed
4 Services of the House of Representatives, Represent-
5 ative Evans worked to bring common sense priorities
6 to defense spending and strengthen the military's
7 conventional readiness.

8 (3) Representative Evans was a tireless advo-
9 cate for military veterans, ensuring that veterans re-
10 ceive the medical care they need and advocating for
11 individuals suffering from post-traumatic stress dis-
12 order and Gulf War Syndrome.

13 (4) Representative Evans' efforts to improve
14 the transition of individuals from military service to
15 the care of the Department of Veterans Affairs will
16 continue to benefit generations of veterans long into
17 the future.

18 (5) Representative Evans was credited with
19 bringing new services to veterans living in his Con-
20 gressional district, including outpatient clinics in the
21 Quad Cities and Quincy and the Quad-Cities Vet
22 Center.

23 (6) Representative Evans worked with local
24 leaders to promote the Rock Island Arsenal, and it
25 earned new jobs and missions through his support.



1 (7) In honor of his service in the Marine Corps
2 and to his district and the United States, it is fitting
3 and proper that the Navy and Marine Corps Reserve
4 Center at Rock Island Arsenal be named in honor of
5 Representative Evans.

6 (b) DESIGNATION.—The Navy and Marine Corps Re-
7 serve Center at Rock Island Arsenal, Illinois, shall be
8 known and designated as the “Lane Evans Navy and Ma-
9 rine Corps Reserve Center”. Any reference in a law, map,
10 regulation, document, paper, or other record of the United
11 States to the Navy and Marine Corps Reserve Center at
12 Rock Island Arsenal shall be deemed to be a reference to
13 the Lane Evans Navy and Marine Corps Reserve Center.

14 **SEC. 2884. NAMING OF RESEARCH LABORATORY AT AIR**
15 **FORCE ROME RESEARCH SITE, ROME, NEW**
16 **YORK, IN HONOR OF THE HONORABLE SHER-**
17 **WOOD L. BOEHLERT, A FORMER MEMBER OF**
18 **THE UNITED STATES HOUSE OF REPRESENT-**
19 **ATIVES.**

20 The new laboratory building at the Air Force Rome
21 Research Site, Rome, New York, shall be known and des-
22 ignated as the “Sherwood Boehlert Center of Excellence
23 for Information Science and Technology”. Any reference
24 in a law, map, regulation, document, paper, or other
25 record of the United States to such laboratory facility



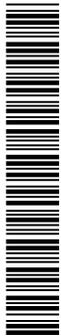
1 shall be deemed to be a reference to the Sherwood Boeh-
2 lert Center of Excellence for Information Science and
3 Technology.

4 **SEC. 2885. NAMING OF ADMINISTRATION BUILDING AT**
5 **JOINT SYSTEMS MANUFACTURING CENTER,**
6 **LIMA, OHIO, IN HONOR OF THE HONORABLE**
7 **MICHAEL G. OXLEY, A FORMER MEMBER OF**
8 **THE UNITED STATES HOUSE OF REPRESENT-**
9 **ATIVES.**

10 The administration building under construction at
11 the Joint Systems Manufacturing Center in Lima, Ohio,
12 shall be known and designated as the “Michael G. Oxley
13 Administration and Technology Center”. Any reference in
14 a law, map, regulation, document, paper, or other record
15 of the United States to such building shall be deemed to
16 be a reference to the Michael G. Oxley Administration and
17 Technology Center.

18 **SEC. 2886. NAMING OF LOGISTICS AUTOMATION TRAINING**
19 **FACILITY, ARMY QUARTERMASTER CENTER**
20 **AND SCHOOL, FORT LEE, VIRGINIA, IN**
21 **HONOR OF GENERAL RICHARD H. THOMP-**
22 **SON.**

23 Notwithstanding Army Regulation AR 1-33, the Lo-
24 gistics Automation Training Facility of the Army Quarter-
25 master Center and School at Fort Lee, Virginia, shall be



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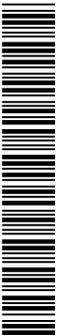
1 known and designated as the “General Richard H.
2 Thompson Logistics Automation Training Facility” in
3 honor of General Richard H. Thompson, the only quarter-
4 master to have risen from private to full general. Any ref-
5 erence in a law, map, regulation, document, paper, or
6 other record of the United States to such facility shall be
7 deemed to be a reference to the General Richard H.
8 Thompson Logistics Automation Training Facility.

9 **SEC. 2887. AUTHORITY TO RELOCATE JOINT SPECTRUM**
10 **CENTER TO FORT MEADE, MARYLAND.**

11 (a) **AUTHORITY TO CARRY OUT RELOCATION AGREE-**
12 **MENT.**—The Secretary of Defense may carry out an
13 agreement to relocate the Joint Spectrum Center, a geo-
14 graphically separated unit of the Defense Information
15 Systems Agency, from Annapolis, Maryland, to Fort
16 Meade, Maryland, or another military installation if—

17 (1) the Secretary determines that the relocation
18 of the Joint Spectrum Center is in the best interest
19 of national security and the physical protection of
20 personnel and missions of the Department of De-
21 fense; and

22 (2) the agreement between the lease holder and
23 the Department of Defense provides equitable and
24 appropriate terms to facilitate the relocation.



1 (b) AUTHORIZATION.—Any facility, road, or infra-
 2 structure constructed or altered on a military installation
 3 as a result of the agreement referred to in subsection (a)
 4 is deemed to be authorized in accordance with section
 5 2802 of title 10, United States Code.

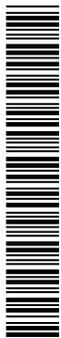
6 (c) TERMINATION OF EXISTING LEASE.—Upon com-
 7 pletion of the relocation of the Joint Spectrum Center, all
 8 right, title, and interest of the United States in and to
 9 the existing lease for the Joint Spectrum Center shall be
 10 terminated, as contemplated under Condition 29.B of the
 11 lease.

12 **TITLE XXIX—WAR-RELATED AND**
 13 **EMERGENCY MILITARY CON-**
 14 **STRUCTION AUTHORIZA-**
 15 **TIONS**

- Sec. 2901. Authorized Army construction and land acquisition projects.
- Sec. 2902. Authorized Navy construction and land acquisition projects.
- Sec. 2903. Authorized Air Force construction and land acquisition projects.
- Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2905. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005 and related authorization of appropriations.

16 **SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 17 **ACQUISITION PROJECTS.**

18 (a) INSIDE THE UNITED STATES.—Using amounts
 19 appropriated pursuant to the authorization of appropria-
 20 tions in subsection (c)(1), the Secretary of the Army may
 21 acquire real property and carry out military construction



1 projects for the installations or locations inside the United
 2 States, and in the amounts, set forth in the following
 3 table:

Army: Inside the United States

State	Installation or Location	Amount
Colorado	Fort Carson	\$8,100,000
Georgia	Fort Stewart	\$6,000,000
Kansas	Fort Riley	\$50,000,000
Kentucky	Fort Campbell	\$7,400,000
Louisiana	Fort Polk	\$4,900,000
New York	Fort Drum	\$38,000,000
Texas	Fort Hood	\$9,100,000

4 (b) OUTSIDE THE UNITED STATES.—Using amounts
 5 appropriated pursuant to the authorization of appropria-
 6 tions in subsection (c)(2), the Secretary of the Army may
 7 acquire real property and carry out military construction
 8 projects for the installations or locations outside the
 9 United States, and in the amounts, set forth in the fol-
 10 lowing table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	\$249,600,000
.....	Ghazni	\$5,000,000
.....	Kabul	\$36,000,000
Iraq	Camp Adder	\$80,650,000
.....	Al Asad	\$92,600,000
.....	Camp Anaconda	\$53,500,000
.....	Camp Constitution	\$11,700,000
.....	Camp Cropper	\$9,500,000
.....	Falhujah	\$880,000
.....	Camp Marez	\$880,000
.....	Mosul	\$43,000,000
.....	Q-West	\$26,000,000
.....	Camp Ramadi	\$880,000
.....	Seania	\$14,200,000
.....	Camp Speicher	\$83,900,000
.....	Camp Taqqadum	\$880,000
.....	Tikrit	\$43,000,000
.....	Camp Victory	\$65,400,000
.....	Camp Warrior	\$880,000
.....	Various Locations	\$207,000,000
Kuwait	Camp Arifjan	\$30,000,000



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1 (c) AUTHORIZATION OF APPROPRIATIONS.—Funds
2 are hereby authorized to be appropriated for fiscal years
3 beginning after September 30, 2007, for military con-
4 struction, land acquisition, and military family housing
5 functions of the Department of the Army in the total
6 amount of \$1,257,750,000 as follows:

7 (1) For military construction projects inside the
8 United States authorized by subsection (a),
9 \$123,500,000.

10 (2) For military construction projects outside
11 the United States authorized by subsection (b),
12 \$1,055,450,000.

13 (3) For architectural and engineering services
14 and construction design under section 2807 of title
15 10, United States Code, \$78,800,000.

16 (d) REPORT REQUIRED BEFORE COMMENCING CER-
17 TAIN PROJECTS.—Funds may not be obligated for the
18 projects authorized by subsection (b) for Camp Arifjan,
19 Kuwait, or Camp Cropper, Iraq, until 14 days after the
20 date on which the Secretary of Defense submits to the
21 congressional defense committees a report, in either un-
22 classified or classified form, containing a detailed justifica-
23 tion for the project, including the overall intent of the re-
24 quested construction, host-nation views, longevity of the



1 site selected, and timelines for completion. The Secretary
 2 shall submit the report not later than January 15, 2008.

3 **SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 4 **ACQUISITION PROJECTS.**

5 (a) **INSIDE THE UNITED STATES.**—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in subsection (d)(1), the Secretary of the Navy may
 8 acquire real property and carry out military construction
 9 projects for the installations or locations inside the United
 10 States, and in the amounts, set forth in the following
 11 table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	\$102,034,000
.....	Twentynine Palms	\$4,440,000
North Carolina ...	Camp Lejeune	\$43,340,000

12 (b) **OUTSIDE THE UNITED STATES.**—Using amounts
 13 appropriated pursuant to the authorization of appropria-
 14 tions in subsection (d)(2), the Secretary of the Navy may
 15 acquire real property and carry out military construction
 16 projects for the installations or locations outside the
 17 United States, and in the amounts, set forth in the fol-
 18 lowing table:

Navy: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemonier	\$25,410,000



1 (c) FAMILY HOUSING.—Using amounts appropriated
 2 pursuant to the authorization of appropriations in sub-
 3 section (d)(4), the Secretary of the Navy may construct
 4 or acquire family housing units (including land acquisition
 5 and supporting facilities) at the installations or locations,
 6 and in the amounts, set forth in the following table:

Navy: Family Housing

State	Installation or Location	Amount
California	Camp Pendleton	\$10,692,000
.....	Twentynine Palms	\$1,074,000

7 (d) AUTHORIZATION OF APPROPRIATIONS.—Subject
 8 to section 2825 of title 10, United States Code, funds are
 9 hereby authorized to be appropriated for fiscal years be-
 10 ginning after September 30, 2007, for military construc-
 11 tion, land acquisition, and military family housing func-
 12 tions of the Department of the Navy in the total amount
 13 of \$198,781,000, as follows:

14 (1) For military construction projects inside the
 15 United States authorized by subsection (a),
 16 \$149,814,000.

17 (2) For military construction projects outside
 18 the United States authorized by subsection (a),
 19 \$25,410,000.

20 (3) For architectural and engineering services
 21 and construction design under section 2807 of title
 22 10, United States Code, \$11,791,000.



1 (4) For construction and acquisition, planning
 2 and design, and improvement of military family
 3 housing and facilities, \$11,766,000.

4 **SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 5 **LAND ACQUISITION PROJECTS.**

6 (a) OUTSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in subsection (b)(1), the Secretary of the Air Force
 9 may acquire real property and carry out military construc-
 10 tion projects for the installations or locations outside the
 11 United States, and in the amounts, set forth in the fol-
 12 lowing table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	\$108,800,000
.....	Kandahar	\$26,300,000
Iraq	Balad Air Base	\$58,300,000
Kyrgyzstan	Manas Air Base	\$30,300,000

13 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
 14 are hereby authorized to be appropriated for fiscal years
 15 beginning after September 30, 2007, for military con-
 16 struction, land acquisition, and military family housing
 17 functions of the Department of the Air Force in the total
 18 amount of \$258,700,000, as follows:

19 (1) For military construction projects outside
 20 the United States authorized by subsection (a),
 21 \$223,700,000.



1 (2) For architectural and engineering services
 2 and construction design under section 2807 of title
 3 10, United States Code, \$35,000,000.

4 **SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

6 (a) **INSIDE THE UNITED STATES.**—Using amounts
 7 appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of Defense may
 8 acquire real property and carry out military construction
 9 projects for the installations or locations inside the United
 10 States, and in the amounts, set forth in the following
 11 table:
 12

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Texas	Fort Sam Houston	\$21,000,000

13 (b) **OUTSIDE THE UNITED STATES.**—Using amounts
 14 appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of Defense may
 15 acquire real property and carry out military construction
 16 projects for the installations or locations outside the
 17 United States, and in the amounts, set forth in the following
 18 table:
 19

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Qatar	Al Udeid	\$6,600,000



1 (c) AUTHORIZATION OF APPROPRIATIONS.—Funds
2 are hereby authorized to be appropriated for fiscal years
3 beginning after September 30, 2007, for military con-
4 struction, land acquisition, and military family housing
5 functions of the Department of Defense (other than the
6 military departments) in the total amount of \$27,600,000
7 as follows:

8 (1) For military construction projects inside the
9 United States authorized by subsection (a),
10 \$21,000,000.

11 (2) For military construction projects outside
12 the United States authorized by subsection (a),
13 \$6,600,000.

14 **SEC. 2905. AUTHORIZED BASE CLOSURE AND REALIGN-**
15 **MENT ACTIVITIES FUNDED THROUGH DE-**
16 **PARTMENT OF DEFENSE BASE CLOSURE AC-**
17 **COUNT 2005 AND RELATED AUTHORIZATION**
18 **OF APPROPRIATIONS.**

19 (a) AUTHORIZED BASE CLOSURE AND REALIGN-
20 MENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF
21 DEFENSE BASE CLOSURE ACCOUNT 2005.—Using
22 amounts authorized appropriated pursuant to the author-
23 ization of appropriations in subsection (b), the Secretary
24 of Defense may carry out base closure and realignment
25 activities otherwise authorized by section 2702 of this Act,



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1 including real property acquisition and military construc-
2 tion projects, as authorized by the Defense Base Closure
3 and Realignment Act of 1990 (part A of title XXIX of
4 Public Law 101–510; 10 U.S.C. 2687 note) and funded
5 through the Department of Defense Base Closure Account
6 2005 established by section 2906A of such Act, in the
7 amount of \$423,650,000. Such amount is in addition to
8 the amount specified for such base closure and realign-
9 ment activities in section 2702 of this Act.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
11 are hereby authorized to be appropriated for fiscal years
12 beginning after September 30, 2007, for base closure and
13 realignment activities authorized by subsection (a) and
14 funded through the Department of Defense Base Closure
15 Account 2005 in the total amount of \$415,910,000.

16 **DIVISION C—DEPARTMENT OF**
17 **ENERGY NATIONAL SECURITY**
18 **AUTHORIZATIONS AND**
19 **OTHER AUTHORIZATIONS**
20 **TITLE XXXI—DEPARTMENT OF**
21 **ENERGY NATIONAL SECURITY**
22 **PROGRAMS**

Subtitle A—National Security Programs Authorizations

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



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Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Reliable Replacement Warhead program.
- Sec. 3112. Nuclear test readiness.
- Sec. 3113. Modification of reporting requirement.
- Sec. 3114. Limitation on availability of funds for Fissile Materials Disposition program.
- Sec. 3115. Modification of limitations on availability of funds for Waste Treatment and Immobilization Plant.
- Sec. 3116. Modification of sunset date of the Office of the Ombudsman of the Energy Employees Occupational Illness Compensation Program.
- Sec. 3117. Technical amendments.

Subtitle C—Other Matters

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

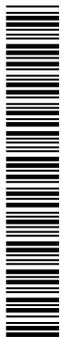
Subtitle D—Nuclear Terrorism Prevention

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

1 **Subtitle A—National Security**
 2 **Programs Authorizations**

3 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
 4 **TION.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 6 are hereby authorized to be appropriated to the Depart-



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1 ment of Energy for fiscal year 2008 for the activities of
2 the National Nuclear Security Administration in carrying
3 out programs necessary for national security in the
4 amount of \$9,576,095,000, to be allocated as follows:

5 (1) For weapons activities, \$6,465,574,000.

6 (2) For defense nuclear nonproliferation activi-
7 ties, \$1,902,646,000.

8 (3) For naval reactors, \$808,219,000.

9 (4) For the Office of the Administrator for Nu-
10 clear Security, \$399,656,000.

11 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—

12 From funds referred to in subsection (a) that are available
13 for carrying out plant projects, the Secretary of Energy
14 may carry out new plant projects for the National Nuclear
15 Security Administration as follows:

16 (1) For readiness in technical base and facili-
17 ties, the following new plant projects:

18 Project 08–D–801, High pressure fire
19 loop, Pantex Plant, Amarillo, Texas,
20 \$7,000,000.

21 Project 08–D–802, High explosive pressing
22 facility, Pantex Plant, Amarillo, Texas,
23 \$25,300,000.



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1 Project 08-D-804, Technical Area 55 re-
2 investment project, Los Alamos National Lab-
3 oratory, Los Alamos, New Mexico, \$6,000,000.

4 (2) For facilities and infrastructure recapital-
5 ization, the following new plant projects:

6 Project 08-D-601, Mercury highway, Ne-
7 vada Test Site, Nevada, \$7,800,000.

8 Project 08-D-602, Potable water system
9 upgrades, Y-12 Plant, Oak Ridge, Tennessee,
10 \$22,500,000.

11 (3) For safeguards and security, the following
12 new plant project:

13 Project 08-D-701, Nuclear materials safe-
14 guards and security upgrade, Los Alamos Na-
15 tional Laboratory, Los Alamos, New Mexico,
16 \$49,496,000.

17 (4) For naval reactors, the following new plant
18 projects:

19 Project 08-D-901, Shipping and receiving
20 and warehouse complex, Bettis Atomic Power
21 Laboratory, West Mifflin, Pennsylvania,
22 \$9,000,000.

23 Project 08-D-190, Project engineering
24 and design, Expended Core Facility M-290 Re-



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1 covering Discharge Station, Naval Reactors Fa-
2 cility, Idaho Falls, Idaho, \$550,000.

3 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
5 are hereby authorized to be appropriated to the Depart-
6 ment of Energy for fiscal year 2008 for defense environ-
7 mental cleanup activities in carrying out programs nec-
8 essary for national security in the amount of
9 \$5,367,905,000.

10 (b) AUTHORIZATION FOR NEW PLANT PROJECT.—
11 From funds referred to in subsection (a) that are available
12 for carrying out plant projects, the Secretary of Energy
13 may carry out, for defense environmental cleanup activi-
14 ties, the following new plant project:

15 Project 08–D–414, Project engineering and de-
16 sign, Plutonium Vitrification Facility, various loca-
17 tions, \$9,000,000.

18 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

19 Funds are hereby authorized to be appropriated to
20 the Department of Energy for fiscal year 2008 for other
21 defense activities in carrying out programs necessary for
22 national security in the amount of \$763,974,000.

23 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

24 Funds are hereby authorized to be appropriated to
25 the Department of Energy for fiscal year 2008 for defense



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1 nuclear waste disposal for payment to the Nuclear Waste
2 Fund established in section 302(c) of the Nuclear Waste
3 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount
4 of \$292,046,000.

5 **SEC. 3105. ENERGY SECURITY AND ASSURANCE.**

6 Funds are hereby authorized to be appropriated to
7 the Department of Energy for fiscal year 2008 for energy
8 security and assurance programs necessary for national
9 security in the amount of \$5,860,000.

10 **Subtitle B—Program Authoriza-**
11 **tions, Restrictions, and Limita-**
12 **tions**

13 **SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.**

14 No funds appropriated pursuant to the authorization
15 of appropriations in section 3101(a)(1) or otherwise made
16 available for weapons activities of the National Nuclear
17 Security Administration for fiscal year 2008 may be obli-
18 gated or expended for activities under the Reliable Re-
19 placement Warhead program under section 4204a of the
20 Atomic Energy Defense Act (50 U.S.C. 2524a) beyond
21 phase 2A activities.

22 **SEC. 3112. NUCLEAR TEST READINESS.**

23 (a) REPEAL OF REQUIREMENTS ON READINESS POS-
24 TURE.—Section 3113 of the National Defense Authoriza-



1 tion Act for Fiscal Year 2004 (Public Law 108–136; 117
2 Stat. 1743; 50 U.S.C. 2528a) is repealed.

3 (b) REPORTS ON NUCLEAR TEST READINESS POS-
4 TURES.—

5 (1) IN GENERAL.—Section 4208 of the Atomic
6 Energy Defense Act (50 U.S.C. 2528) is amended to
7 read as follows:

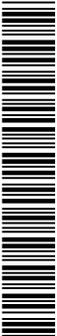
8 **“SEC. 4208. REPORTS ON NUCLEAR TEST READINESS.**

9 “(a) IN GENERAL.—Not later than March 1, 2009,
10 and every odd-numbered year thereafter, the Secretary of
11 Energy shall submit to the congressional defense commit-
12 tees a report on the nuclear test readiness of the United
13 States.

14 “(b) ELEMENTS.—Each report under subsection (a)
15 shall include, current as of the date of such report, the
16 following:

17 “(1) An estimate of the period of time that
18 would be necessary for the Secretary of Energy to
19 conduct an underground test of a nuclear weapon
20 once directed by the President to conduct such a
21 test.

22 “(2) A description of the level of test readiness
23 that the Secretary of Energy, in consultation with
24 the Secretary of Defense, determines to be appro-
25 priate.



1 “(3) A list and description of the workforce
2 skills and capabilities that are essential to carrying
3 out an underground nuclear test at the Nevada Test
4 Site.

5 “(4) A list and description of the infrastructure
6 and physical plant that are essential to carrying out
7 an underground nuclear test at the Nevada Test
8 Site.

9 “(5) An assessment of the readiness status of
10 the skills and capabilities described in paragraph (3)
11 and the infrastructure and physical plant described
12 in paragraph (4).

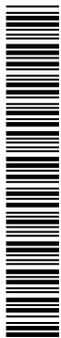
13 “(c) FORM.—Each report under subsection (a) shall
14 be submitted in unclassified form, but may include a clas-
15 sified annex.”.

16 (2) CLERICAL AMENDMENT.—The item relating
17 to section 4208 in the table of contents for such Act
18 is amended to read as follows:
 “Sec. 4208. Reports on nuclear test readiness.”.

19 **SEC. 3113. MODIFICATION OF REPORTING REQUIREMENT.**

20 Section 3111 of the National Defense Authorization
21 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
22 3539) is amended—

23 (1) by redesignating subsections (c) and (d) as
24 (d) and (e), respectively;



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1 (2) by inserting after subsection (b) the fol-
2 lowing:

3 “(c) FORM.—The report required by subsection (b)
4 shall be submitted in classified form, and shall include a
5 detailed unclassified summary.”; and

6 (3) in subsection (e), as so redesignated, by
7 striking “(c)” and inserting “(d)”.

8 **SEC. 3114. LIMITATION ON AVAILABILITY OF FUNDS FOR**
9 **FISSILE MATERIALS DISPOSITION PROGRAM.**

10 (a) **LIMITATION PENDING REPORT ON USE OF PRIOR**
11 **FISCAL YEAR FUNDS.**—No more than 75 percent of the
12 fiscal year 2008 Fissile Materials Disposition program
13 funds may be obligated for the Fissile Materials Disposi-
14 tion program until the Secretary of Energy, in consulta-
15 tion with the Administrator for Nuclear Security, submits
16 to the congressional defense committees a report setting
17 forth a plan for obligating and expending funds made
18 available for that program in fiscal years before fiscal year
19 2008 that remain available for obligation or expenditure
20 as of January 1, 2005, and for fiscal year 2008.

21 (b) **AVAILABILITY OF UNUTILIZED FUNDS UNDER**
22 **CERTIFICATION OF PARTIAL USE.**—Any funds identified
23 in the plan required in subsection (a) that are not planned
24 to be obligated by the end of fiscal year 2009 shall also
25 be available for any defense nuclear nonproliferation ac-



1 tivities (other than the Fissile Materials Disposition pro-
2 gram) for which amounts are authorized to be appro-
3 priated by section 3101(a)(2).

4 (c) FISCAL YEAR 2008 FISSILE MATERIALS DISPOSI-
5 TION PROGRAM FUNDS DEFINED.—In this section, the
6 term “fiscal year 2008 Fissile Materials Disposition pro-
7 gram funds” means amounts authorized to be appro-
8 priated by section 3101(a)(2) and available for the Fissile
9 Materials Disposition program.

10 **SEC. 3115. MODIFICATION OF LIMITATIONS ON AVAIL-**
11 **ABILITY OF FUNDS FOR WASTE TREATMENT**
12 **AND IMMOBILIZATION PLANT.**

13 Paragraph (2) of section 3120(a) of the John Warner
14 National Defense Authorization Act for Fiscal Year 2007
15 (Public Law 109–364; 120 Stat. 2510) is amended—

16 (1) by striking “the Defense Contract Manage-
17 ment Agency has recommended for acceptance” and
18 inserting “an independent entity has reviewed”; and

19 (2) by inserting “and that the system has been
20 certified by the Secretary for use by a construction
21 contractor at the Waste Treatment and Immobiliza-
22 tion Plant” after “Waste Treatment and Immo-
23 bilization Plant”.



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1 **SEC. 3116. MODIFICATION OF SUNSET DATE OF THE OFFICE**
2 **OF THE OMBUDSMAN OF THE ENERGY EM-**
3 **PLOYEES OCCUPATIONAL ILLNESS COM-**
4 **PENSATION PROGRAM.**

5 Section 3686(g) of the Energy Employees Occupa-
6 tional Illness Compensation Program Act of 2000 (42
7 U.S.C. 7385s–15(g)) is amended by striking “on the date
8 that is 3 years after the date of the enactment of this
9 section” and inserting “October 28, 2012”.

10 **SEC. 3117. TECHNICAL AMENDMENTS.**

11 The Atomic Energy Defense Act (50 U.S.C. 2521 et
12 seq.) is amended as follows:

13 (1) The heading of section 4204a (50 U.S.C.
14 2524a) is amended to read as follows:
15 “SEC. 4204A. RELIABLE REPLACEMENT
16 WARHEAD PROGRAM.”.

17 (2) The table of contents for that Act is amend-
18 ed by inserting after the item relating to section
19 4204 the following new item:

“Sec. 4204A. Reliable Replacement Warhead program.”.

20 **Subtitle C—Other Matters**

21 **SEC. 3121. STUDY ON USING EXISTING PITS FOR THE RELI-**
22 **ABLE REPLACEMENT WARHEAD PROGRAM.**

23 (a) STUDY REQUIRED.—The Administrator for Nu-
24 clear Security, in consultation with the Nuclear Weapons
25 Council, shall carry out a study analyzing the feasibility



1 of using existing pits in the Reliable Replacement War-
2 head program.

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later six months after
5 the date of the enactment of this Act, the Adminis-
6 trator shall submit to the congressional defense com-
7 mittees a report on the results of the study. The re-
8 port shall be in unclassified form, but may include
9 a classified annex.

10 (2) MATTERS INCLUDED.—The report shall
11 contain the assessment of the Administrator of the
12 results of the study, including—

13 (A) an assessment of—

14 (i) whether using existing pits in the
15 program is technically feasible;

16 (ii) whether using existing pits in the
17 program is more advantageous than using
18 newly manufactured pits in the program;

19 (iii) the number of existing pits suit-
20 able for such use;

21 (iv) whether proceeding to use existing
22 pits in the program before using newly
23 manufactured pits in the program is desir-
24 able; and



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1 (v) the extent to which using existing
2 pits, as compared to using newly manufac-
3 tured pits, in the program would reduce
4 future requirements for new pit produc-
5 tion, and how such use of existing pits
6 would affect the schedule and scope for
7 new pit production; and

8 (B) a comparison of the requirements for
9 certifying—

10 (i) reliable replacement warheads
11 using existing pits;

12 (ii) reliable replacement warheads
13 using newly manufactured pits; and

14 (iii) warheads maintained by the
15 Stockpile Life Extension Program.

16 (c) FUNDING.—Of the amounts made available pur-
17 suant to the authorization of appropriations in section
18 3101(a)(1), such funds as may be necessary shall be avail-
19 able to carry out this section.

20 **SEC. 3122. REPORT ON RETIREMENT AND DISMANTLEMENT**
21 **OF NUCLEAR WARHEADS.**

22 Not later than March 1, 2008, the Administrator for
23 Nuclear Security, in consultation with the Nuclear Weap-
24 ons Council, shall submit to the congressional defense
25 committees a report on the retirement and dismantlement



1 of the nuclear warheads that will not be part of the endur-
2 ing stockpile as of December 31, 2012, but that have not
3 yet been retired or dismantled. The report shall include—

4 (1) the existing plan and schedule for retiring
5 and dismantling those warheads;

6 (2) an assessment of the capacity of the nuclear
7 weapons complex to accommodate an accelerated
8 schedule for retiring and dismantling those war-
9 heads, taking into account the full range of capabili-
10 ties in the complex; and

11 (3) an identification of the resources needed to
12 accommodate such an accelerated schedule for retir-
13 ing and dismantling those warheads.

14 **SEC. 3123. PLAN FOR ADDRESSING SECURITY RISKS POSED**
15 **TO NUCLEAR WEAPONS COMPLEX.**

16 Section 3253(b) of the National Nuclear Security Ad-
17 ministration Act (50 U.S.C. 2453(b)) is amended by add-
18 ing at the end the following:

19 “(6) A plan, developed in consultation with the
20 Director of the Office of Health, Safety, and Secu-
21 rity of the Department of Energy, for the research
22 and development, deployment, and lifecycle
23 sustainment of the technologies employed within the
24 nuclear weapons complex to address physical and



1 cyber security threats during the applicable five-fis-
2 cal year period, together with—

3 “(A) for each site in the nuclear weapons
4 complex, a description of the technologies de-
5 ployed to address the physical and cyber secu-
6 rity threats posed to that site;

7 “(B) for each site and for the nuclear
8 weapons complex, the methods used by the Na-
9 tional Nuclear Security Administration to es-
10 tablish priorities among investments in physical
11 and cyber security technologies; and

12 “(C) a detailed description of how the
13 funds identified for each program element spec-
14 ified pursuant to paragraph (1) in the budget
15 for the Administration for each fiscal year dur-
16 ing that five-fiscal year period will help carry
17 out that plan.”.

18 **SEC. 3124. DEPARTMENT OF ENERGY PROTECTIVE FORCES.**

19 (a) **COMPTROLLER GENERAL REPORT ON DEPART-**
20 **MENT OF ENERGY PROTECTIVE FORCE MANAGEMENT.—**

21 (1) **IN GENERAL.—**Not later than 180 days
22 after the date of the enactment of this Act, the
23 Comptroller General of the United States shall sub-
24 mit to the Committee on Armed Services of the Sen-
25 ate and the Committee on Armed Services of the



1 House of Representatives a report on the manage-
2 ment of the protective forces of the Department of
3 Energy.

4 (2) CONTENTS.—The report shall include the
5 following:

6 (A) An identification of each Department
7 of Energy site with Category I nuclear mate-
8 rials.

9 (B) For each site identified under subpara-
10 graph (A)—

11 (i) a description of the management
12 and contractual structure for protective
13 forces at the site;

14 (ii) a statement of the number and
15 category of protective force members at the
16 site;

17 (iii) a description of the manner in
18 which the site is moving to a tactical re-
19 sponse force as required by the policy of
20 the Department of Energy and an assess-
21 ment of the issues or problems, if any, in-
22 volved in moving to such a force;

23 (iv) a description of the extent to
24 which the protective force at the site has
25 been assigned or is responsible for law en-



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1 enforcement or law-enforcement related ac-
2 tivities;

3 (v) an assessment of the ability of the
4 protective force at the site to fulfill any
5 such law enforcement or law enforcement-
6 related responsibilities; and

7 (vi) an assessment of whether the pro-
8 tective force at the site is adequately
9 staffed, trained, and equipped to comply
10 with the requirements of the Design Basis
11 Threat issued by the Department of En-
12 ergy in November 2005 and, if not, when
13 it is projected to be.

14 (C) An analysis comparing the manage-
15 ment, training, pay, benefits, duties, respon-
16 sibilities, and assignments of the protective
17 force at each site identified under subparagraph
18 (A) with the management, training, pay, bene-
19 fits, duties, responsibilities, and assignments of
20 the Federal transportation security force of the
21 Department of Energy.

22 (D) A statement of options for managing
23 the protective force at sites identified under
24 subparagraph (A) in a more uniform manner,
25 an analysis of the advantages and disadvan-



1 tages of each option, and an assessment of the
2 approximate cost of each option when compared
3 with the costs associated with the existing man-
4 agement of the protective force at such sites.

5 (3) FORM.—The report shall be submitted in
6 unclassified form, but may include a classified
7 annex.

8 (b) DEPARTMENT OF ENERGY ANALYSIS OF ALTER-
9 NATIVES FOR MANAGING AND DEPLOYING PROTECTIVE
10 FORCES.—

11 (1) IN GENERAL.—Not later than 90 days after
12 the date on which the report is submitted under sub-
13 section (a), the Secretary of Energy, in conjunction
14 with the Administrator for Nuclear Security and the
15 Assistant Secretary for Environmental Management,
16 shall submit to the Committee on Armed Services of
17 the Senate and the Committee on Armed Services of
18 the House of Representatives a report on the man-
19 agement of the protective forces of the Department
20 of Energy.

21 (2) CONTENTS.—The report shall include the
22 following:

23 (A) Each of the matters specified in sub-
24 paragraphs (A), (B), and (C) of subsection
25 (a)(2).



1 (B) Each of the matters specified in sub-
2 paragraph (D) of subsection (a)(2), except
3 that—

4 (i) the options analyzed shall include
5 each of the options included in the report
6 submitted under subsection (a), as well as
7 any other options identified by the Sec-
8 retary; and

9 (ii) the analysis and assessment shall
10 also include an analysis of the role played
11 by incentives inherent in the use of private
12 contractors to provide protective forces in
13 the performance of those protective forces.

14 (3) FORM.—The report shall be submitted in
15 unclassified form, but may include a classified
16 annex.

17 **SEC. 3125. EVALUATION OF NATIONAL NUCLEAR SECURITY**
18 **ADMINISTRATION STRATEGIC PLAN FOR AD-**
19 **VANCED COMPUTING.**

20 (a) IN GENERAL.—The Secretary of Energy shall—

21 (1) enter into an agreement with an inde-
22 pendent entity to conduct an evaluation of the stra-
23 tegic plan for advanced computing of the National
24 Nuclear Security Administration; and



1 (2) not later than one year after the date of the
2 enactment of this Act, submit to the congressional
3 defense committees a report containing the results of
4 the evaluation described in paragraph (1).

5 (b) ELEMENTS.—The evaluation described in sub-
6 section (a)(1) shall include the following:

7 (1) An assessment of—

8 (A) the adequacy of the strategic plan in
9 supporting the Stockpile Stewardship Program;

10 (B) the role of research into, and develop-
11 ment of, high-performance computing supported
12 by the National Nuclear Security Administra-
13 tion in fulfilling the mission of the National
14 Nuclear Security Administration and in main-
15 taining the leadership of the United States in
16 high-performance computing; and

17 (C) the impacts of changes in investment
18 levels or research and development strategies on
19 fulfilling the missions of the National Nuclear
20 Security Administration.

21 (2) An assessment of the efforts of the Depart-
22 ment of Energy to—

23 (A) coordinate high-performance com-
24 puting work within the Department, in par-



1 ticular between the National Nuclear Security
2 Administration and the Office of Science;

3 (B) develop joint strategies with other
4 Federal agencies and private industry groups
5 for the development of high-performance com-
6 puting; and

7 (C) share high-performance computing de-
8 velopments with private industry and capitalize
9 on innovations in private industry in high-per-
10 formance computing.

11 **SEC. 3126. SENSE OF CONGRESS ON THE NUCLEAR NON-**
12 **PROLIFERATION POLICY OF THE UNITED**
13 **STATES AND THE RELIABLE REPLACEMENT**
14 **WARHEAD PROGRAM.**

15 It is the sense of Congress that—

16 (1) the United States should maintain its com-
17 mitment to Article VI of the Treaty on the Non-Pro-
18 liferation of Nuclear Weapons, done at Washington,
19 London, and Moscow July 1, 1968, and entered into
20 force March 5, 1970 (in this section referred to as
21 the “Nuclear Non-Proliferation Treaty”);

22 (2) the United States should initiate talks with
23 Russia to reduce the number of nonstrategic nuclear
24 weapons and further reduce the number of strategic
25 nuclear weapons in the respective nuclear weapons



1 stockpiles of the United States and Russia in a
2 transparent and verifiable fashion and in a manner
3 consistent with the security of the United States;

4 (3) the United States and other declared nu-
5 clear weapons state parties to the Nuclear Non-Pro-
6 liferation Treaty, together with weapons states that
7 are not parties to the Treaty, should work to reduce
8 the total number of nuclear weapons in the respec-
9 tive stockpiles and related delivery systems of such
10 states;

11 (4) the United States, Russia, and other states
12 should work to negotiate, and then sign and ratify,
13 a treaty setting forth a date for the cessation of the
14 production of fissile material;

15 (5) the United States should sustain the
16 science-based stockpile stewardship program, which
17 provides the basis for certifying the United States
18 nuclear deterrent and maintaining the moratorium
19 on underground nuclear weapons testing;

20 (6) the United States should commit to dis-
21 mantle as soon as possible all retired warheads or
22 warheads that are planned to be retired from the
23 United States nuclear weapons stockpile;

24 (7) the United States, along with the other de-
25 clared nuclear weapons state parties to the Nuclear



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1 Non-Proliferation Treaty, should participate in
2 transparent discussions regarding their nuclear
3 weapons programs and plans, including plans for
4 any new weapons or warheads, and how such pro-
5 grams and plans relate to their obligations as nu-
6 clear weapons state parties under the Treaty;

7 (8) the United States and the declared nuclear
8 weapons state parties to the Nuclear Non-Prolifera-
9 tion Treaty should work to decrease reliance on, and
10 the importance of, nuclear weapons; and

11 (9) the United States should formulate any de-
12 cision on whether to manufacture or deploy a reli-
13 able replacement warhead within the broader context
14 of the progress made by the United States toward
15 achieving each of the goals described in paragraphs
16 (1) through (8).

17 **SEC. 3127. DEPARTMENT OF ENERGY REPORT ON PLAN TO**
18 **STRENGTHEN AND EXPAND INTERNATIONAL**
19 **RADIOLOGICAL THREAT REDUCTION PRO-**
20 **GRAM.**

21 Not later than 120 days after the date of the enact-
22 ment of this Act, the Secretary of Energy shall submit
23 to Congress a report that sets forth a specific plan for
24 strengthening and expanding the Department of Energy
25 International Radiological Threat Reduction (IRTR) pro-



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1 gram within the Global Threat Reduction Initiative. The
2 plan shall address concerns raised and recommendations
3 made by the Government Accountability Office in its re-
4 port of March 13, 2007, titled “Focusing on the Highest
5 Priority Radiological Sources Could Improve DOE’s Ef-
6 forts to Secure Sources in Foreign Countries”, and shall
7 specifically include actions to—

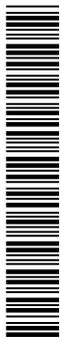
8 (1) improve the Department’s coordination with
9 the Department of State and the Nuclear Regu-
10 latory Commission;

11 (2) improve information-sharing between the
12 Department and the International Atomic Energy
13 Agency;

14 (3) with respect to hospitals and clinics con-
15 taining radiological sources that receive security up-
16 grades, give high priority to those determined to be
17 the highest risk;

18 (4) accelerate efforts to remove as many radio-
19 isotope thermoelectric generators (RTGs) in the
20 Russian Federation as practicable;

21 (5) develop a long-term sustainability plan for
22 security upgrades that includes, among other things,
23 future resources required to implement such a plan;
24 and



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1 (6) develop a long-term operational plan that
2 ensures sufficient funding for the IRTR program
3 and ensures sufficient funding to identify, recover,
4 and secure all vulnerable high-risk radiological
5 sources worldwide as quickly and effectively as pos-
6 sible.

7 **SEC. 3128. DEPARTMENT OF ENERGY REPORT ON PLAN TO**
8 **STRENGTHEN AND EXPAND MATERIALS PRO-**
9 **TECTION, CONTROL, AND ACCOUNTING PRO-**
10 **GRAM.**

11 Not later than 120 days after the date of the enact-
12 ment of this Act, the Secretary of Energy shall submit
13 to Congress a specific plan for strengthening and expand-
14 ing the Department of Energy Materials Protection, Con-
15 trol, and Accounting (MPC&A) program. The plan shall
16 address concerns raised and recommendations made by
17 the Government Accountability Office in its report of Feb-
18 ruary 2007, titled “Progress Made in Improving Security
19 at Russian Nuclear Sites, but the Long-Term Sustain-
20 ability of U.S. Funded Security Upgrades is Uncertain”,
21 and shall specifically include actions to—

22 (1) strengthen program management and the
23 effectiveness of the Department’s efforts to improve
24 security at weapons-usable nuclear material and



1 warhead sites in the Russian Federation and other
2 countries by—

3 (A) revising the metrics used to measure
4 MPC&A program progress to better reflect the
5 level of security upgrade completion at buildings
6 reported as “secure”;

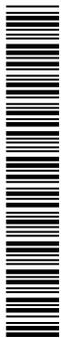
7 (B) actively working with other countries,
8 in coordination with the Secretary of State, to
9 develop an appropriate access plan for each
10 country; and

11 (C) developing a management information
12 system to track the Department’s progress in
13 providing Russia with a sustainable MPC&A
14 system by 2013; and

15 (2) develop a long-term operational plan that
16 ensures sufficient funding for the MPC&A program,
17 including for National Programs and Sustainability,
18 and ensures sufficient funding to secure all weapons-
19 usable nuclear material and warhead sites as quickly
20 and effectively as possible.

21 **SEC. 3129. AGREEMENTS AND REPORTS ON NUCLEAR**
22 **FORENSICS CAPABILITIES.**

23 (a) INTERNATIONAL AGREEMENTS.—



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1 (1) IN GENERAL.—Title XLIII of the Atomic
2 Energy Defense Act (50 U.S.C. 2561 et seq.) is
3 amended by adding at the end the following:

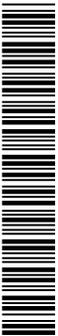
4 **“SEC. 4307. INTERNATIONAL AGREEMENTS ON NUCLEAR**
5 **WEAPONS DATA.**

6 “The Secretary of Energy may, with the concurrence
7 of the Secretary of State and in coordination with the Sec-
8 retary of Defense, the Secretary of Homeland Security,
9 and the Director of National Intelligence, enter into agree-
10 ments with countries or international organizations to con-
11 duct data collection and analysis to determine accurately
12 and in a timely manner the source of any components of,
13 or fissile material used or attempted to be used in, a nu-
14 clear device or weapon.

15 **“SEC. 4308. INTERNATIONAL AGREEMENTS ON INFORMA-**
16 **TION ON RADIOACTIVE MATERIALS.**

17 “The Secretary of Energy may, with the concurrence
18 of the Secretary of State and in coordination with the Sec-
19 retary of Defense, the Secretary of Homeland Security,
20 and the Director of National Intelligence, enter into agree-
21 ments with countries or international organizations—

22 “(1) to acquire for the materials information
23 program of the Department of Energy validated in-
24 formation on the physical characteristics of radio-
25 active material produced, used, or stored at various



1 locations, in order to facilitate the ability to deter-
2 mine accurately and in a timely manner the source
3 of any components of, or fissile material used or at-
4 tempted to be used in, a nuclear device or weapon;
5 and

6 “(2) to obtain access to information described
7 in paragraph (1) in the event of—

8 “(A) a nuclear detonation; or

9 “(B) the interdiction or discovery of a nu-
10 clear device or weapon or nuclear material.”.

11 (2) CLERICAL AMENDMENT.—The table of con-
12 tents at the beginning of such Act is amended by in-
13 serting after the item relating to section 4306A the
14 following:

“Sec. 4307. International agreements on nuclear weapons data.

“Sec. 4308. International agreements on information on radioactive mate-
rials.”.

15 (b) REPORT ON AGREEMENTS.—Not later than one
16 year after the date of the enactment of this Act, the Sec-
17 retary of Energy shall, in coordination with the Secretary
18 of State, submit to Congress a report identifying—

19 (1) the countries or international organizations
20 with which the Secretary has sought to make agree-
21 ments pursuant to sections 4307 and 4308 of the
22 Atomic Energy Defense Act, as added by subsection
23 (a);



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1 (2) any countries or international organizations
2 with which such agreements have been finalized and
3 the measures included in such agreements; and

4 (3) any major obstacles to completing such
5 agreements with other countries and international
6 organizations.

7 (c) REPORT ON STANDARDS AND CAPABILITIES.—
8 Not later than 180 days after the date of the enactment
9 of this Act, the President shall submit to Congress a
10 report—

11 (1) setting forth standards and procedures to
12 be used in determining accurately and in a timely
13 manner any country or group that knowingly or neg-
14 ligently provides to another country or group—

15 (A) a nuclear device or weapon;

16 (B) a major component of a nuclear device
17 or weapon; or

18 (C) fissile material that could be used in a
19 nuclear device or weapon;

20 (2) assessing the capability of the United States
21 to collect and analyze nuclear material or debris in
22 a manner consistent with the standards and proce-
23 dures described in paragraph (1); and

24 (3) including a plan and proposed funding for
25 rectifying any shortfalls in the nuclear forensics ca-



1 pabilities of the United States by September 30,
2 2010.

3 **SEC. 3130. REPORT ON STATUS OF ENVIRONMENTAL MAN-**
4 **AGEMENT INITIATIVES TO ACCELERATE THE**
5 **REDUCTION OF ENVIRONMENTAL RISKS AND**
6 **CHALLENGES POSED BY THE LEGACY OF THE**
7 **COLD WAR.**

8 (a) IN GENERAL.—Not later than September 30,
9 2008, the Secretary of Energy shall submit to the congres-
10 sional defense committees and the Comptroller General of
11 the United States a report on the status of the environ-
12 mental management initiatives undertaken to accelerate
13 the reduction of the environmental risks and challenges
14 that, as a result of the legacy of the Cold War, are faced
15 by the Department of Energy, contractors of the Depart-
16 ment, and applicable Federal and State agencies with reg-
17 ulatory jurisdiction.

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

20 (1) A discussion and assessment of the progress
21 made in reducing the environmental risks and chal-
22 lenges described in subsection (a) in each of the fol-
23 lowing areas:

24 (A) Acquisition strategy and contract man-
25 agement.



1 (B) Regulatory agreements.

2 (C) Interim storage and final disposal of
3 high-level waste, spent nuclear fuel, transuranic
4 waste, and low-level waste.

5 (D) Closure and transfer of environmental
6 remediation sites.

7 (E) Achievements in innovation by contrac-
8 tors of the Department with respect to acceler-
9 ated risk reduction and cleanup.

10 (F) Consolidation of special nuclear mate-
11 rials and improvements in safeguards and secu-
12 rity.

13 (2) An assessment of whether legislative
14 changes or clarifications would improve or accelerate
15 environmental management activities.

16 (3) A listing of the major mandatory milestones
17 and commitments by site, by type of agreement, and
18 by year to the extent that they are currently defined,
19 together with a summary of the major mandatory
20 milestones by site that are projected to be missed or
21 are in jeopardy of being missed, with categories to
22 explain the reason for non-compliance.

23 (4) An estimate of the life cycle cost of the cur-
24 rent scope of the environmental management pro-
25 gram as of October 1, 2007, by project baseline



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1 summary and summarized by site, including assump-
2 tions impacting cost projections and descriptions of
3 the work to be done at each site.

4 (5) For environmental cleanup liabilities and
5 excess facilities projected to be transferred to the en-
6 vironmental management program, a description of
7 the process for nomination and acceptance of new
8 work scope into the program, a listing of pending
9 nominations, and life cycle cost estimates and sched-
10 ules to address them.

11 (c) REVIEW BY COMPTROLLER GENERAL.—Not later
12 than March 30, 2009, the Comptroller General shall sub-
13 mit to the congressional defense committees a report con-
14 taining a review of the report required by subsection (a).

15 **Subtitle D—Nuclear Terrorism** 16 **Prevention**

17 **SEC. 3131. DEFINITIONS.**

18 In this subtitle:

19 (1) The term “Convention on the Physical Pro-
20 tection of Nuclear Material” means the Convention
21 on the Physical Protection of Nuclear Material,
22 signed at New York and Vienna March 3, 1980.

23 (2) The term “formula quantities of strategic
24 special nuclear material” means uranium-235 (con-
25 tained in uranium enriched to 20 percent or more in



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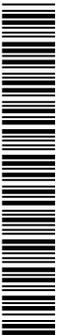
1 the U-235 isotope), uranium-233, or plutonium in
2 any combination in a total quantity of 5,000 grams
3 or more computed by the formula, grams = (grams
4 contained U-235) + 2.5 (grams U-233 + grams
5 plutonium), as set forth in the definitions of “for-
6 mula quantity” and “strategic special nuclear mate-
7 rial” in section 73.2 of title 10, Code of Federal
8 Regulations.

9 (3) The term “Nuclear Non-Proliferation Trea-
10 ty” means the Treaty on the Non-Proliferation of
11 Nuclear Weapons, done at Washington, London, and
12 Moscow July 1, 1968, and entered into force March
13 5, 1970 (21 UST 483).

14 (4) The term “nuclear weapon” means any de-
15 vice utilizing atomic energy, exclusive of the means
16 for transporting or propelling the device (where such
17 means is a separable and divisible part of the de-
18 vice), the principal purpose of which is for use as,
19 or for the development of, a weapon, a weapon pro-
20 totype, or a weapon test device.

21 **SEC. 3132. SENSE OF CONGRESS ON THE PREVENTION OF**
22 **NUCLEAR TERRORISM.**

23 It is the sense of Congress that—



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1 (1) the President should make the prevention of
2 a nuclear terrorist attack on the United States a
3 high priority;

4 (2) the President should accelerate programs,
5 requesting additional funding as appropriate, to pre-
6 vent nuclear terrorism, including combating nuclear
7 smuggling, securing and accounting for nuclear
8 weapons, and eliminating, removing, or securing and
9 accounting for formula quantities of strategic special
10 nuclear material wherever such quantities may be;

11 (3) the United States, together with the inter-
12 national community, should take a comprehensive
13 approach to reducing the danger of nuclear ter-
14 rorism, including by making additional efforts to
15 identify and eliminate terrorist groups that aim to
16 acquire nuclear weapons, to ensure that nuclear
17 weapons worldwide are secure and accounted for and
18 that formula quantities of strategic special nuclear
19 material worldwide are eliminated, removed, or se-
20 cure and accounted for to a degree sufficient to de-
21 feat the threat that terrorists and criminals have
22 shown they can pose, and to increase the ability to
23 find and stop terrorist efforts to manufacture nu-
24 clear explosives or to transport nuclear explosives
25 and materials anywhere in the world;



1 (4) within such a comprehensive approach, a
2 high priority must be placed on ensuring that all nu-
3 clear weapons worldwide are secure and accounted
4 for and that all formula quantities of strategic spe-
5 cial nuclear material worldwide are eliminated, re-
6 moved, or secure and accounted for; and

7 (5) the International Atomic Energy Agency
8 should be funded appropriately to fulfill its role in
9 coordinating international efforts to protect nuclear
10 material and to combat nuclear smuggling.

11 **SEC. 3133. MINIMUM SECURITY STANDARD FOR NUCLEAR**
12 **WEAPONS AND FORMULA QUANTITIES OF**
13 **STRATEGIC SPECIAL NUCLEAR MATERIAL.**

14 (a) POLICY.—It is the policy of the United States to
15 work with the international community to take all possible
16 steps to ensure that all nuclear weapons around the world
17 are secure and accounted for and that all formula quan-
18 tities of strategic special nuclear material are eliminated,
19 removed, or secure and accounted for to a level sufficient
20 to defeat the threats posed by terrorists and criminals.

21 (b) INTERNATIONAL NUCLEAR SECURITY STAND-
22 ARD.—It is the sense of Congress that, in furtherance of
23 the policy described in subsection (a), and consistent with
24 the requirement for “appropriate effective” physical pro-
25 tection contained in United Nations Security Council Res-



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1 olution 1540 (2004), as well as the Nuclear Non-Prolifera-
2 tion Treaty and the Convention on the Physical Protection
3 of Nuclear Material, the President, in consultation with
4 relevant Federal departments and agencies, should seek
5 the broadest possible international agreement on a global
6 standard for nuclear security that—

7 (1) ensures that nuclear weapons and formula
8 quantities of strategic special nuclear material are
9 secure and accounted for to a sufficient level to de-
10 feat the threats posed by terrorists and criminals;

11 (2) takes into account the limitations of equip-
12 ment and human performance; and

13 (3) includes steps to provide confidence that the
14 needed measures have in fact been implemented.

15 (c) INTERNATIONAL EFFORTS.—It is the sense of
16 Congress that, in furtherance of the policy described in
17 subsection (a), the President, in consultation with relevant
18 Federal departments and agencies, should—

19 (1) work with other countries and the Inter-
20 national Atomic Energy Agency to assist as appro-
21 priate, and if necessary work to convince, the gov-
22 ernments of any and all countries in possession of
23 nuclear weapons or formula quantities of strategic
24 special nuclear material to ensure that security is
25 upgraded to meet the standard described in sub-



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1 section (b) as rapidly as possible and in a manner
2 that—

3 (A) accounts for the nature of the terrorist
4 and criminal threat in each such country; and

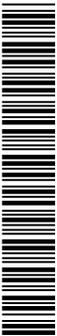
5 (B) ensures that any measures to which
6 the United States and any such country agree
7 are sustained after United States and other
8 international assistance ends;

9 (2) ensure that United States financial and
10 technical assistance is available, as appropriate, to
11 countries for which the provision of such assistance
12 would accelerate the implementation of, or improve
13 the effectiveness of, such security upgrades; and

14 (3) work with the governments of other coun-
15 tries to ensure that effective nuclear security rules,
16 accompanied by effective regulation and enforce-
17 ment, are put in place to govern all nuclear weapons
18 and formula quantities of strategic special nuclear
19 material around the world.

20 **SEC. 3134. ANNUAL REPORT.**

21 (a) IN GENERAL.—Not later than September 1 of
22 each year through 2012, the President, in consultation
23 with relevant Federal departments and agencies, shall sub-
24 mit to Congress a report on the security of nuclear weap-



1 ons and related equipment and formula quantities of stra-
2 tegic special nuclear material outside of the United States.

3 (b) ELEMENTS.—The report required under sub-
4 section (a) shall include the following:

5 (1) A section on the programs for the security
6 and accounting of nuclear weapons and the elimi-
7 nation, removal, and security and accounting of for-
8 mula quantities of strategic special nuclear material,
9 established under section 3132(b) of the Ronald W.
10 Reagan National Defense Authorization Act for Fis-
11 cal Year 2005 (50 U.S.C. 2569(b)), which shall in-
12 clude the following:

13 (A) A survey of the facilities and sites
14 worldwide that contain nuclear weapons or re-
15 lated equipment, or formula quantities of stra-
16 tegic special nuclear material.

17 (B) A list of such facilities and sites deter-
18 mined to be of the highest priority for security
19 and accounting of nuclear weapons and related
20 equipment, or the elimination, removal, or secu-
21 rity and accounting of formula quantities of
22 strategic special nuclear material, taking into
23 account risk of theft from such facilities and
24 sites, and organized by level of priority.



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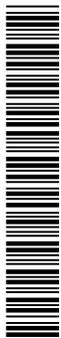
1 (C) A prioritized plan, including measur-
2 able milestones, metrics, estimated timetables,
3 and estimated costs of implementation, on the
4 following:

5 (i) The security and accounting of nu-
6 clear weapons and related equipment and
7 the elimination, removal, or security and
8 accounting of formula quantities of stra-
9 tegic special nuclear material at such fa-
10 cilities and sites worldwide.

11 (ii) Ensuring that security upgrades
12 and accounting reforms implemented at
13 such facilities and sites worldwide, using
14 the financial and technical assistance of
15 the United States, are effectively sustained
16 after such assistance ends.

17 (iii) The role that international agen-
18 cies and the international community have
19 committed to play, together with a plan for
20 securing international contributions.

21 (D) An assessment of the progress made in
22 implementing the plan described in subpara-
23 graph (C), including a description of the efforts
24 of foreign governments to secure and account
25 for nuclear weapons and related equipment and



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1 to eliminate, remove, or secure and account for
2 formula quantities of strategic special nuclear
3 material.

4 (2) A section on efforts to establish and imple-
5 ment the international nuclear security standard de-
6 scribed in section 3133(b) and related policies.

7 (c) FORM.—The report may be submitted in classi-
8 fied form but shall include a detailed unclassified sum-
9 mary.

10 **TITLE XXXII—WAR-RELATED NA-**
11 **TIONAL NUCLEAR SECURITY**
12 **ADMINISTRATION AUTHOR-**
13 **IZATIONS**

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

14 **SEC. 3201. ADDITIONAL WAR-RELATED AUTHORIZATION OF**
15 **APPROPRIATIONS FOR NATIONAL NUCLEAR**
16 **SECURITY ADMINISTRATION.**

17 (a) IN GENERAL.—Funds are hereby authorized to
18 be appropriated for fiscal year 2008 to the Department
19 of Energy for the National Nuclear Security Administra-
20 tion for defense nuclear nonproliferation in the amount of
21 \$50,000,000, of which \$30,000,000 is for the Inter-
22 national Nuclear Materials Protection and Cooperation
23 program and \$20,000,000 is for the Global Threat Reduc-
24 tion Initiative.



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1 (b) TREATMENT AS ADDITIONAL AUTHORIZATION.—
2 The amounts authorized to be appropriated by this section
3 are in addition to amounts otherwise authorized to be ap-
4 propriated by this Act.

5 **TITLE XXXIII—DEFENSE NU-**
6 **CLEAR FACILITIES SAFETY**
7 **BOARD**

Sec. 3301. Authorization.

8 **SEC. 3301. AUTHORIZATION.**

9 There are authorized to be appropriated for fiscal
10 year 2008, \$22,499,000 for the operation of the Defense
11 Nuclear Facilities Safety Board under chapter 21 of the
12 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

13 **TITLE XXXIV—NAVAL**
14 **PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

Sec. 3402. Remedial action at Moab uranium milling site.

15 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) AMOUNT.—There are hereby authorized to be ap-
17 propriated to the Secretary of Energy \$17,301,000 for fis-
18 cal year 2008 for the purpose of carrying out activities
19 under chapter 641 of title 10, United States Code, relating
20 to the naval petroleum reserves.

21 (b) PERIOD OF AVAILABILITY.—Funds appropriated
22 pursuant to the authorization of appropriations in sub-
23 section (a) shall remain available until expended.



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1 **SEC. 3402. REMEDIAL ACTION AT MOAB URANIUM MILLING**
 2 **SITE.**

3 Section 3405(i) of the Strom Thurmond National De-
 4 fense Authorization Act for Fiscal Year 1999 (Public Law
 5 105–261; 10 U.S.C. 7420 note) is amended by adding at
 6 the end the following new paragraph:

7 “(6)(A) Not later than October 1, 2019, the Sec-
 8 retary of Energy shall complete remediation at the Moab
 9 site and removal of the tailings to the Crescent Junction
 10 site in Utah.

11 “(B) In the event the Secretary of Energy is unable
 12 to complete remediation at the Moab Site by October 1,
 13 2019, the Secretary shall submit to Congress a plan set-
 14 ting forth the projected completion date and the estimated
 15 funding to meet the revised date. The Secretary shall
 16 submit the plan, if required, to Congress not later than
 17 October 2, 2019.”.

18 **TITLE XXXV—MARITIME**
 19 **ADMINISTRATION**

Subtitle A—Maritime Administration Reauthorization

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

Subtitle B—Programs

- Sec. 3511. Commercial vessel chartering authority.
 Sec. 3512. Maritime Administration vessel chartering authority.
 Sec. 3513. Chartering to State and local governmental instrumentalities.
 Sec. 3514. Disposal of obsolete Government vessels.
 Sec. 3515. Vessel transfer authority.
 Sec. 3516. Sea trials for Ready Reserve Force.



Sec. 3517. Review of applications for loans and guarantees.

Subtitle C—Technical Corrections

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

1 **Subtitle A—Maritime**
 2 **Administration Reauthorization**

3 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
 4 **CAL YEAR 2008.**

5 Funds are hereby authorized to be appropriated for
 6 fiscal year 2008, to be available without fiscal year limita-
 7 tion if so provided in appropriations Acts, for the use of
 8 the Department of Transportation for the Maritime Ad-
 9 ministration as follows:

10 (1) For expenses necessary for operations and
 11 training activities, \$124,303,000, of which—

12 (A) \$63,958,000 shall remain available
 13 until expended for expenses and capital im-
 14 provements at the United States Merchant Ma-
 15 rine Academy; and

16 (B) \$11,500,000 which shall remain avail-
 17 able until expended for maintenance and repair
 18 of school ships at the State Maritime Acad-
 19 emies.



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1 (2) For expenses to maintain and preserve a
2 United States-flag merchant fleet to serve the na-
3 tional security needs of the United States under
4 chapter 531 of title 46, United States Code,
5 \$156,000,000.

6 (3) For paying reimbursement under section
7 3517 of the Maritime Security Act of 2003 (46
8 U.S.C. 53101 note), \$19,500,000.

9 (4) For assistance to small shipyards and mari-
10 time communities under section 54101 of title 46,
11 United States Code, \$25,000,000.

12 (5) For expenses to dispose of obsolete vessels
13 in the National Defense Reserve Fleet, including
14 provision of assistance under section 7 of Public
15 Law 92-402, \$20,000,000.

16 (6) For the cost (as defined in section 502(5)
17 of the Federal Credit Reform Act of 1990 (2 U.S.C
18 661a(5)) of loan guarantees under the program au-
19 thorized by chapter 537 of title 46, United States
20 Code, \$30,000,000.

21 (7) For administrative expenses related to the
22 implementation of the loan guarantee program
23 under chapter 537 of title 46, United States Code,
24 administrative expenses related to implementation of
25 the reimbursement program under section 3517 of



1 the Maritime Security Act of 2003 (46 U.S.C.
2 53101 note), and administrative expenses related to
3 the implementation of the small shipyards and mari-
4 time communities assistance program under section
5 54101 of title 46, United States Code, \$6,000,000.

6 **SEC. 3502. TEMPORARY AUTHORITY TO TRANSFER OBSO-**
7 **LETE COMBATANT VESSELS TO NAVY FOR**
8 **DISPOSAL.**

9 The Secretary of Transportation shall, subject to the
10 availability of appropriations and consistent with section
11 1535 of title 31, United States Code, popularly known as
12 the Economy Act, transfer to the Secretary of the Navy
13 during fiscal year 2008 for disposal by the Navy, no fewer
14 than 3 combatant vessels in the nonretention fleet of the
15 Maritime Administration that are acceptable to the Sec-
16 retary of the Navy.

17 **SEC. 3503. VESSEL DISPOSAL PROGRAM.**

18 (a) IN GENERAL.—Within 30 days after the date of
19 the enactment of this Act, the Secretary of Transportation
20 shall convene a working group to review and make rec-
21 ommendations on best practices for the storage and dis-
22 posal of obsolete vessels owned or operated by the Federal
23 Government. The Secretary shall invite senior representa-
24 tives from the Maritime Administration, the Coast Guard,
25 the Environmental Protection Agency, the National Oce-



1 anic and Atmospheric Administration, and the United
2 States Navy to participate in the working group. The Sec-
3 retary may request the participation of senior representa-
4 tives of any other Federal department or agency, as appro-
5 priate, and may also request participation from concerned
6 State environmental agencies.

7 (b) SCOPE.—Among the vessels to be considered by
8 the working group are Federally owned or operated vessels
9 that are—

10 (1) to be scrapped or recycled;

11 (2) to be used as artificial reefs; or

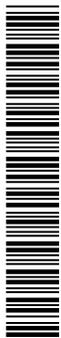
12 (3) to be used for the Navy's SINKEX pro-
13 gram.

14 (c) PURPOSE.—The working group shall—

15 (1) examine current storage and disposal poli-
16 cies, procedures, and practices for obsolete vessels
17 owned or operated by Federal agencies;

18 (2) examine Federal and State laws and regula-
19 tions governing such policies, procedures, and prac-
20 tices and any applicable environmental laws; and

21 (3) within 90 days after the date of enactment
22 of the Act, submit a plan to the Committee on
23 Armed Services and the Committee on Commerce,
24 Science and Transportation of the Senate and the
25 Committee on Armed Services of the House of Rep-



1 representatives to improve and harmonize practices for
2 storage and disposal of such vessels, including the
3 interim transportation of such vessels.

4 (d) CONTENTS OF PLAN.—The working group shall
5 include in the plan submitted under subsection (c)(3)—

6 (1) a description of existing measures for the
7 storage, disposal, and interim transportation of ob-
8 solete vessels owned or operated by Federal agencies
9 in compliance with Federal and State environmental
10 laws in a manner that protects the environment;

11 (2) a description of Federal and State laws and
12 regulations governing the current policies, proce-
13 dures, and practices for the storage, disposal, and
14 interim transportation of such vessels;

15 (3) recommendations for environmental best
16 practices that meet or exceed, and harmonize, the
17 requirements of Federal environmental laws and reg-
18 ulations applicable to the storage, disposal, and in-
19 terim transportation of such vessels;

20 (4) recommendations for environmental best
21 practices that meet or exceed the requirements of
22 State laws and regulations applicable to the storage,
23 disposal, and interim transportation of such vessels;

24 (5) procedures for the identification and reme-
25 diation of any environmental impacts caused by the



1 storage, disposal, and interim transportation of such
2 vessels; and

3 (6) recommendations for necessary steps, in-
4 cluding regulations if appropriate, to ensure that
5 best environmental practices apply to all such ves-
6 sels.

7 (e) IMPLEMENTATION OF PLAN.—

8 (1) IN GENERAL.—As soon as practicable after
9 the date of enactment of the Act, the head of each
10 Federal department or agency participating in the
11 working group, in consultation with the other Fed-
12 eral departments and agencies participating in the
13 working group, shall take such action as may be nec-
14 essary, including the promulgation of regulations,
15 under existing authorities to ensure that the imple-
16 mentation of the plan provides for compliance with
17 all Federal and State laws and for the protection of
18 the environment in the storage, interim transpor-
19 tation, and disposal of obsolete vessels owned or op-
20 erated by Federal agencies.

21 (2) ARMED SERVICES VESSELS.—The Secretary
22 and the Secretary of Defense, in consultation with
23 the Administrator of the Environmental Protection
24 Agency, shall each ensure that environmental best
25 practices are observed with respect to the storage,



1 disposal, and interim transportation of obsolete ves-
2 sels owned or operated by the Department of De-
3 fense.

4 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to supersede, limit, modify, or oth-
6 erwise affect any other provision of law, including environ-
7 mental law.

8 **Subtitle B—Programs**

9 **SEC. 3511. COMMERCIAL VESSEL CHARTERING AUTHORITY.**

10 (a) IN GENERAL.—Subchapter III of chapter 575 of
11 title 46, United States Code, is amended by adding at the
12 end the following:

13 **“§ 57533. Vessel chartering authority**

14 “The Secretary of Transportation may enter into
15 contracts or other agreements on behalf of the United
16 States to purchase, charter, operate, or otherwise acquire
17 the use of any vessels documented under chapter 121 of
18 this title and any other related real or personal property.
19 The Secretary is authorized to use this authority as the
20 Secretary deems appropriate.”.

21 (b) CONFORMING AMENDMENT.—The chapter anal-
22 ysis for chapter 575 of such title is amended by adding
23 at the end the following:
“57533. Vessel chartering authority”.



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1 **SEC. 3512. MARITIME ADMINISTRATION VESSEL CHAR-**
2 **TERING AUTHORITY.**

3 Section 50303 of title 46, United States Code, is
4 amended by—

5 (1) inserting “vessels,” after “piers,”; and

6 (2) by striking “control;” in subsection (a)(1)
7 and inserting “control, except that the prior consent
8 of the Secretary of Defense for such use shall be re-
9 quired with respect to any vessel in the Ready Re-
10 serve Force or in the National Defense Reserve
11 Fleet which is maintained in a retention status for
12 the Department of Defense;”.

13 **SEC. 3513. CHARTERING TO STATE AND LOCAL GOVERN-**
14 **MENTAL INSTRUMENTALITIES.**

15 Section 11(b) of the Merchant Ship Sales Act of 1946
16 (50 U.S.C. App. 1744(b)), is amended—

17 (1) by striking “or” after the semicolon in
18 paragraph (3);

19 (2) by striking “Defense.” in paragraph (4) and
20 inserting “Defense; or”; and

21 (3) by adding at the end thereof the following:

22 “(5) on a reimbursable basis, for charter to the
23 government of any State, locality, or Territory of the
24 United States, except that the prior consent of the
25 Secretary of Defense for such use shall be required
26 with respect to any vessel in the Ready Reserve



1 Force or in the National Defense Reserve Fleet
2 which is maintained in a retention status for the De-
3 partment of Defense.”.

4 **SEC. 3514. DISPOSAL OF OBSOLETE GOVERNMENT VES-**
5 **SELS.**

6 Section 6(c)(1) of the National Maritime Heritage
7 Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

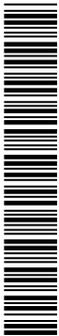
8 (1) by inserting “(either by sale or purchase of
9 disposal services)” after “shall dispose”; and

10 (2) by striking subparagraph (A) of paragraph
11 (1) and inserting the following:

12 “(A) in accordance with a priority system
13 for disposing of vessels, as determined by the
14 Secretary, which shall include provisions requir-
15 ing the Maritime Administration to—

16 “(i) dispose of all deteriorated high
17 priority ships that are available for dis-
18 posal, within 12 months of their designa-
19 tion as such; and

20 “(ii) give priority to the disposition of
21 those vessels that pose the most significant
22 danger to the environment or cost the most
23 to maintain;”.



1 **SEC. 3515. VESSEL TRANSFER AUTHORITY.**

2 Section 50304 of title 46, United States Code, is
3 amended by adding at the end thereof the following:

4 “(d) VESSEL CHARTERS TO OTHER DEPART-
5 MENTS.—On a reimbursable or nonreimbursable basis, as
6 determined by the Secretary of Transportation, the Sec-
7 retary may charter or otherwise make available a vessel
8 under the jurisdiction of the Secretary to any other de-
9 partment, upon the request by the Secretary of the De-
10 partment that receives the vessel. The prior consent of the
11 Secretary of Defense for such use shall be required with
12 respect to any vessel in the Ready Reserve Force or in
13 the National Defense Reserve Fleet which is maintained
14 in a retention status for the Department of Defense.”.

15 **SEC. 3516. SEA TRIALS FOR READY RESERVE FORCE.**

16 Section 11(c)(1)(B) of the Merchant Ship Sales Act
17 of 1946 (50 U.S.C. App. 1744(c)(1)(B)) is amended to
18 read as follows:

19 “(B) activate and conduct sea trials on
20 each vessel at least once every 30 months;”.

21 **SEC. 3517. REVIEW OF APPLICATIONS FOR LOANS AND**
22 **GUARANTEES.**

23 (a) FINDINGS.—The Congress makes the following
24 findings:

25 (1) The maritime loan guarantee program was
26 established by the Congress through the Merchant



1 Marine Act, 1936 to encourage domestic ship-
2 building by making available federally backed loan
3 guarantees for new construction to ship owners and
4 operators.

5 (2) The maritime loan guarantee program has
6 a long and successful history of ship construction
7 with a low historical default rate.

8 (3) The current process for review of applica-
9 tions for maritime loans in the Department of
10 Transportation has effectively discontinued the pro-
11 gram as envisioned by the Congress.

12 (4) The President has requested no funding for
13 the loan guarantee program despite the stated na-
14 tional policy to foster the development and encour-
15 age the maintenance of a merchant marine in sec-
16 tion 50101 of title 46, United States Code.

17 (5) United States commercial shipyards were
18 placed at a competitive disadvantage in the world
19 shipbuilding market by government subsidized for-
20 eign commercial shipyards.

21 (6) The maritime loan guarantee program has
22 the potential to modernize shipyards and the ships
23 of the United States coastwise trade and restore a
24 competitive position in the world shipbuilding mar-
25 ket for United States shipyards.



1 (7) The maritime loan guarantee program is a
2 useful tool to encourage domestic shipbuilding, pre-
3 serving a vital industrial capacity critical to the se-
4 curity of the United States.

5 (b) REQUIREMENTS.—

6 (1) IN GENERAL.—Within 180 days after the
7 date of enactment of this Act, the Administrator of
8 the Maritime Administration shall develop and im-
9 plement a comprehensive plan for the review of ap-
10 plications for loan guarantees under chapter 537 of
11 title 46, United States Code.

12 (2) DEADLINE FOR ACTION ON APPLICATION.—

13 (A) TRADITIONAL APPLICATIONS.—In the
14 comprehensive plan the Administrator will en-
15 sure that within the 90-day period following re-
16 ceipt of all pertinent documentation required
17 for review of a traditional loan application, the
18 application shall be either accepted or rejected.

19 (B) NONTRADITIONAL APPLICATIONS.—In
20 the comprehensive plan the Administrator will
21 ensure that within the 180-day period following
22 receipt of all pertinent documentation required
23 for review of a nontraditional loan application,
24 the application shall be either accepted or re-
25 jected.



1 (c) SUBMISSION TO CONGRESS.—The Administrator
2 shall submit a copy of the comprehensive plan to the Com-
3 mittee on Commerce, Science, and Transportation of the
4 Senate and the Committee on Armed Services of the
5 House of Representatives within 180 days after the date
6 of enactment of this Act.

7 (d) DEFINITIONS.—In this section:

8 (1) TRADITIONAL APPLICATION.—The term
9 “traditional application” means an application for a
10 loan, guarantee, or commitment to guarantee sub-
11 mitted pursuant to chapter 537 of title 46, United
12 States Code, that involves a market, technology, and
13 financial structure of a type that has proven success-
14 ful in previous applications and does not present an
15 unreasonable risk to the United States, as deter-
16 mined by the Administrator of the Maritime Admin-
17 istration.

18 (2) NONTRADITIONAL APPLICATION.—The term
19 “nontraditional application” means an application
20 for a loan, guarantee, or commitment to guarantee
21 submitted pursuant to chapter 537 of title 46,
22 United States Code, that is not a traditional applica-
23 tion, as determined by the Administrator of the
24 Maritime Administration.



1 **Subtitle C—Technical Corrections**

2 **SEC. 3521. PERSONAL INJURY TO OR DEATH OF SEAMEN.**

3 (a) AMENDMENT.—Section 30104 of title 46, United
4 States Code, is amended—

5 (1) by striking “(a) CAUSE OF ACTION.—”; and

6 (2) by repealing subsection (b).

7 (b) EFFECTIVE DATE.—The amendment made by
8 subsection (a) shall be effective as if included in the enact-
9 ment of Public Law 109–304.

10 **SEC. 3522. AMENDMENTS TO CHAPTER 537 BASED ON PUB-
11 LIC LAW 109–163.**

12 (a) AMENDMENTS.—Title 46, United States Code, is
13 amended as follows:

14 (1) Section 53701 is amended by—

15 (A) redesignating paragraphs (2) through
16 (13) as paragraphs (3) through (14), respec-
17 tively;

18 (B) inserting after paragraph (1) the fol-
19 lowing:

20 “(2) ADMINISTRATOR.—The term ‘Adminis-
21 trator’ means the Administrator of the Maritime Ad-
22 ministration.”; and

23 (C) striking paragraph (13) (as redesign-
24 ated) and inserting the following:



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1 “(13) SECRETARY.—The term ‘Secretary’
2 means the Secretary of Commerce with respect to
3 fishing vessels and fishery facilities.”.

4 (2) Section 53706(c) is amended to read as fol-
5 lows:

6 “(c) PRIORITIES FOR CERTAIN VESSELS.—

7 “(1) VESSELS.—In guaranteeing or making a
8 commitment to guarantee an obligation under this
9 chapter, the Administrator shall give priority to—

10 “(A) a vessel that is otherwise eligible for
11 a guarantee and is constructed with assistance
12 under subtitle D of the Maritime Security Act
13 of 2003 (46 U.S.C. 53101 note); and

14 “(B) after applying subparagraph (A), a
15 vessel that is otherwise eligible for a guarantee
16 and that the Secretary of Defense determines—

17 “(i) is suitable for service as a naval
18 auxiliary in time of war or national emer-
19 gency; and

20 “(ii) meets a shortfall in sealift capac-
21 ity or capability.

22 “(2) TIME FOR DETERMINATION.—The Sec-
23 retary of Defense shall determine whether a vessel
24 satisfies paragraph (1)(B) not later than 30 days



1 after receipt of a request from the Administrator for
2 such a determination.”.

3 (3) Section 53707 is amended—

4 (A) by inserting “or Administrator” in
5 subsections (a) and (d) after “Secretary” each
6 place it appears;

7 (B) by striking “Secretary of Transpor-
8 tation” in subsection (b) and inserting “Admin-
9 istrator”;

10 (C) by striking “of Commerce” in sub-
11 section (c); and

12 (D) in subsection (d)(2), by—

13 (i) inserting “if the Secretary or Ad-
14 ministrator considers necessary,” before
15 “the waiver”; and

16 (ii) striking “the increased” and in-
17 serting “any significant increase in”.

18 (4) Section 53708 is amended—

19 (A) by striking “SECRETARY OF TRANS-
20 PORTATION” in the heading of subsection (a)
21 and inserting “ADMINISTRATOR”;

22 (B) by striking “Secretary” and “Sec-
23 retary of Transportation” each place they ap-
24 pear in subsection (a) and inserting “Adminis-
25 trator”;



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1 (C) by striking “OF COMMERCE” in the
2 heading of subsection (b);

3 (D) by striking “of Commerce” in sub-
4 sections (b) and (c);

5 (E) in subsection (d), by—

6 (i) inserting “or Administrator” after
7 “Secretary” the first place it appears; and

8 (ii) striking “financial structures, or
9 other risk factors identified by the Sec-
10 retary. Any independent analysis con-
11 ducted under this subsection shall be per-
12 formed by a party chosen by the Sec-
13 retary.” and inserting “or financial struc-
14 tures. A third party independent analysis
15 conducted under this subsection shall be
16 performed by a private sector expert in as-
17 sessing such risk factors who is selected by
18 the Secretary or Administrator.”; and

19 (F) in subsection (e), by—

20 (i) inserting “or Administrator” after
21 “Secretary” the first place it appears; and

22 (ii) striking “financial structures, or
23 other risk factors identified by the Sec-
24 retary” and inserting “or financial struc-
25 tures”.



1 (5) Section 53710(b)(1) is amended by striking
2 “Secretary’s” and inserting “Administrator’s”.

3 (6) Section 53712(b) is amended by striking
4 the last sentence and inserting “If the Secretary or
5 Administrator has waived a requirement under sec-
6 tion 53707(d) of this title, the loan agreement shall
7 include requirements for additional payments, collat-
8 eral, or equity contributions to meet the waived re-
9 quirement upon the occurrence of verifiable condi-
10 tions indicating that the obligor’s financial condition
11 enables the obligor to meet the waived require-
12 ment.”.

13 (7) Subsections (c) and (d) of section 53717
14 are each amended—

15 (A) by striking “OF COMMERCE” in the
16 subsection heading; and

17 (B) by striking “of Commerce” each place
18 it appears.

19 (8) Section 53732(e)(2) is amended by insert-
20 ing “of Defense” after “Secretary” the second place
21 it appears.

22 (9) The following provisions are amended by
23 striking “Secretary” and “Secretary of Transpor-
24 tation” and inserting “Administrator”:

25 (A) Section 53710(b)(2)(A)(i).



1 (B) Section 53717(b) each place it appears
2 in a heading and in text.

3 (C) Section 53718.

4 (D) Section 53731 each place it appears,
5 except where “Secretary” is followed by “of En-
6 ergy”.

7 (E) Section 53732 (as amended by para-
8 graph (8)) each place it appears, except where
9 “Secretary” is followed by “of the Treasury”,
10 “of State”, or “of Defense”.

11 (F) Section 53733 each place it appears.

12 (10) The following provisions are amended by
13 inserting “or Administrator” after “Secretary” each
14 place it appears in headings and text, except where
15 “Secretary” is followed by “of Transportation” or
16 “of the Treasury”:

17 (A) The items relating to sections 53722
18 and 53723 in the chapter analysis for chapter
19 537.

20 (B) Sections 53701(1), (4), and (9) (as re-
21 designated by paragraph (1)(A)), 53702(a),
22 53703, 53704, 53706(a)(3)(B)(iii),
23 53709(a)(1), (b)(1) and (2)(A), and (d),
24 53710(a) and (c), 53711, 53712 (except in the
25 last sentence of subsection (b) as amended by



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1 paragraph (6)), 53713 to 53716, 53721 to
2 53725, and 53734.

3 (11) Sections 53715(d)(1), 53716(d)(3),
4 53721(c), 53722(a)(1) and (b)(1)(B), and 53724(b)
5 are amended by inserting “or Administrator’s” after
6 “Secretary’s”.

7 (b) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
8 tion 3507 (except subsection (c)(4)) of the National De-
9 fense Authorization Act for Fiscal Year 2006 (Public Law
10 109–163) is repealed.

11 **SEC. 3523. ADDITIONAL AMENDMENTS BASED ON PUBLIC**
12 **LAW 109–163.**

13 (a) AMENDMENTS.—Title 46, United States Code, is
14 amended as follows:

15 (1) Chapters 513 and 515 are amended by
16 striking “Naval Reserve” each place it appears in
17 analyses, headings, and text and inserting “Navy
18 Reserve”.

19 (2) Section 51504(f) is amended to read as fol-
20 lows:

21 “(f) FUEL COSTS.—

22 “(1) IN GENERAL.—Subject to the availability
23 of appropriations, the Secretary shall pay to each
24 State maritime academy the costs of fuel used by a



1 vessel provided under this section while used for
2 training.

3 “(2) MAXIMUM AMOUNTS.—The amount of the
4 payment to a State maritime academy under para-
5 graph (1) may not exceed—

6 “(A) \$100,000 for fiscal year 2006;

7 “(B) \$200,000 for fiscal year 2007; and

8 “(C) \$300,000 for fiscal year 2008 and
9 each fiscal year thereafter.”.

10 (3) Section 51505(b)(2)(B) is amended by
11 striking “\$200,000” and inserting “\$300,000 for
12 fiscal year 2006, \$400,000 for fiscal year 2007, and
13 \$500,000 for fiscal year 2008 and each fiscal year
14 thereafter”.

15 (4) Section 51701(a) is amended by striking
16 “of the United States.” and inserting “of the United
17 States and to perform functions to assist the United
18 States merchant marine, as determined necessary by
19 the Secretary.”.

20 (5)(A) Section 51907 is amended to read as fol-
21 lows:

22 **“§ 51907. Provision of decorations, medals, and re-**
23 **placements**

24 “The Secretary of Transportation may provide—



1 amended by striking “(15 U.S.C. 632);” and insert-
2 ing “(15 U.S.C. 632);”.

3 (E) The table of chapters at the beginning of
4 subtitle V is amended by inserting after the item re-
5 lating to chapter 539 the following new item:

“541. **Miscellaneous** **54101**”.

6 (b) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
7 tions 515(g)(2), 3502, 3509, and 3510 of the National
8 Defense Authorization Act for Fiscal Year 2006 (Public
9 Law 109–163) are repealed.

10 **SEC. 3524. AMENDMENTS BASED ON PUBLIC LAW 109–171.**

11 (a) AMENDMENTS.—Section 60301 of title 46,
12 United States Code, is amended—

13 (1) by striking “2 cents per ton (but not more
14 than a total of 10 cents per ton per year)” in sub-
15 section (a) and inserting “4.5 cents per ton, not to
16 exceed a total of 22.5 cents per ton per year, for fis-
17 cal years 2006 through 2010, and 2 cents per ton,
18 not to exceed a total of 10 cents per ton per year,
19 for each fiscal year thereafter,”; and

20 (2) by striking “6 cents per ton (but not more
21 than a total of 30 cents per ton per year)” in sub-
22 section (b) and inserting “13.5 cents per ton, not to
23 exceed a total of 67.5 cents per ton per year, for fis-
24 cal years 2006 through 2010, and 6 cents per ton,



1 not to exceed a total of 30 cents per ton per year,
2 for each fiscal year thereafter.”.

3 (b) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
4 tion 4001 of the Deficit Reduction Act of 2005 (Public
5 Law 109–171) is repealed.

6 **SEC. 3525. AMENDMENTS BASED ON PUBLIC LAW 109–241.**

7 (a) AMENDMENTS.—Title 46, United States Code, is
8 amended as follows:

9 (1) Section 12111 is amended by adding at the
10 end the following:

11 “(d) ACTIVITIES INVOLVING MOBILE OFFSHORE
12 DRILLING UNITS.—

13 “(1) IN GENERAL.—Only a vessel for which a
14 certificate of documentation with a registry endorse-
15 ment is issued may engage in—

16 “(A) the setting, relocation, or recovery of
17 the anchors or other mooring equipment of a
18 mobile offshore drilling unit that is located over
19 the outer Continental Shelf (as defined in sec-
20 tion 2(a) of the Outer Continental Shelf Lands
21 Act (43 U.S.C. 1331(a))); or

22 “(B) the transportation of merchandise or
23 personnel to or from a point in the United
24 States from or to a mobile offshore drilling unit



1 located over the outer Continental Shelf that is
2 not attached to the seabed.

3 “(2) COASTWISE TRADE NOT AUTHORIZED.—
4 Nothing in paragraph (1) authorizes the employment
5 in the coastwise trade of a vessel that does not meet
6 the requirements of section 12112 of this title.”.

7 (2) Section 12139(a) is amended by striking
8 “and charterers” and inserting “charterers, and
9 mortgagees”.

10 (3) Section 51307 is amended—

11 (A) by striking “and” at the end of para-
12 graph (2);

13 (B) by striking “organizations.” in para-
14 graph (3) and inserting “organizations; and”;
15 and

16 (C) by adding at the end the following:

17 “(4) on any other vessel considered by the Sec-
18 retary to be necessary or appropriate or in the na-
19 tional interest.”.

20 (4) Section 55105(b)(3) is amended by striking
21 “Secretary of the department in which the Coast
22 Guard is operating” and inserting “Secretary of
23 Homeland Security”.

24 (5) Section 70306(a) is amended by striking
25 “Not later than February 28 of each year, the Sec-



1 retary shall submit a report” and inserting “The
2 Secretary shall submit an annual report”.

3 (6) Section 70502(d)(2) is amended to read as
4 follows:

5 “(2) RESPONSE TO CLAIM OF REGISTRY.—The
6 response of a foreign nation to a claim of registry
7 under paragraph (1)(A) or (C) may be made by
8 radio, telephone, or similar oral or electronic means,
9 and is proved conclusively by certification of the Sec-
10 retary of State or the Secretary’s designee.”.

11 (b) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
12 tions 303, 307, 308, 310, 901(q), and 902(o) of the Coast
13 Guard and Maritime Transportation Act of 2006 (Public
14 Law 109–241) are repealed.

15 **SEC. 3526. AMENDMENTS BASED ON PUBLIC LAW 109–364.**

16 (a) UPDATING OF CROSS REFERENCES.—Section
17 1017(b)(2) of the John Warner National Defense Author-
18 ization Act for Fiscal Year 2007 (Public Law 109–364,
19 10 U.S.C. 2631 note) is amended by striking “section 27
20 of the Merchant Marine Act, 1920 (46 U.S.C. 883), sec-
21 tion 12106 of title 46, United States Code, and section
22 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)” and
23 inserting “sections 12112, 50501, and 55102 of title 46,
24 United States Code”.

25 (b) SECTION 51306(e).—



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1 (1) IN GENERAL.—Section 51306 of title 46,
2 United States Code, is amended by adding at the
3 end the following:

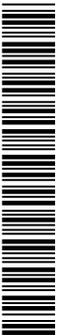
4 “(e) ALTERNATIVE SERVICE.—

5 “(1) SERVICE AS COMMISSIONED OFFICER.—An
6 individual who, for the 5-year period following grad-
7 uation from the Academy, serves as a commissioned
8 officer on active duty in an armed force of the
9 United States or as a commissioned officer of the
10 National Oceanic and Atmospheric Administration
11 or the Public Health Service shall be excused from
12 the requirements of paragraphs (3) through (5) of
13 subsection (a).

14 “(2) MODIFICATION OR WAIVER.—The Sec-
15 retary may modify or waive any of the terms and
16 conditions set forth in subsection (a) through the
17 imposition of alternative service requirements.”.

18 (2) APPLICATION.—Section 51306(e) of title
19 46, United States Code, as added by paragraph (1),
20 applies only to an individual who enrolls as a cadet
21 at the United States Merchant Marine Academy,
22 and signs an agreement under section 51306(a) of
23 title 46, after October 17, 2006.

24 (c) SECTION 51306(f).—



1 (1) IN GENERAL.—Section 51306 of title 46,
2 United States Code, is further amended by adding
3 at the end the following:

4 “(f) SERVICE OBLIGATION PERFORMANCE REPORT-
5 ING REQUIREMENT.—

6 “(1) IN GENERAL.—Subject to any otherwise
7 applicable restrictions on disclosure in section 552a
8 of title 5, the Secretary of Defense, the Secretary of
9 the department in which the Coast Guard is oper-
10 ating, the Administrator of the National Oceanic
11 and Atmospheric Administration, and the Surgeon
12 General of the Public Health Service—

13 “(A) shall report the status of obligated
14 service of an individual graduate of the Acad-
15 emy upon request of the Secretary; and

16 “(B) may, in their discretion, notify the
17 Secretary of any failure of the graduate to per-
18 form the graduate’s duties, either on active
19 duty or in the Ready Reserve component of
20 their respective service, or as a commissioned
21 officer of the National Oceanic and Atmos-
22 pheric Administration or the Public Health
23 Service, respectively.

24 “(2) INFORMATION TO BE PROVIDED.—A re-
25 port or notice under paragraph (1) shall identify any



1 graduate determined to have failed to comply with
2 service obligation requirements and provide all re-
3 quired information as to why such graduate failed to
4 comply.

5 “(3) CONSIDERED AS IN DEFAULT.—Upon re-
6 ceipt of such a report or notice, such graduate may
7 be considered to be in default of the graduate’s serv-
8 ice obligations by the Secretary, and subject to all
9 remedies the Secretary may have with respect to
10 such a default.”.

11 (2) APPLICATION.—Section 51306(f) of title
12 46, United States Code, as added by paragraph (1),
13 does not apply with respect to an agreement entered
14 into under section 51306(a) of title 46, United
15 States Code, before October 17, 2006.

16 (d) SECTION 51509(c).—Section 51509(c) of title 46,
17 United States Code, is amended—

18 (1) by striking “MIDSHIPMAN AND” in the sub-
19 section heading and “midshipman and” in the text;
20 and

21 (2) inserting “or the Coast Guard Reserve”
22 after “Reserve)”.

23 (e) SECTION 51908(a).—Section 51908(a) of title 46,
24 United States Code, is amended by striking “under this



1 chapter” and inserting “by this chapter or the Secretary
2 of Transportation”.

3 (f) SECTION 53105(e)(2).—Section 53105(e)(2) of
4 title 46, United States Code, is amended by striking “sec-
5 tion 2 of the Shipping Act, 1916 (46 U.S.C. App. 802),”
6 and inserting “section 50501 of this title”.

7 (g) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
8 tions 3505, 3506, 3508, and 3510(a) and (b) of the John
9 Warner National Defense Authorization Act for Fiscal
10 Year 2007 (Public Law 109–364) are repealed.

11 **SEC. 3527. MISCELLANEOUS AMENDMENTS.**

12 (a) DELETION OF OBSOLETE REFERENCE TO CAN-
13 TON ISLAND.—Section 55101(b) of title 46, United States
14 Code, is amended—

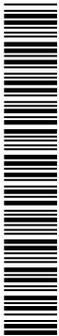
15 (1) by inserting “or” after the semicolon at the
16 end of paragraph (2);

17 (2) by striking paragraph (3); and

18 (3) by redesignating paragraph (4) as para-
19 graph (3).

20 (b) IMPROVEMENT OF HEADING.—Title 46, United
21 States Code, is amended as follows:

22 (1) The heading of section 55110 is amended
23 by inserting “**valueless material or**” before
24 “**dredged material**”.



1 (2) The item for section 55110 in the analysis
2 for chapter 551 is amended by inserting “valueless
3 material or” before “dredged material”.

4 **SEC. 3528. APPLICATION OF SUNSET PROVISION TO CODI-**
5 **FIED PROVISION.**

6 For purposes of section 303 of the Jobs and Growth
7 Tax Relief Reconciliation Act of 2003 (Public Law 108–
8 27, 26 U.S.C. 1 note), the amendment made by section
9 301(a)(2)(E) of that Act shall be deemed to have been
10 made to section 53511(f)(2) of title 46, United States
11 Code.

12 **SEC. 3529. ADDITIONAL TECHNICAL CORRECTIONS.**

13 (a) AMENDMENTS TO TITLE 46.—Title 46, United
14 States Code, is amended as follows:

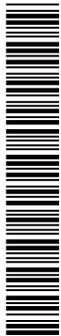
15 (1) The analysis for chapter 21 is amended by
16 striking the item relating to section 2108.

17 (2) Section 12113(g) is amended by inserting
18 “and” after “Conservation”.

19 (3) Section 12131 is amended by striking
20 “commmand” and inserting “command”.

21 (b) AMENDMENTS TO PUBLIC LAW 109–304.—

22 (1) AMENDMENTS.—Public Law 109–304 is
23 amended as follows:



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1 (A) Section 15(10) is amended by striking
2 “46 App. U.S.C.” and inserting “46 U.S.C.
3 App.”.

4 (B) Section 15(30) is amended by striking
5 “Shipping Act, 1936” and inserting “Shipping
6 Act, 1916”.

7 (C) The schedule of Statutes at Large re-
8 pealed in section 19, as it relates to the Act of
9 June 29, 1936, is amended by—

10 (i) striking the second section “1111”
11 (relating to 46 U.S.C. App. 1279f) and in-
12 serting section “1113”; and

13 (ii) striking the second section “1112”
14 (relating to 46 U.S.C. App. 1279g) and in-
15 serting section “1114”.

16 (2) EFFECTIVE DATE.—The amendments made
17 by paragraph (1) shall be effective as if included in
18 the enactment of Public Law 109–304.

19 (c) REPEAL OF DUPLICATIVE OR UNEXECUTABLE
20 AMENDMENTS.—

21 (1) REPEAL.—Sections 9(a), 15(21) and
22 (33)(A) through (D)(i), and 16(c)(2) of Public Law
23 109–304 are repealed.



1 (2) INTENDED EFFECT.—The provisions re-
2 pealed by paragraph (1) shall be treated as if never
3 enacted.

4 (d) LARGE PASSENGER VESSEL CREW REQUIRE-
5 MENTS.—Section 8103(k)(3)(C)(iv) of title 46, United
6 States Code, is amended by inserting “and section 252
7 of the Immigration and Nationality Act (8 U.S.C. 1282)”
8 after “of such section”.

